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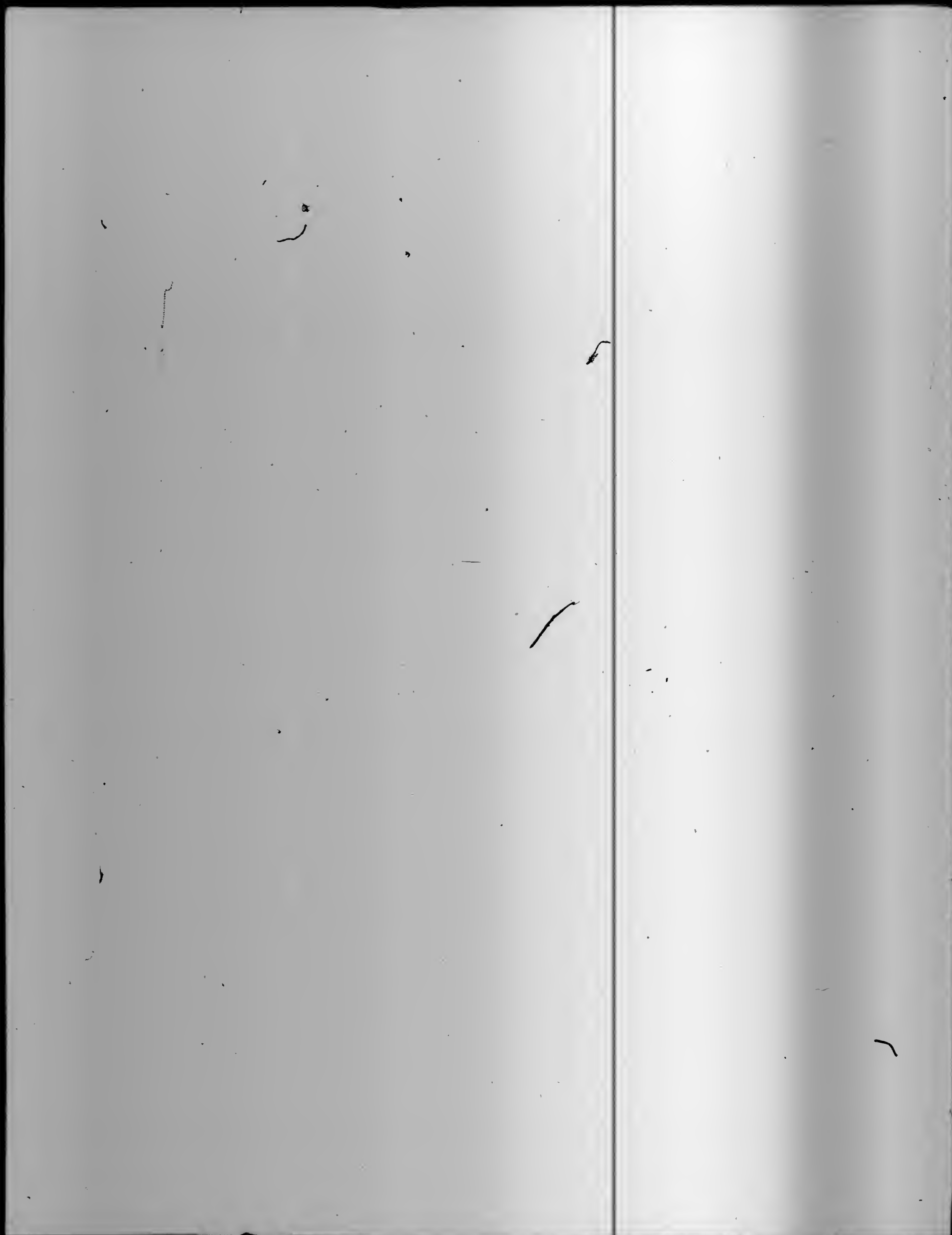
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## LIST OF SECTIONS AFFECTED

### WHAT IT IS

The List of Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. It should be shelved with current Code volumes. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

### HOW TO USE THIS FINDING AID

The Code of Federal Regulations may be brought up to immediate date by the following steps:

1. Consult this List of Sections Affected for any changes, deletions, or additions published after the revision date of the volume you are using.
2. Check the "Cumulative List of Parts Affected" appearing at the end of the latest issue of the Federal Register for changes published after the last date covered by this issue of the List of Sections Affected.
3. If the latest edition of the Code of Federal Regulations is not yet available, use the previous year's edition and consult the 1973 Annual List of Sections Affected before beginning with step 1 above.

For an explanation of the structure and numbering of the Code, see 1 CFR Part 21.

### GLOSSARY

**Amended**—A typographical unit of the CFR was partially set forth.

**Recodified**—Major portions of CFR were restructured or rearranged, or both.

**Redesignated**—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.

**Removed**—A typographical unit was removed from the CFR.

**Revised**—A typographical unit of the CFR was set forth in full.

**Superseded**—An existing CFR unit was replaced by regulations appearing under another CFR unit.

**Suspended**—The entire CFR unit was not in effect for the period of time indicated.

**Suspended in part**—A portion of the CFR unit was not in effect for the period of time indicated.

**Technical amendment**—General amendment that may have no substantive effect on regulations.

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50.34 (a) (4) and (b) (4) amended	1002
50.46 Added	1002, 1006
50.55a (b) and footnote 7 revised; (d) (2) (ii), (e) (2) (ii), and (h) amended	5774
50 Appendix K added	1003
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377.6 (a) revised	1008
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377 Supplement No. 1 revised	1978
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200.80 (b) (1) amended	35303
210.3-16 Introductory text amended; (1) (2) removed; (1) (3) redesignated as (1) (2); (q) added	29216
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240.9b-1 Added	34666
240.9b-1 *Effective date corrected	1261
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35.13 (b) (4) (iv) amended	12114
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405.1002 *Removed	2251	405.1537 *Amended	2251
405.1003 *Removed	2251	405.1542 *(a) amended	2250
405.1004 *Removed	2251	*(b) revised	2251
405.1005 *Removed	2251	405.1544 *Revised	2251
405.1006 *Removed	2251	405.1545 *Amended	2251
405.1007 *Removed	2251	405.1550 *Revised	2251
		405.1560 *Revised	2251

Note: Asterisk (\*) identifies changes published in 1974.



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405.1590 *Amended	2251
405.1591 *Amended	2251
405.1675 *(a) (1) revised	3934
405.1680 *Revised	3934
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*Added	2251
410.510 (d) revised	13640, 33464
416 *Specific notices of proposed rule making effective 1-1-74 as interim regulations	3674

422.501 Revised	11450
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702 Revised	26861
703 Revised	26873
704 Revised	26877
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718 Revised	16965
720 Revised	16966
725 Revised	26042
726 Added	12494

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405	8450,
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	816, 819, 1053, 1055, 1057, 1276, 1359,
	1452, 1624, 1779, 1860, 2012, 2274, 2487,
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Note: Asterisk (\*) identifies changes published in 1974.

## TITLE 21—FOOD AND DRUGS

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Subchapter J Added (Parts 1000-1030); provisions derived from Part 278	28624

1.1c *(a) (5) (iv) added	3821
1.8 (e) added	20704
1.8d Effective date amended	33465
1.10 (e), (f), and (g) removed; (h) redesignated as (e)	20706
1.10a Added	20706
1.11 Removed	20716

1.12 Heading and (a) (1) revised; (a) (2) and (3) redesignated as (a) (5) and (6); new (a) (2), (3), and (4), (g), (h), and (i) added	20721
(h) (2) revised	27591
(a) (3) and (i) revised	33289
1.12 *(j) added	5628
1.17 Effective date extended on revision (38 FR 6959)	22791, 29576
(a) (1) amended	16044
(h) (10) added	32786
1.18 (h) revised	20071
1.205 Added	28913
2.120 (a) (1) amended	17212

(b) and (c) correctly reinstated	33593
2.120 *(a) (4) revised	2479
*(a) (4) effective date corrected	7420
2.121 (w) added	8650
(b) heading, (c), and (r) revised; (b) (3), (p) (4), (5), and (6), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), and (gg) added	11453
(f) revised	14678

(b) (1) and (2), (d) (1) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), and (x), (d) (2), and (u) (2) revised; (d) (1) (xi), (d) (3), (p) (7), and (hh) added	16220
(c) (1) and (p) (1) (i) amended; (e) (1) (iv) removed; (e) (1) (v) and (vi) redesignated as (e) (1) (iv) and (v)	17212
(r) revised; (y) removed	27591
(z), (cc), and (dd) revised	28558
(b) (2) revised	31967
2.121 *(c) revised	7165
2.171 Revised	17212
3.1 Removed	20708
3.9 Removed	20717
3.10 Removed	20723

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3.23 (b) removed	20723
3.26 Removed	20708
3.32 Removed	20717
3.42 Removed	20726
3.46 Removed	20717
3.85 Removed	27592
3.93 Added	18101
(b) (2) corrected	21397
3.94 Added	20725
3.95 Added	20725
3.201 Removed	20723
3.203 Removed	11077
5 Removed	20708
8.501 (a) amended	9078, 10266
(g) table amended	19909, 29997
(b) table and (c) table amended	19969
(f) table amended	24643
(g) revised	29085
8.502 (e) added	9078, 10266
8.510 (h) added	9078, 10266
8.515 (b) removed	9078, 10266
8.4069 Added	20614, 29997
8.6016 Added	20615, 29997
8.6017 Added	12803
8.6018 Added	12803
8.7255 (Subpart G) *Added	2358
8.8001 Added	8650
8.8003 Added	8650, 19909
8.8005 Added	20615, 29997
9.90 Removed	9078, 10266
9.230 Added	19969
Corrected	24206
9.411 Added	19970
10.8 Added	12397
11 Added	20729
11.7 Added	32561
15.1 (a) introductory text and (b) revised	32788
15.10 Revised	28563, 29465
15.10 *(e) revised	5188
*(a) provision temporarily stayed	5189
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15.60 *(b) revised	5188
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15.140 (b) revised	32789
17.2 Revised	28564, 29318, 29465
17.2 *(a) (1) provision temporarily stayed	5189
18 Revised	27926
19.515 (b) (1), (2) (i), and (3) and (c) revised	15365
19.520 (b) (1), (2) (i), and (3) and (c) revised	15365

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19.525 (b) (1) (iii) added; (d) revised	14165
19.525 *Effective date changed	2358
19.530 (d) revised	14165
19.530 *Effective date changed	2358
19.531 Amended	14165
19.531 *Effective date changed	2358
19.750 (f) and (g) revised	9997
19.750 *(d) (8) added	6109
19.765 (g) and (h) revised	9997
19.765 *(e) (8) added	6109
19.775 (f) (1) (i) revised	15365
(h) and (i) revised	9997
(f) (8) revised	27592
19.775 *(f) (8) eff. 12-4-73	4761
*(f) (9) added	6109
19.782 (a) (1) (i) revised	15365
(d) revised	9997
19.783 (b) (1) (i) revised	15365
(d) revised	9997
19.785 (e) and (f) revised	9997
(c) (6) revised	27592
19.785 *Heading, (a) (1), and (d) (1) revised	4076
*(c) (6) eff. 12-4-73	4760
19.787 (e) (8) revised	15365
(g) and (h) revised	9997
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19.787 *(e) (7) eff. 12-4-73	4760
19.790 (e) revised	9997
19.791 (b) (2) revised	15365
26 Added	25986
27.10 (c), (d), and (e) revised	14262
27.15 (b), (c), and (d) revised; (e) and (f) removed	14253
27.25 (c), (d), (e), and (f) revised	14254
27.30 (c), (d), and (e) revised	14255
27.31 *(a) (5) revised	794
27.35 (c), (d), and (e) revised; (f) removed	14256
27.45 (c), (d), and (e) revised; (f) removed	14257
27.70 (c), (d), and (e) revised	14257
28.1 (d) (1) and (2) revised	15504
28.2 (a) (2) removed; (a) (3) redesignated as (a) (2) and revised; (b) (1), (2), (5), and (8) revised; (c) amended	15504
45 Heading revised	25672
45.1 Revised	25672
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45.1 *Effective date of revision established	5764
45.2 Removed	25673
45.2 *Effective date of removal established	5764
50 *Added	3543

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51.21 *Revised	5762
51.22 *Revised	5764
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90.1—90.19 (Subpart A) *Added	3749
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90.20 (c) (2) and (g) corrected	14165
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100.1 (c) (1) revised	20740
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102.11 Added	20744
102.12 Added	20741
121 Subpart E heading revised	12738
121.13 Added	19219
(b) corrected	19970
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121.101 (d) (5) table amended	20038
121.207 (c) table amended	10078
121.208 (d) table amended	26909
121.210 (c) table amended	10078,
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(c) table (38 FR 28820) effective date corrected	35303
121.210 *(c) table 1 amended	3935
121.213 *(d) table 1 amended	3935
121.217 Removed	22224
121.220 *(d) table 1 amended	3935
121.225 (a) (3) (v) and (h) removed	22224
121.225 *(e) (3) (i) removed	3935
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121.260 Revised	8651
121.262 (c) table amended	16857,
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121.266 Removed	10078
121.325 *Added	1358
121.341 Revised	14165
121.343 Revised	26447
121.343 *Amended	7420
121.345 Added	10713
Revised	22122
121.346 Added	16999
121.347 Added	22891
121.1002 Added	20038
121.1030 (c) (14) added	13557
(c) (14) corrected	18367
121.1031 (e) amended	21997
121.1073 (a) revised	20726
121.1088 (c) table amended	19122
121.1088 *(c) amended	5313, 7166
121.1134 Revised	20726
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121.1164 (b) amended	12914

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121.1202 (a), (b), (d), (e), and (f) (1) and (2) revised; (f) (3) added	19816
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121.1235 *(a) (4) and (b) (4) added	5765
121.1236 Revised	10713, 22122
121.1241 Revised	25437
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121.1248 Added	10638
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121.1250 Added	12398
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121.2000 Added	12738
121.2001 Redesignated as 121-2005	12738
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121.2502 *(a) (7) added; (b) table amended	7420
121.2505 (c) table amended	8594
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121.2507 (c) amended	8595
121.2511 (b) table amended	24643,
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121.2514 (b) (3) (xx) amended	12738,
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121.2514 *(b) (3) (xv) amended	4077
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121.2520 *(c) (5) amended	4077
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(d) (3) amended	22890
121.2541 (c) table amended	8595
121.2546 (b) (1) and (2) revised	18101
121.2547 (b) introductory text, (b) (3) through (8) and (10) through (13), and (c) (4) revised; (b) (14) added	14752
(b) (15) and (c) (10) added	29465
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Note: Asterisk (\*) identifies changes published in 1974.

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121.2553 (a) (3) amended	22890	(a) corrected	21397
121.2557 (d) (3) amended	8595	135.501 (c) table amended	8652,
121.2562 (c) (4) (iv) amended	8738		9009, 9587, 12399, 15444, 16858,
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121.2569 *(b) (3) (i) table amended	5628	135a.35 Added	10714
121.2571 (b) (2) amended	8652,	135a.38 Added	9587
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131.20 Amended	10078	135b.70 Added	15050
131.21 Amended	10078	135b.74 Added	10443
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135b.86 Added	8653	135c.83 (d) (1) revised	30550
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1660	30749
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## TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter VI—Domestic and International Business Administration, Department of Commerce

BDC Notice 1 removed	25176
BDC Notice 3	
Delegation 5 removed	33472
BCABP Notice 1 added	25175
DPS Reg. 1 *List A amended	4478

## Chapter X—Office of Oil and Gas, Department of the Interior

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Sec. 3 revised	25437
Sec. 9A (a) (1) amended	19819
(b) revised; (e) (2) amended	34204
Sec. 9B (d) revised	34204
Sec. 10 (a) and (c) revised; (f) and (g) added	19819
Sec. 11 (a) and (c) revised; (f) and (g) added	19819
(c) corrected	20076
Sec. 11A (a) and (b) revised	19819
Sec. 17 (b) revised	19820

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Chapter X—Continued	Page
Sec. 18 *(c) and (d) added	1266
Sec. 21 Revised	19820
Sec. 22 (g) (2), (4), and (9), (h) (1), (p) (2) (iii), and (j) revised; (q) and (r) added	19820
Sec. 25 Revised	19821
(a) (1), (b) (5), (g) (1), and (i) revised; (a) (2) (x) added; (e) (4) removed; (e) (5) redesignated as (e) (4)	28066
Sec. 25A Added	34205
Sec. 30 (c) revised	19822
Sec. 32 Revised	19822
Introductory text of (g) revised	25438
<b>Chapter XI—Oil Import Appeals Board</b>	
Chapter revised	26103
<b>Chapter XIII—Energy Policy Office</b>	
Establishment of chapter	27397, 28660, 32577
<b>EPO Reg. 1</b>	
Sec. 1 Added	28661
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Sec. 1 *Removed	2605
Sec. 2 Added	28661
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Sec. 3 Added	28661
(a) amended	32740
(d) added	35307
Sec. 3 *Removed	2605
Sec. 4 Added	28661
Sec. 4 *Removed	2605
Sec. 5 Added	28662
Sec. 6 Added	28662
Sec. 6 *Removed	2605
Sec. 7 Added	28662
Sec. 7 *Removed	2605
Sec. 8 Added	28662
Sec. 8 *Removed	2605
Sec. 9 Added	28663
Sec. 9 *Removed	2605
Sec. 10 Added	28663
Sec. 10 *Removed	2605
Sec. 11 Added	28663
Sec. 11 *Removed	2605
Sec. 12 Added	28663
Sec. 12 *Removed	2605
Sec. 13 Added	28663
Sec. 13 *Removed	2605
Sec. 14 Added	28663
Sec. 14 *Removed	2605
Sec. 15 Added	28663
Sec. 15 *Removed	2605

Note: Asterisk (\*) identifies changes published in 1974.

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Sec. 16 Added	28663
Sec. 16 *Removed	2605
Sec. 17 Added	28663
Sec. 17 *Removed	2605
Sec. 18 Added	28663
Sec. 18 *Removed	2605
Sec. 19 Added	28663
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Sec. 20 Added	28663
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EPO Reg. 2	
Sec. 1 Added	32577
Sec. 2 Added	32577
Sec. 3 Added	32577
Sec. 4 Added	32577
Sec. 5 Added	32578
Sec. 6 Added	32578
Sec. 7 Added	32578
Sec. 8 Added	32578
Sec. 9 Added	32578
EPO Reg. 3	
*Removed	2605
Sec. 1 Added	27397
Sec. 2 Added	27397
Sec. 3 Added	27397
Sec. 4 Added	27398
(a) interpretation	34735
Sec. 5 Added	27398
Sec. 6 Added	27398
Sec. 7 Added	27398
Sec. 8 Added	27398
Sec. 9 Added	27398
Sec. 10 Added	27398
Sec. 11 Added	27398
EPO Reg. 7 added	29330
*Removed	2605
Sec. 2 Amended	30740
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### TITLE 33—NAVIGATION AND NAVIGABLE WATERS

#### Chapter I—Coast Guard, Department of Transportation

1.01-40 Added	32448
1.25-30 (b) (6) revised	30740
3.01-1 *(b) revised	2581
3.04-1 *(b) revised	2581
3.04-3 *(b) revised	2581
40.13 (d) amended	28937
62.01-25 Revised	33472
62.10-1 (a) revised	33472

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62.10-10 Removed	33472
66.05-100 Revised	33473
66.05-160 Removed	33473
66.05-169 Removed	33473
66.05-173 Removed	33473
74.05 Subpart heading revised	33472
74.05-1 Revised	33472
74.05-5 Added	33472
74.10-1-74.10-5 (Subpart 74.10) Removed	33472
110.5 (d) revised	33473
110.60 (u-2) added	30000
110.70a *Added	5314
110.72a Added	33973
110.158 (a) (8) revised	30740
(a) (8) corrected	31835
110.168 (d) (1) revised	18373
*(f) (2) corrected	5488
110.178 *Removed	4478
110.183 (a) (1) and (2) removed	33474
115.60 *(e) revised	2361
117.75 *(a) (5) revised; (h) (4) added	1582
117.175 *(b) removed	2094
117.190 *(f) (11) removed	2094
117.225 (f) (9) removed	21631
117.225 *(f) (6) removed	4479
117.245 (i) (2) and (5-a) added	21631
(j) (40) removed	30000
(g) (17) and (i) (2-a) and (2-b) revised	32137
117.245 *(i) (12-b) added	4479
*(i) (20-a) revised	6608
117.311 *Revised	2581
117.467 Added	25438
117.495 Amended	18546, 33594
117.560 *(f) (2), (2-a), (3), (4), (5), (6), and (7) removed; new (f) (2) added	4479
*(g) (7) (ii) redesignated as (g) (7) (iv); new (g) (7) (ii) added; (g) (7) (i) and (iii) revised	6110
117.716 (c) revised	26115
117.760 (f) revised	25438
117.785 *(f) (2) revised	5314
127.202 Added	19379
127.302 Removed	24898
127.303 Added	17441
127.304 Added	17441
127.305 Added	20831, 31428
127.306 Added	22123
127.309 Added	22778
127.310 Added	28065
127.501 Added	35307
127.502 *Added	6608
*Effective date changed	6608
177.07 *(f) added	2583

Note: Asterisk (\*) identifies changes published in 1974.

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* (f) (2) corrected_____	5488
177.08 *Added _____	2583

#### Chapter II—Corps of Engineers, Department of the Army

204.86 Removed	21495
207.11 Removed	25176
207.162 *Removed	2362
207.170d Added	21404
207.611 Removed	30741

#### Chapter IV—Saint Lawrence Seaway Development Corporation

401.201 (a) revised	24210
401.104-9 Revised	9667, 15508, 22627
401.201-401.208 (Subpart C) Added	21922
401.2 (g) revised	22031

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90	20467
110	22795, 32944, 35486
110*	1838, 1780, 4484
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	19412, 21649, 21650, 22491, 24912-
	24914, 25455, 26938, 27414, 28298, 31315
117*	2609, 3291, 4485, 6618, 6619
127	22980, 23804
128	34778, 35486
144*	1360, 2106, 3686
180	21228
209*	6113
212	31626
213*	3957
401*	5794

### TITLE 34—GOVERNMENT MANAGEMENT

Title established	33769
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#### Chapter II—Office of Federal Management Policy, General Services Administration

Chapter established	33769
200 Added	33769
211 Added	34731
231 Added	35464
232 *Added	2606
251 Added	33770
252 *Added	1582
253 *Added	797
254 *Added	1014
271 Added	34733

### TITLE 35—PANAMA CANAL

#### Chapter I—Canal Zone Regulations

5.28 (a) amended	25438
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51.122 (c) and (d) revised	26722
67.91 *Revised	7783
67.93 *Revised	7783
67.111 *Revised	7783
67.112 *Revised	7783
67.113 *Revised	7783
67.114 *Revised	7783
67.115 *Removed	7783
67.121 *(a) revised	7783
67.131 *Introductory text and (a) revised	7783
67.141 *Introductory text, (c), and (d) revised	7783
67.161 *(a) (2) revised	7783
67.163 *(b) (1), (2), and (3) revised	7783
67.591 *(b) and (c) revised	7783
70 Added	31177
105.1 (d) added	27386
(d) removed	34734
119.103 (c) amendeded; (d) added	27386
119.141 Revised	27386
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133	35333
133*	4931

## TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Title heading revised..... 27049

## Chapter I—National Park Service, Department of the Interior

2.35 Added	31511
7.7 Revised	20831
7.15 (f) added	27595
7.58 (c) added	33081
7.93 Added	21264
7.97 Added	32931
50.19 Effective date changed	24218

## Chapter II—Forest Service, Department of Agriculture

212.20 Added	33474
212.21 Added	33474
214 Added	35307
221.2 Revised	20326
221.17 Revised	23403, 23948
231.11 Added	22000
291.3 Added	6996
292 Added (formerly 251.40—251.42)	5853
293 Added (formerly 251.70—251.86)	5855

Note: Asterisk (\*) identifies changes published in 1974.

294 Added (formerly 251.22 and 251.26—251.31)	5859
295 Added	26723

## Chapter VII—Library of Congress

Establishment of chapter	27049
701 Added; provisions transferred from 44 CFR Ch. V (Part 501) and amended	27049
702 Added; provisions transferred from 44 CFR Ch. V (Part 502) and amended	27049

## Chapter VIII—Advisory Council on Historic Preservation

*Chapter established	3366
800 *Added	3366

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7	20071, 20896, 22633, 22634, 22968, 23796, 24912, 25185
7*	13, 1777
221	29804
251	34817
251*	2773
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252*	2773
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295	29232

## TITLE 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

## Chapter I—Patent Office, Department of Commerce

2.47 Revised	18876
2.57 Revised	18876

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

1.218—1.220 Undesignated center heading added	24364
1.218 Added	24364
1.219 Added	24365
1.220 Added	24366
1.526 *(g) and (i) (2), (4), and (6) (i) revised	3938
1.600 *Undesignated center heading and section added	1024
1.666 Added	34734
2.6 (a) (8) revised	24366
2.93 *Revised	1839
3 *Cross reference added	5315

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3.4 (d) revised	21923	17.49 *Heading (a) (3) (vi) through (ix) revised; (a) (3) (x) and (c) added	1842
3.7 (w) added	28826	17.50 *Revised	1842
3.261 (a) (17) revised	28804	17.50b *(a), (d), (e), and (f) revised	1842
(a) (33) added	28826	17.51 *Revised	1842
3.262 (f) revised	28804	17.51a *Revised	1843
(q) added	28826	17.51b *Revised	1843
3.311 Heading, (b), and cross reference revised	21923	17.54 *Undesignated center heading and section added	1843
3.321 *(b) (2) revised	5315	17.60 *Heading, (e), (f), and (h) revised	1843
3.323 (a) (2) and (b) (2) revised	21923	17.66 Revised	24366
3.324 Revised	21923	17.70—17.71 Undesignated center heading revised	24366
3.350 Introductory text of (i) revised	20832	17.70 Removed	24367
Introductory text and introductory text of (a) revised	21923	17.75 *Undesignated center heading and section revised	1843
3.351 Introductory text of (d) revised	20832	17.76 *Revised	1843
3.500 (r) revised	21923	17.77 *Revised	1843
3.501 (i) (1) and (3) revised	34115	17.78 *Introductory text of (a) revised	1843
3.551 (b) revised	34115	17.80 *Undesignated center heading and section revised	1844
3.552 (d), (f), and introductory text of (g) revised	34115	17.82 *Revised	1844
3.557 (d) revised	34115	17.83 *Introductory text revised	1844
3.558 (a) revised	34116	17.84 *Introductory text and (d) revised; (f) removed	1844
3.661 (b) revised	28826	17.85 *Introductory text and (b) revised; (c) added	1844
3.800 (b) revised	21923	17.86 *Revised	1844
3.810 *(c) added	2362	17.88 *Revised	1844
3.850 (c) revised	29076	17.89 *Revised	1844
3.852 (a) and (b) (2) revised	29076	17.95 *Revised	1844
3.855 Revised	29076	17.96 *Revised	1844
3.903 (b) (1) revised	30106	17.98 *Revised	1844
3.904 (b) and (c) revised	30106	17.100 *(a) (1) revised	1845
3.1600 (a) and (b) (4) revised; (f) added	30106	17.115d Added	31007
3.1601 Revised	30106	17.166 *(a) revised	1845
3.1602 (a), (b), and (d) revised	30107	17.166a *Introductory text of (a) revised	1845
3.1603 Revised	30107	17.166b *(a) revised	1845
3.1604 (c) added	30107	17.166c *Revised	1845
3.1605 Introductory text, (a), and introductory text of (b) revised	30107	17.170—17.176 *Note revised	1845
3.1606 (a) (3) revised	27354	17.170 *(f) added	1845
3.1609 Revised	30107	17.171 *(a) revised	1845
14.501 *(b) revised	2094	17.173 *(a) (1), (c), and (d) revised; (a) (4) added	1845
17.30 *(l) and (m) revised	1840	17.175 *Revised	1845
17.38 *Undesignated center heading and section revised	1840	17.176 Appendix A revised	28827
17.37 *Revised	1840	17.180 *(e) added	1845
17.38 *Heading, introductory text, (a), (b) (2), and (c) revised; (d) and (e) added	1840	17.181 *Revised	1845
17.39 *Revised	1841	17.182 *(b) (7) and (c) (5) amended; (b) (8) and (c) (6) added; (c) (2) and (d) revised	1846
17.40 *Revised	1841		
17.46b *Heading, introductory text, (a), and (c) revised	1841		
17.47 *(a), (b), (c) (1), (d), and (f) revised	1841		
17.48 *(c) (2) and (f) revised	1841		

Note: Asterisk (\*) identifies changes published in 1974.

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17.200—17.206 *Undesignated center heading and sections removed	1024
17.210 *Introductory text revised	1846
17.352 *Revised	1846
17.353 *Revised	1846
17.360 *Revised	1846
17.361 *Revised	1846
17.362 *Revised	1846
17.365 *Revised	1846
17.400—17.416 Undesignated center heading added	26190
17.400 Added	26190
17.401 Added	26190
17.402 Added	26190
17.403 Added	26191
17.404 Added	26191
17.405 Added	26191
17.406 Added	26192
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17.409 Added	26192
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18.2 Revised	17965
18.3 (b) revised	17965
18.4 (a) and (b) revised; (c) and (d) added	17965
18.5 Removed; provision transferred to Appendix B	17966
18.6 (b) revised	17966
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18.8 (d) revised	17966
18.9 (b) and (d) (1) revised	17966
18.10 (a) through (e) revised; (g) added	17966
18.12 (a) and (c) revised	17967
18.13 (c), (f), and (h) revised; (i) added	17967
18 Appendix B added; provisions derived from 18.5	17968
21.42 Revised	33303
21.43 (b) revised	33303
21.201 (j) added	32578
21.226 (a) (1) revised	32578
21.261 (b) (4) added	32578
(b) (1) revised	34116
21.261 * (b) (1) revised	5315
21.1045 (a) (6) added	23948

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21.3041 * (d) introductory text, (d) (8), and (e) (3) revised	2362
21.3044 * (a) and (c) revised	2362
21.3046 * (c) revised	2362
21.4131 (b) revised	32578
21.4136 (a) revised	32578
21.4200 (d) added	32579
21.4203 (b) (1) revised	30439, 34116
(b) (4) added	32579
21.4207 * (a) revised	1592
21.4253 (e) (3) revised	32579
21.4270 (c) and (d) revised	32579
21.4274 (a) revised	19371
21.4275 * (c) (1) revised; (d) added	7784
21.4280 Added	32579
25 Added	22779
26.4212 (a) (2) and (3) revised	20615
(a) revised	23519
26.4212 * (a) introductory text and (a) (2) and (3) revised	3258
26.4222 * Revised	7784
26.4310 Revised	25878
26.4311 * (a) revised	3258
26.4326 Revised	20832
26.4326 * Revised	7785
26.4311 (a) revised	18373, 20616, 23519
26.4402 * (f) added	7785
26.4502 Revised	33772
26.4503 (a) revised	18373, 33772
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26.4503 * (a) revised	3258
26.4509 (b) revised	33772
26.4511 (a) revised	33772
26.4512 * (b) revised	7785
26.4600 * (c) (3) revised	7785

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1	22904, 28959, 34748, 35023
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17	22904, 26393, 31846
17*	3292, 5211
21	19417, 23541, 26944, 27228, 28844, 32519, 33104
21*	1844

## TITLE 39—POSTAL SERVICE

## Chapter I—United States Postal Service

111 Removed	17841
113.3 (a) revised	21496
121 Revised	19030
122.4 * (c) (4) revised	5488
124.3 (c) (1) (xiv) added	21496

Note: Asterisk (\*) identifies changes published in 1974.

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124.6 (b) removed; (c) and (d) redesignated as (b) and (c)	19123
126.1 (f) (1) (ii) revised	18373
(e) (2) and (4) revised	18655
126.1 * (f) (1) (ii) revised	7579
126.2 Revised	18655
132.1 * (b) (2) (iii) revised	7580
141.2 (b) amended; (c) (1) and (2), (d) (1), and (e) (1) revised; (e) (2) redesignated as (e) (4) and amended; (f) redesignated as (g) and revised; (g) redesignated as (h); new (e) (2) and (3) and (f) added	22384
142.1 (a) revised	22384
143.2 (f) (1) and (2) and (g) revised	20076
144 Revised	19033
144.1 (d) (4) (i) amended	22385
144.4 * (i) revised	7580
144.6 (b) redesignated as (c); new (b) added	22385
145.1 (b) added	18548
148 Removed	17841
154.1 (d) (4) and (5) added	20076
154.2 (a) (2) revised	22385
156.5 (a) (5) amended	18877, 33082
(a) (6) added	19041
159.7 * (b) (2) (iii), (3), and (9) (ii) revised; (e) and (f) removed	7580
162.1 (c) (4) amended	21496
164 Revised	19041
164.1 (b) (2) corrected	19911
171.2 (b) (2) (iv) added	18878
Table No. 1 revised	18878
211 Provisions transferred to Part 221; new Part 211 added	20402
212 Removed (provisions transferred to Part 222)	20402
213 Removed (provisions transferred to Part 223)	20402
221 Added (provisions derived from Part 211)	20403
221.6 (d) revised	31007
222 Provisions transferred to Part 224; revised (provisions derived from Part 212)	20404
223 Provisions transferred to Part 225; revised (provisions derived from Part 213)	20406
224 Provisions transferred to Part 226; revised (provisions derived from Part 222)	20406
225 Added (provisions derived from Part 223)	20410
226 Added (provisions derived from Part 224)	20414
Authority citation corrected	21285
226.4 Corrected	21285
232.4 (g) revised	19911
232.5 (b) revised	19124
232.6 (h) (2) and (3) revised	27824
235 Revised	20415, 26193
243.2 * (g) (6) added (provisions derived from 743.5)	1989
244.1 Removed; redesignated from 244.2	20327
244.2 Redesignated as 244.1	20327
256 Removed	17841
447 * Redesignated from 742 and revised	1990
447.22 * Introductory text of (b) corrected; (b) (6) and (7) added	3677
447.23 * (b) corrected	3677
447.25 * (f) note corrected	3677
447.81 * (c) corrected	4081
742 * Redesignated as Part 447	1990
743 * Removed	1989
743.5 * Redesignated as 243.2 (g) (6)	1989
747 Removed	17841
952.17 (a) amended	20263
953.11 Amended	20263
954.14 (a) amended	20263
958.7 Amended	20263

## Chapter III—Postal Rate Commission

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3000.735-502 Amended	24899
3001.7 (a) revised	24899
3001.10 (c) revised	19045
3002.12 * Added	2481

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132	27304
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152*	3968
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310*	3968
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320*	3968

## TITLE 40—PROTECTION OF ENVIRONMENT

## Chapter I—Environmental Protection Agency

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5 Revised	32806
7 Added	17968
8 * Added	3258
15 Added	35311
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* Interim regulations	7785

Note: Asterisk (\*) identifies changes published in 1974.



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*Revised	3678
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35.910-1 *Revised	1847
35.910-2 *Revised	1847
35.910-3 *Added	1847
35.910-4 *Added	1847
35 Appendix A added	24639
50.5 Revised	25681
51.7 Revised	20834
51.16 (c) removed; (f) amended	20835
51.33 Added	22026
(a) (2) and (6), (b) (2) (iv), (c) (1), (4), and (5), (d) (2), and (u) (2) revised	27286
52.01 * (f) removed	7276
52.09 (c) added	30877
52.22 *Revised	7276
52.23 Added	30633
52.50 * (c) revised	7279
52.53 *Revised	7279
52.56 *Added	7279
52.70 (c) revised	22738
52.74 * (b) added	7279
52.78 *Added	7279
52.81 Table amended	32659
52.82 (b) added	32659
52.83 Removed	32659
52.84 (b) revised; (c) and (d) added	22738
(b) (9) revised	24342
52.85 Added	32659
52.86 Added	32659
52.86 * (c), (d), and (h) amended	1849
52.87 Added	32660
52.88 Added	32660
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52.91 Added	32662
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52.93 Added	32662
52.120 (c) revised	33373
52.122 (d) added	33373
52.123 Revised	33373
52.129 * (e) and (f) added	7279
52.131 Table amended	33373
52.132 Removed; new 52.132 added	33373
52.136 Revised	33374
52.137 Added	33374
52.138 Added	33375
52.139 Added	33375

Note: Asterisk (\*) identifies changes published in 1974.

	Page
52.139 * (c), (d), (h), and (k) amended	1849
52.140 Added	33376
52.177 *Added	7280
52.222 (b) and (c) added	31244
52.233 * (h) and (i) added	7280
52.237 Removed	31245
52.238 Amended	31245
52.239 Removed	31245
52.240 (d) (1) (i) (f) revised	33973
52.241 Added	31245
52.242 Added	31245
52.243 Added	31245
52.244 Added	31246
52.245 Added	31246
52.246 Added	31246
52.247 Added	31246
52.248 Added	31247
52.248 *Removed	1849
52.249 Added	31247
52.249 *Removed	1849
52.250 Added	31247
52.250 *Removed	1849
52.251 Added	31248
52.251 *Revised	1025
* (c), (d), (g), and (j) amended	1849
52.252 Added	31248
52.253 Added	31248
52.254 Added	31249
52.255 Added	31251
52.255 * (d) (2), (e) (1), and (f) (1) and (3) amended	4881
52.256 Added	31251
52.256 * (g) (1) and (2) and (h) (1) and (3) amended	4881
52.257 Added	31252
52.258 Added	31252
52.259 Added	31253
52.260 Added	31253
52.261 Added	31253
(d) amended	35467
52.262 Added	31254
52.263 Added	31254
52.264 Added	31254
52.265 Added	31254
52.266 Added	31255
52.320 (c) revised	30820
52.322 (b) added	30820
52.325 Table amended	30820
52.326 (a) revised	30820
52.327 (b) added	22739
(b) (5) revised	24342
(38 FR 16564) redesignated as 52.328	30821
52.328 Redesignated from 52.327 (38 FR 16564) and revised	30821
52.329 Added	20754, 30821
52.330 Added	20755, 30821

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52.331 Added	20755, 30821	52.574 *Added	7280
52.332 Added	20755, 30821	52.620 (c) (2) revised	30877
52.333 Added	20756, 30821	52.623 *Amended	7280
52.334 Added	20756, 30822	52.629 *Added	7280
52.335 Added	20756, 30823	52.670 (c) revised	22741, 29296
52.336 Added	20757, 30823	52.670 * (c) revised	7280
52.336 * (e) (1), (2) and (3) and (f) (1) and (3) amended	4881	52.677 Revised	22741
52.337 Added	20757, 30824	(d) (5) revised	24342
52.337 * (g) (1) and (2) and (h) (1) and (3) amended	4881	52.679 *Added	7280
52.338 Added	20757, 30824	52.720 (c) revised	29296
52.339 Added	30824	52.723 Removed	29297
52.340 *Added	7280	52.726 (a) revised	17726
52.370 * (c) revised	7280	52.727 Table amended	33561
52.373 *Revised	7280	Table corrected	29297
52.375 *Added	7280	52.728 Removed	33561
52.422 *Revised	7280	52.730 (b) added	22742
52.426 *Added	7280	(b) (3) revised	24342
52.470 (d) added	29296	52.731 Added	33561
(c) (2) and (3) revised	33709	52.732 Added	33562
52.472 Revised	33709	52.733 Added	33562
52.474 Revised	33709	52.734 Added	33562
52.476 (b) added	22740	52.736 *Added	7281
(b) (5) revised	24342	52.770 * (c) (3) added	4663
(c) through (h) added	33709	52.780 * (a) and (d) (1) and (2) revised; (b), (c), and (d) (9) removed	4663
52.476 * (d) (3) removed	1849	* (e) and (f) added	7281
52.478 *Added	7280	52.791 *Added	4663
52.479 (b) and (c) added	33710	52.824 * (b) added	7281
52.481 Table amended	33711	52.828 Added	30877
52.482 Revised	33711	52.829 Added	30877
52.483 Revised	33711	52.830 *Added	7281
52.484 Removed	33711	52.870 (c) revised; (d) added	30877
52.485 Removed	33711	52.873 Tables amended	17682
52.486 Added	33711	52.874 * (c) added	7281
52.487 Added	33711	52.875 Removed	30877
52.487 * (e) (1) and (2) and (f) (1) and (3) amended	4881	52.876 (b) (1) amended	30877
52.488 Added	33712	52.877 Removed	30878
52.488 * (g) (1) and (2) and (h) (1) and (3) amended	4881	52.878 Removed	30878
52.489 Added	33713	52.878 *Added	7281
52.490 Added	33713	52.880 Removed	17682
52.491 Added	33713	52.881 Removed	17682
52.492 Added	33714	52.920 * (c) revised	7281
52.493 Added	31536	52.928 *Added	7281
52.493 * (c) and (d) amended	1849	52.970 (c) revised	17682, 18652
52.494 Added	33715	52.973 Removed	17682
52.495 Added	33715	52.976 Removed	18652
52.496 Added	33716	52.976 * (c) and (d) added	7281
52.520 (c) revised	22740	52.979 Table amended	17682
52.520 * (c) revised	7280	52.980 Removed	17682
52.524 (b) added	22740	52.1020 (d) added	22474
(c) added	24333	52.1020 * (c) revised	7281
(b) (6) revised	24342	52.1022 *Revised	7281
(c) tables revised	26325	52.1023 Added	22474
52.572 *Revised	7280	52.1025 Added	22474
		52.1026 *Added	7281
		52.1070 (c) revised	33716

Note: Asterisk (\*) identifies changes published in 1974.

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52.1073 Revised	33716
(d) and (e) added	34247
52.1074 Revised	33716
(a) and (b) revised	34248
52.1076 *Added	7281
52.1077 (b) amended; (c) added	33716
(c) (2) and (3) amended	34248
52.1078 Table amended	33717, 34248
52.1079 Removed	33717
52.1080 (b) added	22743
(b) (5) revised	24342
(c) through (h) added	33717
(38 FR 16566) Correctly designated as 52.1081	33718
(i), (j), and (k) added	34248
52.1080 *(d) (3) removed	1849
52.1081. Correctly designated from 52.1080 (38 FR 16566) and revised	33718
(c) and (d) added	34248
52.1082 Added	33718
(b) added	34249
52.1084 Revised	33718
52.1085 Added	33718
52.1086 Added	33719
52.1086 *(e) (1) and (2) and (f) (1) and (3) amended	4881
52.1087 Added	33719
52.1087 *(g) (1) and (2) and (h) (1) and (3) amended	4881
52.1088 Added	33720
52.1089 Added	33720
52.1090 Added	33721
52.1091 Added	33721
52.1092 Added	33722
52.1093 Added	33722
52.1094 Added	33723
52.1095 Added	34249
52.1096 Added	34249
52.1097 Added	34250
52.1098 Added	34250
52.1099 Added	34251
52.1100 Added	34251
52.1101 Added	34252
52.1101 *(e) (1) and (2), (f) (1) and (3), and (g) (1) and (2) amended	4881
52.1102 Added	34253
52.1102 *(h) (1) and (3) amended	4881
52.1103 Added	31537
52.1103 *(c) and (d) amended	1849
52.1104 Added	34253
52.1105 Added	34253
52.1106 Added	34254

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52.1107 Added	34255
52.1108 Added	34255
52.1109 Added	34256
52.1110 Added	34256
52.1111 Added	34256
52.1111 *(c), (d), and (j) amended	1849
52.1112 Added	34257
52.1122 (b) added	30963
52.1124 *Added	7281
52.1125 (a) revised; (b) table amended	20835
(a) and (b) tables amended	21919
(b) table amended	32808, 34116
52.1125 *(b) table amended	3823
52.1127 Table amended	30964
52.1128 Revised	30964
52.1129 Added	18879
(38 FR 18879) redesignated as 52.1133	30878
52.1130 Added	18879
(b) added	18880
52.1131 Added	18879
(b) added	18880
52.1132 Added	18880
52.1133 Redesignated from 52.1129 (38 FR 18879)	30878, 30964
52.1134 Added	30964
52.1135 Added	30964
52.1135 *(d) amended	1849
52.1136 Added	30966
52.1136 *(b), (c), and (d) removed; (e), (f), and (g) redesignated as (b), (c), and (d)	1849
52.1137 Added	30966
52.1137 *Removed	1849
52.1138 Added	30966
52.1139 Added	30967
52.1140 Added	30967
52.1141 Added	30968
52.1142 Added	30968
52.1143 Added	30968
52.1144 Added	30969
52.1145 Added	30969
52.1146 Added	30969
52.1147 Added	30970
52.1147 *(a) (1), (2), and (3) and (c) (3) revised; (b) (1) and (2), (c) (1), and (d) (1) and (3) amended; (c) (4) added	4881
52.1148 Added	30830
52.1149 Added	30830
52.1150 Added	30830
52.1150 *Removed	1849
52.1151 Added	30830
52.1152 Added	30831

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52.1153 Added	30831
52.1154 Added	30831
52.1155 Added	30831
52.1160 Added	30971
52.1175 (d) added	22743
(d) (3) revised	24342
52.1176 *(c) and (d) added	7282
52.1220 (c) revised	30833
52.1225 *Added	7282
52.1227 (a) (1) revised; (a) (2) and (3) removed	30833
52.1228 Removed	30833
52.1272 *Revised	7282
52.1275 *Added	7282
52.1276 *Added	7282
52.1320 (c) revised	30833
52.1325 *(c) added	7282
52.1328 *Added	7282
52.1332 Table amended	17682
52.1333 Removed	17682
52.1334 Removed	17682
52.1374 *Added	7282
52.1428 *(f) and (g) added	7282
52.1478 *(c) and (d) added	7282
52.1520 *(c) revised	7282
52.1524 (d) added	22744
52.1525 *Added	7282
52.1570 *(c) (4) added	1439
52.1572 (b) added	31392
52.1578 *Added	7282
52.1580 Revised	31392
52.1581 Removed	31393
52.1583 Added	31393
52.1584 Added	31393
52.1585 Added	31394
52.1586 Added	31394
52.1587 Added	31394
52.1588 Added	31395
52.1588 *(c), (d), and (g) amended	1849
52.1589 Added	31395
52.1590 Added	31396
52.1590 *Removed	1849
52.1591 Added	31397
52.1592 Added	31397
52.1593 Added	31397
52.1594 Added	31397
52.1595 Added	31398
52.1596 Added	31398
52.1597 Added	31399
52.1598 Added	31399
52.1598 *(e) (1) and (2) and (f) (1) and (3) amended	4881
52.1599 Added	31400
52.1599 *(f) (1) and (2) amended	4881
52.1600 *(g) (1) and (3) amended	4882
52.1600 Added	31400
52.1601 *Added	1439
52.1624 (c) (1) revised	29296
52.1628 *Added	7282
52.1670 *(c) (3) added	1441
*(c) (2) revised	7283
52.1675 (f) added	31296
52.1675 *(f) revised	1441
52.1677 (d) added	22744
(d) (12) revised	24342
52.1680 *Added	7283
52.1770 *(c) revised	7283
52.1775 *Added	7283
52.1822 *Revised	7283
52.1824 *Added	7283
52.1870 (c) revised	30974
52.1873 *Revised	7283
52.1875 Footnote f removed	30974
52.1876 Removed	30974
52.1877 (a) revised; (b) and (c) removed	30974
52.1878 Added	30974
52.1879 *Added	7283
52.1922 *Revised	7283
52.1924 *Added	7283
52.1970 (c) revised	22746, 30827
52.1970 *(c) revised	7283
52.1973 Table amended	30827
52.1974 Revised	30827
52.1975 (b) and (c) added	22746
(c) (11) revised	24342
52.1976 Removed	30827
52.1977 Removed	30827
52.1978 Removed	30827
52.1981 Added	30827
52.1982 *Added	7283
52.2022 (b) added	32893
52.2023 Revised	32893
52.2034 Table amended	32893
52.2036 Revised	32893
52.2036 *(38 FR 16568, 32893) Correctly designated as 52.2037	2483
52.2037 *Correctly designated from 52.2036 (38 FR 16568, 32893)	2483
52.2038 Added	32893
52.2039 Added	32894
52.2040 Added	32894
52.2040 *(c), (d), and (h) amended	1849
52.2041 Added	32895
52.2042 Added	32896
52.2042 *(e) (1) and (2) and (f) (1) and (3) amended	4882
52.2043 Added	32897
52.2044 Added	32897
52.2045 Added	32897
52.2046 Added	32898

Note: Asterisk (\*) identifies changes published in 1974.



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52.2047 Added	32898
52.2048 Added	32899
52.2049 Added	32900
52.2050 Added	32900
52.2051 Added	32901
52.2052 Added	32901
52.2053 Added	32902
52.2055 *Added	7283
52.2070—52.2076 (Subpart 00) Effective date revised	32257
52.2070 (d) revised	29297
52.2071 Table amended	34325
52.2074 * (c) added	7283
52.2077 Added	18879
(b) added	18880
(b) table amended; (c) and (d) added	22747
(38 FR 18879) redesignated as 52.2080	30878
(b) (38 FR 18880) redesignated as 52.2080 (b)	30878
52.2077 * (c) table amended	3824
52.2078 Added	18879
(b) added	18880
52.2079 Added	18879
(b) added	18880
52.2080 Redesignated from 52.2077 (38 FR 18879)	30878
(b) redesignated from 52.2077 (b) (38 FR 18880)	30878
52.2081 *Added	7283
52.2120 * (c) revised	4082
52.2123 (b) table amended; (c) added	22747
(c) (14) revised	24342
52.2123 * (a) and (c) removed	4082
52.2124 * (d) added	7284
52.2125 *Added	7284
52.2175 *Added	7284
52.2220 (c) (4) added	22748
52.2223 (a) and (e) added	22748
(a) (1) and (2) revised; (a) (4), (5), and (6) redesignated as (a) (5), (6), and (7); new (a) (4) added	24341
(a) (5) and (e) (16) revised	24342
52.2224 * (b) added	7284
52.2228 *Added	7284
52.2272 Added	30642
52.2275 Added	30642
52.2278 Removed	30642
52.2279 Table amended	30642
52.2280 Removed	30642
52.2283 Added	30643
52.2284 Added	30643
52.2285 Added	30643

Note: Asterisk (\*) identifies changes published in 1974.

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52.2285 * (f) (1) and (3) amended	4882
52.2286 Added	30644
52.2286 * (e) (1), (2), and (3) and (f) (1) and (3) amended	4882
52.2287 Added	30645
52.2288 Added	30645
52.2288 * (c) (2) and (d) revised; (g) (1), (2), and (3), (h) (3), (i) (1) and (3), and (k) amended; (e) through (k) redesignated as (f) through (i); new (e) added	4882
52.2289 Added	30646
52.2289 * (g) (1) and (3) and (i) amended	4882
* (d) revised; (e) through (i) redesignated as (f) through (j); new (e) added	4883
52.2290 Added	30647
52.2291 Added	30647
52.2292 Added	30647
52.2293 Added	30647
52.2294 Added	30647
52.2295 Added	30648
52.2295 * (c), (d), and (i) amended	1849
52.2296 Added	30649
52.2297 Added	30650
52.2297 * (b) revised; (f) amended	4884
52.2298 Added	30650
52.2299 *Added	7284
52.2320 (c) revised	32668
52.2322 (e) added	32668
52.2328 *Added	7284
52.2331 Table amended	32666
52.2332 Removed	32666
52.2337 Added	32666
52.2338 Added	32667
52.2339 Added	32667
52.2340 Added	32667
52.2341 Added	32668
52.2342 Added	32668
52.2343 Added	32668
52.2370 * (c) revised	7284
52.2376 Added	20836
52.2377 *Added	7284
52.2420 (c) revised	33723
52.2420 * (c) (2) revised	7284
52.2422 Existing text designated as (a); (b) added	33723
52.2423 Revised	33724
52.2424 (b) corrected	33724
52.2427 (c) amended; (d) added	33724
52.2429 Table amended	33724
52.2430 Revised	33724
52.2431 Revised	33724

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52.2432 Removed	33724	52.2493 Added	32679
52.2434 Removed	33724	52.2494 Added	32679
52.2435 Added	33724	52.2495 *Added	7284
52.2435 * (b) (3) removed	1849	52.2524 (b) added	22751
52.2436 Added	33725	(b) (9) (i), (ii), and (iii) revised	24342
52.2437 Added	33725	52.2525 *Added	7284
52.2438 Added	33726	52.2570 (c) (2) amended	30878
52.2438 * (e) (1) and (2) and (f) (1) and (3) amended	4882	52.2578 (a) redesignated as (b); (c) added	22752
(38 FR 33726) *Redesignated as 52.2439	4882	52.2579 *Added	7285
52.2439 *Redesignated from 52.2438 (38 FR 33726) and (g) (1) and (2) and (h) (1) and (3) amended	4882	52.2620 (c) revised; (d) added	29297
52.2440 Added	33727	52.2625 * (c) and (d) added	7285
52.2441 Added	33727	52.2627 Removed	29297
52.2442 Added	33728	52.2670 * (c) added	7285
52.2443 Added	31538	52.2722 *Revised	7285
52.2443 * (c) and (d) amended	1849	52.2724 *Added	7285
52.2444 Added	33729	52.2758 (c) (3) revised	24342
52.2445 Added	33729	52.2775 * (c) and (d) added	7285
52.2446 Added	33729	60.2 (p), (q), and (r) added	28585
52.2447 Added	33730	60.7 (c) added	28565
52.2448 *Added	7284	60.8 (c) revised	28565
52.2460 (c) revised	22750	60.11 Added	28565
(38 FR 22750) Correctly designated as 52.2470	32674	60.45 (g) added	28566
52.2470 Correctly designated from 52.2460 (38 FR 22750) and (c) revised	32674	60.73 (e) added	28566
52.2470 * (c) revised	7284	60.84 (e) added	28566
52.2472 Added	32674	80.1 Amended	33741
52.2473 Revised	32674	80.1 *Effective date corrected	2267
52.2475 Added	32674	80.2 (m) added	33741
52.2477 Revised	32674	80.2 * (m) effective date corrected	2267
52.2478 Table amended	32675	80.20 Added	33741
52.2479 Removed	32675	80.20 *Effective date corrected	2267
52.2481 (a) and (b) revised; (c) removed; (d) added	22751	80.24 Revised	26450
(d) (3) revised	24342	80.25 Added	33741
(38 FR 16569) Correctly designated as 52.2484	32675	80.25 *Effective date corrected	2267
52.2484 Correctly designated from 52.2481 (38 FR 16569) and heading amended and text revised	32675	80.28 Added	33741
52.2485 Added	32675	80.26 *Effective date corrected	2267
52.2486 Added	32675	85.002 (a) (5) revised	21363
52.2486 * (c), (d), and (h) amended	1849	85.002 * (a) (28), (29), and (30) added	7548
52.2488 Added	32677	85.005 * (a) (1) and (3) and (b) (1) revised; (a) (4) added	7549
52.2488 *Removed	1849	85.006 * (a) and (c) revised	7549
52.2489 Added	32677	85.073-30 * (a) (1) and (2) revised; (b) (3) amended; (c) added	7552
52.2490 Added	32677	85.074-2 * (b) (1) revised; (c) added	7551
52.2491 Added	32678	85.074-3 *Revised	7551
52.2492 Added	32678	85.074-4 (c) revised	32258
		85.074-12 (c) revised	30080
		85.074-19 (d), (e), and (f) redesignated (e), (f), and (g); new (d) added	30080
		85.074-20 Corrected	19883
		85.074-22 (f) revised	30080

Note: Asterisk (\*) identifies changes published in 1974.

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(a) (6) (vii) corrected	31428
85.074-26 (c) amended	30080
85.074-29 *(b) (2) amended	7552
85.074-30 (b) (1) (ii) revised	30080
85.074-30 *(a) (1) and (2) revised; (b) (3) amended; (c) added	7552
85.075-1 (a) revised	17441
85.075-2 *(b) (1) revised; (c) added	7550
85.075-3 *Revised	7550
85.075-4 (c) revised	32258
85.075-10 *(a) and (b) revised	2364
85.075-11 (a) (1) revised	30080
85.075-12 (c) revised	30080
85.075-19 (e) and (f) redesignated as (f) and (g)	30080
85.075-22 (f) revised	30081
85.075-23 (a) (2) and (6) (vii) revised	30081
85.075-24 (b) (14), (15), (16), and (17) revised	30081
85.075-26 (c) amended	30081
85.075-28 (c) (1) (i) (a) revised	30081
85.075-29 *(b) (2) amended	7550
85.075-30 *(a) (1) and (2) revised; (b) (3) amended; (c) added	7551
85.075-38 (b) and (b) (3) removed	30081
85.076-1 Revised	22474
85.101-85.176-1 (Subpart B) Revised	21348
85.102 *(a) (21), (22), and (23) added	7553
85.105 *(a) (1) and (3) and (b) (1) revised; (a) (4) added	7553
85.106 *(a) and (c) revised	7553
85.175-2 *(b) (1) revised; (c) added	7555
85.175-3 *Revised	7555
85.175-4 (c) revised	32258
85.175-6 (a) (1) (i) revised	30081
85.175-19 (f) revised	30081
85.175-29 *(b) (2) amended	7555
85.175-30 *(a) (1) and (2) revised; (b) (3) amended; (c) added	7555
85.201-85.276-1 (Subpart C) Added	21363
85.202 *(a) (26), (27), and (28) added	7556
85.205 *(a) (1) and (3) and (b) (1) revised; (a) (4) added	7556

Note: Asterisk (\*) identifies changes published in 1974.

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85.206 *(a) and (c) revised	7556
85.275-2 *(b) (1) revised; (c) added	7558
85.275-3 *Revised	7558
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85.774-30 *(a) (1) and (2) revised; (b) (3) amended; (c) added	7561
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85.874-2 *(b) (1) revised; (c) added	7564
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85.874-30 *(a) (1) and (2) revised; (b) (3) amended; (c) added	7564	125.1 (ii) and (jj) added	18003
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85.974-3 *Revised	7567	128 Added	30983
85.974-4 (c) revised	32258	129 Added	24344
85.974-16 (b) (6) [revised] redesignated as (c) (6)	30082	133 Added	22298
85.974-18 (c) revised	30082	136 Added	28758
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Note: Asterisk (\*) identifies changes published in 1974.

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109-40.109 Amended	22549
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troductory text of (c) revised	31534
114-26.600-50 *(c) amended	1036
114-35.204 (a)(1) revised	22373

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Note: Asterisk (\*) identifies changes published in 1974.

(CHANGES PUBLISHED ON AND AFTER OCTOBER 1, 1973)

**TITLE 42—PUBLIC HEALTH****Chapter I—Public Health Service, Department of Health, Education, and Welfare**

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1.103 (b) removed; introductory text of (c) revised	34118
1.103 *(c) effective date corrected	1763
1.104 Amended	34118
1.104 *Effective date corrected	1763
21.204 Revised	35467
21.331 *Revised	3939
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50 *Added	1441
50.201—50.208 (Subpart B) *Added	4732
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51.4 (i) revised	31381
57.201—57.220 (Subpart C) *Revised	4770
57.1201—57.1213 (Subpart M) *Added	4775
57.1501—57.1517 (Subpart P) Added	31836
57.1701—57.1717 (Subpart R) *Added	4778
65 Added	28290
100 Added	31381
100.106 (c) (2) corrected	32789

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**TITLE 43—PUBLIC LANDS: INTERIOR**

4.704 *Amended	2366
26 Added	33082
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421 *Added	4755
<b>Chapter II—Bureau of Land Management, Department of the Interior</b>	
1821.2-1 *(d) amended	5634
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2632 Revoked in part by PLO 5399	28568
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Note: Asterisk (\*) identifies changes published in 1974.

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60.15 (a) removed	30658
60.17 (a), (e), (h), (i), (j), and (k) removed	30658
60.19 Removed	30658
67 Added	28291

**Chapter I—Office of Education, Department of Health, Education, and Welfare**

100—100c Subchapter A heading added	30661
100 Added	30661
100a Added	30662
100b Added	30679
100c Added	30691
101—190 Subchapter B heading added	30661
102.2 Removed	30658

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102.3 (e), (h), (k), (l), (p), and (r) removed	30658
(q) through (aa) redesignated as (r) through (bb); new (q) added	32243
102.4 (b) (1) (i) revised; (b) (5) and (6) added; (j) redesignated as (k); new (j) added	32243
102.42 (b) removed	30658
102.44 Removed	30658
102.122 Removed	30658
102.123 Removed	30658
102.124 Removed	30658
102.125 Removed	30658
102.126 Removed	30658
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102.128 Removed	30658
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102.131 Removed	30658
102.134 Removed	30658
102.144 Removed	30658
102.146 Removed	30658
102.147 Removed	30658
102.154 Removed	30658
102.155 Removed	30658
102.158 Removed	30658
103.2 Removed	30658
103.3 (b), (d), and (g) removed	30658
103.13 (a) (2), (3), (4), (5), (6), and (7) removed	30658
103.14 Removed	30658
103.16 Removed	30658
103.17 Removed	30658
103.24 (a) (4), (5), (6), (7), (8), (9), and (10) and (c) removed	30658
103.27 Removed	30658
103.28 Removed	30658
103.34 Removed	30658
103.35 Removed	30658
103.36 Removed	30658
103.37 Removed	30658
103.41—103.61 (Subpart E) Removed	30658
103 *Appendix B added	7423
107.1 (a), (c), (e), and (g) removed	30658
107.3 Removed	30658
107.4 Removed	30658
107.5 Removed	30658
107.6 Removed	30658
107.7 Removed	30658
107.8 Removed	30658
107.9 Removed	30658
111.1 (a), (d), and (e) removed	30658
112.1 (b) and (h) removed	30659

Note: Asterisk (\*) identifies changes published in 1974.



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113.1 (b) and (f) removed	30659
114.1 (b), (g), and (v) removed	30659
115.3 (b) and (d) removed	30659
116.1 (e), (j), (k), (m), (t), (u), (x), (y), and (bb) removed	30659
116.21 (a), (b), (c), (d), and (e) removed	30659
116.42 Removed	30659
116.46 Removed	30659
116.47 Removed	30659
116.48 Removed	30659
116.53 (a), (b), (c), and (e) removed	30659
116.54 Removed	30659
116.55 Removed	30659
116.56 Removed	30659
116.57 Removed	30659
117.1 (c), (d), (e), (g), and (j) removed	30659
117.3 (l) removed	30659
117.13 Removed	30659
117.20 Revised	30659
117.21 (b) removed	30659
117.26—117.30 (Subpart E) Removed	30659
117.36 Removed	30659
117.39 Removed	30659
117.43 Removed	30659
117.44 Removed	30659
117.45 Removed	30659
117.46 (c) removed	30659
118.2 (b), (e), (f), (g), (o), (q), (r), and (x) removed	30659
118.6 (e) removed	30659
118.18 (d) removed	30659
118.22 (f) removed	30659
118.31 Removed	30659
118.33 Removed	30659
118.34 Removed	30659
118.41 Removed	30659
118.42 Removed	30659
118.43 Removed	30659
118.45 Removed	30659
118.53 Removed	30659
118.55 Removed	30659
118.56 Removed	30659
118.57 Removed	30659
118.58 Removed	30659
119.1 (c), (d), (e), (f), (g), (i), (k), and (l) removed	30659
119.7 Removed	30659
119.8 Introductory text revised	30659
119.21 Removed	30659
119.22 (b) removed	30659
119.23 Removed	30659
119.24 Removed	30659

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119.25 Removed	30659
119.26 Removed	30659
119.27 Removed	30659
119.28 Removed	30659
119.40—119.52 (Subpart D) Removed	30659
121.2 (a), (b-1), (d), (f), (g), (h), (i), (m), (n), (p), (q), (r), (t), and (u) removed	30659
121.3 Removed	30659
121.4 Removed	30659
121.5 Removed	30659
121.6 Removed	30659
121.7 Removed	30659
121.8 Removed	30659
121.9 Removed	30659
121.10 Removed	30659
121.11 Removed	30659
121.12 Removed	30659
121.56 Removed	30659
121.57 Removed	30659
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121.59 Removed	30659
121.60 Removed	30659
121.80 Removed	30659
121.82 Removed	30659
121.83 Removed	30659
121.84 Removed	30659
121.90 Removed	30659
121.99 Removed	30659
121.102 (d) and (g) removed	30659
121.106 (e) removed	30659
121.110 Removed	30659
121.127 (c) and (d) removed	30659
121.128 (d) removed	30659
121.131 Removed	30659
121.132 Removed	30659
121.133 Removed	30659
123.1 (d), (h), (i), (n), (p), (q), and (r) removed	30659
123.2 Removed	30659
123.3 Removed	30659
123.6 Removed	30659
123.14 Removed	30659
123.21 Removed	30659
123.23 Removed	30659
123.24 Removed	30659
123.25 Removed	30659
123.26 Removed	30659
123.27 Removed	30659
123.28 Removed	30659
123.29 Removed	30659
123.35—123.38 (Subpart E) Removed	30659
123.44 (Subpart F) Removed	30659
124.1 (b), (c), (e), (f), (i), (j), and (k) removed	30659
124.4 Removed	30659

Note: Asterisk (\*) identifies changes published in 1974.

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124.5 Removed	30659	132.1 Revised	30660
124.6 Removed	30659	132.2 (b), (c), (d), and (e) removed	30660
124.7 Removed	30659	132.5 Removed	30660
124.8 Amended	30659	132.6 Removed	30660
124.15 (a), (c), and (d) removed	30659	132.7 Removed	30660
124.16 Removed	30659	132.8 Removed	30660
124.20—124.28 (Subpart D), Removed	30659	132.9 Removed	30660
124.33 Removed	30659	132.10 Removed	30660
124.34 Removed	30659	132.11 Removed	30660
125.1 (c) removed	30659	132.12 Removed	30660
129.1 (b), (e), (f), (h), (i) and (m) removed	30659	132.14 Removed	30660
129.3 Amended	30659	132.16 Removed	30660
129.6 (a) removed	30659	132.17 Removed	30660
129.9 Removed	30659	132.18 Removed	30660
129.10 Removed	30659	132.19 Removed	30660
129.11 Removed	30659	132.20 Removed	30660
129.12 Removed	30659	132.21 Removed	30660
129.13 Removed	30659	132.22 Removed	30660
129.14 Removed	30659	132.23 Removed	30660
129.15 Removed	30659	132.24 Removed	30660
129.16 Removed	30659	132.25 Removed	30660
129.17 Removed	30659	132.26 Removed	30660
129.18 Removed	30659	132.27 Removed	30660
129.19 Removed	30659	141.1 (c), (d), (e), (f), (g), (h), and (k) removed	30660
130.2 Removed	30659	141.8 Removed	30660
130.3 (b), (d), (f), and (g) removed	30659	141.11 (d) (4) removed	30660
130.5 (b) (1) through (6) and (8) through (16) removed	30659	141.12 Removed	30660
130.22 (c) removed	30659	141.13 Removed	30660
130.31 Removed	30659	141.14 Removed	30660
130.32 Removed	30659	141.15 Removed	30660
130.33 Removed	30659	141.16 Removed	30660
130.34 Removed	30659	141.17 Removed	30660
130.35 Removed	30659	141.18 Removed	30660
130.36 Removed	30659	141.21—141.23 (Subpart E) Removed	30660
130.37 Removed	30659	142.2 (c), (e), (f), (g), (j), (k), (l), (m), (n), and (p) removed	30660
130.38 Removed	30659	144.2 (d), (e), (f), (v), (w), and (y) removed	30660
130.39 Removed	30659	145.1 (d), (e), and (i) removed	30660
130.40 Removed	30659	147.2 (e) and (f) removed	30660
130.41 Removed	30659	150.1 (f) removed	30660
130.43 Removed	30659	151.2 (b), (d), (h), (j), (k), and (n) removed	30660
130.44 Removed	30659	151.4 Removed	30660
130.52 Removed	30659	151.5 (b) removed	30660
130.53 Removed	30659	151.7 Removed	30660
130.55 Removed	30659	151.8 Removed	30660
131.1 Revised	30659	151.9 Removed	30660
131.2 (e), (f) and (n) removed	30660	151.11 Removed	30660
131.6 Removed	30660	151.13 Removed	30660
131.10 Removed	30660	151.14 Removed	30660
131.12 Removed	30660	151.15 Removed	30660
131.13 Removed	30660	151.16 Removed	30660
131.14 Removed	30660	151.18 Removed	30660
131.15 Removed	30660		
131.16 Removed	30660		
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151.21 Removed	30660	166.33 Removed	30660
151.22 Removed	30660	166.34 Removed	30660
151.23 Removed	30660	166.35 Removed	30660
151.31 Removed	30660	166.36 Removed	30660
151.32 Removed	30660	166.43 Removed	30660
151.33 Removed	30660	166.44 Removed	30660
151.34 Removed	30660	166.46 Removed	30660
151.35 Removed	30660	166.47 Removed	30660
151.36 Removed	30660	167 Appendix A added	34560
151.37 Removed	30660	167.2 Removed	30660
151.38 Removed	30660	167.3 (b), (f), (g), (h), and (k) removed	30660
151.39 Removed	30660	167.7 (a) removed	30660
151.40 Removed	30660	167.8 Removed	30660
151.42 Removed	30660	167.9 Removed	30660
151.43 Removed	30660	167.10 Removed	30660
151.44 Removed	30660	167.11 (a) and (b) removed	30660
151.46 Removed	30660	167.12 Removed	30660
151.47 Removed	30660	167.13 Removed	30660
155.2 (b), (d), and (g) removed	30660	167.15 Removed	30660
155.3 Removed	30660	167.17 Removed	30660
155.7 (c) and (f) removed	30660	167.18 Removed	30660
155.9 (a) removed	30660	167.19 Removed	30660
155.11 Removed	30660	167.20 Removed	30660
155.12 Removed	30660	167.24 Removed	30660
155.13 Removed	30660	167.25 Removed	30660
155.14 Removed	30660	167.26 Removed	30660
160.2 (f), (q), (r), and (u) removed	30660	167.27 Removed	30660
160.10 (a), (b), (f), and (g) removed	30660	170.1 (f) and (l) removed	30660
160.11 Removed	30660	170.2 Removed	30660
160.12 Removed	30660	170.3 Removed	30660
160.13 Removed	30660	170.4 Removed	30660
160.14 Removed	30660	170.5 (b) removed	30660
160.16 Removed	30660	170.6 (a) (1) and (2) and (b) removed	30660
160.17 Removed	30660	170.8 Amended	30660
160.19 Removed	30660	170.13 (a) (4) removed	30660
160.20 Removed	30660	170.14 (b) amended	30660
160.21 Removed	30660	170.18 (a) and (c) removed	30660
160.22 Removed	30660	170.19 Removed	30660
160 Appendix amended	30660	170.45 Removed	30660
166.2 Removed	30660	171.1 (h), (j), (p), and (q) removed	30660
166.3 (f), (g), (h), and (k) removed	30660	171.4 (b) amended	30660
166.16 (a) removed	30660	171.7 (b) removed	30660
166.21 (a) removed	30660	171.8 Removed	30660
166.22 Removed	30660	171.10 Removed	30660
166.23 Removed	30660	171.11 Removed	30660
166.24 Removed	30660	171.12 Removed	30660
166.25 Removed	30660	173.1 (b), (d), (e), (g), and (i) removed	30660
166.26 Removed	30660	173.14 Revised	30660
166.27 Removed	30660	173.16 Removed	30660
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173.26 Removed	30660	205.190 * (a) introductory text and (a) (1) and (2) revised	2254
173.27 Removed	30660	206.10 (a) (6) revised	33380
173.28 Removed	30660	206.10 * (a) (6) revised	1443
173.29 Removed	30660	220 * Reinstated until 1-1-75 and amended	1443
173.30 Removed	30660	220.60 Removed; provisions transferred to Part 221	30072
173.31 Removed	30660	220.61 (a) through (f) removed; provisions transferred to Part 221	10762, 30072
173.32 Removed	30660	220.65 (a) removed; provisions transferred to Part 221	30072
173.33 Removed	30660	221 * Effective date postponed to 1-1-75	1443
173.37 Removed	30660	222 Removed; provisions transferred to Part 221	30072
175.2 (d), (h), and (s) removed	30660	222 * Reinstated until 1-1-75 and amended	1443
175.15 Removed	30660	226 Removed; provisions transferred to Part 221	30072
175.16 (b) and (c) removed	30660	226 * Reinstated until 1-1-75 and amended	1443
175.17 Removed	30660	233.50 Revised	30259
177.1 (d) and (l) removed	30661	Effective date corrected	31174
177.4 (c) (3) (xvii) added	27935	233.120 * (b) (2) revised	5316
177.4 * (c) (3) (xviii) added	1849	233.145 (c) added	32912
178.1 (d) and (l) removed	30661	234.130 * (a) introductory text and (c) revised	2220
180.02 (a), (h), and (k) removed	30661	237.50 Revised	32913
180.03 Removed	30661	248.10 (a) (1), (b) (2) (ii) and (iv), and (d) (1) and (2) revised; (b) (3) and (4) redesignated as (b) (5) and (6); (b) (5) redesignated as (b) (7) and revised; new (b) (3) and (4) added	33380
180.04 Removed	30661	248.21 (a) revised; (b) redesignated as (c) and revised; new (b) added	33382
180.05 Removed	30661	248.21 * (a) revised	5552
180.06 Removed	30661	248.30 (b) (1) revised	33382
181.1 (a), (e), and (h) removed	30661	248.50 Revised	30259
181.13 Removed	30661	248.60 (a) (1), (2), and (3) (iv) revised	33383
181.14 Removed	30661	Effective date corrected	31174
181.16 Removed	30661	248.60 * (a) (1) revised; (b) (9) and (10) added	2221
181 Appendix A removed	30661	249.10 * (b) (14) and (c) revised; (b) (15) redesignated as (b) (17), new (b) (15) added; (b) (16) reserved; (d) (1) (iv), (v), and (vi) added	2221
185.02 (b), (c), (h), (l), and (m) removed	30661	* (b) (4) (i) revised	2257
185.03 Revised	30661	249.11 * Redesignated as 249.20	2223
185 Appendix A removed	30661	249.12 * Added	2223
186.2 Amended	30661	249.13 * Added	2226
186.31—186.34 (Subpart D) Removed	30661		
187.2 Amended	30661		
187.3 Added	30661		
187.21 Introductory text revised; (e), (f), (g), (h), (i), and (j) removed	30661		
187.31—187.34 (Subpart D) Removed	30661		
188.3 Added	30661		
188.15 Introductory text revised; (c), (d), (e), and (f) removed	30661		
188.21—188.24 (Subpart D) Removed	30661		
189 Added	27825		
<b>Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare</b>			
205.25 Added	34324		
205.25 * Effective date changed to 7-1-74	3824		
205.35 * Added	4733		
* Effective date changed	5315		

Note: Asterisk (\*) identifies changes published in 1974.



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249.33 *Revised	2254
249.40 *Revised	5553
249.81 Revised	33383
250.24 *Added	2234
250.30 *(a) (6) revised; (b) (3) (iii) added	2235
250.100 *Added	2256

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403 *Revised	914
404 *Revised	918
405 *Revised	926
406 *Revised	929
407 *Revised	932
408 *Revised	933

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640 *Revised	3545

## Chapter IX—Administration on Aging, Department of Health, Education, and Welfare

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903.0 *Correctly promulgated	7790
903.34 Corrected	29809
910 Added	30878
910.6 Corrected	31680

## Chapter XII—ACTION

1204 Added	34118
1205 *Added	1037
1206 *Added	1996
1207 *Added	5770

## Chapter XV—Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare

1501 *Revised	1593
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## TITLE 46—SHIPPING

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1.20 (c) (1) (ii) and (e) (2) amended	32448
(c) (2) [amended] correctly designated from (e) (2) [amended]	34644
(e) (2) [amended] correctly designated as (c) (2) [amended]	34644
1.23 (b) amended	32448
1.25 (b) revised	32449
10.05-33 (a) (3) (ii) revised	29320
10.05-39 (b) (1a) added	29320
25.05-15 *(b) and (c) removed; (d) revised	3270
30.01-6 Revised	29320
30.10-36 Removed	29320
34.20-15 *(c) revised	7790
34.20-20 *(b) revised; (c) added	7790
35.30-20 Revised	27354
70.05-10 Revised	29320
70.10-21 Removed	29320
77.35-5 (c) revised	33475
90.05-10 Revised	29320

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96.35-5 (c) revised	33475
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137.01-5 (d) added	32449
137.02-1 Revised	32449
154 *Effective date changed	1596
160.051-7 (b) (5) revised	31297
162.028-3 (j) (1) removed	27354
162.039-3 (h) removed	27354
168.01 (b) revised	29320
184.15-15 *(b) and (c) removed; (d) revised	3270
188.05-10 Revised	29320
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294.9 (a) (3) (i) and (ii) revised	30880
(b) (2) (iii) revised	30880
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308.106 Amended	27525
308.206 Amended	27525
308.305 Amended	27525
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309.2 *Revised	3952
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309.101 *Revised	3953
310.52 *(c) revised	2760
310.53 Revised	27525
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390 *See 28 CFR 3.1	12

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0.85 Redesignated as 0.84; redesignated from 0.86 and revised	33598
0.86 Redesignated as 0.85; new 0.86 added	33598
0.87 Added	33598
0.88 Added	33598
0.89 Added	33598
0.90 Added	33598
0.111 Introductory text revised	31298
0.112 Revised	31298
0.113 Revised	31298
0.114 Revised	31298
0.115 Revised	31298
0.116 Revised	31298
0.281 Revised	31175
0.282 Added	31176
0.311 Heading, (a) introductory text, (a) (1) and (b) revised	31298
0.311 *(a) (13) removed	7423
0.351 (h) added	30559
0.371 *(g) added	4571
0.457 *(d) revised	5918
0.485 (c) revised	33974
1.83 *(a) (1) and (2) revised; (a) (3) removed	7423
1.516 (e) (1) amended	28788
1.526 (a) introductory text and (e) introductory text revised; (a) (6), (7), (8), and (9) added	28788
(a) (6) effective stayed; (a) (9) and introductory text of (e) amended	35411
1.526 *(a) (10) added	1767
1.539 (a) revised	28789
1.550 (c) (1) corrected	27595

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1.580 (c) and (l) amended; (d), (j) introductory text, and (m) revised	28789
(d) introductory text and (d) (2) and (3) (iii) revised; (d) (5) redesignated as (d) (6); new (d) (5) added	35411
1.804 Revised	33475
1.912 (d) amended	33302
1.922 Amended	33302
1.926 (b) (10) amended	33302
1.993 (b) revised	35320
1.1113 *Amended	2765
2.1 *Amended	2765
2.106 Table amended	29081, 30742
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## PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

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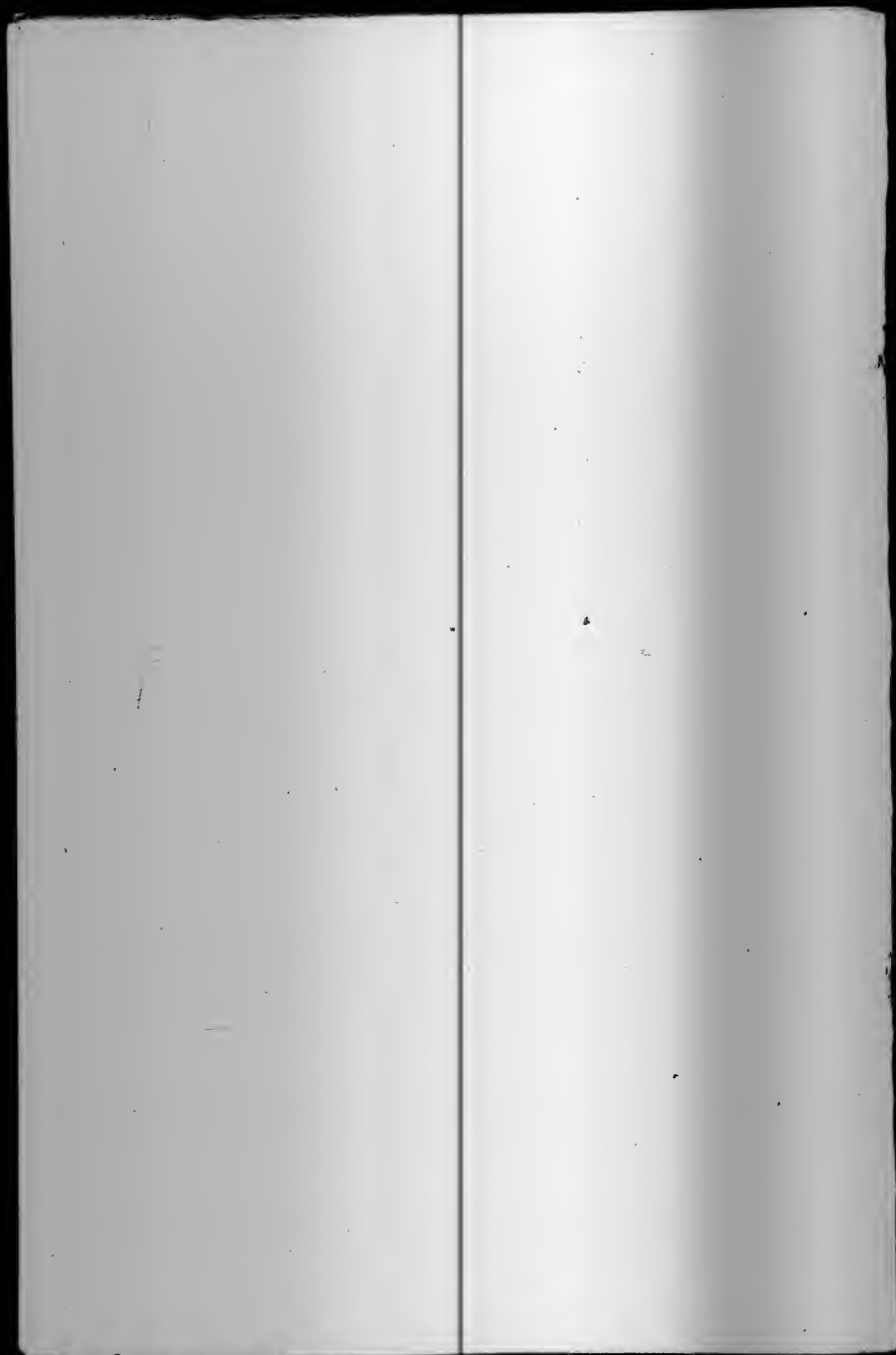
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# List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

<b>7 CFR</b>	<b>17 CFR</b>	<b>30 CFR</b>
PROPOSED RULES:	230 (2 documents)-----	PROPOSED RULES:
991-----	249-----	75-----
		77-----
<b>9 CFR</b>	<b>18 CFR</b>	<b>33 CFR</b>
91-----	101 (2 documents)-----	117-----
	104 (2 documents)-----	PROPOSED RULES:
<b>10 CFR</b>	141 (2 documents)-----	209-----
Rulings (2 documents)-----	201 (2 documents)-----	
	204 (2 documents)-----	<b>40 CFR</b>
<b>12 CFR</b>	260 (2 documents)-----	PROPOSED RULES:
PROPOSED RULES:		52 (2 documents)-----
212-----	<b>19 CFR</b>	429-----
701-----	4-----	
		<b>41 CFR</b>
<b>13 CFR</b>	<b>21 CFR</b>	101-4-----
116-----	19-----	
		PROPOSED RULES:
<b>14 CFR</b>	<b>24 CFR</b>	3-----
39-----	1915-----	3-16-----
71 (9 documents)-----		
73-----	<b>25 CFR</b>	<b>47 CFR</b>
75-----	PROPOSED RULES:	PROPOSED RULES:
PROPOSED RULES:	33-----	17-----
71 (5 documents)-----		
73 (2 documents)-----	<b>29 CFR</b>	<b>49 CFR</b>
	1910-----	PROPOSED RULES:
<b>15 CFR</b>	PROPOSED RULES:	192-----
903-----	1999-----	529-----
<b>16 CFR</b>		<b>50 CFR</b>
1115-----		28-----

# Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 9—Animals and Animal Products

### CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

#### PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

##### Standards for Export Inspection Facilities

*Statement of considerations.* On July 26, 1973, there was published in the FEDERAL REGISTER (38 FR 19972-19973) a proposed amendment to the regulations in 9 CFR Part 91 which would (1) provide standards for approved export inspection facilities; (2) add Richmond, Virginia, and Honolulu, Hawaii, to the list of ports of export; and (3) delete the following ports of export from § 91.3(a) because such ports have been found to have inadequate or no export inspection facilities:

(1) *Air and ocean ports.* Portland, Maine; Boston, Massachusetts; Philadelphia, Pennsylvania; Baltimore, Maryland; Newport News and Norfolk, Virginia; Jacksonville and Port Everglades, Florida; Mobile, Alabama; New Orleans, Louisiana; Galveston, Texas; San Diego and Los Angeles, California; Seattle and Tacoma, Washington.

(2) *Mexican border ports.* Rio Grande and Roma, Texas, and Naco, Arizona.

Careful inspection of animals for export is required by statute and by regulations contained in Part 91 of this Chapter. It is not possible to provide such inspection without adequate facilities to properly handle such animals. The deletion of the named air, ocean, and Mexican Border Ports from the listing of ports of export in § 91.3 of this Part would permit the exportation of animals only through those ports which have adequate inspection facilities available.

A period of 45 days was allowed for submission of comments by interested persons. No comments were received concerning the standards for approved export inspection facilities; however, comments were received requesting an extension of time to consider building acceptable export inspection facilities and to have designated ports of export retain their status.

After due consideration of all relevant material, including that submitted in connection with such notice, the proposal is hereby adopted without change, except for the addition of Miami, Florida to the list of Ocean Ports in § 91.3(a) (2).

Therefore, 9 CFR 91.3, is amended to read:

## § 91.3 Ports of export.

(a) The following ports which have facilities of the type defined in paragraph (c) of this section are hereby designated as ports of export. All animals shall be exported through said ports or through ports designated under paragraph (b) of this section.

(1) *Airports.* (i) Richmond, Virginia; Miami, Tampa and St. Petersburg, Florida; Houston, Texas; San Francisco, California; Portland, Oregon; and Honolulu, Hawaii.

(ii) New York, New York: Limited facilities are available for certain species of animals.<sup>1</sup>

(2) *Ocean ports.* (i) Richmond, Virginia; Miami and Tampa, Florida; Houston, Texas; San Francisco, California; Portland, Oregon; and Honolulu, Hawaii.

(ii) New York, New York: Limited facilities are available for certain species of animals.<sup>1</sup>

(3) *Mexican border ports.* Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, and El Paso, Texas; Douglas and Nogales, Arizona; and Calexico and San Ysidro, California.

(4) *Canadian border ports.* All ports along the United States-Canada land border at which the Health of Animals Branch of the Canadian Department of Agriculture maintains veterinary inspection service.<sup>2</sup>

(b) In special cases other ports may be designated by the Deputy Administrator, Veterinary Services, with the concurrence of the Bureau of Customs. Such ports shall be designated only if facilities for export inspection are available at the port which meet the standards outlined in paragraph (c) of this section.

(c) Standards for approved export inspection facilities. The inspection facilities at the port of export shall meet the following requirements:

(1) *Materials.* Floors of pens, alley and chutes shall consist of concrete or other impervious materials and shall be finished so as to be skid-resistant. Fences, gates, and other parts of the facility may be constructed of wood, metal or any material that will safely and humanely hold the animals intended for export shipment.

<sup>1</sup> Information may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Hyattsville, Maryland 20782.

<sup>2</sup> Information may be obtained from the Veterinary Director General, Health of Animals Branch, Department of Agriculture, Ottawa, Ontario, Canada.

(2) *Size.* The facility shall be large enough to accommodate all the animals in the shipment at one time. Space shall be provided at the approximate rate of 35 square feet for each 1,000-pound animal and graduated up or down commensurate with the size of the animals.

(3) *Inspection implements.* A squeeze chute or similar restraining device and a crowding pen or pens shall be available for individual animal inspection and identification. The inspection portion of the facility shall be constructed to protect the animals and inspection personnel from inclement weather. Pens or yards shall be provided for appropriate segregation or treatment of animals of questionable health status apart from animals qualified for export.

(4) *Cleaning and disinfection.* The facility and equipment shall be cleaned and disinfected, using a disinfectant permitted for use under Part 71 of this chapter, under the supervision of a Federal inspector prior to each use as an export inspection facility. Personnel tending the export animals shall, if they come in contact with other animals, be required to change into clean outer clothing and to change or disinfect their footwear.

(5) *Feed and water.* An ample supply of potable water shall be made available and, in cold weather, kept free of ice. Adequate feed and feeding facilities appropriate for the animals intended for export shall be provided.

(6) *Supervision.* Access to all parts of the facility shall be afforded to a Veterinary Services inspector during each use for export purposes and arrangements for handling the species of animals involved shall be subject to the inspector's approval.

(7) *Testing and treatment.* Testing and treatment of animals in export inspection facilities shall be supervised by a Veterinary Services veterinarian. Tests related to Veterinary Services animal disease programs shall be performed in laboratories approved by the Deputy Administrator, Veterinary Services.<sup>3</sup>

(8) *Location.* The location and the arrangement of the facilities shall provide adequate isolation of the animals intended for export from all other animals. Such isolation depends upon the species of animals involved and the determination of adequate isolation shall be made by a Veterinary Services inspector.

<sup>3</sup> A list of approved laboratories is available from the Veterinary Services office in the State of origin or from the Deputy Administrator, Veterinary Services, Federal Building, Hyattsville, Maryland 20782.



(9) *Approval.* Approval of each export inspection facility shall be granted by the Veterinarian in Charge, Animal Health Programs, Veterinary Services, for the State where the facility is located. Approval of an export inspection facility under paragraph (a) of this section may be revoked for failure to meet the standards in this paragraph (c). A written notice of at least 60 days prior to the date of revocation shall be given to the owner or operator of the facility and he will be given an opportunity to present his views thereon. Such notice shall list in detail the deficiencies concerned in order to permit such deficiencies to be corrected. Approval of an export inspection facility in connection with the designation of a port of export in a special case under

§ 91.3(b) shall be limited to the special case for which the designation was made. (Secs. 4, 5, 28 Stat. 32, as amended; sec. 1, 32 Stat. 791, as amended; sec. 10, 28 Stat. 417; sec. 12, 13, 14, 18, 34 Stat. 1263, as amended, 81 Stat. 584, 585, 592; sec. 3, 11, 76 Stat. 130, 132; sec. 1109, 72 Stat. 799, as amended; 21 U.S.C. 105, 112, 113, 120, 121, 134b, 134f, 612, 613, 614, 618; 49 U.S.C. 1609(d); 37 FR 28464, 28477; 38 FR 19141.)  
*Effective date.* The foregoing amendment shall become effective February 19, 1974.  
The amendment imposes certain further restrictions necessary to prevent the exportation of diseased livestock and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that further public participation in this rulemaking proceed-

ing would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.  
Done at Washington, D.C., this 12th day of February 1974.  
**J. M. HEJL,**  
*Acting Deputy Administrator,*  
*Veterinary Services, Animal*  
*and Plant Health Inspection*  
*Service.*  
[FR Doc.74-3866 Filed 2-15-74;8:45 am]

**Title 24—Housing and Urban Development**  
**CHAPTER X—FEDERAL INSURANCE ADMINISTRATION**  
**SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM**  
[Docket No. FI-201]  
**PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS**  
**List of Communities With Special Hazard Areas**

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

**§ 1915.3 List of communities with special hazard areas.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arizona	Maricopa	Avondale, city of.	H 04 013 0030 01 through H 04 013 0030 02	Arizona State Land Department, 1624 West Adams, room 400, Phoenix, Ariz. 85014.	Mayor, city of Avondale, Avondale, Ariz. 85323.	Feb. 15, 1974.
California	San Luis Obispo	Paso Robles, city of.	H 06 079 2705 01 through H 06 079 2705 02	Department of Water Resources, P.O. Box 335, Sacramento, Calif. 95802.	Mayor, City Hall, 1030 Spring St., Paso Robles, Calif. 93448.	Do.
Do.	Santa Clara	Cupertino, city of.	H 06 085 0040 01 through H 06 085 0040 04	California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Mayor, City Hall, 10300 Torre Ave, Cupertino, Calif. 95014.	Do.
Colorado	Montrose	Montrose, city of.	H 08 085 1700 01 through	Colorado Water Conservation Board, room 102, 1845 Sherman St., Denver, Colo. 80206.	Mayor, Montrose, Colo. 81401.	Do.
Do.	Pitkin	Aspen, city of.	H 08 097 0090 01 through H 08 097 0090 02	Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80233.	Mayor, City Hall, Aspen, Colo. 81611.	Do.
Florida	Brevard	Cocoa, city of.	H 12 009 0630 01 through H 12 009 0630 03	Department of Community Affairs, 2571 Executive Center Circle E., Howard Bldg., Tallahassee, Fla. 32301.	Mayor, City Hall, Cocoa, Fla. 32922.	Do.
Do.	do.	Melbourne Village, town of.	H 12 009 2001 01 through	State of Florida Insurance Department, Treasurer's Office, the Capitol, Tallahassee, Fla. 32304.	Mayor, town of Melbourne Village, Melbourne Village, Fla. 32901.	Do.
Do.	Broward	Cocanut Creek, city of.	H 12 011 0633 01 through H 12 011 0633 03	do.	Mayor, City Hall, 1071 Northwest 4th Ave., Pompano Beach, Fla. 33062.	Do.
Do.	do.	Margate, city of.	H 12 011 1927 01 through H 12 011 1927 03	do.	Municipal Bldg., 5790 Margate Blvd., Margate, Fla. 33063.	Do.
Do.	Seminole	Altamonte Springs, city of.	H 12 117 0090 01 through H 12 117 0090 03	do.	Mayor, City Hall, Altamonte Springs, Fla. 32701.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Idaho	Benewah	St. Maries, city of.	H 16 009 1620 01	Department of Water Administration, State House, annex 2, Boise, Idaho 83707.	Mayor, Courthouse, St. Maries, Idaho 83831.	Do.
Do.	Blaine	Ketchum, city of.	H 16 013 0880 01 through H 16 013 0880 05	Idaho Department of Insurance, room 206, Statehouse, Boise, Idaho 83707.	Mayor and city council, City Hall, Ketchum, Idaho 83340.	Do.
Do.	Latah	Moscow, city of.	H 16 057 1140 01 through H 16 057 1140 04	do.	Mayor, City Hall, Moscow, Idaho 83843.	Do.
Illinois	Calhoun	Hamburg, village of.	H 17 013 3677 01	Governor's Task Force on Flood Control, Natural Resources Service Center, Thornhill Bldg., P.O. Box 475, Lisle, Ill. 60532.	Mayor's Office, Hamburg, Ill. 62045.	Do.
Do.	Jefferson	Bonnie, village of.	H 17 061 0691 01 through H 17 061 0691 02	Illinois Insurance Department, 509 State Office Bldg., Indianapolis, Ill. 46204.	Mayor, Bonnie, Ill. 62816.	Do.
Do.	Madison	Venice, city of.	H 17 119 8820 01	do.	City council, City Hall, Venice, Ill. 62090.	Do.
Do.	do.	Wood River, city of.	H 17 119 9550 01 through H 17 119 9550 02	do.	City council, 34 South Wood River, Wood River, Ill. 62095.	Do.
Do.	Marion	Central City, village of.	H 17 121 1501 01	do.	Mayor, 204 West Junction St., Central City, Ill.	Do.
Do.	Mercer	Keithsburg, city of.	H 17 131 4420 01 through H 17 131 4420 02	do.	City clerk, Keithsburg, Ill. 61442.	Do.
Do.	Williamson	Carlerville, city of.	H 17 199 1420 01	do.	Mayor, City Hall, Carlerville, Ill. 62918.	Do.
Do.	do.	Herrin, city of.	H 17 199 3870 01 through H 17 199 3870 03	do.	Mayor, City Hall, Herrin, Ill. 62948.	Do.
Indiana	Allen	Fort Wayne, city of.	H 18 003 1580 01	Division of Water, Department of Natural Resources, 606 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, Fort Wayne Planning Commission and Allen County Plan Commission, City County Bldg., Fort Wayne, Ind. 46802.	Do.
Do.	De Kalb	Spencerville, town of.	H 18 063 4681 01	Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	County Plan Commission, Courthouse, Auburn, Ind. 46706.	Do.
Do.	Floyd	New Albany, city of.	H 18 043 3400 01 through H 18 043 3400 04	do.	City Clerk's Office, City-County Bldg., New Albany, Ind.	Do.
Do.	Fulton	Rochester, city of.	H 18 049 4190 01	do.	Mayor, City Bldg., Rochester, Ind. 46775.	Do.
Do.	Grant	Marion, town of.	H 18 063 2850 01 through H 18 063 2850 05	do.	Mayor, City Hall, Marion, Ind. 46962.	Do.
Do.	Jasper	Damotte, town of.	H 18 073 1206 01 through H 18 073 1206 02	do.	Jasper County Commissioners, Jasper County Courthouse, Rensselaer, Ind. 47978.	Do.
Do.	Lawrence	Bedford, city of.	H 18 063 0800 01 through H 18 063 0800 05	do.	Plan director, City Hall, Bedford, Ind. 47421.	Do.
Do.	Madison	Anderson, city of.	H 18 063 0140 01 through H 18 063 0140 12	do.	Mayor, City Hall, Anderson, Ind. 46011.	Do.
Kansas	Brown	Horton, city of.	H 20 018 2660 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612.	Mayor, Horton, Kans. 66439.	Do.
Do.	Colley	Waverly, city of.	H 20 061 5700 01	Kansas Insurance Department, 1st floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Waverly, Kans. 66771.	Do.
Do.	Crawford	Pittsburg, city of.	H 20 037 4480 01 through H 20 037 4480 04	do.	City manager, 4th and Pine Sts., Pittsburg, Kans. 66762.	Do.
Do.	Doniphan	Highland, city of.	H 20 043 2460 01	do.	Mayor, City Hall, Highland, Kans. 66384.	Do.
Do.	do.	Troy, city of.	H 20 043 5450 01	do.	Mayor, City Hall, Troy, Kans. 66087.	Do.
Do.	Douglas	Baldwin, city of.	H 20 045 0840 01 through H 20 045 0840 02	do.	Mayor, Baldwin City, Kans. 66008.	Do.
Do.	Franklin	Wellsville, city of.	H 20 059 6750 01	do.	Mayor, City Hall, Wellsville, Kans. 66092.	Do.
Do.	Jefferson	Valley Falls, city of.	H 20 067 5530 01	do.	Mayor, 307 Sycamore, Valley Falls, Kans. 66088.	Do.
Do.	Kingman	Kingman, city of.	H 20 065 2850 01 through H 20 065 2850 02	do.	Mayor, City Hall, Kingman, Kans. 67068.	Do.
Do.	Montgomery	Caney, city of.	H 20 125 0780 01	do.	Mayor, City Bldg., 211 West 5th St., Caney, Kans. 67333.	Do.
Do.	do.	Cherryvale, city of.	H 20 125 0690 01	do.	Mayor, City Hall, 123 West Main, Cherryvale, Kans. 67335.	Do.
Do.	Norton	Norton, city of.	H 20 137 4050 01	do.	Mayor, City Hall, Norton, Kans. 67554.	Do.
Do.	Rawlins	Atwood, city of.	H 20 153 0800 01	do.	Mayor, Atwood, Kans. 67738.	Do.
Do.	Republic	Belleville, city of.	H 20 157 0430 01	do.	Mayor, City Hall, Belleville, Kans. 66935.	Do.
Do.	Rice	Lyons, city of.	H 20 159 3370 01	do.	City manager, City Hall, Lyons, Kans. 67554.	Do.
Do.	Riley	Riley, city of.	H 20 161 4700 01	do.	Mayor, City Bldg., Riley, Kans. 66531.	Do.
Do.	Sherman	Goodland, city of.	H 20 181 2110 01 through H 20 181 2110 02	do.	Mayor, City Hall, Goodland, Kans. 67785.	Do.
Do.	Sumner	Wellington, city of.	H 20 191 5730 01 through H 20 191 5730 02	do.	City manager, Municipal Bldg., Wellington, Kans. 67152.	Do.
Do.	Thomas	Colby, city of.	H 20 198 1000 01	do.	Mayor, City Bldg., Colby, Kans. 67701.	Do.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Kentucky	Campbell	Wilder, town of	H 21 037 3500 01 through H 21 037 3500 02	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Chairman, Campbell County Planning Zoning Board, Newport, Ky. 41073.	Do.
Do.	Cumberland	Burkesville, city of	H 21 057 0450 01 through H 21 057 0450 02	do.	Mayor, City Hall, Burkesville, Ky. 42717.	Do.
Do.	Fayette	Lexington, city of	H 21 057 1980 01 through H 21 057 1980 02	do.	Lexington Municipal, 126 Walnut St., Lexington, Ky. 40507.	Do.
Do.	Fulton	Fulton, city of	H 21 075 1270 01 through H 21 075 1270 02	do.	Mayor, City Hall, Fulton, Ky. 42041.	Do.
Do.	Hancock	Hawesville, town of	H 21 091 1450 01 through H 21 091 1450 02	do.	Mayor, town of Hawesville, Hawesville, Ky. 42348.	Do.
Do.	Henderson	Henderson, city of	H 21 101 1510 01 through H 21 101 1510 02	do.	Henderson City-County Planning Commission, 102 Water St., Henderson, Ky. 42420.	Do.
Do.	Kenton	Taylor Mill, town of	H 21 117 3230 01 through H 21 117 3230 02	do.	Mayor, town of Taylor Mill, Taylor Mill, Ky.	Do.
Do.	Webster	Wheat Croft, town of	H 21 223 3500 01 through H 21 223 3500 02	do.	Mayor, town of Wheat Croft, Wheat Croft, Ky. 42463.	Do.
Maine	Androscoggin	Lisbon, town of	H 23 001 4500 01 through H 23 001 4500 02	Maine Soil and Water Conservation Commission, Statehouse, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Town manager, Main St., Lisbon Falls, Maine 04252.	Do.
Do.	do.	Mechanic Falls, town of	H 23 001 5050 01 through H 23 001 5050 02	do.	Town manager, Town Office, Mechanic Falls, Maine 04256.	Do.
Maryland	Cecil	Elkton, town of	H 24 015 0520 01 through H 24 015 0520 02	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Elkton Town Hall, 101 East Main St., Elkton, Md. 21921.	Do.
Do.	Washington	Williamsport, town of	H 24 043 1690 01 through H 24 043 1690 02	do.	Mayor and city council, City Hall, Williamsport, Md. 21795.	Do.
Michigan	Genesee	Flint, city of	H 26 049 1730 01 through H 26 049 1730 10	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48912. Michigan Insurance Bureau, 111 North Hooper St., Lansing, Mich. 48913.	City of Flint, Department of Public Works, Municipal Center, 1101 South Saginaw St., Flint, Mich. 48902.	Do.
Do.	Kalamazoo	Kalamazoo, city of	H 26 077 2520 01 through H 26 077 2520 10	do.	Mayor, City Hall, 241 West South St., Kalamazoo, Mich. 49008.	Do.
Do.	Monroe	Petersburg, town of	H 26 115 3920 01 through H 26 115 3920 02	do.	Mayor, town of Petersburg, Petersburg, Mich.	Do.
Do.	do.	Raisinville, township of	H 26 115 4136 01 through H 26 115 4136 14	do.	Mr. Howard Zeemer, township of Raisinville, 5915 North Custer, Monroe, Mich. 48161.	Do.
Do.	do.	Summerfield, township of	H 26 115 4764 01 through H 26 115 4764 02	do.	Mr. Golden Carman, township of Summerfield, 990 Dennison, Petersburg, Mich. 49270.	Do.
Do.	do.	Bedford, township of	H 26 115 0856 01 through H 26 115 0856 02	do.	Mr. Reid Stout, town of Bedford, 8100 Jackman Rd., Temperance, Mich. 48882.	Do.
Minnesota	Rock	Luverne, village of	H 27 113 4320 01 through H 27 113 4320 02	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55104. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, Luverne, Minn. 56056.	Do.
Mississippi	Perry	New Augusta, town of	H 28 111 1745 01 through H 28 111 1745 02	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Wookfolk Bldg., Jackson, Miss. 39205.	Mayor, New Augusta, Miss. 39462.	Do.
Missouri	Grundy	Trenton, city of	H 29 079 7780 01 through H 29 079 7780 03	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, 113 East 10th St., Trenton, Mo. 64683.	Do.
Do.	Howell	West Plains, city of	H 29 091 8330 01 through H 29 091 8330 02	do.	City Hall, 401 Jefferson Ave., West Plains, Mo. 65775.	Do.
Montana	Dawson	Glendive, city of	H 30 021 0500 01 through H 30 021 0500 02	Montana Department of Natural Resources and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Box 780, Glendive, Mont. 59330.	Do.
Do.	Flathead	Kalispell, city of	H 30 029 0680 01 through H 30 029 0680 02	do.	Mayor and city council, City Hall, Kalispell, Mont. 59901.	Do.
Do.	Gallatin	Bozeman, city of	H 30 031 0190 01 through H 30 031 0190 02	do.	City manager, City Hall, Bozeman, Mont. 59715.	Do.
Do.	Yellowstone	Billings, city of	H 30 111 0100 01 through H 30 111 0100 02	do.	City Building Department, 302 Edwards St., Billings, Mont. 59102.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Nevada	Clark	North Las Vegas, city of	H 22 003 0150 01 through H 22 003 0150 10	Division of Water Resources, Department of Conservation and Natural Resources Bldg., Carson City, Nev. 89701. Nevada Insurance Division, Department of Commerce, Nye Bldg., Carson City, Nev. 89701.	Planning Department, 2200 Civic Center Dr., North Las Vegas, Nev. 89030.	Do.
New Jersey	Mercer	East Windsor, township of	H 24 021 0626 01 through H 24 021 0626 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1950, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of Township Clerk, Ward St., East Windsor, N.J. 08520.	Do.
Do.	Monmouth	Freehold, township of	H 24 025 1094 01 through H 24 025 1094 02	do.	Building Inspector Office, township of Freehold, Schanck and Stillwells Corner Rd., Freehold, N.J. 07728.	Do.
Do.	Morris	Passaic, township of	H 24 027 2504 01 through H 24 027 2504 02	do.	Township Clerk's Office, township of Passaic, 1802 Long Hill Rd., Millington, N.J. 07946.	Do.
Do.	do.	Randolph, township of	H 24 027 2746 01 through H 24 027 2746 02	do.	Office of the Township Manager, Municipal Bldg., Old Brookside Rd., Mount Freedom, N.J. 07970.	Do.
New York	Broome	Baker, township of	H 26 007 0400 01 through H 26 007 0400 10	New York State Department of Environmental Conservation, Division of Resources, Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Town supervisor, R.D. No. 1, town of Barker, Whitney Point, N.Y. 13862.	Do.
Do.	do.	Lisle, town of	H 26 007 3290 01 through H 26 007 3290 02	do.	Town supervisor, Lisle, N.Y. 13797.	Do.
Do.	Chautaugus	Cleoron, village of	H 26 013 1030 01 through H 26 013 1030 02	do.	Village board, Village Hall, Cleoron, N.Y. 14720.	Do.
Do.	Cortland	Preble, town of	H 26 023 5046 01 through H 26 023 5046 02	do.	Town supervisor, Town Hall, Preble, N.Y. 13141.	Do.
Do.	Herkimer	Dolgeville, town of	H 26 043 1600 01 through H 26 043 1600 02	do.	Mayor, 41 North Main, Dolgeville, N.Y. 13329.	Do.
Do.	do.	West Winfield, village of	H 26 043 0650 01 through H 26 043 0650 02	do.	Mayor, village of West Winfield, West Winfield, N.Y.	Do.
Do.	Madison	Chittenango, village of	H 26 063 1150 01 through H 26 063 1150 02	do.	Mayor, Municipal Bldg., Chittenango, N.Y. 13067.	Do.
Do.	Montgomery	Mohawk, town of	H 26 067 2462 01 through H 26 067 2462 02	do.	Supervisor, town of Mahawk, Fonda, N.Y. 12068.	Do.
Do.	do.	Nelliston, city of	H 26 067 4010 01 through H 26 067 4010 02	do.	Mayor, city of Nelliston, Nelliston, N.Y. 13410.	Do.
Do.	do.	Palatine Bridge, village of	H 26 067 4630 01 through H 26 067 4630 02	do.	Mayor, Palatine Bridge, N.Y. 13428.	Do.
Do.	do.	St. Johnsville, village of	H 26 067 5400 01 through H 26 067 5400 02	do.	Mayor, St. Johnsville, N.Y.	Do.
Do.	Niagara	Lewiston, village of	H 26 063 3220 01 through H 26 063 3220 02	do.	Mayor, 145 North 4th St., Lewiston, N.Y. 14092.	Do.
Do.	Onondaga	Clinton, village of	H 26 068 1220 01 through H 26 068 1220 02	do.	Mayor, Village Hall, Clinton, N.Y. 13323.	Do.
North Carolina	Alleghany	Sparta, city of	H 27 006 4820 01 through H 27 006 4820 02	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27667, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, City Hall, Sparta, N.C.	Do.
Do.	Chatham	Silver City, town of	H 27 037 4200 01 through H 27 037 4200 02	do.	Mayor, Town Hall, Silver City, N.C. 27344.	Do.
Do.	Chowan	Edenton, town of	H 27 041 1440 01 through H 27 041 1440 02	do.	Municipal Bldg., South Broad St., Edenton, N.C. 27932.	Do.
Do.	Columbus	Whiteville, city of	H 27 047 8020 01 through H 27 047 8020 02	do.	Mayor, Whiteville, N.C. 28472.	Do.
Do.	Edgecombe	Tarboro, town of	H 27 065 4560 01 through H 27 065 4560 02	do.	Town manager, Tarboro, N.C. 27886.	Do.
Do.	New Hanover	Kure Beach, town of	H 27 065 4560 11 through H 27 129 2490 01	do.	Mayor, Kure Beach, N.C. 28449.	Do.
Do.	Perquimans	Hertford, town of	H 27 143 2140 01 through H 27 143 2140 02	do.	Mayor, Municipal Bldg., Hertford, N.C. 28445.	Do.
Do.	Randolph	Ramseur, town of	H 27 151 3760 01 through H 27 151 3760 02	do.	Mayor, City Hall, Ramseur, N.C. 27816.	Do.
Do.	Robeson	Fairmont, city of	H 27 155 1610 01 through H 27 155 1610 02	do.	Mayor, city of Fairmont, Fairmont, N.C.	Do.
Ohio	Angazize	Wapakoneta, city of	H 29 011 8520 01 through H 29 011 8520 02	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Mayor, City Bldg., Wapakoneta, Ohio 45895.	Do.
Do.	Belmont	Powhatan Point, village of	H 29 013 6750 01 through H 29 013 6750 02	do.	Mayor, Municipal Bldg., Powhatan Point, Ohio 43942.	Do.
Do.	Butler	Hamilton, city of	H 29 017 8260 01 through H 29 017 8260 02	do.	City manager, City Bldg., Monument and High St., Hamilton, Ohio 45011.	Do.
Do.	Darke	Greenville, city of	H 29 027 2180 01 through H 29 027 2180 02	do.	Mayor, City Bldg., Greenville, Ohio 45331.	Do.
Do.	Delaware	Galena, village of	H 29 041 2790 01 through H 29 041 2790 02	do.	Mayor, Galena, Ohio 43021.	Do.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Franklin	Obetz, village of	H 39 049 6150 through H 39 049 6150 02	do.	Mayor, Municipal Bldg., Columbus, Ohio 43207.	Do.
Do.	do.	Whitehall, city of	H 39 049 8940 01 through H 39 049 8940 02	do.	Mayor, city of Whitehall, Municipal Bldg., 300 South Yearling Rd., Columbus, Ohio 43213.	Do.
Do.	Hamilton	Harrison, village of	H 39 061 3350 01 through H 39 061 3350 02	do.	Mayor, 200 Harrison Ave., Harrison, Ohio 45030	Do.
Do.	do.	Lockland, city of	H 39 061 4320 01	do.	Mayor, city of Lockland, City Hall, Lockland, Ohio 45215.	Do.
Do.	Jackson	Wellston, city of	H 39 079 8670 01 through H 39 079 8670 02	do.	Mayor, East Broadway, Wellston, Ohio 45662.	Do.
Do.	Lawrence	Ironton, City of	H 39 087 3700 01 through H 39 087 3700 02	do.	City manager, City Hall, Ironton, Ohio 45638.	Do.
Do.	Licking	Heath, City of	H 39 089 3428 01 through H 39 089 3428 04	do.	Mayor, 1287 Hebron Rd., Heath, Ohio 43084.	Do.
Do.	Meigs	Pomeroy, village of	H 39 105 6660 01 through H 39 105 6660 03	do.	Mayor, Courthouse, Pomeroy, Ohio 45701.	Do.
Do.	Miami	Troy, city of	H 39 109 8190 01 through H 39 109 8190 05	do.	Mayor, City Hall, Troy, Ohio 47373.	Do.
Do.	Montgomery	Brookville, village of	H 39 113 1070 01	do.	Mayor, Brookville, Ohio 45300	Do.
Do.	do.	Riverside, village of	H 39 113 6990 01	do.	Mayor, village of Riverside, 1119 Harshman, Dayton, Ohio 45431.	Do.
Do.	do.	Trotwood, city of	H 39 113 8180 01 through H 39 113 8180 02	do.	Mayor, North Broadway, Trotwood, Ohio 45426.	Do.
Do.	Muskingum	Roseville, city of	H 39 119 7090 01 through H 39 119 7090 02	do.	Mayor, city of Roseville, Roseville, Ohio 45777.	Do.
Do.	Sandusky	Clyde, city of	H 39 143 1740 01 through H 39 143 1740 02	do.	Mayor, City Hall, Clyde, Ohio 43410	Do.
Oklahoma	Caddo	Anadarko, city of	H 40 015 0180 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73108.	Mayor, City Hall, Anadarko, Okla. 73005.	Do.
Do.	Pittsburg	McAlester, city of	H 40 121 2930 01 through H 40 121 2930 03	do.	City Manager, Municipal Bldg., McAlester, Okla. 74501.	Do.
Oregon	Yamhill	McMinnville, city of	H 41 071 1260 01 through H 41 071 1260 04	Executive Department, State of Oregon, Salem, Ore. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. N.E., Salem, Ore. 97310.	Mayor, City Hall, McMinnville, Ore. 97128.	Do.
Pennsylvania	Allegheny	Brackenridge, borough of	H 42 008 0610 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, 1000 Brackenridge Ave., Brackenridge, Pa. 15014.	Do.
Do.	do.	Tarentum, borough of	H 42 008 8360 01 through H 42 008 8360 02	do.	Mayor, 304 Lock St., Tarentum, Pa. 15044.	Do.
Do.	Cambria	Lower Yoder, township of	H 42 021 4626 01	do.	Township of Lower Yoder, 242 Nash St., Johnstown, Pa. 15094.	Do.
Do.	Columbia	Orange, township of	H 42 037 6354 01	do.	Orange Township, Rural Delivery No. 2, Orangeville, Pa. 17859.	Do.
Do.	Dauphin	East Hanover, township of	H 42 043 8293 01 through H 42 043 8293 12	do.	Secretary, East Hanover Township, Box 101, Grantville, Pa. 17028.	Do.
Do.	Lebanon	Myerstown, borough of	H 42 075 5600 01	do.	Lebanon County-City Planning Department, borough of Myerstown, room No. 3, Municipal Bldg., Lebanon, Pa. 17042.	Do.
Tennessee	Hawkins	Rogersville, city of	H 47 073 2080 01 through H 47 073 2080 05	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, City Hall, Rogersville, Tenn. 37857.	Do.
Do.	Humphreys	New Johnsonville	H 47 085 1775 01 through H 47 085 1775 03	do.	Mayor, City Hall, New Johnsonville, Tenn.	Do.
Do.	do.	Waverly, city of	H 47 085 2530 01 through H 47 085 2530 05	do.	Al Conrad, City Hall, Waverly, Tenn. 37183.	Do.
Do.	Lincoln	Petersburg, city of	H 47 103 1940 01	do.	Mayor, City Hall, Petersburg, Tenn. 37154.	Do.
Do.	Marion	Whitwell, city of	H 47 115 2500 01 through H 47 115 2500 05	do.	Mayor, city of Whitwell, Whitwell, Tenn.	Do.
Do.	Maury	Mount Pleasant, city of	H 47 119 1730 01 through H 47 119 1730 04	do.	City manager, Mount Pleasant City Hall, Mount Pleasant, Tenn. 38474.	Do.
Do.	Monroe	Sweetwater, city of	H 47 123 2260 01 through H 47 123 2260 04	do.	Mayor, City Hall, Sweetwater, Tenn.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Texas	Colorado	Columbus, city of.	H 48 089 1470 01 through H 48 089 1470 02	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, Columbus, Tex. 78924.	Do.
Do.	Cooke	Gainesville, city of.	H 48 097 2580 01 through H 48 097 2580 05	do.	Mayor, Gainesville, Tex. 76240.	Do.
Do.	Hale	Plainview, city of.	H 48 189 5380 01 through H 48 189 5380 04	do.	Building official, 901 Broadway, Plainview, Tex. 79072.	Do.
Do.	Red River	Clarksville, city of.	H 48 387 1350 01 through H 48 387 1350 02	do.	Mayor, City Hall, Clarksville, Tex. 75426.	Do.
Do.	Tarrant	Southlake, city of.	H 48 439 6485 01 through H 48 439 6485 10	do.	Mayor, P.O. Box 868, Southlake, Tex. 76061.	Do.
Do.	Wise	Decatur, city of.	H 48 497 1780 01 through H 48 497 1780 04	do.	Mayor, City Hall, Decatur, Tex. 76234.	Do.
Utah	Utah	Provo, city of.	H 49 049 1660 01 through H 49 049 1660 06	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., room 436, Salt Lake City, Utah 84114. Utah Insurance Department, 116 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Provo, Utah 84601.	Do.
Vermont	Orange	Fairlee, town of.	H 50 017 0211 01 through H 50 017 0211 05	Management and Engineering Division, Water Resources Dept., State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Fairlee Board of Selectmen, c/o Town Clerk, Fairlee, Vt. 05945.	Do.
Do.	Washington	Berlin, town of.	H 50 023 0076 01 through H 50 023 0076 06	do.	Chairman, Berlin Board of Selectmen, Rural Free Delivery, Montpelier, Vt. 05602.	Do.
Virginia	Independent city	Fredericksburg, city of.	H 51 000 1020 01 through H 51 000 1020 02	Bureau of Water Control Management, State Water Control Board, 2d floor, Davenport Bldg., 11 South 19th St., Richmond, Va. 23219. Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23280.	Office of the Building Official, Box 299, Fredericksburg, Va. 22401.	Do.
Do.	do.	Lexington, city of.	H 51 000 1450 01 through H 51 000 1450 02	do.	City manager, City Hall, Lexington, Va. 24450.	Do.
Do.	Rockingham	Timberville, town of.	H 51 165 2450 01 through H 51 165 2450 02	do.	Mayor, Timberville, Va. 22853.	Do.
Washington	Cowlitz	Kelso, city of.	H 53 015 1010 01 through H 53 015 1010 02	Department of Ecology, Olympia, Wash. 98501.	City Hall, Kelso, Wash. 98626.	Do.
West Virginia	Randolph	Elkins, city of.	H 54 083 0810 01 through H 54 083 0810 05	Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501. Office of Federal-State Relations, room W. 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, city of Elkins, Elkins, W. Va. 26241.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

**Issued: February 6, 1974.**

[FR Doc. 74-3708 Filed 2-15-74; 8:45 am]

**GEORGE K. BERNSTEIN,**  
*Federal Insurance Administrator.*



**Title 13—Business Credit and Assistance**  
**CHAPTER I—SMALL BUSINESS**  
**ADMINISTRATION**  
**PART 116—REQUIREMENT FOR FLOOD**  
**INSURANCE—SBA FINANCIAL ASSISTANCE**

The Flood Disaster Protection Act of 1973 requires that the Small Business Administration publish rules which state the circumstances under which recipients of financial assistance must be covered by flood insurance authorized under that Act. Inasmuch as this Part 116 carries out a legislative mandate, it is made effective as of March 1, 1974, without a request for public comment. However, interested persons are invited to submit such comment as they may wish to make to David A. Wollard, Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, and such comment will be carefully considered.

Sec.  
 116.1 Purpose.  
 116.2 Scope.  
 116.3 Procedure.  
 116.4 Related regulations.

**AUTHORITY:** Sec. 205(b) of Pub. L. 93-234; 87 Stat. 983.

**§ 116.1 Purpose.**

This part is established by the SBA to implement the Agency's responsibilities under section 102(a) of the Flood Disaster Protection Act of 1973, which prohibits Federal financial assistance for acquisition or construction purposes in special flood hazard areas (as designated by the Secretary of Housing and Urban Development), when persons in such areas are eligible for flood insurance which has been made available under the National Flood Insurance Act of 1968, and have not obtained such insurance.

**§ 116.2 Scope.**

"Financial assistance" is broadly defined in the Act to include any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance, other than general or special revenue sharing or formula grants to States. Therefore, for SBA purposes, the following types of loans and guarantees are considered to be subject to the legislation: 7(a) Business loans, economic opportunity loans, all loans under section 7(b), handicapped and water pollution loans, sections 501 and 502 loans, lease guarantees, and small business investment companies.

**§ 116.3 Procedure.**

At the time that an applicant for SBA direct or indirect financial assistance receives such assistance, he will be required to meet the provisions of the Flood Disaster Protection Act in those cases when construction is involved. For this purpose, construction is defined to include the acquisition, construction, reconstruction, repair, or improvement of any building or mobile home, and any

machinery, equipment, fixtures, or furnishings contained or to be contained therein. If such applicant is both in an area which has been declared by the Secretary of Housing and Urban Development to be a special flood hazard area, and is eligible for flood insurance as authorized by the Act; then he must purchase insurance amounting to the lesser of: (a) The maximum amount available, (b) an amount equal to the Federal assistance sought for construction purposes, or (c) the value of the property to be insured, prior to any disbursement of the loan or issuance of a lease guarantee policy. If either the area has not been declared a special flood hazard area, or the flood insurance is not available, SBA assistance may be approved without regard to the other provisions of the Flood Disaster Protection Act.

**§ 116.4 Related regulations.**

It is the intent of the Small Business Administration that this regulation be administered in a manner consistent with regulations issued by the Department of Housing and Urban Development (38 FR 24759, as amended by 39 FR 1980).

This part is effective March 1, 1974.

THOMAS S. KLEPPE,  
 Administrator.

FEBRUARY 13, 1974.

(Catalog of Federal Domestic Assistance Programs, (1) 59.012 Small Business Loans, (2) 59.003 Economic Opportunity Loans, (3) 59.001 Displaced Business Loans, (4) 59.013 State and Local Development Company Loans, (5) 59.008 Physical Disaster Loans, (6) 59.002 Economic Injury Disaster Loans, (7) 59.010 Product Disaster Loans, (8) 59.014 Coal Mine Health and Safety Loans, (9) 59.018 Occupational Safety and Health Loans, (10) 59.017 Meat and Poultry Inspection Loans, (11) 59.004 Lease Guarantees for Small Business, and 59.011 Small Business Investment Companies)

[FR Doc. 74-3957 Filed 2-15-74; 8:45 am]

**Title 14—Aeronautics and Space**  
**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Airworthiness Docket No. 70-WE-30-AD; Amdt. 39-1789]

**PART 39—AIRWORTHINESS DIRECTIVES**  
**AiResearch Model TPE331-1 and -2 Engines**

Amendment 39-1082 (35 FR 14892), AD 70-19-2, requires analysis of an oil sample, oil filter inspection, an extended overhaul acceptance test and revision of the applicable FAA-approved airplane flight manuals. After issuing Amendment 39-1082, the agency determined that improved high speed pinion gear bearing assembly designs developed by the manufacturer negate the need for the extended overhaul acceptance test required by the AD. Therefore, the AD is being amended to provide an alternative means of compliance with this provision.

Since this amendment provides an alternative means of compliance, and imposes no additional burden on any per-

son, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1082 (35 FR 14892), AD 70-18-2, is amended by adding a new paragraph (a) (4) as follows:

(a) (4) The provisions of (a) (1), (a) (2), and (a) (3) above do not apply to engines which have been modified in accordance with either Service Bulletin 632, Revision 2, dated December 4, 1972 or Service Bulletin TPE331-72-0064 dated February 1, 1974, and which have been subjected to the acceptance test as described in the FAA-approved overhaul procedures as revised February 1, 1974, and a determination of acceptable oil filter contamination was made by AiResearch or other FAA-approved facility prior to returning the engine to service.

This amendment becomes effective February 20, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California, on February 6, 1974.

ROBERT O. BLANCHARD,  
 Acting Director,  
 FAA Western Region.

[FR Doc. 74-3806 Filed 2-15-74; 8:45 am]

[Airspace Docket No. 73-GL-44]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**Alteration of VOR Federal Airways; Correction**

On December 4, 1973, FR Doc. 73-25567 was published in the FEDERAL REGISTER (38 FR 33393) amending § 71.123 of the Federal Aviation Regulations, effective 0001 G.m.t., March 28, 1974, by altering several VOR Federal Airways in the vicinity of Chicago, Ill., due to the planned decommissioning of the Naperville, Ill., VOR. A review of that Document indicates that in the description of V-9W between Pontiac, Ill., and Milwaukee, Wis., two words were inadvertently omitted, thereby creating doubt as to the intended routing of that portion of the airway. Action is taken herein to correct that error.

Since this amendment is minor in nature with no substantive change in the regulations, and one in which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective February 19, 1974, FR Doc. 73-25567 is amended as hereinafter set forth.

In No. 3, V-9 line 6 is amended as follows: "alternate via INT Pontiac 346" is deleted and "alternate from Pontiac via Pontiac 346" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 11, 1974.

CHARLES H. NEWPOL,  
 Acting Chief, Airspace and  
 Air Traffic Rules Division.

[FR Doc. 74-3806 Filed 2-15-74; 8:45 am]

[Airspace Docket No. 73-SW-53]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**Alteration of VOR Federal Airways**

On September 26, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 26812) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal Airways Nos. 13, 17, 20, and 163 in south Texas.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Four comments were received in response to the notice. The Air Transport Association of America, the Brownsville International Airport Manager, and the Brownsville Chamber of Commerce endorsed the proposal.

The Department of the Navy objected to the proposal stating that the recent introduction of 50 T-28 aircraft based at NAS Corpus Christi has created new requirements for training airspace within 30 miles of that air station. The Department of the Navy stated that the proposed VOR Federal Airway (in reference to V-13W/V-163W south of Corpus Christi) would cause unacceptable infringement of special use airspace within Alert Area A-632A.

Designation of V-113W/V-163W as proposed in the notice will decrease the existing Corpus Christi NAS alert area airspace of 11,400 square miles by only three percent. While it is acknowledged that use of close in airspace by the Navy would be more convenient and economical, the establishment of a long needed dual airway system for civil and military traffic between Corpus Christi and Brownsville will more than compensate for the loss of a small amount of close in alert area airspace.

Since publication of the NPRM, precise mathematical computations have revealed that slight changes should be made to some of the airway radials specified in the notice. Such changes are made herein. Since these changes are only one or two degrees, they are minor in the nature and notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 25, 1974, as hereinafter set forth.

Section 71.123 (38 FR 33392, 39 FR 307) is amended as follows:

a. In V-13, "From Corpus Christi, Tex.; via" is deleted, and "From McAllen, Tex., via Harlingen, Tex.; INT Harlingen 033° and Corpus Christi, Tex., 178° radials; 27 miles standard width, 37 miles 7 miles wide (3 miles E and 4 miles W of centerline), Corpus Christi; including a W alternate from Harlingen via INT Harlingen 008° and Corpus Christi 193° radials; 34 miles standard width, 37 miles 7 miles wide (4 miles E and 3 miles W of centerline), Corpus Christi;" is substituted therefor.

b. In V-17, all before "Laredo, Tex." is deleted, and "From Brownsville, Tex., via Harlingen, Tex.; McAllen, Tex.; 29 miles 12 AGL, 34 miles 25 MSL, 37 miles 12 AGL," is substituted therefor.

c. In V-20, all before "Palacios, Tex." is deleted, and "From Reynosa, Mex., via McAllen, Tex.; INT McAllen 038° and Corpus Christi, Tex., 178° radials; 10 miles 8 miles wide, 37 miles 7 miles wide (3 miles E and 4 miles W of centerline), Corpus Christi; INT Corpus Christi 054° and" is substituted therefor.

d. In V-163, all before "Three Rivers, Tex." is deleted, and "From Matamoros, Mex., via Brownsville, Tex.; INT of Brownsville 358° and Corpus Christi, Tex., 178° radials; 27 miles standard width, 37 miles 7 miles wide (3 miles E and 4 miles W of centerline), Corpus Christi; including a W alternate from Brownsville via INT of Brownsville 338° and Corpus Christi 193° radials; 34 miles standard width, 37 miles 7 miles wide (4 miles E and 3 miles W of centerline), to Corpus Christi;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 11, 1974.

CHARLES H. NEWPOL,  
 Acting Chief, Airspace and  
 Air Traffic Rules Division.

[FR Doc. 74-3807 Filed 2-15-74; 8:45 am]

[Airspace Docket No. 74-EA-5]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**Alteration of Control Zone**

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Latrobe, Pa., Control Zone (39 FR 398).

A recent change in the control tower hours of operation requires an alteration in the description of the control zone.

Since the amendment is minor in nature and less restrictive, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective February 19, 1974, as follows:

1. Amend § 71.171 so as to alter the description of the Latrobe, Pa. control zone by deleting the last sentence and substituting in lieu thereof, the following:

This control zone shall be effective from 0700 to 2200 hours, local time, daily.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on February 4, 1974.

ROBERT H. STANTON,  
 Director, Eastern Region.

[FR Doc. 74-3810 Filed 2-15-74; 8:45 am]

[Airspace Docket No. 73-EA-89]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**Alteration of Control Zone**

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Jamestown, N.Y., Control Zone (39 FR 393, 38 FR 34173).

The weather reporting required for the control zone is presently provided by Allegheny Airlines. However, because of variations in seasonal airline schedules the weather reporting will be changed from time to time to meet the airline's varied schedules. To provide the changing schedule information, the control zone description will be altered to allow the schedules and therefore the duration of the control zone to be published in the Airman's Information Manual.

Since the foregoing amendment is not more restrictive than the present rule but merely prescribes a change in the manner of providing the information, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective February 19, 1974, as follows:

1. Amend § 71.171 so as to alter the description of the Jamestown, N.Y., control zone by deleting the last sentence and substituting in lieu thereof:

This control zone is effective during specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be published continuously in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on January 31, 1974.

ROBERT H. STANTON,  
 Director, Eastern Region.

[FR Doc. 74-3813 Filed 2-15-74; 8:45 am]



[Airspace Docket No. 74-EA-3]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Control Zone**

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Ithaca, N.Y., Control Zone (39 FR 392).

The weather reporting required for the control zone is presently provided by Allegheny Airlines. However, because of variations in seasonal airline schedules the weather reporting will be changed from time to time to meet the airline's varied schedules. To provide the changing schedule information, the control zone description will be altered to allow the schedules, and therefore the duration of the control zone, to be published in the Airman's Information Manual.

Since the foregoing amendment is not more restrictive than the present rule but merely prescribes a change in the manner of providing the information, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective February 19, 1974, as follows:

1. Amend § 71.171 so as to alter the description of the Ithaca, N.Y., control zone by deleting the last sentence and substituting therefor the following:

This Control Zone is effective during specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be published continuously in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on February 4, 1974.

ROBERT H. STANTON,  
Director, Eastern Region.

[FR Doc.74-3812 Filed 2-15-74; 8:45 am]

[Airspace Docket No. 74-EA-4]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Control Zone and Transition Area**

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the Elkins, W. Va., Control Zone (39 FR 377) and Transition Area (39 FR 486).

A recent change in the name of the Elkins-Randolph County Airport requires an alteration of the description of the control zone and transition area.

Since the amendment is editorial in nature, notice and public procedure

hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective February 19, 1974, as follows:

1. Amend § 71.171 of Part 71 Federal Aviation Regulations so as to alter the description of the Elkins, W. Va., Control Zone by deleting, "Elkins-Randolph County Airport" and by substituting, "Elkins - Randolph County - Jennings Randolph Field," therefor.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to alter the description of the Elkins, W. Va., 700-foot floor transition area by deleting, "Elkins-Randolph County Airport", and by substituting, "Elkins - Randolph County-Jennings Randolph Field," therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on February 4, 1974.

ROBERT H. STANTON,  
Director, Eastern Region.

[FR Doc. 74-3811 Filed 2-15-74; 8:45 am]

[Airspace Docket No. 73-GL-51]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Transition Area**

On Page 33404 of the FEDERAL REGISTER dated December 4, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Quincy, Illinois.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 28, 1974.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on January 31, 1974.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

QUINCY, ILL.

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Quincy Municipal Baldwin Field Airport (latitude 39°56'30" N, longitude 91°11'45" W), and within 5 miles northwest and 8 miles southeast of the Quincy ILS localizer southwest course, extending from the 8.5 mile radius to 12 miles southwest of the OM.

[FR Doc.74-3815 Filed 2-15-74; 8:45 am]

[Airspace Docket No. 73-GL-54]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Transition Area**

On page 34671 of the FEDERAL REGISTER dated December 17, 1973, the FAA published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Camp Ripley, Minnesota.

Interested persons were given 30 days to submit written data, objections, and comments concerning the proposed amendments. Three comments were received. The Air Transport Association concurred with the proposal. The Aircraft Owners & Pilots Association and Mr. John C. Riedl of Airmotive Enterprises, Inc., Brainerd, Minnesota, advised they thought the required transition area was too extensive and the procedure would interfere with a student training area that is near Camp Ripley. A revision to the procedure was made which will allow a decrease in the required transition area, although the training area may still have to be relocated.

In view of the foregoing, the proposed amendment is hereby adopted subject to the following paragraph change:

In § 71.181 (39 FR 440), the following transition area is added:

CAMP RIPLEY, MINN.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Ray S. Miller Army Air Field (latitude 46°05'00" N, longitude 94°21'10" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

This amendment shall be effective April 25, 1974.

Issued in Des Plaines, Illinois, on January 31, 1974.

R. C. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc.74-3814 Filed 2-15-74; 8:45 am]

[Airspace Docket No. 74-WA-5]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Reporting Point; Name Change**

The purpose of this amendment is to change the name of the Houston, Tex., VORTAC to Hobby, Tex., in the description of the Kan, Tex., Reporting Point. The VORTAC name change, effective February 28, 1974, affects the description of this reporting point.

Since changing the description of the reporting point to conform to the changed name of the VORTAC is a minor matter upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. However, to avoid the consequences of the VORTAC being referred

to by different names good reason exists to make this action effective less than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 28, 1974, as hereinafter set forth.

Section 71.207 (39 FR 627, 38 FR 29073) is amended as follows: In Kan, Tex., "(INT Houston, Tex., 198° radial)" is deleted and "(INT Hobby, Tex., 198° radial)" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 11, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.74-3809 Filed 2-15-74; 8:45 am]

[Airspace Docket No. 74-EA-6]

**PART 73—SPECIAL USE AIRSPACE****Alteration of Restricted Areas**

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency of Restricted Areas, R-5202, Gardiner's Island, N.Y., and R-6808, Quantico, Va.

The U.S. Navy requested the changes in order to correctly identify the organizations now responsible for using agency activities within the restricted areas. The Federal Aviation Administration concurred with the Navy's request.

Since this amendment is a minor amendment upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 25, 1974, as hereinafter set forth.

In § 73.52 (39 FR 680) Restricted Area R-5202 Gardiner's Island, N.Y., is amended by deleting the present using agency and substituting the following therefor:

Naval Plant Representative Office, Grumman Aerospace Corporation, Bethpage, N.Y.

In § 73.66 (39 FR 690) Restricted Area R-6808 Quantico, Va., is amended by deleting the present using agency and substituting the following therefor:

Commanding General, Marine Corps Development and Education Command, Quantico, Va.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 11, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.74-3816 Filed 2-15-74; 8:45 am]

[Airspace Docket No. 73-SW-64]

**PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES****Alteration of Jet Route Segments**

On October 15, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 28572) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign the segments of Jet Routes No. 25 and No. 29 between Brownsville, Tex., and Corpus Christi, Tex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments were received.

Since publication of the NPRM, it has been determined that the Brownsville radial should have been specified as 358°T rather than 359°T. This one degree change is made herein to comply with the intent stated in the NPRM of using the same radials for the jet routes as used for the underlying airway. Since this alteration is only one degree, it is considered minor in nature, and notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 25, 1974, as hereinafter set forth.

Section 75.100 (39 FR 699) is amended as follows:

a. In Jet Route No. 25, "INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials;" is deleted and "INT of the Brownsville 358° and the Corpus Christi, Tex., 178° radials;" is substituted therefor.

b. In Jet Route No. 29, "INT Brownsville 357° and Corpus Christi, Tex., 179° radials;" is deleted and "INT Brownsville 358° and Corpus Christi, Tex., 178° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 12, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.74-3817 Filed 2-15-74; 8:45 am]

**Title 15—Commerce and Foreign Trade****CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE****SUBCHAPTER A—GENERAL REGULATIONS****PART 903—PUBLIC INFORMATION**

The amended regulations that follow reflect a number of changes in official titles, nomenclature, and organizational description. Also, § 903.7 (b) and (d) are amended to reflect a specific delegation to the Administrative Documentation Officer to initially determine availability of NOAA records to the public.

The amended regulations are effective February 19, 1974.

T. P. GLEITER,  
Assistant Administrator  
for Administration.

FEBRUARY 12, 1974.

Part 903 is revised to read as follows:

Sec.	
903.1	Scope and purpose.
903.2	Policies.
903.3	Definitions.
903.4	Publication in the FEDERAL REGISTER.
903.5	Availability of materials for inspection and copying.
903.6	Requests for identifiable records.
903.7	Determination of availability of records.
903.8	Fees and charges.
903.9	Arrangements for public inspection and copying of available records.
903.10	Requests for reconsideration of non-availability.
903.11	Subpoena or other compulsory process.

AUTHORITY: 5 U.S.C. 552, 553; Reorg. Plan No. 2 of 1965, 15 U.S.C. 311 nt; 32 FR 9734, 31 FR 10752, and Reorganization Plan No. 4 of 1970.

**§ 903.1 Scope and purpose.**

This part establishes the rules whereby the materials specified in 5 U.S.C. 552(a) (2), and the identifiable records of the following organizations of the National Oceanic and Atmospheric Administration (NOAA) requested under 5 U.S.C. 552(a) (3) are to be made publicly available:

- (a) The Office of the Administrator and the Office of the Federal Coordinator for Meteorological Services and Supporting Research.
- (b) The general and special staff offices of the Administration.
- (c) The National Weather Service.
- (d) The National Ocean Survey.
- (e) The Environmental Data Service.
- (f) The National Environmental Satellite Service.
- (g) The Environmental Research Laboratories.
- (h) The National Marine Fisheries Service.

**§ 903.2 Policies.**

Policies and other factors considered in issuing the rules in this part are set forth in Department of Commerce Administrative Order 205-12, as amended (formerly Department of Commerce Order 64) (32 FR 9734) and Part 4 of this title.

**§ 903.3 Definitions.**

(a) To the extent that terms used in this part are defined in 5 U.S.C. 551, they shall have the same definition herein.

(b) The organizational units defined in the terms "Office of the Administrator," "Federal Coordinator for Meteorological Services and Supporting Research," "general staff offices," and "special staff offices," are identified in Department Organization Order 25-5B, as amended (formerly Department Order 2b) (31 FR 10700).

**§ 903.4 Publication in the Federal Register.**

(a) Those materials which are required to be published in the FEDERAL REGISTER



pursuant to the provisions of 5 U.S.C. 552(a) (1) have been and will continue to be published in the *FEDERAL REGISTER* in the form of or included in:

(1) Department Organization Orders of the Department of Commerce, including any supplements and appendices thereto, Secretary of Commerce Circulars, and Department Administrative Orders.

(2) NOAA rules and regulations set forth in this part.

(3) Notices or otherwise in the *FEDERAL REGISTER*.

(4) Other publications, when incorporated by reference in the *FEDERAL REGISTER* with the approval of the Director of the Federal Register.

(b) Those materials which are published in the *FEDERAL REGISTER* pursuant to 5 U.S.C. 552(a) (1) will, to the extent practicable and to further assist the public, be made available for inspection and copying at the facility identified in § 903.5(c).

§ 903.5 Availability of materials for inspection and copying.

(a) The Administrative Documentation Officer, as provided in 5 U.S.C. 552(a) (2) and subject to other provisions of law, will establish and maintain a NOAA Public Reference Facility for the public inspection and copying of:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Statements of policy and interpretations adopted by NOAA and not published in the *FEDERAL REGISTER*;

(3) Administrative staff manuals and instructions to staff that affect a member of the public;

(4) A current index providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published by 5 U.S.C. 552(a) (2);

(5) Such additional materials as the NOAA Public Reference Facility may consider desirable and practicable to make available for the convenience of the public.

(b) NOAA may, to prevent unwarranted invasion of personal privacy, delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, staff manual or instruction, and will, in each such case, explain in writing the justification for the deletion.

(c) The above materials may be inspected in the NOAA Public Reference Facility, Room 523, Building 5, 6010 Executive Boulevard, Rockville, Md. Mail to this facility should be addressed as follows: Administrative Documentation Officer (AD161), National Oceanic and Atmospheric Administration, Rockville, Md. 20852. The telephone number for this facility is Area Code 301, 496-8192. This facility is open to the public Monday through Friday of each week, except on official Federal holidays, between the hours of 9 a.m. and 4:30 p.m. There are

no fees or formal requirements for such inspections. Photo copies of these materials can be provided on demand at the prices established in 903.8. In addition, printed copies of various administrative publications may be purchased from the facility, at the price established in 903.8.

§ 903.6 Requests for identifiable records.

(a) The procedures of this section are applicable only to the records of the organizations listed in § 903.1 and only to those records not customarily available to the public as part of the regular information activities of NOAA. A person desiring to inspect or copy a record or obtain other information about or from one of the organizations listed in 903.1 should contact the appropriate office responsible for providing such information to the public. Such information offices are listed in one or more of the following: (1) The "public information appendices" to the relevant Department orders, which are published in the *FEDERAL REGISTER*, (2) various guides and handbooks issued by the Department and its operating units, (3) the U.S. Government Organization Manual, and (4) the Department of Commerce Telephone Directory. The latter two publications are for sale by the Superintendent of Documents, Washington, D.C. 20402.

(b) If the appropriate information office is not known, the public should direct its inquiries to the NOAA Public Reference Facility identified in § 903.5(c). This facility will route the request, if it appears to be for information regularly available, to the appropriate information office; if the request is for other types of information, the facility will advise the inquirer as to how to proceed.

(c) A person who wishes to inspect a record not part of the regular information activities of NOAA should complete Form CD-244, "Application To Inspect Records", and submit this form, in person or by mail, to the NOAA Public Reference Facility. Copies of Form CD-244 are available from this facility and from many of the information offices of NOAA.

(d) An application form shall be submitted for each record or group of records related to the same general subject matter. Each application form shall be accompanied by the nonrefundable application fee of \$2.

(e) Detailed instructions for the completion of Form CD-244 are stated on the back of the form. Employees of the facility will assist the public to a reasonable extent in completing the form; however, the responsibility rests with the applicant for identifying each record sought in sufficient detail so that it can be located by personnel familiar with the filing of agency records. Each application shall clearly itemize, when there are more than one, each record requested so that it may be identified and its availability separately determined.

(f) The staff of the facility will review the application for completeness, and will record receipt of the fee. If the applica-

tion appears in order, it will be processed by the facility as described in § 903.7, to determine if it is an identifiable and disclosable record. If the application is incomplete in some substantial and material respect, it will be promptly returned to the applicant to complete.

§ 903.7 Determination of availability of records.

(a) Upon finding that the application is otherwise in order, the NOAA Public Reference Facility will determine:

(1) Whether the requested record can be identified on the basis of the information supplied by the applicant. If the facility cannot identify the record, it will return the application, specifying why the record is not identifiable and what additional clarification, if any, the applicant may make to assist the organization in its identification.

(2) Whether the record, if identifiable, is still in existence and in the possession of NOAA. If the record no longer exists, the applicant will be so notified. If the record is not in NOAA's possession and its existence is not otherwise reasonably ascertainable, the applicant will be so notified. If the requested record is in another organization of the Department, or is the exclusive or primary concern of another executive department or agency, the application for such record will be promptly referred to that other organization or agency for further action under its rules, and the applicant will be promptly informed of this referral.

(b) If the requested record is identifiable and subject to NOAA's determination as to availability, the application will be reviewed by the Administrative Documentation Officer, who is authorized, pursuant to Department Administrative Order 205-12, to initially determine availability.

(c) If the Administrative Documentation Officer determines that the record is not to be made available, he shall so notify the applicant in writing stating the reason(s) why the record is not being made available.

(d) If the Administrative Documentation Officer determines that the record is to be made available, he shall so notify the applicant specifying the estimated costs to be recovered in accordance with 903.8. Upon payment of such estimated costs, subject to adjustment as provided in § 903.8, the record will be made available to the applicant at the NOAA Public Reference Facility or transmitted to him by it.

§ 903.8 Fees and charges.

(a) Fees and charges are hereby established to recover costs for application handling, record searching, reproduction, certification and authentication, and for related expenses incurred by NOAA.

(1) Application fee—\$2. This fee is nonrefundable, and covers costs of accepting and reviewing the application, and making a determination as to the availability of the requested record, or group of related records.

(2) Records search fee—per man-hour—\$5. This fee covers the costs of locating the desired record, transporting it by Government messenger service to the point of inspection, supervising the inspection, and returning the record to its regular file. It also includes the costs of any copies of records made at NOAA's option. The minimum fee charged for records search will be \$2.50.

(3) Copies of records, if requested by applicant:

(i) Xerographic or similar process—Up to 9 x 14 inches (each page)—\$0.25.

(ii) Photocopy or similar process—Up to 12 x 18 inches (each page)—\$1. Over 12 x 18 inches, but less than 18 x 25 inches (each)—\$2.

(4) Single printed copy of administrative publications—12 pages or less, 10 cents; 13 to 36 pages, 25 cents; 37 to 60 pages, 50 cents; 61 to 80 pages, 75 cents; 81 to 100 pages, \$1; and over 100 pages, 1 cent a page rounded upward to the next quarter dollar. Each blank page and each introductory (Roman numeral) page is to be considered as one page, and separate paper covers are to be considered as four pages.

(5) Certification fee, if requested, per certification—\$1.

(6) Postage, registration, or other forwarding or packing fees—Actual cost (Applicable only if copies of records are requested to be shipped to a point other than the NOAA Public Reference Facility).

(b) All fees and charges will be collected in advance. The applicant will be given an estimate of the cost of records search for each application where disclosure availability is authorized. If actual cost exceeds the estimate, the applicant will have the option of either paying any additional costs, or inspecting that requested record to the extent covered by his payment. If the advance estimated payment is \$1 or more in excess of both the actual cost and the minimum charge, a refund will be made of the excess above the higher of these two amounts.

(c) The above fees are established solely for services provided pursuant to section 5 U.S.C. 552(a) (3), and do not affect fees charged for other services to the public, as may be performed under other authorities.

§ 903.9 Arrangements for public inspection and copying of available records.

(a) During his inspection of the record at the NOAA Public Reference Facility, the applicant may extract or have copied any portion of the record, and may obtain certification of a machine-copied record, subject to the fees established in 903.8.

(b) No changes or alterations of any type may be made to the record being inspected, nor may any matter be added to or subtracted therefrom. Papers bound or otherwise assembled in a record file may not be disassembled during inspection. Staff of the facility shall provide assistance if disassembly of a record is necessary for copying purposes, and are authorized to supervise public

inspection as necessary to protect the records. The public is reminded of Title 18, United States Code, section 2701(a), which makes it a crime to conceal, remove, mutilate, obliterate, or destroy any record filed in any public office, or to attempt to do any of the foregoing.

(c) If an applicant does not want to inspect a record by personal visit to the NOAA Public Reference Facility, he may request that a copy thereof be mailed to him, upon payment of the copying and postage fees set forth in § 903.8.

(d) Copies of transcripts of hearings will be made available for inspection when not in use. If NOAA's contract with a reporting service stipulates that copies of such transcripts may be sold only by the latter, persons requesting copies shall be referred to the reporting service.

(e) When appropriate in the interests of its program, NOAA may make exceptions to established charges.

§ 903.10 Requests for reconsideration of nonavailability.

(a) Any person whose application to inspect a record has been denied under § 903.7(c) may request a consideration of the initial denial, as set forth herein.

(b) The request for reconsideration should be made by completing the applicable portion of the Form CD-244, and returning it to the NOAA Public Reference Facility within 30 days following the date of the initial denial. (This date is shown on the Form CD-244.) No additional fee is required to obtain reconsideration. In submitting a request for reconsideration, the applicant should include any written arguments he desires to support his belief that the record requested should be made available. No personal appearance, oral argument or hearing shall be permitted.

(c) The decision upon such review shall be made by the Administrator, NOAA, and shall be based upon the original application, the denial, and any written argument submitted by the applicant.

(d) The decision upon review shall be promptly made in writing and communicated to the applicant. If the decision is wholly or partly in favor of the applicant, the requested record to such extent will be made available for inspection, as described in §§ 903.8 and 903.9. To the extent that the decision is adverse to the request, the reasons for the denial will be stated.

(e) A decision upon review under this section shall constitute the final action and decision of NOAA as to the availability of a requested record, except as may be required by court proceedings initiated pursuant to 5 U.S.C. 552(a) (3).

(f) Reconsideration resulting in final decisions as prescribed herein will be indexed and kept available for public reference in the NOAA Public Reference Facility.

§ 903.11 Subpoena or other compulsory process.

Procedures applicable in the event of a subpoena, order, or other compulsory process or demand of a court or other

authority are set forth in section 7 of Department Administrative Order 205-12 (32 FR 9734).

[FR Doc.74-3876 Filed 2-15-74; 8:45 am]

Title 16—Commercial Practices  
CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION  
SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS  
PART 1115—SUBSTANTIAL PRODUCT HAZARD NOTIFICATIONS

Submission of Information by Manufacturers, Distributors, and Retailers

In the *FEDERAL REGISTER* of August 3, 1973 (38 FR 20902), the Consumer Product Safety Commission, pursuant to section 15 of the Consumer Product Safety Act (15 U.S.C. 2064), proposed a regulation (16 CFR 1100.25) regarding the informing of the Commission by manufacturers, distributors, and retailers of noncomplying or defective consumer products. This document acts on that proposal, however, the material promulgated below has been expanded from a section (16 CFR 1100.25) to a part (16 CFR Part 1115).

*Principal features of Part 1115.* The purpose of Part 1115 is to establish notification requirements to be followed by manufacturers, distributors, and retailers who obtain information reasonably supporting the conclusion that one of their consumer products fails to comply with an applicable consumer product safety rule or contains a defect that could create a substantial product hazard.

Part 1115 provides that when such information is obtained, the manufacturer, distributor, or retailer shall make an initial notification to the Commission, by some means, within 24 hours. If the initial notification is by a means other than in writing, it must be confirmed in writing within 48 hours.

Thereafter, additional information submitted to the Commission shall address the nature of the hazard involved; the manner in which information concerning the hazard was obtained, including copies of consumer complaints, if applicable; the number, nature, and severity of injuries related to the product; the number of units of the product in inventory; identifying marks on the potentially hazardous units; corrective action taken; preventive measures taken; and plans regarding notice to consumers.

The information to be submitted under Part 1115 is necessary to enable the Commission to evaluate the notification and to determine if a reported product that could create a substantial product hazard does, in the Commission's opinion, create a substantial product hazard. In those cases where a manufacturer, distributor, or retailer determines that a substantial product hazard does exist, the information is necessary to help the Commission determine if the substantial product hazard has been reported in a timely fashion, if the notification is adequate, and if the corrective measures taken are appropriate for the circumstances.



*Response to the proposal.* In response to the proposal of August 3, 1973 (38 FR 20902), comments were received from 18 manufacturers, 24 associations of manufacturers, 3 retail organizations, 7 associations of retailers, an association of distributors, 2 public interest groups, 2 members of the public, an employer's council, and a law firm.

*Principal changes in provisions.* Although the provisions of the regulation promulgated below are substantially similar to those of the proposal, there are some additions, deletions, changes, etc. As stated above, the regulation has been expanded from a section to a new Part 1115. The proposed regulation required that the notification state whether injuries associated with the hazard have occurred; the promulgated regulation expands this requirement to include the number, nature, and severity of injuries associated with the hazard. The proposed requirement that a list of names and addresses of distributors, retailers, and purchasers of the product involved be submitted to the Commission has been deleted. The promulgated regulation, however, provides that persons notifying under the regulation shall make this information available to the Commission if requested. In addition, the promulgated regulation requires manufacturers to inform the Commission whether the product involved is still being manufactured, requires the submission to the Commission of copies of consumer complaints that deal particularly with the potential product hazard, and requires that the Commission be informed whether refund, replacement, or repair actions have or will be taken and, if applicable, how the manufacturer plans to dispose of existing inventory.

*Issues raised by the comments and CPSC decisions thereon.*—A. *Authority to promulgate section 15(b) notification requirements.* Comments were received from one manufacturer, one association of retailers, and seven associations of manufacturers regarding the authority of the Commission to promulgate the proposed regulation dealing with notification requirements under section 15(b) of the Consumer Product Safety Act. The comments contend that the notification requirements exceed the Commission's authority.

Because section 15(b) is viewed as contemplating a notice of "failure to comply" or of a defect which could create a "substantial product hazard" to the Commission, the extensive notification requirements are viewed by the commenters as going beyond the statutory authority. In particular, the comments question the Commission's reliance on sections 15(a), 15(b), 27(b), and 27(e) of the act to justify the proposed regulation.

Three comments specifically question the general jurisdiction of the Commission with respect to the items specified in paragraph (c) of the proposed regulation, which enumerates the types of information the Commission considers essential in determining the existence of a substantial product hazard.

Section 15(b) of the act specifically requires every manufacturer, distributor, and retailer of a consumer product distributed in commerce to immediately notify the Commission "upon obtaining information which reasonably supports the conclusion that such product fails to comply with an applicable consumer product safety rule or contains a defect which could create a substantial product hazard" (15 U.S.C. 2064(b)). The proposed regulation details an effective manner for compliance with section 15(b) of the act.

Moreover, other sections of the act provide support for the Commission's proposed regulation. Section 27(b) of the act grants to the Commission the power to require, by general order, any person to submit in writing such reports and answers to questions as the Commission may prescribe (15 U.S.C. 2076(b)). This section applies with particularity to distributors and retailers who obtain information which reasonably supports the existence of a substantial product hazard and it is the basis on which the Commission exercises jurisdiction over distributors and retailers. Section 27(e) grants authority to the Commission to require performance and technical data from any manufacturer in order to carry out the purposes of the act (15 U.S.C. 2076(e)). This section provides the Commission with the authority to require manufacturers to supply the Commission with data which are within the knowledge of the manufacturer and are essential in carrying out the purposes of section 15(b).

The Commission does not consider the information sought in § 1115.7(a) of the promulgated regulation to be unreasonable. The most complete notification possible is required to protect the public against unreasonable risks of injury associated with consumer products.

For these reasons the Commission reaffirms not only its authority to promulgate this regulation but also the statutory basis for 16 CFR Part 1115.

B. *Application of notification requirements to the transferred acts.* Comments were received from one retail organization, two associations of retailers, and three associations of manufacturers questioning the Commission's authority to apply the notification requirements of section 15(b) of the act to the products subject to regulations under authority of the acts transferred to the Commission by section 30 of the Consumer Product Safety Act (15 U.S.C. 2079); namely, the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), and the Refrigerator Safety Act (15 U.S.C. 1211 et seq.). The comments rely on section 30(d) of the Consumer Product Safety Act which states that a "risk of injury associated with consumer products which could be eliminated or reduced to a sufficient extent" by action taken under the Federal Hazardous Substances Act, the Poison Prevention Pack-

aging Act of 1970, and the Flammable Fabrics Act may only be regulated by the provisions of those acts. One association of retailers also requested clarification on the status of the Refrigerator Safety Act, which is covered in section 30(c), but is not mentioned in section 30(d) of the act.

The Commission affirms the position expressed in the proposed regulation that it has the authority to require manufacturers, distributors and retailers of "consumer products" (as that term is defined in section 3(a) of the act) which are subject to regulation by the Commission under provisions of the Federal Hazardous Substances Act, the Poison Prevention Packaging Act of 1970, the Flammable Fabrics Act, or the Refrigerator Safety Act to comply with the requirements for notification of defects set forth in section 15(b) of the Consumer Product Safety Act and the provisions of Part 1115 promulgated below. Reports are required for defects which create or could create a substantial product hazard. Failures to comply with a standard or regulation issued under the provisions of the transferred acts are not required to be reported unless such failures to comply are also defects which create or could create a substantial product hazard.

Upon considering the numerous possibilities of risk to the consuming public by products falling within the authority of these acts, the Commission finds under section 30(d) of the act that such risks can neither be eliminated nor reduced to a sufficient extent in a timely fashion unless the Commission is notified under section 15(b) of the act. This finding by the Commission is based on the fact that none of the provisions of the transferred acts require notification to be made to the Commission upon the obtaining of information which reasonably supports the existence of a substantial product hazard. The Commission has determined this type of notification to be essential for the purpose of protecting the consuming public against unreasonable risks of injury associated with consumer products. The lack of notification requirements under the transferred acts combined with the clear intent of the Congress to give the Commission discretion to regulate risks of injury which cannot be eliminated or reduced to a sufficient extent under the transferred acts supports the Commission's findings, based on section 30(d) of the act, that it is essential for the Commission to obtain all available information from manufacturers, distributors and retailers of consumer products regarding substantial product hazards.

The Commission reemphasizes that this section 15(b) notification applies only to defects and not to violations of standards or regulations issued under the transferred acts which do not involve a defect. Moreover, this finding by the Commission is not contrary to the purposes of section 30(d) of the Act since the Commission intends to regulate those products subject to the transferred acts according to the provisions of such acts;

the requirement of a section 15(b) notification does not carry with it automatic regulation of the product under the Consumer Product Safety Act. If a notification were received of a defect in a product subject to a transferred act, a further determination under the provisions of section 30(d) as to the specific risk of injury presented by that defect would be required before any further action could be taken under the provisions of the Consumer Product Safety Act.

In response to the request for clarification concerning the applicability of the notification requirements of the act to manufacturers, distributors, and retailers of consumer products subject to regulation under provisions of the Refrigerator Safety Act, the Commission observes that section 30(d) of the Act is not applicable to risks of injury associated with consumer products subject to regulation under provisions of the Refrigerator Safety Act. Therefore, all manufacturers, distributors, and retailers of consumer products subject to regulation under provisions of the Refrigerator Safety Act are subject to the notification requirements of the Consumer Product Safety Act without a further determination under section 30(d).

C. *Specific jurisdictional questions.* 1. Comments were received from two associations of manufacturers regarding the application of the act to boats and associated equipment. The comments state that section 3(a)(1)(G) of the act specifically reserves to the Coast Guard exclusive jurisdiction over all boats and vessels falling within the scope of the regulatory authority of the Boat Safety Act of 1971. The area of "associated equipment" is viewed by the commenters as posing a more difficult jurisdictional question as the Boat Safety Act is broad enough to cover marine safety articles "intended for use by a person on board a boat" (46 U.S.C. 1452(8)(c)), which would seem to cover many consumer products such as flashlights, fire extinguishers, etc. The commenters suggest that this area of overlap could be avoided if manufacturers whose products are intended exclusively for marine application were to label their products "For Marine Use Only" or words to that effect.

The Commission finds that boats and vessels, as defined at 46 U.S.C. 1452(1) and (2), are specifically exempted from the coverage of the Consumer Product Safety Act and, therefore, the notification requirements of the act are not binding on manufacturers, distributors, or retailers of such products.

Associated equipment, as defined at 46 U.S.C. 1452(8), which is not capable of nonmarine application, is also specifically exempted from the coverage of the Consumer Product Safety Act.

Equipment or accessories which are capable of both marine and nonmarine applications are within the jurisdiction of both the Boat Safety Act of 1971 and the Consumer Product Safety Act. However, if the item may be used as a "con-

sumer product," as defined at 15 U.S.C. 2052, even though that may not be its predominant use, it comes within the jurisdiction of the Consumer Product Safety Act, and manufacturers, distributors and retailers of such items must comply with the notification requirements of this act.

2. Comments were received from two trade associations regarding the authority of the Consumer Product Safety Commission to require manufacturers, distributors, and retailers of drugs to comply with section 15(b) of the act. The comments state that drugs are specifically excluded from the definition of a consumer product (15 U.S.C. 2052) and therefore the notification requirements of section 15(b) are inapplicable.

The Commission agrees with these comments. Section 15(b) of the Act applies only to "consumer products distributed in commerce" and since drugs are not consumer products according to the act, the notification requirements of the act are inapplicable to manufacturers, distributors, and retailers of drugs.

Child-resistant packaging in which drugs and other products are packaged so as to comply with the provisions of the Poison Prevention Packaging Act of 1970 does come within the coverage of section 15(b); therefore, manufacturers, distributors, and retailers of such packaging must comply with the notification requirements of the act as to any defects in the packaging which create or could create a substantial product hazard.

3. Comment was received from the National Association of Bedding Manufacturers (NABM) questioning the Consumer Product Safety Commission's authority to require the mattress industry to comply with the notification requirements of section 15(b) of the act. NABM states that it would be "both inappropriate and unwarranted to place the requirements of proposed § 1100.25 on the mattress industry," which is currently regulated by the provisions of the Flammable Fabrics Act. As has been fully explained in paragraph B of this preamble, there is no inconsistency in the application of the notification requirements of the act as to any defects which create or could create a substantial product hazard and in the application of the Flammable Fabrics Act. The Flammable Fabrics Act and its implementing standards do not require reports of defects. Manufacturers, distributors, and retailers of products subject to the Flammable Fabrics Act must therefore comply with the notification requirements of the Consumer Product Safety Act. This in no way affects the duty of manufacturers of mattresses to comply with the existing Flammability Standard for Mattresses (FF 4-72).

4. Comment received from the Recreational Vehicle Institute questioned the jurisdiction of the Consumer Product Safety Commission over recreational vehicles and equipment, including motor homes, travel trailers, camping trailers, fifth-wheel travel trailers, slide-in campers, and pickup covers. Any motor ve-

hicle, as defined at 15 U.S.C. 1391(3), and any motor vehicle equipment, as defined at 15 U.S.C. 1391(4), is specifically excluded from the coverage of the act (15 U.S.C. 2052). Therefore, manufacturers, distributors, and retailers of such products are not required to comply with the notification requirements of the act.

A more complex jurisdictional question arises in the area of components, appliances, or equipment which are manufactured both for use in recreational vehicles and for use in other types of accommodations or activities. Such an item would seemingly fall within the scope of both the Motor Vehicle Safety Act and the Consumer Product Safety Act. However, if the item may be used as a consumer product, as defined at 15 U.S.C. 2052, even though that may not be its predominant use, it comes within the jurisdiction of the Consumer Product Safety Act. Manufacturers, retailers and distributors of recreational items that are consumer products must therefore comply with the notification requirements of the act.

It should be noted that mobile homes do not come within the definition of consumer product (15 U.S.C. 2052) and therefore are not covered by the act. However, any component, equipment, or appliance sold with or used in or around a mobile home does come within the scope of the act and manufacturers, distributors and retailers of such products must comply with the notification requirements of the act.

Snowmobiles and minibikes, which are not primarily used on the public streets, roads, or highways, do fall within the coverage of the act; therefore, manufacturers, distributors, and retailers of such products must comply with the notification requirements of the act.

5. A specific comment dealing with the Commission's authority with respect to toys was received from the Toy Manufacturers of America (TMA). TMA states that unless the Commission exercises its authority pursuant to section 30(d) of the Consumer Product Safety Act to regulate risks of injury associated with toys or other articles intended for use by children under the terms of the Consumer Product Safety Act, the Commission can only regulate such items under the provisions of the Federal Hazardous Substances Act. TMA emphasizes, however, its preference for regulation under the Consumer Product Safety Act and has submitted a petition to this effect which was denied by the Commission on October 16, 1973 (38 FR 28715).

As stated in Part B of this Preamble, the Commission finds that risks of injury associated with consumer products falling under jurisdiction of the Federal Hazardous Substances Act can neither be eliminated nor reduced to a sufficient extent unless the Commission is notified pursuant to section 15(b) of the act. Therefore, as to defects which could create a substantial product hazard, manufacturers, distributors, and retailers of toys or other articles intended for use by children, to the extent these are con-



sumer products as defined at 15 U.S.C. 2052, must comply with the notification requirements of the act.

**D. Due process controversy.** Comments were received from one association of retailers, two manufacturers, and four associations of manufacturers stating that the section 15(b) notification requirements and the provisions of the regulation published on August 3, 1973, would deprive manufacturers, distributors, and retailers of due process of law. The thrust of the comments is that complete notification will circumvent the procedures of section 15(c) and (d) of the act; will deprive manufacturers, distributors, and retailers of the basic due process right to an adjudicatory hearing; and will alter the statutory provisions used to determine whether public or personal notice, or repair, replacement, or refund must be provided.

The Commission finds these arguments to be without merit. The information sought by the regulation promulgated below is required by the Commission in making an informed decision whether further action by the Commission is necessary. After review by the Commission it may be decided that the reported defect does not present a substantial product hazard or that the actions already taken adequately protect the public. Compliance with the notification requirements of the act in no way circumvents section 15 (c) and (d) of the act, which allow for remedial action only upon a finding based on a hearing. The right to a hearing, prior to notice and remedy orders, in accordance with the Administrative Procedure Act is specifically mandated by the act (15 U.S.C. 2064(f)) and will be followed by the Commission. The statutory provisions in section 15 (c) and (d) of the act will also be followed. The Commission does not have the authority to make the information received in the notification requirements the basis for notice and remedy orders without following the statutory provisions of section 15 (c) and (d). It is expressly stated that notice and remedy orders may be issued only after a hearing (15 U.S.C. 2064 (c) and (d)) and the Commission intends to comply with this statutory language. Therefore, the Commission finds no denial of due process in the provisions of the regulation.

**E. Time requirements: Initial notification.** Comments were received from ten manufacturers, nine associations of manufacturers, two associations of retailers, and one member of the public regarding the time period within which initial notification is to be made to the Commission. The comments stress the impossibility of complying with detailed initial notification requirements within such a short time span and suggest that between thirty days and six months be given for compliance. One comment suggests that notification to the Commission include a definite statement as to whether or not manufacture of the product has been halted and a statement regarding proposed disposition of finished goods and work in process inventory.

The Commission reaffirms its position in the proposed regulation, but recognizes that clarification is needed in the area of time requirements for initial notification. It is the intent of the Commission that manufacturers, distributors and retailers of consumer products immediately inform the Director of the Bureau of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 496-7631, upon "obtaining information which reasonably supports the conclusion that a consumer product fails to comply with an applicable consumer product safety rule or contains a defect which could create a substantial product hazard." Despite the use of the statutory language to pinpoint the tolling of the twenty-four hour notification period, questions will inevitably arise as to the exact point at which this time period begins to run. Although it is obvious that no exacting standard can be formulated on this issue because of the differences in the manufacture and distribution of consumer products, the Commission intends that this provision for immediate notification be met without placing an unreasonable burden on the notifying party. For example, it is not intended that this twenty-four hour notification period begin to run when a potential defect or failure to comply is discovered by an employee working on the assembly line; however, when this information is conveyed to management and confirmed as presenting a potential product hazard, the twenty-hour notification period begins to run. The Commission emphasizes that no delay in the process of notification to management or in the confirmation by management of a potential product hazard will be tolerated. Information regarding a defect or a failure to comply which could create a substantial product hazard must be treated as a matter of top priority at all times by persons subject to this regulation.

The initial notification shall include responses to those items listed in § 1115.5 of the regulation and, to the extent such information is available, responses to those items listed in § 1115.7. This information shall be submitted by any means but shall be received by the Commission within twenty-four hours of obtaining information which reasonably supports the conclusion that a defect or a failure to comply with an applicable consumer product safety rule has occurred.

If the initial notification is by any means other than in writing, it shall be confirmed in writing within forty-eight hours of obtaining information which reasonably supports the conclusion that a defect or a failure to comply with an applicable consumer product safety rule has occurred. Such written confirmation shall contain responses to the items listed in § 1115.5 of the regulation and, to the extent such information is then reasonably available, responses to the items listed in § 1115.7(a).

The Commission realizes that all of the information sought in § 1115.7(a) will

not be available within 48 hours. The regulation requires only that information which is reasonably available. The balance of the material sought is to be furnished as soon as it can be obtained by the person making the notification.

The Commission also realizes that in some cases no one in the manufacturing or distributing chain will be able to supply all of the information requested in § 1115.7(a). Should this be the case the Commission would treat a response stating that such information is not available as an adequate response for the purposes of this regulation. However, the Commission would, in those cases, have to make any regulatory decision based on the assumption that the worst possible answer, in terms of hazard to consumers, had been received.

These time limits refer to notification during working hours within the business week. Thus, if a manufacturer, distributor, or retailer obtains information regarding a defect or a failure to comply on Friday, he is obliged to make immediate notification no later than the following Monday and is obliged to make written confirmation no later than the following Tuesday.

The additional notification requirements requested in the comments concerning whether or not the manufacture of a particular consumer product has ceased and concerning the proposed disposition of finished goods and work in process inventory are favored by the Commission and have been included as § 1115.7(a)(14) and (23) of the regulation.

**F. Time requirements: Complete notification.** Comments were received from four trade associations questioning the "open-endedness" of paragraph (d) of the proposed regulation. The comments emphasize a desire for a time limit within which complete notification will have occurred.

The Commission understands the interest of manufacturers in securing a time limit, but emphasizes that such a time limit can work to the disadvantage of manufacturers as well as to their advantage. If a time limit for complete notification were to be ordered by the Commission, manufacturers, distributors, and retailers would be forced to furnish extensive notification reports within a short time period irrespective of the current status of their recordkeeping, the type of consumer product distributed in commerce, and the number of consumer products so distributed. The Commission finds that the explanation of "complete notification" in § 1115.7(d) and (e) of the regulation will allow for the receipt of all pertinent information without placing an undue burden on manufacturers, distributors, and retailers and will also give the Commission the flexibility it needs to deal with each problem on a case-by-case basis. The Commission, therefore, reaffirms its position on complete notification and no time limit is established.

**G. Proprietary information.** Comments were received from four associations of manufacturers and two manufacturers regarding the status of proprietary information which is submitted to the Commission in order to comply with the notification requirements of section 15(b) of the act.

The Commission recognizes the hesitation of a manufacturer to turn over information which could aid his competitors. However, § 1115.7(a)(24) of the regulation does not place an undue burden on the manufacturer. It emphasizes the right of the reporting party to separate that information which the reporting party believes is entitled to protection under the provisions of the Freedom of Information Act (5 U.S.C. 552) and section 6 of the Consumer Product Safety Act (15 U.S.C. 2055).

Section 6 provides that "any information described by subsection (b) of section 552, title 5, United States Code," any information "otherwise protected by law from disclosure to the public," or any information "which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code" shall be confidential (15 U.S.C. 2055(a)(1) and (2)). The Commission fully intends to provide protection for the above-mentioned types of proprietary information which are received in response to § 1115.7(a)(24) of the regulation. Moreover, section 6(b) of the act would apply to any information to be released by the Commission which would permit the public to readily identify the manufacturer. Thus, if information were obtained from a retailer or distributor about a manufacturer's product, the Commission is bound by this provision of the act to give the manufacturer an opportunity to assess and respond to this information before the Commission may make a public release. However, it should be pointed out that section 6(b) of the act grants to the Commission the power to substantially shorten the notice to a manufacturer if health and safety factors are involved.

For these reasons, the Commission reaffirms the position taken in the proposed regulation.

**H. Request for additional information.** Comments were received questioning the ability of the Commission to request additional information in § 1115.7 (d) and (e). The comments state such requests are "an invitation to open-ended and unlimited investigations and to harassment of persons who have given the type of notice contemplated by the statute, but who, for whatever reason, do not provide the types of answers desired by the staff, to the numerous extraneous questions reflected in the proposed regulations."

While the Commission recognizes the broadness of the language used in these paragraphs, it emphasizes that its intent is to obtain relevant information from manufacturers, distributors, and retailers. The Commission realizes that additional information may be essential to complete notification and, therefore, no change in the regulation is warranted.

**I. Waiver of defenses.** One association of manufacturers questioned whether the final statement described in paragraph (f) of the proposal published on August 3, 1973, was a waiver of all defenses.

The Commission in no way views the final statement in this light. Manufacturers, distributors and retailers are entitled to a hearing under section 15(f) of the act before any order may be issued by the Commission pursuant to section 15(c) and (d), and this legislative intent would be circumvented if the manufacturer, distributor, or retailer had waived all defenses at the time of the hearing by complying with the requirements of section 15(b) of the act. Therefore, no substantive change is made in the section dealing with final statements.

**J. Comments on language used in proposed regulation.** 1. Comments were received from two manufacturers and two associations of manufacturers regarding the reference made in the proposed regulation to the applicability of the definitions of terms made in section 3 of the act. The commenters request a clarification of the meaning of "substantial product hazard" as that term is used in section 15(a) and, by reference, in section 15(b) of the act.

The Commission finds that the statutory definition of "substantial product hazard" is sufficient for the purposes of the notification requirements of the act.

2. Comment was received from one association of retailers requesting elaboration of the phrase "potential product hazard."

The Commission chose these words to emphasize that section 15(b) requires the reporting of defects which "could create a substantial product hazard." The notifying party should consider the number, nature, and severity of the defective or noncomplying products before notifying the Commission of a potential product hazard. Accordingly, the subject phrase has not been changed.

3. Two trade associations requested clarification on the exact meaning of a "merchandise," as that phrase is used in section 15(b) of the Consumer Product Safety Act. The comments questioned whether a notification, under section 15(b) of the act, must be given when according to the best information available to the manufacturer, a defect in a consumer product or a failure of a consumer product to comply with an applicable consumer product safety rule is discovered and remedied before leaving the manufacturer's plant.

In response to these comments, the Commission emphasizes the broad statutory definition given to "commerce" in section 3(a)(12) of the act. For the purposes of this regulation, however, a manufacturer who corrects a defect in a consumer product or a failure of a consumer product to comply with an applicable consumer product safety rule while all units of such product are still within his plant, need not comply with the notification requirements of the act.

4. Comments were received from seven manufacturers, ten associations of

manufacturers, two retail organizations, and one association of retailers questioning the use of the word "discovery" in paragraphs (b)(1), (b)(3), and (c) of the proposed regulation to describe the manner in which a reporting party learns of a defect or of a failure to comply. According to the comments, the idea that a defect is "discovered" is overly simplistic. "A determination that a defect exists in a consumer product or that a failure to comply with an applicable consumer product safety rule has occurred involves investigation and deliberation."

The Commission agrees with the comments and concludes that the word "discovery" should be replaced with the statutory language "upon obtaining information which reasonably supports the conclusion that such product fails to comply with an applicable consumer product safety rule or creates a substantial product hazard." Sections 1115.4, 1115.3, and 1115.7(a) of the regulation read accordingly.

5. One manufacturer, one association of manufacturers, one retail organization, and one consumer group expressed interest in the phrase "as available" in paragraph (b)(3) of the proposed regulation which is used to qualify the amount of information which must be forwarded to the Commission for the purposes of initial notification. Two commenters feel that the phrase should be changed to read "as is readily available"; another states that the phrasing should be changed to place less responsibility on retailers; while still another states that the phrase should be deleted as it provides a "loop-hole" through which to escape the notification requirements of the act.

The Commission recognizes the merit of all the comments but finds that a proper balance can be best struck by leaving the wording as originally published.

The Commission, however, is aware that retailers and distributors may not be in a position to comment on the various requested items in § 1115.7(a) of the regulation and, for that reason, has designated the person(s) it considers primarily responsible for supplying the specific information requested by this regulation. In connection with this designation of the most appropriate notifying party, the Commission emphasizes that, according to section 3(a)(4) of the act, a manufacturer includes any person who manufactures or imports a consumer product. This designation is not to be reviewed as a limitation on the responsibility of a notifying party who obtains information in addition to that for which he is primarily responsible; the notifying party is responsible for the most complete notification possible. The Commission finds that this approach is the most reasonable way in which to accomplish the purposes of section 15(b) of the act without placing an impossible burden on the manufacturer, distributor or retailer. § 1115.7(a) of the regulation reads accordingly.



**K. Extent of Notification Requirements.** Many comments were received questioning the enumerated items appearing in paragraph (c) of the proposed regulation. The comments state that some of the information requested, particularly that requested in paragraph (c) (14)-(22) of the proposed regulation, goes beyond that needed by the Commission to carry out the purposes of section 15(b) of the act. Other comments question the language of the individual items. The Commission will discuss these comments individually.

1. One manufacturer asked that the word "potential," as used in paragraph (c) (3), (4), (5), (6), and (7) of the proposed regulation to describe the type of product hazard which is the subject of a 15(b) notification, be changed to "possible" as the former word carries the import of a hazard which might exist in the future while the intention of the request should be to discern the possibility of a defect or of a failure to comply with an applicable consumer product safety rule.

The Commission finds no merit in this request. Webster's Third New International Dictionary defines "potential" as "expressing possibility" and, thus, the comment seems to hinge on subjective semantics.

2. One manufacturer questioned the importance of paragraph (c) (5) of the proposed regulation which requires the reporting party to disclose the manner in which the potential hazard was discovered. The manufacturer states that the paragraph "seems to have little relevance to the steps to be taken to protect the public from hazard."

The Commission finds this paragraph to be helpful in pinpointing the place in the channels of commerce where the consumer product has come to rest and, more importantly, it is helpful in determining the extent of the potential danger posed by the consumer product. For these reasons, this paragraph is included in the regulation.

3. Several comments were received regarding the wording of paragraph (c) (7) of the proposed regulation which requires information on any injuries associated with the hazard or potential product hazard. One comment requests that the words "associated with" be changed to "that were caused by."

Another commentator suggests that the number, nature and severity of such injuries be reported to the Commission.

The Commission rejects the first suggestion as it places an extremely narrow construction on the intended meaning of the requirement. The Commission finds merit in the other suggestion and § 1115.7(a) (7) of the regulation reads accordingly.

4. (i) Paragraph (c) (8) of the proposed regulation which deals with the number of products and the number of units of each such product which presents a hazard or potential product hazard, was commented on by one manufacturer and one association of manufacturers. The manufacturer states that

"information requested by paragraph (c) (8) is not required until such time as the product hazard is identified and jurisdiction attaches under section 15(c) and (d)."

As the Commission has tried to make clear throughout the course of this preamble, the notification requirements of the act do not take the place of the provisions of sections 15(c) and (d) of the act. The purpose of § 1115.7(a) (8) is clearly to identify the product(s) and the number of units of such product(s) which present a potential product hazard.

(ii) Another comment requested that the term "product," as used in paragraph (c) (8) of the proposed regulation, be defined as "an article, a single generic type of consumer good (or component thereof) and shall be distinct from variations due to design" and that the term "unit" be defined as "a single item of a product."

The Commission finds that the definition provided for "consumer product" in section 3(a) of the act is adequate and also finds that the term "unit" is sufficiently understood by the general public and needs no further elaboration. Accordingly, paragraph (c) (8) of the proposal is included in the promulgated regulation as § 1115.7(a) (8).

5. Two comments were received dealing with paragraph (c) (9) of the proposed regulation which requires information on the number of units of each product in the hands of consumers. Once again, a comment states that such information is not required until section 15(c) and (d) of the act have come into play. The Commission has dealt with this issue throughout this preamble and finds no merit in it.

Another comment states that "it will be difficult, and in some cases impossible, for manufacturers to obtain this information. It may be possible to accomplish this only through computerization of inventory, shipping, and sales records. Many manufacturers and their dealers will find that this responsibility may put them out of business."

The Commission does not intend to take a callous attitude toward manufacturing interests and recognizes that the burden placed on manufacturers, distributors, and retailers by these notification requirements may be extensive. However, the Commission is not, at this time, requiring specific records to be maintained, leaving a manufacturer free to make a public announcement of a substantial product defect in lieu of pinpoint notification. Therefore, the Commission supports the inclusion of paragraph (a) (9) of § 1115.7.

6. Comments were received from one manufacturer, one retailer, and one association of manufacturers regarding paragraph (c) (10) of the proposed regulation, which concerns the dates when the units were manufactured and distributed. Two commenters find the word "faulty" a poor choice to describe a defect in a consumer product or a failure to meet an applicable consumer product

safety rule and suggest that the statutory language be substituted or that the word "potentially" be included before "faulty."

The retailer points out "since the distribution system is covered by paragraph (c) (11), paragraph (c) (10) should be confined to the date when the units were manufactured and shipped from the factory."

The Commission agrees that the word "faulty" is inappropriate and has removed it from § 1115.7(a) (10). Moreover, the Commission also agrees with the retailer's comment regarding the redundancy of paragraph (c) (10) and (11) of the proposed regulation. Section 1115.7(a) (10) of the regulation is changed accordingly.

7. Comments were received from one retail organization and one manufacturer regarding the necessity of paragraph (c) (11) of the proposed regulation which requires an accounting of when and where such products (and the number of units of each product) were distributed. The comments state that providing the information requested is premature and that the tracing of the units through the channels of commerce is not necessary for the Commission's purposes.

The Commission finds these arguments to be without merit. It is precisely the type of information requested in § 1115.7(a) (11) of the regulation that will allow the Commission to adequately weigh the dangers posed by the potential product hazard. The Commission, therefore, includes § 1115.7(a) (11) in this promulgation.

8. One manufacturer and one trade association request that paragraph (c) (12) and (13) of the proposed regulation be modified with a qualifying phrase, such as "for products so identified," as many consumer products cannot practically be serialized.

The Commission recognizes the narrow scope of these two paragraphs and amends both to include "identifying marks."

The Commission also finds the comments to have merit and has added to paragraph (a) (12) and (13) of § 1115.7 the phrase: "for products so identified."

9. Comments were received from one manufacturer and one retail organization objecting to paragraph (c) (14) of the proposed regulation which would require a company involved in 15(b) notification to produce lists of names and addresses of every distributor, retailer, and purchaser and to have them available in connection with its records of defect. Paragraph (c) (14) of the proposed regulation is viewed as posing a voluminous, if not impossible, recordkeeping requirement.

The Commission has reassessed paragraph (c) (14) of the proposed regulation and agrees with the comments that submission automatically of all the requested information could work an undue hardship on persons reporting under the provisions of the regulation without, in some cases, aiding the Commission in

its mission. Accordingly, this requirement has not been included in Part 1115.

However, the Commission has added paragraph (c) of § 1115.7 to the regulation and paragraphs (d), (e), and (f) of the proposed regulation are being issued as § 1115.7(d), § 1115.7(e) and § 1115.8, respectively.

The new paragraph requires persons reporting under the provisions of the regulation to make available to the Commission, upon request, the information previously required to be sent to the Commission in paragraph (c) (14) of the proposed regulation. In this manner the information will be requested only when necessary. If the information sought by the Commission is not available because the recordkeeping system of the reporting person cannot furnish such material, the Commission will then have to base its regulatory action upon the best available information.

10. One association of manufacturers states that paragraph (c) (16), (17), (18), and (19) of the proposed regulation tends to be coercive of results which the statute provides will be obtained, if at all, as a result of a full adjudicatory hearing under 5 U.S.C. 554.

The Commission has addressed this argument on numerous occasions in this preamble and finds no merit in the suggestion.

11. One retail organization objects to the word "purchasers" in paragraph (c) (16) of the proposed regulation when that term is used to describe the persons to whom the reporting party has, is, or will be giving advice regarding a potential product hazard. The commenter emphasizes his objection to the term if it is intended to include consumers. The retail organization states that it may be impossible to advise many purchasers of corrective action due to the inability to ascertain the identity of the purchasers.

The Commission does indeed intend the word "purchaser" to include consumers, but it does not find that paragraph (c) (16) of the proposed regulation presents an impossible task.

Paragraph (c) (16) of the proposed regulation is not an order to take corrective action; this would be contrary to the provisions of section 15 (c) and (d) of the act. It is merely an inquiry regarding what corrective action has been independently taken by manufacturers, retailers, or distributors. The fact that complete lists of purchasers may be unavailable is recognized by the Commission. The Commission is merely interested in the steps that have been taken to remedy a potential product hazard. Paragraph (c) (16) of the proposed regulation is included in the regulation as § 1115.7(a) (19).

12. It was requested that a new provision be added to § 1115.7(a) that will read "What efforts have been or will be made to repair, replace, or refund the price of such products?"

The Commission recognizes that it is inconsistent to inquire about one form of corrective action, namely, notification,

without making inquiry into the other areas of corrective action. For this reason, the Commission finds the suggestion to have merit and has changed the regulation accordingly. The Commission stresses, however, that this is not a requirement that corrective action be taken.

13. Comment from one member of the public suggests that information submitted in response to paragraph (c) (19), (20), and (21) of the proposed regulation be submitted at some later date, "perhaps no later than six months after the initial notification."

As the Commission has fully explained in Part F of this preamble, complete notification is extremely important in carrying out the functions of the Commission. For this reason, the Commission denies this request and these paragraphs appear as (a) (16)-(18) of § 1115.7 of the regulation.

14. Comments dealing with § 1115.7(a) (24) of the regulation have been fully covered in part G of this preamble, which deals with proprietary information. However, in response to numerous inquiries, the Commission wishes to point out that the last sentence in paragraph (c) (22) of the proposed regulation should be a separate paragraph. Accordingly, that provision appears in the regulation as § 1115.7(b).

**L. Additional Requests.** 1. One consumer group suggests that the Commission require manufacturers, distributors, and retailers to forward to the Commission copies of consumers' complaints which relate to the potential product hazard that is the subject of the section 15(b) notification.

The Commission finds merit in this suggestion and § 1115.7(a) (5) of the regulation read accordingly.

2. Another comment suggests that a retailer or distributor who notifies the Commission of a potential consumer product defect or of a failure to comply with an applicable consumer product safety rule also forward such information to the manufacturer of the consumer product.

While the Commission does not have the authority to require that such notification be made to a manufacturer, it finds merit in the proposal and suggests that retailers and distributors forward this notification to manufacturers.

3. Comments were received from one law firm and one association of manufacturers questioning whether section 15 (b) of the act and the regulations promulgated thereunder are prospective or retrospective in scope. One of the comments requests that notification be required only for those consumer products distributed in commerce after the effective date of the act.

The Commission does not accept this view. Nothing in the act states that the Commission's authority extends only to those consumer products distributed in commerce after May 14, 1973. The Commission is expressly mandated to "protect consumers against unreasonable

risks of injury from hazardous products" and the Commission finds this includes any consumer product which has been distributed in commerce and has come or could come into the hands of the consuming public. This does not mean that a manufacturer, distributor, or retailer who obtained information which reasonably supported the existence of a defect or of failure to comply prior to May 14, 1973 (the date the Commission was activated), is now required to comply with the notification requirements of section 15(b) and the provisions of the regulation promulgated below; rather, every manufacturer, distributor, or retailer who obtains information after May 14, 1973, which reasonably supports the conclusion that a consumer product, which has been distributed in commerce and which has come or could come into the hands of the consuming public, contains a defect or a failure to comply with an applicable consumer product safety rule, is required to notify the Commission in accordance with section 15(b) and the provisions of the regulation promulgated below.

**M. Filing a section 15(b) notification.** The chief executive officer of the notifying company shall sign and certify any information forwarded to the Commission for the purposes of complying with section 15(b) of the act, or shall delegate this responsibility and so advise the Commission in writing. The form set forth in § 1115.9 may be used to inform the Commission of this delegation of responsibility.

**Conclusion.** Having evaluated the comments received and other relevant information, the Commission concludes that the proposed regulation, with the changes discussed above, should be adopted as set forth below.

Accordingly, pursuant to provisions of the Consumer Product Safety Act (Pub. L. 92-573), secs. 15 (a), (b), 27 (b), (c), 30, 86 Stat. 1221, 1228, 1231 (15 U.S.C. 2064 (a), (b), 2076 (b), (c), 2079)), Title 16 is amended by adding the following Part 1115 to Subchapter B of Chapter II:

Sec.  
1115.1 Scope.  
1115.2 Purpose.  
1115.3 Definitions.  
1115.4 General requirements.  
1115.5 Initial notification.  
1115.6 Time limits for initial notification...  
1115.7 Subsequent notification.  
1115.8 Final statement.  
1115.9 Delegation of authority.  
AUTHORITY: Secs. 15 (a), (b), 27 (b), (c), 30, 86 Stat. 1221, 1228, 1231 (15 U.S.C. 2064 (a), (b), 2076 (b), (c), 2079)).

§ 1115.1 Scope.

This Part 1115 prescribes notification requirements to be followed by manufacturers, distributors, and retailers who obtain information which reasonably supports the conclusion that one of their products falls to comply with an applicable consumer product safety rule or contains a defect which could create a substantial product hazard.



## § 1115.2 Purpose.

The purpose of this Part 1115 is to enable the Commission to evaluate notifications to determine if a reported product which could create a substantial product hazard does, in the Commission's opinion, create a substantial product hazard and to determine the adequacy of a substantial product hazard notification.

## § 1115.3 Definitions.

The definitions of terms set forth in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) shall apply to such terms as used in this Part 1115.

## § 1115.4 General requirements.

Every manufacturer of a consumer product distributed in commerce and every retailer and distributor of such consumer product shall immediately inform the Director, Bureau of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207 (phone (301) 496-7631), of any defect or failure to comply immediately upon obtaining information which reasonably supports the conclusion that a consumer product fails to comply with an applicable consumer product safety rule or upon obtaining information which reasonably supports the conclusion that a product contains a defect which creates or could create a substantial product hazard. Such manufacturer, distributor, or retailer need not so inform the Commission if the manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of such defect or failure to comply. For the purposes of this Part 1115, the Commission will be "adequately informed" when it has received the information specified in this Part 1115.

(1) Name and address of the person informing the Commission (manufacturer, distributor, retailer).  
(2) Identification of the product, including description and retail price; name and address of the manufacturer of the product; and location of manufacturing plants (manufacturer, distributor, retailer, to the extent known to each).  
(3) Nature of the potential product hazard (manufacturer, distributor, retailer).  
(4) Date upon which information was obtained which reasonably supported the conclusion that a potential product hazard existed (manufacturer, distributor, retailer).  
(5) Manner in which information was obtained supporting the existence of a potential product hazard, such as consumer complaint, quality control testing, etc. If consumer complaints are involved, copies of such complaints should be forwarded to the Commission. (Manufacturer, distributor, retailer).  
(6) Nature of the potential injury associated with the potential product hazard (manufacturer, distributor, retailer).  
(7) Whether injuries have occurred associated with the hazard or potential product hazard. Include the number, nature, and severity of such injuries. (Manufacturer, distributor, retailer, to the extent known to each).  
(8) Number of products which present a hazard or a potential product hazard and the number of units of each such product involved (manufacturer, distributor, retailer, but distributor and retailer only to the extent known from products at hand).  
(9) Number of units of each product in the hands of consumers (manufacturer, distributor, retailer, but distributor and retailer only to the extent known from products at hand).  
(10) Specific dates when units were manufactured and shipped from the factory (manufacturer, but distributor and retailer to the extent known).  
(11) An accounting of when and where such products were distributed and the

## § 1115.5 Initial notification.

The initial notification to the Commission shall:

(a) Identify the product.  
(b) Give the name and address of the manufacturer, or if the manufacturer is unknown, the name and address of every distributor and/or retailer of such product known to the manufacturer, distributor, or retailer making the notification.  
(c) Specify the nature and extent of the defect or the failure to comply with an applicable consumer product safety rule.  
(d) Give the name and address of the person informing the Commission.  
(e) Furnish (to the extent such information is then reasonably available) the data specified in § 1115.7(a).

## § 1115.6 Time limits for initial notification.

(a) The initial notification to the Commission may be by any means but should be received by the Commission within 24 hours after the reporting party has obtained information which reasonably supports the conclusion that a defect or a failure to comply with an applicable consumer product safety rule has occurred. If the initial notification is by means other than a written communica-

tion, it shall be confirmed in writing within 48 hours of obtaining information which reasonably supports the conclusion that a defect or a failure to comply with an applicable consumer product safety rule has occurred and shall include the data (as is then reasonably available) specified in § 1115.7(a).

(b) The time requirements referred to in paragraph (a) of this section pertain to notification during working hours within the business week.

## § 1115.7 Subsequent notification.

(a) Subsequent notification to the Commission shall be made in writing and shall include, but not be limited to, the information listed below in this paragraph (a). The person(s) responsible for supplying such information is (are) placed in parentheses after each item of information requested. For the purposes of this Part 1115 and in accordance with the act, "manufacturer" includes any importer of consumer products.

(1) Name and address of the person informing the Commission (manufacturer, distributor, retailer).

(2) Identification of the product, including description and retail price; name and address of the manufacturer of the product; and location of manufacturing plants (manufacturer, distributor, retailer, to the extent known to each).

(3) Nature of the potential product hazard (manufacturer, distributor, retailer).

(4) Date upon which information was obtained which reasonably supported the conclusion that a potential product hazard existed (manufacturer, distributor, retailer).

(5) Manner in which information was obtained supporting the existence of a potential product hazard, such as consumer complaint, quality control testing, etc. If consumer complaints are involved, copies of such complaints should be forwarded to the Commission. (Manufacturer, distributor, retailer).

(6) Nature of the potential injury associated with the potential product hazard (manufacturer, distributor, retailer).

(7) Whether injuries have occurred associated with the hazard or potential product hazard. Include the number, nature, and severity of such injuries. (Manufacturer, distributor, retailer, to the extent known to each).

(8) Number of products which present a hazard or a potential product hazard and the number of units of each such product involved (manufacturer, distributor, retailer, but distributor and retailer only to the extent known from products at hand).

(9) Number of units of each product in the hands of consumers (manufacturer, distributor, retailer, but distributor and retailer only to the extent known from products at hand).

(10) Specific dates when units were manufactured and shipped from the factory (manufacturer, but distributor and retailer to the extent known).

(11) An accounting of when and where such products were distributed and the

number of units of each product so distributed (manufacturer, distributor).

(12) Model numbers, serial numbers, or identifying marks involved for products so identified (manufacturer, distributor, retailer).

(13) Location on product where model number, serial number, or identifying mark appears for products so identified (manufacturer, distributor, retailer).

(14) Whether manufacture of the product has ceased (manufacturer).

(15) Whether corrective action has been, is being, or will be taken by the manufacturer and how long it has or will take (manufacturer).

(16) What engineering changes will be made to correct the defect and/or failure to comply with an applicable consumer product safety rule and the timetable for accomplishing such changes (manufacturer).

(17) Description of those tests conducted in factories to avoid the defect and/or failure to comply with an applicable consumer product safety rule (manufacturer).

(18) What new quality controls will be initiated to avoid the defect and/or the failure to comply with an applicable consumer product safety rule and the timetable for changes to be placed in effect (manufacturer).

(19) Whether advice about the product has been, is being, or will be given to purchasers, including consumers, and how such advice was or will be given (manufacturer, distributor, retailer).

(20) Whether public notice of the defect or failure to comply has been or will be given. If already given, furnish copy to the Commission. (Manufacturer, distributor, retailer).

(21) Whether refund, replacement, or repair actions have been, are being, or will be taking place (manufacturer, distributor, retailer).

(22) Whether notice has been or will be mailed to each person who is a manufacturer, distributor, or retailer of such product and what effort has been or will be made to notify consumers directly where such consumers are known (manufacturer, distributor, retailer).

(23) Plans for the proposed disposition of finished goods and work-in-process inventory (manufacturer).

(b) Unavailability of any portion of the information specified in paragraph (a) of this section shall not delay submission of available data.

(c) Upon request, the reporting person shall furnish to the Commission a list of the names and addresses of all distributors, retailers, and purchasers, including consumers, to the extent known to the reporting party.

(d) Subsequent notification to the Commission by a manufacturer shall be considered complete whenever the information specified in paragraph (a) of this section and any additional information requested by the Commission during the course of its investigation has been furnished.

(e) Subsequent notification to the Commission by a distributor or retailer

(Secs. 15(a), (b), 27(b), (e), 30, 36 Stat. 1221, 1228, 1231 (15 U.S.C. 2004(a), (b), 2076(b), (e), 2079))

Dated: February 13, 1974.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc.74-3847 Filed 2-15-74; 8:45 am]

## Title 17—Commodity and Securities Exchanges

## CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-6453]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933  
Filing Fees

The Securities and Exchange Commission announced today that it has adopted an amendment to Rule 457 (17 CFR 230.457) of the rules and regulations under the Securities Act of 1933 ("the Act"). Rule 457 sets forth the method by which the registration fee required by section 6(b) of the Act is calculated in various situations in which the maximum aggregate offering price is based upon fluctuating factors, such as market price or underlying asset values or is otherwise uncertain at the time of filing due to the nature of the proposed offering.

The newly adopted amendment adds a new paragraph (1) to Rule 457 to reduce the extremely high registration fee under the Act for certain offerings of commercial paper. By this action the Commission hopes to encourage the registration of offerings of commercial paper.

At the present time securities which, but for the application of proceeds, meet the requirements of the exemption from registration under the Act provided in section 3(a)(3) thereof are deemed subject to the Act's registration requirements. When these non-exempt securities are issued in tandem with commercial paper meeting all the provisions of section 3(a)(3), the exempt and non-exempt notes may be deemed to be part of the same issue and the entire amount may be required to be registered. Further, when such securities are rolled over each reissuance is viewed as the issuance of a new security subject to the registration requirements. The registration fee imposed by section 6 of the Act for such of-

ferings would presently be calculated upon the aggregate amount of exempt and non-exempt commercial paper covered by the registration statement. Calculation of the filing fee in this manner results in inordinately high registration costs which tend to impair and discourage the registration of commercial paper.

To alleviate this situation, the newly adopted amendment provides that the registration fee for commercial paper would be calculated on the basis of the total amount of non-exempt paper and no registration fee would be required in respect of securities meeting the standards for exemption under section 3(a)(3).

## § 230.467 Computation of fee.

(1) Notwithstanding the other provisions of this rule, where the securities to be registered include (1) any note, draft, bill of exchange, or bankers' acceptance which meets all the conditions of section 3(a)(3) hereof, and (2) any note, draft, bill of exchange or bankers' acceptance which has a maturity at the time of issuance of not exceeding nine months exclusive of days of grace, or any renewal thereof the maturity date of which is likewise limited, but which otherwise does not meet the conditions of section 3(a)(3), the registration fee shall be calculated by taking one-fiftieth of 1 per centum of the maximum principal amount of only those securities not meeting the conditions of section 3(a)(3).

The foregoing amendment has been adopted pursuant to sections 6(b), 7, and 19(a) of the Act. Because the amendment is in the nature of an interpretation of an existing statutory provision, and is intended to increase investor protection by decreasing an unnecessary burden of registration, the Commission, for good cause, finds that the notice and procedures specified in the Administrative Procedure Act (5 U.S.C. 553) are unnecessary, and accordingly it adopts the amendment effective February 19, 1974.

By the Commission.  
(Secs. 6, 7, 19, 48 Stat. 78, 86; sec. 200, 48 Stat. 908; sec. 1, 79 Stat. 1081; 15 USC 77f(b), 77g, 77s(a))

GEORGE A. FITZSIMMONS,  
Secretary.

FEBRUARY 1, 1974.

[FR Doc.74-3853 Filed 2-15-74; 8:45 am]

[Release Nos. 33-6452, 34-10636]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933  
PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

## Adoption of Amendments

The Securities and Exchange Commission announced today the adoption

shall be considered complete whenever the information specified in paragraph (a) of this section (as is available to the distributor or retailer) and any additional information requested by the Commission during the course of its investigation has been furnished.

(f) In submitting information, the reporting person should state whether any of the information is believed to be entitled to exemption from disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552) or regulations issued thereunder. Information for which exempt status is claimed (such as trade secrets, confidential financial or commercial information, or information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy) should be specifically identified, and reasons should be given to substantiate the claim for exemption.

## § 1115.8 Final statement.

A written report by a responsible official of the manufacturer shall be submitted to the Director, Bureau of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207, when all of the information specified in § 1115.7 has been supplied.

## § 1115.9 Delegation of authority.

The chief executive officer of the notifying company shall sign and certify any information forwarded to the Commission for the purposes of complying with section 15(b) of the act, or shall delegate this responsibility and so inform the Commission in writing. Information regarding such delegation may be submitted in the following form:

## DELEGATION OF AUTHORITY

(Name of company) \_\_\_\_\_  
I \_\_\_\_\_ hereby certify that  
(type name)

I am Chairman and Chief Executive Officer of the above-named company and that as such I am authorized to sign documents and to certify on behalf of said company the accuracy and completeness of information in such documents.

Pursuant to the power vested in me, I hereby delegate all or, to the extent indicated below, a portion of that authority to the person listed below.

This delegation is effective until revoked in writing.  
Authority delegated to: \_\_\_\_\_

(Name)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_

(Title)  
\_\_\_\_\_  
Extent of authority: \_\_\_\_\_

Signed: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_

(Title)  
\_\_\_\_\_

Effective date. The regulation promulgated above, 16 CFR Part 1115, shall become effective March 21, 1974.



of amendments to paragraphs (c) (1) and (g) (2), division (e) (3) (vii) and paragraph (h) of Rule 144 (17 CFR 230.144) under the Securities Act and to Forms 7-Q (17 CFR 249.307a), 10-Q (17 CFR 249.308a) and 10-K (17 CFR 249.310) under the Securities Exchange Act of 1934 ("Exchange Act"). Rule 144, which relates to the resale of securities acquired directly or indirectly in transactions not involving any public offering and of securities held by persons in a control relationship with an issuer, was adopted on January 11, 1972, effective April 15, 1972 (Securities Act of 1933 Release No. 5223) (37 FR 590, 4329). Paragraph (c) (1) of the rule, which is concerned with the availability of information about an issuer, has been amended so that there shall be deemed to be available adequate public information if an issuer has been subject to the reporting requirements of section 13 or 15(d) of the Exchange Act for at least 90 days and has filed all reports required to be filed pursuant to those sections during the 12 months preceding the sale of securities. The Commission has adopted amendments to the facing sheets of Forms 10-Q and 10-K conforming the required statement thereon to the changes in paragraph (c) (1). The facing sheet of Form 7-Q, which previously did not include any statement indicating compliance with the Exchange Act reporting requirements, has been amended to include the same statement as required by Forms 10-Q and 10-K.

Paragraph (e) (3) (vii) provides that in determining the amount of securities that may be sold in reliance upon Rule 144, securities sold pursuant to an effective registration statement under the Securities Act or pursuant to an exemption provided by section 4(2) of the Securities Act or by Regulation A thereunder need not be included. In place of the reference to section 4(2), the amendment refers to a transaction exempt pursuant to section 4 of the Act and not involving any public offering.

Paragraph (g) (2), which deals with solicitations by brokers, has been amended to permit brokers, while selling securities pursuant to the rule, to continue their quotations in an inter-dealer quotation system subject to certain conditions. In addition, the amendment provides that a broker may make inquiries of his customers who have indicated a bona fide unsolicited interest in the securities within ten business days preceding receipt of the order to sell securities pursuant to Rule 144. These amendments reflect consideration of comments received from the public (Securities Act Release No. 5307, September 26, 1972) (37 FR 20576) and the Commission's experience in administering and interpreting Rule 144.

Paragraph (h) has been amended to require transmittal of all amended notices of proposed sale on Form 144 (17 CFR 230.144) to the principal stock exchange on which the securities to be sold are listed for trading.

#### AMENDED PARAGRAPH (c) (1) OF RULE 144

*Current public information—filing of reports.* Rule 144 provides that there shall be available adequate current public information with respect to the issuer of the securities. Under paragraph (c) (1) of the rule, this requirement is deemed satisfied if an issuer has filed the reports required to be filed by section 13 or 15(d) of the Exchange Act of a period of at least 90 days immediately preceding the sale of the securities and in addition has filed the most recent annual report required to be filed. The Commission has interpreted this subparagraph to limit the availability of Rule 144 to those selling securities of an issuer which has filed all the reports required to be filed under the Exchange Act and has been subject to the reporting requirements of that Act for a period of at least 90 days immediately preceding the proposed sale (Securities Act Release No. 5306, September 26, 1972) (37 FR 23180).

The Commission has reconsidered its position with regard to paragraph (c) (1) in view of the purposes of the rule and has determined that conditioning the availability of Rule 144 upon the filing of all reports ever required to be filed may place an undue burden upon the issuer not commensurate with the public benefits to be obtained. This is particularly true where a report required to be filed several years ago is not filed but the issuer is making available adequate current information to the public.

The Commission has amended paragraph (c) (1) so that the requirement that there shall be available adequate current public information is deemed satisfied if an issuer has been subject to the reporting requirements of section 13 or 15(d) of the Exchange Act for a period of at least 90 days immediately preceding the sale of the securities and has filed all the reports required to be filed thereunder during the 12 months preceding the sale of the securities (or for such shorter period that the issuer was required to file such reports). Since this amendment provides a relief from previously imposed restrictions on the availability of Rule 144, the Commission finds that publication for comment pursuant to the Administrative Procedure Act is unnecessary.

#### AMENDMENTS TO FORMS 7-Q, 10-Q AND 10-K

In determining the availability of adequate public information, paragraph (c) (1) permits a person selling the securities to rely upon a statement in the most recent quarterly or annual report filed by the issuer that the issuer has complied with the reporting requirements of the Exchange Act. The Commission has previously adopted amendments to Forms 10-Q and 10-K to provide the issuer with a means of indicating its compliance with these requirements and the present amendments are intended to reflect the changes in paragraph (c) (1). The Commission also adopted an amend-

ment to Form 7-Q—a quarterly report of certain real estate companies—to require inclusion of the same statement on the facing sheet of Form 7-Q, which previously did not contain this requirement. Since the amendments to Forms 10-Q and 10-K merely reflect the amendment to paragraph (c) (1), the Commission finds that the amendments provide relief from previously imposed restrictions on the availability of Rule 144 and that publication for comment pursuant to the Administrative Procedure Act is unnecessary. In addition, with regard to the amendment of Form 7-Q, the Commission finds that the amendment is minor and not of material substance and, therefore, publication for comment pursuant to the Administrative Procedure Act is unnecessary.

#### AMENDED PARAGRAPH (e) (3) (vii) OF RULE 144

*Limitation on amount of securities sold; determination of amount.* Paragraph (e) (3) (vii) provides that in determining the amount of securities that may be sold in reliance upon Rule 144, securities sold pursuant to an effective registration statement under the Securities Act or pursuant to an exemption provided by section 4(2) of the Securities Act or by Regulation A thereunder need not be included.

The amendment, which changes the reference from section 4(2) to a transaction exempt pursuant to section 4 of the Act and not involving any public offering, reflects the Commission's original intent in adopting the rule, as well as subsequent staff interpretations. Since this is an interpretative amendment for purposes of clarification, the Commission does not find it necessary to publish the amendment for comment pursuant to the Administrative Procedure Act.

#### AMENDED PARAGRAPH (g) (2) OF RULE 144

*Brokers' transactions.* Paragraph (g) (2) presently prohibits the solicitation of customers' orders to buy securities offered and sold pursuant to Rule 144 with the proviso that "this shall not preclude inquiries by the broker [of] other brokers or dealers who have indicated an interest in the securities within the preceding 60 days."

In a previously proposed version of Rule 144 (Securities Act of 1933 Release No. 5087, September 22, 1970) (35 FR 15447) and in a predecessor group of proposals, the so-called "160 series" (Securities Act of 1933 Release No. 4997 September 15, 1969), (34 FR 14228) the Commission indicated that it was considering a provision permitting a broker, while selling securities pursuant to the then proposed rule, to continue to insert quotations in an inter-dealer quotation system on the class of securities to be sold by the broker pursuant to such rule (i.e., "remain in the sheets"). The Commis-

<sup>1</sup> A similar proposal had been made in the report of the Commission's Disclosure Policy Study, *Disclosure to Investors: A Reappraisal of Federal Administrative Policies Under the '33 and '34 Acts*, April 1969 ("Wheat Report"), 1969.

sion, however, did not include such a provision when it announced it was considering a revised version of Rule 144 or in adopting Rule 144 because of the question of conflict with the anti-manipulative provisions of Rule 10b-6 (17 CFR 240.10b-6) under the Exchange Act.<sup>2</sup>

The Commission, having observed the operation of Rule 144, now believes that prohibiting a broker from continuing to enter bona fide quotations in an inter-dealer quotation system when he has an order to sell securities pursuant to Rule 144 may operate to limit the liquidity of the investments both of persons desiring to resell securities pursuant to Rule 144 through the broker and of other persons who are deprived of the service of a market-maker.

The proposed amendment to paragraph (g) (2) would have permitted a broker to continue to insert bid and ask quotations for a security in an inter-dealer quotation system<sup>3</sup> provided that the quotations were incident to the maintenance of a bona fide inter-dealer market for the broker's own account and the broker had published such bona fide bid and ask quotations on at least fifteen out of the last twenty days and four out of the last five business days before receipt of the order. The paragraph as adopted is the same, except that the broker must have published such bona fide bid and ask quotations on each of at least twelve days within the preceding thirty calendar days with no more than four business days in succession without such two-way quotations. The revision was designed to conform the standards of paragraph (g) (2) with those in Rule 15c2-11 (f) (3) under the Exchange Act.

In addition, the amendment as adopted provides that a broker may make inquiries of any of his customers who have indicated a bona fide unsolicited interest in the securities within the ten business days preceding the broker's receipt of the order to sell Rule 144 securities. The substance of this amendment was contained in published interpretations of Rule 144 (Securities Act Release No. 5306, September 26, 1972) (37 FR 23180). It has been added to the rule itself to create greater certainty. As noted in that interpretative release, and as now set forth in the Note to paragraph (g) (2), brokers should keep written records of indications of interest from customers in order to help establish the bona fide nature of such indications. It also must be remembered, as the interpretative release pointed out, that such inquiries cannot be part of a plan to evade the provisions of the rule.

<sup>2</sup> Securities Act of 1933 Release No. 5186 (September 10, 1971) note 7 (36 FR 18586) and Securities Act of 1933 Release No. 5223 (January 11, 1972), note 6 (37 FR 590, 4329).

<sup>3</sup> Rule 15c2-11 (17 CFR 240.15c2-11) under the Exchange Act, which is concerned with the initiation or resumption of quotations without specified information, defines "inter-dealer quotation system" as "any system of general circulation to brokers or dealers which regularly disseminates quotations of identified brokers or dealers."

The amended rule also contains several minor changes which are intended to

clarify the meaning of the rule, such as the substitution of the word "of" in place of the word "or" in paragraph (g) (2) and the reorganization of the proviso of that paragraph.

When the Commission proposed the amendment to paragraph (g) (2) for comment, it stated that it was considering adding a condition to paragraph (g) (2) that would limit the amount of securities that could be sold pursuant to Rule 144 by a market-maker acting as agent. It was suggested that such a limitation might be a percentage of the dealer's average daily trading volume over a prior period of time. The objective of such a condition would be to assure that the predominant percentage of the market-maker's transactions on a given day in the particular security would be unrelated to Rule 144 transactions. The Commission specifically invited comments on the desirability of such a condition.

All the public comments received on this point were adverse to the imposition of any volume limitation on market-makers selling Rule 144 stock, other than the limitations imposed on the seller by Rule 144 itself. The primary objection was that such a limitation would decrease liquidity and counteract the intended effect of the proposed amendment to paragraph (g) (2) allowing market-makers to continue to insert quotations in an inter-dealer quotation system even though engaged in Rule 144 transactions. The Commission believes that there is merit in these comments and that a condition imposing a volume limitation on market-makers in connection with the execution of Rule 144 sales should not be adopted at this time. If experience with amended paragraph (g) (2) demonstrates that such a limitation is necessary, appropriate action will then be considered.

#### AMENDED PARAGRAPH (h) OF RULE 144

*Notice of proposed sales.* The Commission previously adopted an amendment to paragraph (h) requiring transmittal of one copy of the notice on Form 144 to the principal national securities exchange on which the security to be sold is traded (Securities Act of 1933 Release No. 5307 September 26, 1972). The present amendment to paragraph (h), which requires transmittal of all amended notices of proposed sale to the principal national securities exchange on which the security to be sold is traded, reflects the Commission's intent in adopting the previous amendment to paragraph (h). The Commission finds that the amendment to paragraph (h) is minor and not of material substance and, therefore, publication for comment pursuant to the Administrative Procedure Act is unnecessary.

The text of the amendments to Rule 144 is as follows:

§ 230.144 Persons deemed not to be engaged in a distribution and therefore not underwriters.

(c) . . .

(1) *Filing of reports.* The issuer has securities registered pursuant to section 12 of the Securities Exchange Act of

1934, has been subject to the reporting requirements of section 13 of that Act for a period of at least 90 days immediately preceding the sale of the securities and has filed all the reports required to be filed thereunder during the 12 months preceding such sale (or for such shorter period that the issuer was required to file such reports); or has securities registered pursuant to the Securities Act of 1933, has been subject to the reporting requirements of section 15(d) of the Securities Exchange Act of 1934 for a period of at least 90 days immediately preceding the sale of the securities and has filed all the reports required to be filed thereunder during the 12 months preceding such sale (or for such shorter period that the issuer was required to file such reports). The person for whose account the securities are to be sold shall be entitled to rely upon a statement in whichever is the most recent report, quarterly or annual, required to be filed and filed by the issuer that such issuer has filed all reports required to be filed by section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the issuer was required to file such reports) and has been subject to such filing requirements for the past 90 days, unless he knows or has reason to believe that the issuer has not complied with such requirements. Such person shall also be entitled to rely upon a written statement from the issuer that it has complied with such reporting requirements unless he knows or has reasons to believe that the issuer has not complied with such.

(e) *Limitation of amount of securities sold.* Except as hereinafter provided, the amount of securities which may be sold in reliance upon this rule shall be determined as follows:

(3) *Determination of amount.* For the purpose of determining the amount of securities specified in paragraphs (e) (1) and (2) of this section, the following provisions shall apply.

(vii) Securities sold pursuant to an effective registration statement under the Act or pursuant to an exemption provided by Regulation A under the Act or in a transaction exempt pursuant to section 4 of the Act and not involving any public offering need not be included in determining the amount of securities sold in reliance upon this rule.

(g) *Brokers' transactions.* The term "brokers' transactions" in section 4(4) of the Act shall for the purposes of this rule be deemed to include transactions by a broker in which such broker—

(2) Neither solicits nor arranges for the solicitation of customers' orders to buy the securities in anticipation of or in connection with the transaction; provided, that the foregoing shall not preclude (i) inquiries by the broker of other brokers or dealers who have indicated an interest in the securities within the



preceding 60 days; (ii) inquiries by the broker of his customers who have indicated an unsolicited bona fide interest in the securities within the preceding 10 business days; or (iii) the publication by the broker of bid and ask quotations for the security in an inter-dealer quotation system provided that such quotations are incident to the maintenance of a bona fide inter-dealer market for the security for the broker's own account and that the broker has published bona fide bid and ask quotations for the security in an inter-dealer quotation system on each of at least twelve days within the preceding thirty calendar days with no more than four business days in succession without such two-way quotations;

NOTE TO PARAGRAPH (g) (2) (ii): The broker should obtain and retain in his files written evidence of indications of bona fide unsolicited interest by his customers in the securities at the time such indications are received.

(h) *Notice of proposed sale.* Concurrently with the placing with a broker of an order to execute a sale of any securities in reliance upon this rule, there shall be transmitted to the Commission, at its principal office in Washington, D.C., for filing three copies of a notice on Form 144 which shall be signed by the person for whose account the securities are to be sold; and, if such securities are admitted to trading on any national exchange, one copy of such notice shall be transmitted to the principal national securities exchange on which such securities are so admitted: Provided, That such a notice need not be filed if the amount of securities to be sold during any period of six months does not exceed 500 shares or other units and the aggregate sale price thereof does not exceed \$10,000. If all of the securities for which a notice is filed are not sold within 90 days after the filing of such notice, an amended notice shall be transmitted to the Commission concurrently with the commencement of any further sales of such securities; and, if such securities are admitted to trading on any national exchange, one copy of such amended notice shall be transmitted to the principal national securities exchange on which such securities are so admitted. Neither the filing of such notice nor the failure of the Commission to comment thereon shall be deemed to preclude the Commission from taking any action it deems necessary or appropriate with respect to the sale of the securities referred to in such notice.

The text of the amendments to Forms 7-Q, 10-Q and 10-K is as follows:

The following statement will be made at the end of the facing sheet of Forms 10-Q and 10-K and added to the facing sheet of Form 7-Q:

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 12 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file

such reports), and (2) has been subject to such filing requirements for the past 90 days.

The Commission, acting pursuant to the Securities Act of 1933, particularly sections 2(11), 4(1), 4(2), 4(4) and 19 (a) thereof, hereby amends, as of March 15, 1974, applicable to transactions on or after that date, paragraphs (c) (1), (e) (3) (G), (g) (2), and (h) of § 230.144, Rule 144, under that Act.

The Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d) and 23(a) thereof, hereby amends, as of March 15, 1974 for forms filed on or after that date, Forms 7-Q, 10-Q and 10-K.

The Commission finds that the amendments to paragraphs (c) (1), (e) (3) (G), (h) of § 230.144 and Forms 7-Q, 10-Q and 10-K are interpretative, minor and not of material substance, are in the public interest and should not impose burdens on issuers or others or sacrifice the protection of investors, and thus, further notice and rule-making procedures pursuant to the Administrative Procedure Act are unnecessary.

Effective date: March 15, 1974.

By the Commission.

(Secs. 2, 4, 19, 48 Stat. 74, 77, 85; secs. 13, 15, 23, 48 Stat. 894, 895, 901; sec. 209, 48 Stat. 906; secs. 3, 8, 49 Stat. 1377, 1378, sec. 4, 69 Stat. 693; secs. 4, 6, 12, 78 Stat. 569, 574, 580; sec. 2, 88 Stat. 454; secs. 1, 2, 84 Stat. 1497; 15 U.S.C. 77 b, 77 d, 77 e, 78 m, 78 o, 78 w.)

[SEAL] GEORGE A. FITZSIMONS,  
Secretary.

FEBRUARY 1, 1974.

[FR Doc. 74-3854 Filed 2-15-74; 8:45 am]

#### Title 18—Conservation of Power and Water Resources

##### CHAPTER I—FEDERAL POWER COMMISSION

[Docket Nos. R-424, R-446; Order No. 504]  
**UNIFORM SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES AND NATURAL GAS COMPANIES**

##### Deferred Income Taxes

FEBRUARY 11, 1974.

On August 6, 1971, the Commission issued a notice of proposed rulemaking Docket No. R-424 (36 FR 16069, August 19, 1971) amended October 13, 1971 (36 FR 20445, October 22, 1971). This rulemaking essentially proposed to establish accounting procedures (a) for premium, discount and expense related to the issuance of long-term debt and for the gains and losses relating to the refunding and reacquisition of long-term debt and for (b) comprehensive interperiod income tax allocation.

On July 6, 1972, the Commission issued a notice of proposed rulemaking Docket No. R-446 (37 FR 13805, July 14, 1972). This rulemaking proposed aspects of interperiod income tax allocation which were more comprehensive in nature than those initially proposed in former Docket No. R-424 in that it proposed to defer the tax effect differences

in the depreciable bases used for taxes and general books of accounting. Also included were proposals to defer the tax effect of differences which result from depreciation taken for tax purposes being greater than that taken for general book purposes. And finally, the rulemaking proposed accounting to be followed by utilities when electing the use of the Class Life Asset Depreciation Range System (ADR) prescribed by the Revenue Act of 1971.

Comments were invited from interested parties on Docket No. R-424 on or before October 5, 1971. Due to requests, this date was extended to September 3, 1972. The Commission received comments from sixty-seven respondents, Attachment A. On Docket No. R-446 the comments were due by August 21, 1972. Due to requests, this date was extended to October 20, 1972, with forty comments being received. Attachment A. A conference was held with interested parties and the Commission staff on both dockets December 5, 1972, with seventy-five parties excluding Commission staff, attending.

We have decided to implement, at this time, Dockets No. R-424 and R-446 as proposed with the exception of portions dealing with comprehensive interperiod income tax allocation and accounting procedures for premium, discount and expense of issuance on long-term debt, in this single order. The Commission policy and prescribed accounting procedures relating to comprehensive interperiod tax allocation is being given continued study with a position on this subject to be announced at some later date. The procedures to be prescribed for accounting for premium, discount and expense of issuance of long-term debt shall be contained in a separate Commission order.

Essentially, this order contains accounting provisions for:

1. Class Life Asset Depreciation Range System (ADR) prescribed by the Revenue Act of 1971 (Docket No. R-446).  
2. The elimination of control accounts 408, Taxes Other Than Income Taxes; 409, Income Taxes; 410, Provisions for Deferred Income Taxes; and 411, Income Taxes Deferred in Prior Years—Credit (Docket No. R-424).

3. The establishment of a new account 190, Accumulated Deferred Income Taxes (Docket No. R-424), so as to allow debit income tax deferrals in cases where income taxes payable for the year are higher because of the inclusion of certain items in income for tax purposes. These items for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. The account will be credited when income taxes payable for the year are lower due to prior payment of taxes and because of a timing difference of particular tax items of income or income tax deductions from that recognized by the utility for general book accounting purposes.

4. The reclassification of balance sheet accounts 281, Accumulated Deferred Income Taxes—Accelerated Amortization;

282, Accumulated Deferred Income Taxes—Liberalized Depreciation; and 283, Accumulated Deferred Income Taxes—Other, from a classification of Accumulated Deferred Income Taxes to a classification of Deferred Credits, with related reporting charges.

5. Interperiod tax allocation on those items recorded in accounts 182, Extraordinary Property Losses; 187, Deferred Losses from Disposition of Utility Plant; 188, Research and Development Expenditures; and 256, Deferred Gains from Disposition of Utility Plant. Even though these accounts have heretofore been designed to allow interperiod tax allocation, final provisions had not been prescribed to allow recording the tax deferrals generated as deferred credits.

No provisions are included for tax deferral accounting for the "dismantling cost" (often referred to as removal cost) portion of the salvage value feature of the Revenue Act of 1971, since there would be no remaining property to relate the "flowback" or "feedback" amounts to.

Unless otherwise ordered by the Commission, the accounting procedures prescribed herein shall not necessarily be followed for rate purposes.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Parts 101 and 104 of the Commission's Uniform System of Accounts for Public Utilities and Licensees, and Annual Report Forms No. 1, No. 1-F, and No. 5, prescribed by § 141.1, 141.2, and 141.25 in 18 CFR Chapter I, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments to Parts 201 and 204 of the Commission's Uniform System of Accounts for Natural Gas Companies, and Annual Report Forms No. 2, No. 2-A, and No. 11, prescribed by § 260.1, 260.2, and 260.3 in 18 CFR Chapter I, herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

(4) Since the amendments prescribed herein, which were not included in the notice of this proceeding, are consistent with the prime purpose of the proposed rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(5) Good cause exists for making the amendments to the Uniform Systems of Accounts for Public Utilities and Licensees and Natural Gas Companies ordered herein, and reporting requirements effective January 1, 1974. However, since certain of the accounting provisions herein relate to the Revenue Act of 1971, the relative provisions as related to this Act shall coincide with

the effective dates provided for in the Revenue Act of 1971.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 302, 303, 304, and 309 thereof (49 Stat. 854, 855, 856, 858, 859; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 8, 9, 10 and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

#### PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

(A) The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) The Chart of Balance Sheet Accounts is amended:

(a) Immediately following account "188, Research and Development Expenditures," by adding a new account title 190, Accumulated Deferred Income Taxes.

(b) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add accounts titled 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income Taxes—Other.

(c) Immediately following account title "265, Miscellaneous Operating Reserves," revoke the classification heading "10. Accumulated Deferred Income Taxes," and account titles "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other," located thereunder.

As so amended, those portions of the Chart of Balance Sheet Accounts reads:

Balance Sheet Accounts	
ASSETS AND OTHER DEBITS	
	4. DEFERRED DEBITS
190	Accumulated deferred income taxes.
LIABILITIES AND OTHER CREDITS	
	8. DEFERRED CREDITS
281	Accumulated deferred income taxes—Accelerated amortization.
282	Accumulated deferred income taxes—Liberalized depreciation.
283	Accumulated deferred income taxes—Other.
	10. [REVOKED]
281	[Revoked]
282	[Revoked]
283	[Revoked]

(2) The Balance Sheet Accounts are amended as follows:

(a) Amend account "187, Deferred Losses from Disposition of Utility Plant," by deleting the last sentence which reads, "Amounts recorded in this account shall be net of related income taxes."

(b) Amend paragraph C of account "188, Research and Development Expenditures," by amending the second sentence of the paragraph by deleting the words "net of taxes." As amended, this portion of account 188 reads:

Balance Sheet Accounts  
ASSETS AND OTHER DEBITS  
4. DEFERRED DEBITS

188 Research and development expenditures.

C. . . . In such a case the portion of such amounts that cause the distortion may be amortized to the appropriate operating expense account over a period not to exceed five years unless otherwise authorized by the Commission.

(c) Immediately following account "188, Research and Development Expenditures," add a new account identified as 190, Accumulated Deferred Income Taxes, to read as follows:

190 Accumulated deferred income taxes.

A. This account, when its use has been authorized by the Commission, shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which income taxes payable for the year are higher because of the inclusion of certain items in income for tax purposes, which items for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. Commission approval to use this account need not be received for items included in the Items list.

B. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which income taxes payable for the year are lower because of prior payment of taxes as provided by paragraph A above, because of difference in timing for tax purposes of particular items of income or income deductions from that recognized by the utility for general accounting purposes. Such credit to this account and debit to account 410.1 or 410.2 shall, in general, represent the effect on taxes payable in the current year of the smaller amount of book income recognized for tax purposes as compared to the amount recognized in the utility's current accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.



C. Vintage year records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factor of calculation with respect to each annual amount of the item or class of items for which deferred tax accounting by the utility is utilized.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not make use of the balance in this account or any portion thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be debited to account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, or otherwise disposed of as the Commission may authorize or direct.

#### ITEM

1. Tax effects of deferred gains from disposition of utility plant. (See account 256, Deferred Gains from Disposition of Utility Property.)

#### 256 [Amended]

(d) Amend account "256, Deferred Gains from Disposition of Utility Plant," by deleting the last sentence which reads, "Amounts recorded in this account shall be net of related income taxes."

(e) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new subheading *Special Instructions—Accumulated Deferred Income Taxes*, and immediately following text of this new subheading, add relocated accounts 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income Taxes—Other. As so amended, this portion of the balance sheet accounts reads:

#### SPECIAL INSTRUCTIONS

##### Accumulated Deferred Income Taxes

Public utilities and licensees shall use the accounts provided below for prior accumulation of deferred federal, state and local taxes on income and for additional provisions. A copy of the order or other authorization to practice deferred tax accounting of the state public service commission also having jurisdiction shall be filed with the Commission, or, in the absence of a state public service commission having accounting jurisdiction, the public utility or licensee shall file with this Commission a copy of its plan of accounting for deferred taxes on income. The filing of such order or other authorization, or accounting plan, shall constitute permission for additional accumulations of deferred taxes on income. Once the deferred tax accounting concept has been initiated as specified within

the respective accounts, such accounting shall not be discontinued on that property without Commission approval.

The text of these accounts are designed primarily to cover deferrals of Federal income taxes. However, they are also to be used when making deferrals of state and local income taxes. Public utilities and licensees which, in addition to an electric utility department, have another utility department, gas, water, etc., and nonutility property and which have deferred taxes on income with respect thereto shall separately classify such deferrals in the accounts provided below so as to allow ready identification of items relating to each utility Deductions.

Account 283, Accumulated Deferred Income Taxes—Other, is provided for those specific types of tax deferrals approved by the Commission, which do not relate to accelerated amortization recorded in account 281, Accumulated Deferred Income Taxes—Accelerated Amortization, or liberalized depreciation recorded in account 282, Accumulated Deferred Income Taxes—Liberalized Depreciation.

#### 281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of (1) certified defense facilities in computing such taxes, as permitted by Section 168 of the Internal Revenue Code and (2) certified pollution control facilities in computing such taxes, as permitted by Section 169 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of (1) certified defense facilities and (2) pollution control facilities, instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Upon the disposition by sale, exchange, transfer, abandonment or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited. When the remaining balance, after consideration of any related income tax expense, is less than \$25,000, this account shall be charged and account 411.1 or 411.2, as appropriate, credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of \$25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

F. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Upon the disposition by sale, exchange, transfer, abandonment or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited. When the remaining balance, after consideration of any related income tax expense, is less than \$25,000, this account shall be charged and account 411.1 or 411.2, as appropriate, credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of \$25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

#### 282 Accumulated deferred income taxes—Liberalized depreciation.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by Section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation, to include those accumulated tax deferrals arising from the use of the Class Life Asset Depreciation Range, as provided and required by the Revenue Act of 1971.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

C. Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any property such accounting shall not be discontinued on

that property, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Upon the disposition by sale, exchange, transfer, abandonment or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income, or 411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions, shall be credited. When the remaining balance after consideration of any related tax expenses, is less than \$25,000, this account shall be charged and account 411.1 or 411.2, as appropriate, credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of \$25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balance would be necessary to be retained to offset future group item tax deficiencies.

#### 283 Accumulated deferred income taxes—Other.

A. This account, when its use has been authorized by the Commission, shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation, in the computation of income taxes which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. Commission approval to use this account need not be received for items included in the Items list.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as

provided by paragraph A, above, because of difference in timing for tax purposes of particular income deductions from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted for tax purposes as compared to the amount recognized in the utility's current accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to retained earnings or to any other account or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Upon the disposition by sale, exchange, transfer, abandonment or premature retirement of items on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax effect, if any, arising from such disposition and account 411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income, or 411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions, as appropriate, shall be credited. When the remaining balance, after consideration of any related tax expenses, is less than \$25,000, this account shall be charged and account 411.1 or 411.2, as appropriate, credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of \$25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balance would be necessary to be retained to offset future group item tax deficiencies.

#### ITEMS

1. Tax effects of extraordinary property losses.
2. Tax effects of deferred losses from disposition of utility plant. (See account 187, Deferred Losses from Disposition of Utility Plant.)
3. Tax effect of research and development expenditures amortized.
4. Tax deferrals arising from the use of the "asset guideline class repair allowance" feature of the Revenue Act of 1971.



(f) Immediately following account "265, Miscellaneous Operating Reserves," revoke the classification heading "10, Accumulated Deferred Income Taxes," and accounts "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other," located thereunder. After revocation this portion of the balance sheet accounts will appear as follows:

#### 10. [REVOKED]

281 [Revoked]

282 [Revoked]

283 [Revoked]

(3) The Chart of the Income Accounts is amended as follows:

(a) Immediately following account "407, Amortization of Property Losses," revoke account title "408, Taxes Other Than Income Taxes."

(b) Immediately following account "408.1, Taxes Other Than Income Taxes, Utility Operating Income," revoke account title "409, Income Taxes."

(c) Immediately following account "409.1, Income Taxes, Utility Operating Income," revoke account title "410, Provision for Deferred Income Taxes."

(d) Immediately following account "410.1, Provision for Deferred Income Taxes, Utility Operating Income," revoke account title "411, Income Taxes Deferred in Prior Years—Credit."

(e) Revise the title of account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," to read 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income.

(f) Revise the title of account "411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions," to read 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions.

As so amended the Chart of Income Accounts reads:

Income Accounts	
1. UTILITY OPERATING INCOME	
OPERATING EXPENSES	
407 Amortization of property losses.	
408 [Revoked]	
408.1 Taxes other than income taxes, utility operating income.	
409 [Revoked]	
409.1 Income taxes, utility operating income.	
410 [Revoked]	
410.1 Provision for deferred income taxes, utility operating income.	
411 [Revoked]	
411.1 Provision for deferred income taxes—Credit, utility operating income.	
2. OTHER INCOME AND DEDUCTIONS	
C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS	
411.2 Provision for deferred income taxes—Credit, other income and deductions.	

(4) The text of the Income Accounts is amended and revised as follows:

(a) Revoke account "408, Taxes Other Than Income Taxes."

(b) Immediately following account "407, Amortization of Property Losses," add *Special Instructions—Accounts 408.1 and 408.2*, with text.

(c) Revise the text of accounts "408.1, Taxes Other Than Income Taxes, Utility Operating Income," and "408.2, Taxes Other Than Income Taxes, Other Income and Deductions."

(d) Revoke account "409, Income Taxes."

(e) Immediately following account "408.2, Taxes Other Than Income Taxes, Other Income and Deductions," add *Special Instructions—Accounts 409.1, 409.2 and 409.3*, with text.

(f) Revise the text of accounts "409.1, Income Taxes, Utility Operating Income," "409.2, Income Taxes, Other Income and Deductions," and "409.3, Income Taxes, Extraordinary Items."

(g) Revoke account "410, Provision for Deferred Income Taxes."

(h) Immediately following account "409.3, Income Taxes, Extraordinary Items," add *Special Instructions—Accounts 410.1, 410.2, 411.1 and 411.2*, with text.

(i) Revise the text of accounts "410.1, Provision for Deferred Income Taxes, Utility Operating Income," and "410.2, Provision for Deferred Income Taxes, Other Income and Deductions."

(j) Revoke account "411, Income Taxes Deferred in Prior Years—Credit."

(k) Revise the title and text of accounts "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," and "411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions."

As so amended this portion of the text of the Income Accounts reads:

#### Income Accounts

##### 1. UTILITY OPERATING INCOME

408 [Revoked]

*Special Instructions, Accounts 408.1 and 408.2.* A. These accounts shall include the amounts of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, federal excise taxes, social security taxes, and all other taxes assessed by federal, state, county, municipal, or other local governmental authorities, except income taxes.

B. These accounts shall be charged in each accounting period with the amounts of taxes which are applicable thereto, with concurrent credits to account 236, Taxes Accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amounts of taxes, the amounts shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to these accounts shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in these accounts shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility de-

partments or nonutility operations on an equitable basis after appropriate study to determine such basis.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or 431, Other Interest Expense, as appropriate.

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes other than income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of the various classes of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes other than income taxes which relate to Other Income and Deductions.

409 [Revoked]

*Special Instructions, Accounts 409.1, 409.2, and 409.3.* A. These accounts shall include the amounts of local, state and federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amounts of taxes become known, the current tax accruals shall be adjusted by charges or credits to these accounts unless such adjustments are properly includible in account 439, Adjustments to Retained Earnings, so that these accounts as nearly as can be ascertained shall include the actual taxes payable by the utility. (See General Instruction 7.1 for prior period adjustments.)

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings, shall be recorded in that account. The tax effects relating to Interest Charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

409.1 Income taxes, utility operating income.

This account shall include the amount of those local, state and federal income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those local, state and federal income taxes (both positive and negative), which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those local, state and federal income taxes (both positive and negative), which relate to Extraordinary Items.

410 [Revoked]

*Special Instructions, Accounts 410.1, 410.2, 411.1, and 411.2.* A. Accounts 410.1 and 410.2 shall be debited, and Accumulated Deferred Income Taxes shall be credited, with amounts equal to any current deferrals of taxes on income or any allocations of deferred taxes originating in prior periods, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any credit amounts appropriately includible in account 411.1 or 411.2.

B. Accounts 411.1 and 411.2 shall be credited, and Accumulated Deferred Income Taxes shall be debited, with amounts equal to any allocations of deferred taxes originating in prior periods or any current deferrals of taxes on income, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any debit amounts appropriately includible in account 410.1 or 410.2.

410.1 Provision for deferred income taxes, utility operating income.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Utility Operating Income (by department).

410.2 Provision for deferred income taxes, other income and deductions.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Other Income and Deductions.

411 [Revoked]

411.1 Provision for deferred income taxes—Credit, utility operating income.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Utility Operating Income (by department).

411.2 Provision for deferred income taxes—Credit, other income and deductions.

This account shall include the amounts of those allocations of deferred taxes and

deferrals of taxes, credit, which relate to Other Income and Deductions.

(l) Account "411.6, Gains from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.6 reads:

411.6 Gains from disposition of utility plant.

Income taxes relating to gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(m) Account "411.7, Losses from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.7 reads:

411.7 Losses from disposition of utility plant.

Income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

412, 413 [Amended]

(n) In accounts "412, Revenues from Electric Plant Leased to Others," and "413, Expenses of Electric Plant Leased to Others," the Note is revised. As revised the Note to accounts 412 and 413 reads:

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

414 [Amended]

(o) In account "414, Other Utility Operating Income," the Note is revised. As revised the Note to account 414 reads:

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

415, 416 [Amended]

(p) In accounts "415, Revenues from Merchandising, Jobbing and Contract Work," and "416, Costs and Expenses of Merchandising, Jobbing and Contract Work," Note B is revised. As revised, Note B to accounts 415 and 416 reads:

NOTE B: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

417, 417.1 [Amended]

(q) In accounts "417, Revenues from Nonutility Operations," and "417.1, Expenses of Nonutility Operations," the Note is revised and relocated to follow the account text. As so revised, the Note to accounts 417 and 417.1 reads:

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(r) In account "418, Nonoperating Rental Income," the Note is revised. As revised the Note to account 418 reads:

418 Nonoperating rental income.

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(s) In account "419, Interest and Dividend Income," Note A is revised. As revised, Note A to account 419 reads:

419 Interest and dividend income.

NOTE A: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(t) In account "421, Miscellaneous Nonoperating Income," revise the last sentence of the paragraph. As revised, that portion of account 421 reads:

421 Miscellaneous nonoperating income.

Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(u) In account "421.1, Gain on Disposition of Property," revise the last sentence of the paragraph. As revised, this portion of account 421.1 reads:

421.1 Gain on disposition of property.

Income taxes on gains recorded in this account shall be recorded in account 409.2, Income Taxes, Other Income and Deductions.

(v) In account "421.2, Loss on Disposition of Property," revise the last sentence of the paragraph. As revised, this portion of account 421.2 reads:

421.2 Loss on disposition of property.

The reduction in income taxes relating to losses recorded in this account shall be recorded in account 409.2, Income Taxes, Other Income and Deductions.

(w) In account "434, Extraordinary Income," amend the last sentence of the paragraph. As amended, this portion of account 434 reads:

434 Extraordinary income.

Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 7.)

(x) In account "435, Extraordinary Deductions," amend the last sentence of the paragraph. As amended, this portion of account 435 reads:

435 Extraordinary deductions.

Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 7.)

(5) Revise the Operation and Maintenance Expense Accounts by revising







If after consideration of any related income tax expense, there is a remaining amount of \$25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balance would be necessary to be retained to offset future group item tax deficiencies.

#### 283 Accumulated deferred income taxes—Other.

A. This account, when its use has been authorized by the Commission, shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation, in the computation of income taxes which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. Commission approval to use this account need not be received for items included in the Items list.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph A, above, because of difference in timing for tax purposes of particular income deductions from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted for tax purposes as compared to the amount recognized in the utility's current accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to

retained earnings or to any other account or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Upon the disposition by sale, exchange, transfer, abandonment or premature retirement of items on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax effect, if any, arising from such disposition and account 411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income, or 411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions, as appropriate, shall be credited. When the remaining balance, after consideration of any related tax expenses, is less than \$25,000, this account shall be charged and account 411.1 or 411.2, as appropriate, credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of \$25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balance would be necessary to be retained to offset future group item tax deficiencies.

#### ITEMS

1. Tax effects of extraordinary property losses.
2. Tax effects of deferred losses from disposition of utility plant. (See account 187, Deferred Losses From Disposition of Utility Plant.)
3. Tax effect of research and development expenditures amortized.
4. Tax deferrals arising from the use of the "asset guideline class repair allowance" feature of the Revenue Act of 1971.

(e) Immediately following account "265, Miscellaneous Operating Reserves," revoke the classification heading "10, Accumulated Deferred Income Taxes," and accounts "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other." After revocation, this portion of the balance sheet accounts will appear as follows:

#### 10. [Revoked]

281 [Revoked]

282 [Revoked]

283 [Revoked]

(3) Amend the Chart of the Income Accounts as follows:

(a) Immediately following account "407, Amortization of Property Losses," revoke account title "408, Taxes Other Than Income Taxes."

(b) Immediately following account "408.1, Taxes Other Than Income Taxes, Utility Operating Income," revoke account title "409, Income Taxes."

(c) Immediately following account "409.1, Income Taxes, Utility Operating Income," revoke account title "410, Provision for Deferred Income Taxes."

(d) Immediately following account "410.1, Provision for Deferred Income Taxes, Utility Operating Income," revoke account title "411, Income Taxes Deferred in Prior Years—Credit."

(e) Revise the title of account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," to read 411.1, Provision for Deferred Income Taxes—Credit Utility Operating Income.

(f) Revise the title of account "411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions," to read 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions.

As so amended the Chart of Income Accounts reads:

Income Accounts	
1. UTILITY OPERATING INCOME	
•	
•	
OPERATING EXPENSES	
•	
•	
•	
407	Amortization of property losses.
408	[Revoked]
408.1	Taxes other than income taxes, utility operating income.
409	[Revoked]
409.1	Income taxes, utility operating income.
410	[Revoked]
410.1	Provision for deferred income taxes, utility operating income.
411	[Revoked]
411.1	Provision for deferred income taxes—Credit, utility operating income.
•	
•	
2. OTHER INCOME AND DEDUCTIONS	
•	
•	
•	
C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS	
•	
•	
411.2	Provision for deferred income taxes—Credit, other income and deductions.
•	
•	

(4) The text of the Income Accounts are amended and revised as follows:

(a) Revoke account "408, Taxes Other Than Income Taxes."

(b) Immediately following account "407, Amortization of Property Losses," add *Special Instructions—Accounts 408.1 and 408.2*, with text.

(c) Revise the text of accounts "408.1, Taxes Other Than Income Taxes, Utility Operating Income," and "408.2, Taxes Other Than Income Taxes, Other Income and Deductions."

(d) Revoke account "409, Income Taxes."

(e) Immediately following account "408.2, Taxes Other Than Income Taxes, Other Income and Deductions," add *Special Instructions—Accounts 409.1, 409.2 and 409.3*, with text.

(f) Revise the text of accounts "409.1, Income Taxes, Utility Operating Income," "409.2, Income Taxes, Other Income and Deductions," and "409.3, Income Taxes, Extraordinary Items."

(g) Revoke account "410, Provision for Deferred Income Taxes."

(h) Immediately following account "409.3, Income Taxes, Extraordinary Items," add *Special Instructions—Accounts 410.1, 410.2, 411.1 and 411.2*, with text.

(i) Revise the text of accounts "410.1, Provision for Deferred Income Taxes, Utility Operating Income," and "410.2, Provision for Deferred Income Taxes, Other Income and Deductions."

(j) Revoke account "411, Provision for Deferred Income Taxes—Credit."

(k) Revise the title and text of accounts "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," and "411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions."

As so amended this portion of the text of the Income Accounts reads:

#### Income Accounts

##### 1. UTILITY OPERATING INCOME

#### 408 [Revoked]

*Special Instructions, Accounts 408.1 and 408.2.* A. These accounts shall include the amounts of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal or other local governmental authorities, except income taxes.

B. These accounts shall be charged in each accounting period with the amounts of taxes which are applicable thereto, with concurrent credits to account 236, Taxes Accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amounts of taxes, the amounts shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to these accounts shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in these accounts shall be assigned directly to the utility department the operation of which gave rise to the tax insofar as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis after appropriate study to determine such basis.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or 481, Other Interest Expense, as appropriate.

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes other than income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of the various classes of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes other than income taxes which relate to Other Income and Deductions.

#### 409 [Revoked]

*Special Instructions, Accounts 409.1, 409.2, and 409.3.* A. These accounts shall include the amounts of local, state and federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amounts of taxes become known, the current tax accruals shall be adjusted by charges or credits to these accounts unless such adjustments are properly includible in account 439, Adjustments to Retained Earnings, so that these accounts as nearly as can be ascertained shall include the actual taxes payable by the utility. (See General Instruction 9 for prior period adjustments.)

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings, shall be recorded in that account. The tax effects relating to Interest Charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or account 481, Other Interest Expense, as appropriate.

409.1 Income taxes, utility operating income.

This account shall include the amount of those local, state and federal income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those local, state and federal income taxes (both positive and negative), which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those local, state and federal income taxes (both positive and negative), which relate to Extraordinary Items.

#### 410 [Revoked]

*Special Instructions, Accounts 410.1, 410.2, 411.1, and 411.2.* A. Accounts 410.1 and 410.2 shall be debited, and Accumulated Deferred Income Taxes shall be credited, with amounts equal to any current deferrals of taxes on income or any allocations of deferred taxes originating in prior periods, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any credit amounts appropriately includible in account 411.1 or 411.2.

B. Accounts 411.1 and 411.2 shall be credited, and Accumulated Deferred Income Taxes shall be debited, with amounts equal to any allocations of deferred taxes originating in prior periods or any current deferrals of taxes on income, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any debit amounts appropriately includible in account 410.1 or 410.2.

410.1 Provision for deferred income taxes, utility operating income.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Utility Operating Income (by department).

410.2 Provision for deferred income taxes, other income and deductions.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Other Income and Deductions.

#### 411 [Revoked]

411.1 Provision for deferred income taxes—Credit, utility operating income.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Utility Operating Income (by department).

411.2 Provision for deferred income taxes—Credit, other income and deductions.

This account shall include the amounts of those allocations of deferred taxes of deferrals of taxes, credit, which relate to Other Income and Deductions.

(1) Account "411.6, Gains from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.6 reads:

411.6 Gains from disposition of utility plant.

Income taxes relating to gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(m) Account "411.7, Losses from Disposition of Utility Plant," is amended by adding a new sentence at the end of the



paragraph. As amended account 411.7 reads:

**411.7 Losses from disposition of utility plant.**

Income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

**412.413 [Amended]**

(n) In accounts "412, Revenues from Electric Plant Leased to Others," and "413, Expenses of Electric Plant Leased to Others," the Note is revised. As revised the Note to accounts 412 and 413 reads:

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(o) In account "414, Other Utility Operating Income," the Note is revised. As revised the Note to account 414 reads:

**414 Other utility operating income.**

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

**415.416 [Amended]**

(p) In accounts "415, Revenues from Merchandising, Jobbing and Contract Work," and "416, Costs and Expenses of Merchandising, Jobbing and Contract Work," Note B is revised. As revised, Note B to accounts 415 and 416 reads:

NOTE B: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

**417.417.1 [Amended]**

(q) In accounts "417, Revenues from Nonutility Operations," and "417.1, Expenses of Nonutility Operations," the Note is revised and relocated to follow the account text. As so revised, the Note to accounts 417 and 417.1 reads:

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(r) In account "418, Nonoperating Rental Income," the Note is revised. As revised the Note to account 418 reads:

**418 Nonoperating rental income.**

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(s) In account "419, Interest and Dividend Income," Note A is revised. As revised, Note A to account 419 reads:

**419 Interest and dividend income.**

NOTE A: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Other Income and Deductions, or ac-

count 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(t) In account "421, Miscellaneous Nonoperating Income," revise the last sentence of the paragraph. As revised, that portion of account 421 reads:

**421 Miscellaneous nonoperating income.**

Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(u) In account "421.1, Gain on Disposition of Property," revise the last sentence of the paragraph. As revised, this portion of account 421.1 reads:

**421.1 Gain on disposition of property.**

Income taxes on gains recorded in this account shall be recorded in account 409.2, Income Taxes, Other Income and Deductions.

(v) In account "421.2, Loss on Disposition of Property," revise the last sentence of the paragraph. As revised, this portion of account 421.2 reads:

**421.2 Loss on disposition of property.**

The reduction in income taxes relating to losses recorded in this account shall be recorded in account 409.2, Income Taxes, Other Income and Deductions.

(w) In account "434, Extraordinary Income," amend the last sentence of the paragraph. As amended, this portion of account 434 reads:

**434 Extraordinary income.**

Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 8.)

(x) In account "435, Extraordinary Deductions," amend the last sentence of the paragraph. As amended, this portion of account 435 reads:

**435 Extraordinary deductions.**

Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 8.)

(5) Revise the Operation and Maintenance Expense Accounts by revising Note A of account "927, Franchise Requirements." As revised, Note A of account 927 reads:

**927 Franchise requirements.**

NOTE A: Franchise taxes shall not be charged to this account but to account 408.1, Taxes Other Than Income Taxes, Utility Operating Income.

**PART 141—STATEMENTS AND REPORTS (SCHEDULES)**

(C) Schedule pages 110 and 111, Comparative Balance Sheet, 114 and 116A,

Statement of Income for the Year, in FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations are amended as set forth in Attachments C and E hereto.

(D) Schedule pages 214C and 214D, Accumulated Deferred Income Taxes (Account 190), are added to FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by 18 CFR 141.1, set out in Attachment F hereto.

(E) Schedule pages 3 and 6 in FPC Form No. 1-F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by § 141.2, are amended as set out in Attachments H and J hereto.

(F) Schedule pages 227 and 227A, Accumulated Deferred Income Taxes (Accounts 281, 282 and 283), in FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, are revised as set forth in Attachment G hereto.

(G) FPC Form No. 5, Monthly Statement of Electric Operating Revenue and Income, prescribed by § 141.25, is amended as set out in Attachment K hereto.

**PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES**

(A) The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) The Chart of Balance Sheet Accounts is amended:

(a) Immediately following account "188, Research and Development Expenditures," by adding a new account title 190, Accumulated Deferred Income Taxes.

(b) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add accounts titled 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income Taxes—Other.

(c) Immediately following account title "265, Miscellaneous Operating Reserves," revoke the classification heading "10, Accumulated Deferred Income Taxes," and account titles "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282 Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other."

As so amended, those portions of the Chart of Balance Sheet Accounts reads:

Attachments C-L filed as part of the original document.

Balance Sheet Accounts	
ASSETS AND OTHER DEBITS	
4. DEFERRED DEBITS	
190 Accumulated deferred income taxes.	
LIABILITIES AND OTHER CREDITS	
8. DEFERRED CREDITS	
281 Accumulated deferred income taxes—Accelerated amortization.	
282 Accumulated deferred income taxes—Liberalized depreciation.	
283 Accumulated deferred income taxes—Other.	
10. [REVOKED]	
281 [Revoked]	
282 [Revoked]	
283 [Revoked]	

(2) The Balance Sheet Accounts are amended as follows:

(a) Amend account "187, Deferred Losses from Disposition of Utility Plant," by deleting the last sentence which reads, "Amounts recorded in this account shall be net of related income taxes."

(b) Amend paragraph C of account "188, Research and Development Expenditures," by amending the second sentence of the paragraph. As amended, this portion of account 188 reads:

**Balance Sheet Accounts**  
**ASSETS AND OTHER DEBITS**  
**4. DEFERRED DEBITS**  
**188 Research and Development expenditures.**

In such a case the portion of such amounts that cause the distortion may be amortized to the appropriate operating expense account over a period not to exceed five years unless otherwise authorized by the Commission.

(c) Immediately following account "188, Research and Development Expenditures," add a new account identified as 190, Accumulated Deferred Income Taxes, to read as follows:

**190 Accumulated deferred income taxes.**  
A. This account, when its use has been authorized by the Commission, shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which income taxes payable for the year are higher because of the inclusion of certain items in income for tax purposes, which items for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. Commission approval to use this account need not be received for items included in the Items list.

B. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which income taxes payable for the year are lower because of prior payment of taxes as provided by paragraph A above, because of difference in timing for tax purposes of particular items of income or income deductions from that recognized by the utility for general accounting purposes. Such credit to this account and debit to account 410.1 or 410.2 shall, in general, represent the effect on taxes payable in the current year of the smaller amount of book income recognized, or the larger deduction permitted, for tax purposes as compared to the amount recognized in the utility's current accounts with respect to the item or class of items for which deferred tax concept of accounting is affected.

C. Vintage year records with respect to entries to this account, as described above, and the account balance shall be so maintained as to show the factor of calculation with respect to each annual amount of the item or class of items for which deferred tax accounting by the utility is utilized.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not make use of the balance in this account or any portion thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be debited to account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, or otherwise disposed of as the Commission may authorize or direct.

ITEM

1. Tax effects of deferred gains from disposition of utility plant. (See account 256, Deferred Gains from Disposition of Utility Plant.)

256 [Amended]

(d) Amend account "256, Deferred Gains from Disposition of Utility Plant," by deleting the last sentence which reads, "Amounts recorded in this account shall be net of related income taxes."

(e) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new subheading *Special Instructions—Accumulated Deferred Income Taxes*, and immediately following text of this new subheading, add relocated accounts 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income

Taxes—Other. As so amended, this portion of the balance sheet accounts reads:

**SPECIAL INSTRUCTIONS**

**Accumulated Deferred Income Taxes**

Natural gas companies shall use the accounts provided below for prior accumulation of deferred Federal, State, and local taxes on income and for additional provisions. A copy of the order or other authorization to practice deferred tax accounting of the State public service commission also having jurisdiction shall be filed with the Commission, or, in the absence of a State public service commission having accounting jurisdiction, the natural gas company shall file with this Commission a copy of its plan on accounting for deferred taxes on income. The filing of such order or other authorization, or accounting plan, shall constitute permission for additional accumulations of deferred taxes on income. Once the deferred tax accounting concept has been initiated as specified within the respective accounts, such accounting shall not be discontinued on that property without Commission approval.

The text of these accounts are designed primarily to cover deferrals of Federal income taxes. However, they are also to be used when making deferrals of State and local income taxes. Natural gas companies which, in addition to a gas utility department, have another utility department, electric, water, etc., and nonutility property which have deferred taxes on income with respect thereto shall separately classify such deferrals in the accounts provided below so as to allow ready identification of items relating to each utility department and to Other Income and Deductions.

Account 283, Accumulated Deferred Income Taxes—Other, is provided for those specific types of tax deferrals approved by the Commission, which do not relate to accelerated amortization recorded in account 281, Accumulated Deferred Income Taxes—Accelerated Amortization, or liberalized depreciation recorded in account 282, Accumulated Deferred Income Taxes—Liberalized Depreciation.

**281 Accumulated deferred income taxes—Accelerated amortization.**

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of (1) certified defense facilities in computing such taxes, as permitted by Section 168 of the Internal Revenue Code and (2) certified pollution control facilities in computing such taxes, as permitted by Section 169 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight



line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of (1) certified defense facilities and (2) pollution control facilities, instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the availability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above are not mandatory for any utility which, in accordance with a consistent policy, elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Upon the disposition by sale, exchange, transfer, abandonment or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income

Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited. When the remaining balance, after consideration of any related income tax expense, is less than \$25,000, this account shall be charged and account 411.1 or 411.2, as appropriate, credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of \$25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

#### 282 Accumulated deferred income taxes—Liberalized depreciation.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by Section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation; to include those accumulated tax deferrals arising from the use of the Class Life Asset Depreciation Range as provided and required by the Revenue Act of 1971.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation

method ordinarily used by the utility in computing depreciation for tax purposes.

C. Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any property, such accounting shall not be discontinued on that property without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Upon the disposition by sale, exchange, transfer, abandonment or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income, or 411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions, shall be credited. When the remaining balance, after consideration of any related tax expenses, is less than \$25,000, this account shall be charged and account 411.1 or 411.2, as appropriate, credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of \$25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balance would be necessary to be retained to offset future group item tax deficiencies.

#### 283 Accumulated deferred income taxes—Other.

A. This account, when its use has been authorized by the Commission, shall be

credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation, in the computation of income taxes which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. Commission approval to use this account need not be received for items included in the Items list.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years as provided by paragraph A, above, because of difference in timing for tax purposes of particular income deductions from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted for tax purposes as compared to the amount recognized in the utility's general accounting purposes, other than with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries in this account, as described above, and the account balance, shall be maintained so as to show the factors of calculation with respect to each annual amount of the item or class of items.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or to any other account or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Upon the disposition by sale, exchange, transfer, abandonment or premature retirement of items on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax effect, if any, arising from such disposition and account 411.1 Income Taxes Deferred in Prior Years—Credit, Utility Operating Income, or 411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions, as appropriate, shall be credited. When the remaining balance, after consideration of any related tax expenses, is less than \$25,000, this account shall be charged and account 411.1 or 411.2, as appropriate, credited with such

balance. If after consideration of any related income tax expense, there is a remaining amount of \$25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balance would be necessary to be retained to offset future group item tax deficiencies.

#### ITEMS

1. Tax effects of extraordinary property losses.
2. Tax effects of deferred losses from disposition of utility plant. (See account 187, Deferred Losses From Disposition of Utility Plant.)
3. Tax effects of research and development expenditures amortized.
4. Tax deferrals arising from the use of the "asset guideline class repair allowance" feature of the Revenue Act of 1971.

(f) Immediately following account "265, Miscellaneous Operating Reserves," revoke the classification heading "10. Accumulated Deferred Income Taxes," including Notes A and B thereunder, and accounts "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other," located thereunder. After revocation, this portion of the balance sheet accounts will appear as follows:

#### 10. [REVOKED]

- 281 [Revoked]  
282 [Revoked]  
283 [Revoked]

(3) The Chart of the Income Accounts is amended as follows:

- (a) Immediately following account "407.2, Amortization of Conversion Expense," revoke account title "408, Taxes Other Than Income Taxes."
- (b) Immediately following account "408.1, Taxes Other Than Income Taxes, Utility Operating Income," revoke account title "409, Income Taxes."
- (c) Immediately following account "409.1, Income Taxes, Utility Operating Income," revoke account title "410, Provision for Deferred Income Taxes."
- (d) Immediately following account "410.1, Provision for Deferred Income Taxes, Utility Operating Income," revoke account title "411, Income Taxes Deferred in Prior Years—Credit."
- (e) Revise the title of account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," to read 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income.
- (f) Revise the title of account "411.2, Income Taxes Deferred in Prior Years—

Credit, Other Income and Deductions," to read 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions.

As so amended the Chart of Income Accounts reads:

Income Accounts	
1. UTILITY OPERATING INCOME	
OPERATING EXPENSES	
407.2 Amortization of conversion expense.	
408 [Revoked]	
408.1 Taxes other than income taxes, utility operating income.	
409 [Revoked]	
409.1 Income taxes, utility operating income.	
410 [Revoked]	
410.1 Provision for deferred income taxes, utility operating income.	
411 [Revoked]	
411.1 Provision for deferred income taxes—Credit, utility operating income.	
2. OTHER INCOME AND DEDUCTIONS	
C. Taxes Applicable to Other Income and Deductions	
411.2 Provision for deferred income taxes—Credit, other income and deductions.	
(4) The text of the Income Accounts are amended and revised as follows:	
(a) Revoke account "408, Taxes Other Than Income Taxes."	
(b) Immediately following account "407.2, Amortization of Conversion Expense," add <i>Special Instructions—Accounts 408.1 and 408.2</i> , with text.	
(c) Revise the text of accounts "408.1, Taxes Other Than Income Taxes, Utility Operating Income," and "408.2, Taxes Other Than Income Taxes, Other Income and Deductions."	
(d) Revoke account "409, Income Taxes."	
(e) Immediately following account "408.2, Taxes Other Than Income Taxes, Other Income and Deductions," add <i>Special Instructions—Accounts 409.1, 409.2 and 409.3</i> , with text.	
(f) Revise the text of accounts "409.1, Income Taxes, Utility Operating Income, 409.2, Income Taxes, Other Income and Deductions," and "409.3, Income Taxes, Extraordinary Items."	
(g) Revoke account "410, Provision for Deferred Income Taxes."	
(h) Immediately following account "409.3, Income Taxes, Extraordinary Items," add <i>Special Instructions—accounts 410.1, 410.2, 411.1 and 411.2</i> , with text.	
(i) Revise the text of accounts "410.1, Provision for Deferred Income Taxes, Utility Operating Income," and "410.2, Provision for Deferred Income Taxes, Other Income and Deductions."	
(j) Revoke account "411, Income Taxes Deferred in Prior Years—Credit."	
(k) Revise the title and text of accounts "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating	



Income," and "411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions."

As so amended this portion of the text of the Income Accounts reads:

#### Income Accounts

##### 1. UTILITY OPERATING INCOME

##### 408 [Revoked]

*Special Instructions, Accounts 408.1 and 408.2.* A. These accounts shall include the amounts of ad valorem, gross revenue or gross receipts, taxes, state unemployment insurance, franchise taxes, federal excise taxes, social security taxes, and all other taxes assessed by federal, state, county, municipal, or other local governmental authorities, except income taxes.

B. These accounts shall be charged in each accounting period with the amounts of taxes which are applicable thereto, with concurrent credits to account 236, Taxes Accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amounts of taxes, the amounts shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to these accounts shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in these accounts shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis after appropriate study to determine such basis.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same amount as the materials on which the tax is levied.

NOTE D: Social security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant accounts.

NOTE E: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or 431, Other Interest Expense, as appropriate.

##### 408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes other than income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of the various classes of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

##### 408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes other than income taxes which relate to Other Income and Deductions.

##### 409 [Revoked]

*Special Instructions, Accounts 409.1, 409.2 and 409.3.* A. These accounts shall include the amounts of local, state and federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amounts of taxes become known, the current tax accruals shall be adjusted by charges or credits to these accounts unless such adjustments are properly includible in account 439, Adjustments to Retained Earnings, so that these accounts as nearly as can be ascertained shall include the actual taxes payable by the utility. (See General Instruction 7.1 for prior period adjustments.)

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings, shall be recorded in that account. The tax effects relating to Interest Charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

##### 409.1 Income taxes, utility operating income.

This account shall include the amount of those local, state and federal income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

##### 409.2 Income taxes, other income and deductions.

This account shall include the amount of those local, state and federal income taxes (both positive and negative), which relate to Other Income and Deductions.

##### 409.3 Income taxes, extraordinary items.

This account shall include the amount of those local, state and federal income taxes (both positive and negative), which relate to Extraordinary Items.

##### 410 [Revoked]

*Special Instructions, Accounts 410.1, 410.2, 411.1 and 411.2.* A. Accounts 410.1 and 410.2 shall be debited, and Accumulated Deferred Income Taxes shall be credited with amounts equal to any current deferrals of taxes on income or any allocations of deferred taxes originating in prior periods, as provided by the texts of accounts 190, 281, 282 and 283. There shall not be netted against entries required to be made to these accounts any credit amounts appropriately includible in accounts 411.1 or 411.2.

B. Accounts 411.1 and 411.2 shall be credited, and Accumulated Deferred Income Taxes shall be debited with amounts equal to any allocations of deferred taxes originating in prior periods or any current deferrals of taxes on income, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any debit amounts appropriately includible in accounts 410.1 or 410.2.

##### 410.1 Provision for deferred income taxes, utility operating income.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Utility Operating Income (by department).

##### 410.2 Provision for deferred income taxes, other income and deductions.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to other income and deductions.

##### 411 [Revoked]

##### 411.1 Provision for deferred income taxes—Credit, utility operating income.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Utility Operating Income (by department).

##### 411.2 Provision for deferred income taxes—Credit, other income and deductions.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Other Income and Deductions.

(1) Account "411.8, Gains from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.6 reads:

##### 411.6 Gains from disposition of utility plant.

Income taxes relating to gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(m) Account "411.7, Losses from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.7 reads:

##### 411.7 Losses from disposition of utility plant.

Income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

##### 412, 413 [Amended]

(n) In accounts "412, Revenues from Gas Plant Leased to Others," and "413, Expenses of Gas Plant Leased to Others," the Note is revised. As revised the Note to accounts 412 and 413 reads:

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account

409.1, Income Taxes, Utility Operating Income, as appropriate.

(o) In account "414, Other Utility Operating Income," the Note is revised. As revised the Note to account 414 reads:

##### 414 Other utility operating income.

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

##### 415, 416 [Amended]

(p) In accounts "415, Revenues from Merchandising, Jobbing and Contract Work," and "416, Costs and Expenses of Merchandising, Jobbing and Contract Work," Note B is revised. As revised Note B to accounts 415 and 416 reads:

NOTE B: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

##### 417, 417.1 [Amended]

(q) In accounts "417, Revenues from Nonutility Operation," and "417.1, Expenses of Nonutility Operations," the Note is revised. As so revised the Note to accounts 417 and 417.1 reads:

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(r) In account "418, Nonoperating Rental Income," the Note is revised. As revised the Note to account 418 reads:

##### 418 Nonoperating rental income.

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(s) In account "419, Interest and Dividend Income," Note A is revised. As revised Note A to account 419 reads:

##### 419 Interest and dividend income.

NOTE A: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(t) In account "421, Miscellaneous Nonoperating Income," revise the last sentence of the paragraph. As revised these portions of account 421 reads:

##### 421 Miscellaneous nonoperating income.

Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(u) In account "421.1, Gain on Disposition of Property," revise the last sentence of the paragraph. As revised this portion of account 421.1 reads:

##### 421.1 Gain on disposition of property.

Income taxes on gains recorded in this account shall be recorded in account 409.2, Income Taxes, Other Income and Deductions.

(v) In account "421.2, Loss on Disposition of Property," revise the last sentence of the paragraph. As revised this portion of account 421.2 reads:

##### 421.2 Loss on disposition of property.

The reduction in income taxes relating to losses recorded in this account shall be recorded in account 409.2, Income Taxes, Other Income and Deductions.

(w) In account "434, Extraordinary Income," amend the last sentence of the paragraph. As amended this portion of account 434 reads:

##### 434 Extraordinary income.

Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 7.)

(x) In account "435, Extraordinary Deductions," amend the last sentence of the paragraph. As amended this portion of account 435 reads:

##### 435 Extraordinary deductions.

Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 7.)

(5) Revise the Operation and Maintenance Expense Accounts by revising Note A of account "927, Franchise Requirements," As revised Note A of account 927 reads:

##### 927 Franchise requirements.

NOTE A: Franchise taxes shall not be charged to this account but to account 408.1, Taxes Other Than Income Taxes, Utility Operating Income.

#### PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

(1) The Commission's Uniform System of Accounts for Class C and Class D Natural Gas Companies prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) The Chart of the Balance Sheet Accounts is amended:

(a) Immediately following account "187, Deferred Losses from Disposition of Utility Plant," add a new account 190, Accumulated Deferred Income Taxes.

(b) Immediately following account title "256, Deferred Gains from Disposition of Utility Plant," add account titles 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Ac-

cumulated Deferred Income Taxes—Other.

(c) Immediately following account title "265, Miscellaneous Operating Reserves," revoke classification heading "10, Accumulated Deferred Income Taxes," and revoke account titles "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other," located thereunder.

As so amended, those portions of the Chart of Balance Sheet Accounts reads:

#### Balance Sheet Accounts

##### ASSETS AND OTHER DEBITS

##### 4. DEFERRED DEBITS

190 Accumulated deferred income taxes.

##### LIABILITIES AND OTHER CREDITS

##### 8. DEFERRED CREDITS

281 Accumulated deferred income taxes—Accelerated amortization.  
282 Accumulated deferred income taxes—Liberalized depreciation.  
283 Accumulated deferred income taxes—Other.

##### 10. [REVOKED]

281 [Revoked]  
282 [Revoked]  
283 [Revoked]

(2) The Balance Sheet Accounts are amended as follows:

(a) Amend account "187, Deferred Losses from Disposition of Utility Plant," by deleting the last sentence which reads, "Amounts recorded in this account shall be net of related income taxes."

(b) Immediately following account "187, Deferred Losses from Disposition of Utility Plant," add a new account identified as 190, Accumulated Deferred Income Taxes, to read as follows:

190 Accumulated deferred income taxes.

A. This account, when its use has been authorized by the Commission, shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which income taxes payable for the year are higher because of the inclusion of certain items in income for tax purposes, which items for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. Commission approval to use this account need not be received for items included in the Items list.

B. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited



with an amount equal to that by which income taxes payable for the year are lower because of prior payment of taxes as provided by paragraph A above, because of difference in timing for tax purposes of particular items of income or income deductions from that recognized by the utility for general accounting purposes. Such credit to this account and debit to account 410.1 or 410.2 shall, in general, represent the effect on taxes payable in the current year of the smaller amount of book income recognized, or the larger deduction permitted, for tax purposes as compared to the amount recognized in the utility's current accounts with respect to the item or class of items for which deferred tax concept of accounting is affected.

C. Vintage year records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factor of calculation with respect to each annual amount of the item or class of items for which deferred tax accounting by the utility is utilized.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not make use of the balance in this account or any portion thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be debited to account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, or otherwise disposed of as the Commission may authorize or direct.

#### ITEM

1. Tax effects of deferred gains from disposition of utility plant. (See account 256, Deferred Gains From Disposition of Utility Plant.)

(c) Amend account "256, Deferred Gains from Disposition of Utility Plant," by deleting the last sentence which reads, "Amounts recorded in this account shall be net of related income taxes."

(d) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new subheading Special Instructions—Accumulated Deferred Income Taxes, and immediately following text of this new subheading, add relocated accounts 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income Taxes—Other. As so amended, this portion of the balance sheet accounts reads:

#### SPECIAL INSTRUCTIONS

##### Accumulated Deferred Income Taxes

Natural gas companies shall use the accounts provided below for prior ac-

cumulation of deferred federal, state and local taxes on income and for additional provisions. A copy of the order or other authorization to practice deferred tax accounting of the state public service commission also having jurisdiction shall be filed the Commission, or, in the absence of a state public service commission having accounting jurisdiction, the natural gas company shall file with this Commission a copy of its plan of accounting for deferred taxes on income. The filing of such order or other authorization, or accounting plan, shall constitute permission for additional accumulations of deferred taxes on income. Once the deferred tax accounting concept has been initiated as specified within the respective accounts, such accounting shall not be discontinued on that property without Commission approval.

The text of these accounts are designed primarily to cover deferrals of Federal income taxes. However, they are also to be used when making deferrals of state and local income taxes. Natural gas companies, which in addition to a gas utility department, have another utility department, electric, water, etc., and nonutility property and which have deferred taxes on income with respect thereto shall separately classify such deferrals in the accounts provided below so as to allow ready identification of items relating to each utility department and to Other Income and Deductions.

Account 283, Accumulated Deferred Income Taxes—Other, is provided for those specific types of tax deferrals approved by the Commission, which do not relate to accelerated amortization recorded in account 281, Accumulated Deferred Income Taxes—Accelerated Amortization, or liberalized depreciation recorded in account 282, Accumulated Deferred Income Taxes—Liberalized Depreciation.

281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of (1) certified defense facilities in computing such taxes, as permitted by Section 168 of the Internal Revenue Code and (2) certified pollution control facilities in computing such taxes, as permitted by Section 169 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred

Income Taxes—Credit, Other Income and Deductions, as appropriate shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of (1) certified defense facilities and (2) pollution control facilities, instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the availability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available, and appropriate for such property, considering its estimated useful life according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Upon the disposition by sale, exchange, transfer, abandonment or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited. When the remaining balance, after consideration of any related income tax expense, is less than \$25,000, this account shall be charged and account 411.1 or 411.2, as appropriate, credited with such balance. If after consideration

of any related income tax expense, there is a remaining amount of \$25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

282 Accumulated deferred income taxes—Liberalized depreciation.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by Section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation on property placed in service on or before December 31, 1972; to include those accumulated tax deferrals arising from the use of the Class Life Asset Depreciation Range as provided and required by the Revenue Act of 1971.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

C. Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the

separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any property such accounting shall not be discontinued on that property, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Upon the disposition by sale, exchange, transfer, abandonment or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income, or 411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions, shall be credited. When the remaining balance after consideration of any related tax expenses, is less than \$25,000, this account shall be charged and account 411.1 or 411.2, as appropriate, credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of \$25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balance would be necessary to be retained to offset future group item tax deficiencies.

283 Accumulated deferred income taxes—Other.

A. This account, when its use has been authorized by the Commission, shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the

year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation, in the computation of income taxes which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. Commission approval to use this account need not be received for items included in the Items list.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph A, above, because of difference in timing for tax purposes of particular income deductions from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted for tax purposes as compared to the amount recognized in the utility's current accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or to any other account or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Upon the disposition by sale, exchange, transfer, abandonment or premature retirement of items on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax effect, if any, arising from such disposition and account 411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income, or 411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions, as appropriate, shall be credited. When the remaining balance, after consideration of any related tax expenses, is less than \$25,000, this account shall be charged and account 411.1 or 411.2, as appropriate, credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of \$25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned



## RULES AND REGULATIONS

subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balance would be necessary to be retained to offset future group item tax deficiencies.

## ITEMS

1. Tax effects of extraordinary property losses.
2. Tax effects of deferred losses from disposition of utility plant. (See account 187, Deferred Losses From Disposition of Utility Plant.)
3. Tax effects of research and development expenditures amortized.
4. Tax deferrals arising from the use of the "asset guideline class repair allowance" feature of the Revenue Act of 1971.

(e) Immediately following account "265, Miscellaneous Operating Reserves," revoke the classification heading "10, Accumulated Deferred Income Taxes," and accounts "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other." After revocation, this portion of the balance sheet accounts will appear as follows:

## 10. [REVOKED]

- 281 [Revoked]  
282 [Revoked]  
283 [Revoked]

(3) Amend the Chart of the Income Accounts as follows:

- (a) Immediately following account "407.2, Amortization of Conversion Expenses," revoke account title "408, Taxes Other Than Income Taxes."
- (b) Immediately following account "408.1, Taxes Other Than Income Taxes, Utility Operating Income," revoke account title "409, Income Taxes."
- (c) Immediately following account "409.1, Income Taxes, Utility Operating Income," revoke account title "410, Provision for Deferred Income Taxes."
- (d) Immediately following account "410.1, Provision for Deferred Income Taxes, Utility Operating Income," revoke account title "411, Income Taxes Deferred in Prior Years—Credit."
- (e) Revise the title of account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," to read 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income.
- (f) Revise the title of account "411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions," to read 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions.

Also so amended the Chart of Income Accounts reads:

## Income Accounts

## 1. UTILITY OPERATING INCOME

## Operating Expenses:

- 407.2 Amortization of conversion expenses.  
408 [Revoked]  
408.1 Taxes other than income taxes, utility operating income.  
409 [Revoked]  
409.1 Income taxes, utility operating income.  
410 [Revoked]  
410.1 Provision for deferred income taxes, utility operating income.  
411 [Revoked]  
411.1 Provision for deferred income taxes—Credit, utility operating income.

## 2. Other Income and Deductions

## C. Taxes Applicable to Other Income and Deductions

- 411.2 Provision for deferred income taxes—Credit, other income and deductions.

(4) The text of the Income Accounts are amended and revised as follows:

(a) Revoke account "408, Taxes Other Than Income Taxes."

(b) Immediately following account "407.2, Amortization of Conversion Expenses," add *Special Instructions—Accounts 408.1 and 408.2*, with text.

(c) Revise the text of accounts "408.1, Taxes Other Than Income Taxes, Utility Operating Income," and "408.2, Taxes Other Than Income Taxes, Other Income and Deductions."

(d) Revoke account "409, Income Taxes."

(e) Immediately following account "408.2, Taxes Other Than Income Taxes, Other Income and Deductions," add *Special Instructions—Accounts 409.1, 409.2 and 409.3*, with text.

(f) Revise the text of accounts "409.1, Income Taxes, Utility Operating Income, 409.2, Income Taxes, Other Income and Deductions," and "409.3, Income Taxes, Extraordinary Items."

(g) Revoke account "104, Provision for Deferred Income Taxes."

(h) Immediately following account "409.3, Income Taxes, Extraordinary Items," and *Special Instructions—Accounts 410.1, 410.2, 411.1 and 411.2*, with text.

(i) Revise the text of accounts "410.1, Provision for Deferred Income Taxes, Utility Operating Income," and "410.2, Provision for Deferred Income Taxes, Other Income and Deductions."

(j) Revoke account "411, Provision for Deferred Income Taxes—Credit."

(k) Revise the title and text of accounts "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," and "411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions."

As so amended this portion of the text of the Income Accounts reads:

## Income Accounts

## 1. UTILITY OPERATING INCOME

## 408 [Revoked]

*Special Instructions, Accounts 408.1 and 408.2.* A. These accounts shall include the amounts of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, federal excise taxes, social security taxes, and all other taxes assessed by federal, state, county, municipal, or other local governmental authorities, except income taxes.

B. These accounts shall be charged in each accounting period with the amounts of taxes which are applicable thereto, with concurrent credits to account 236, Taxes Accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amounts of taxes, the amounts shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to these accounts shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in these accounts shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis after appropriate study to determine such basis.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or 431, Other Interest Expense, as appropriate.

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes other than income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes other than income taxes which relate to Other Income and Deductions.

## 409 [Revoked]

*Special Instructions, Accounts 409.1, 409.2 and 409.3.* A. These accounts shall include the amounts of local, state and federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amounts of taxes become known, the current tax accruals shall be adjusted by charges or credits to these accounts unless such adjustments are properly includible in account 439, Adjustments to Retained Earnings, so that these accounts as nearly as can be ascertained shall include the actual taxes payable by the utility. (See General Instruction 9 for prior period adjustments.)

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings, shall be recorded in that account. The tax effects relating to Interest Charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

409.1 Income taxes, utility operating income.

This account shall include the amount of those local, state and federal income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those local, state and federal income taxes (both positive and negative), which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those local, state and federal income taxes (both positive and negative), which relate to Extraordinary Items.

## 410 [Revoked]

*Special Instructions, Accounts 410.1, 410.2, 411.1 and 411.2.* A. Accounts 410.1 and 410.2 shall be debited, and Accumulated Deferred Income Taxes shall be credited, with amounts equal to any current deferrals of taxes on income or any allocations of deferred taxes originating in prior periods, as provided by the texts of accounts 199, 281, 282 and 283. There shall not be netted against entries required to be made to these accounts any credit amounts appropriately includible in accounts 411.1 or 411.2.

B. Accounts 411.1 and 411.2 shall be credited, and Accumulated Deferred Income

## RULES AND REGULATIONS

Taxes shall be debited, with amounts equal to any allocations of deferred taxes originating in prior periods or any current deferrals of taxes on income, as provided by the texts of accounts 199, 281, 282 and 283. There shall not be netted against entries required to be made to these accounts any debit amounts appropriately includible in account 410.1 or 410.2.

410.1 Provision for deferred income taxes, utility operating income.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Utility Operating Income (by department).

410.2 Provision for deferred income taxes, other income and deductions.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Other Income and Deductions.

## 411 [Revoked]

411.1 Provision for deferred income taxes—Credit, utility operating income.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Utility Operating Income (by department).

411.2 Provision for deferred income taxes—Credit, other income and deductions.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Other Income and Deductions.

(1) Account "411.6, Gains from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.6 reads:

411.6 Gains from disposition of utility plant.

Income taxes relating to gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(m) Account "411.7, Losses from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.7 reads:

411.7 Losses from disposition of utility plant.

Income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

## 412, 413 [Amended]

(n) In accounts "412, Revenues from Gas Plant Leased to Others," and "413, Expenses from Gas Plant Leased to Others," the Note is revised. As revised the Note to accounts 412 and 413 reads:

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(o) In account "414, Other Utility Operating Income," the Note is revised. As revised the Note to account 414 reads:

414 Other utility operating income.

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

## 415, 416 [Amended]

(p) In accounts "415, Revenues from Merchandising, Jobbing and Contract Work," and "416, Costs and Expenses of Merchandising, Jobbing and Contract Work," Note B is revised. As revised Note B to accounts 415 and 416 reads:

NOTE B: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

## 417, 417.1 [Amended]

(q) In accounts "417, Revenues from Nonutility Operations," and "417.1, Expenses of Nonutility Operations," the Note is revised. As so revised the Note to accounts 417 and 417.1 reads:

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(r) In account "418, Nonoperating Rental Income," the Note is revised. As revised the Note to account 418 reads:

418 Nonoperating rental income.

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(s) In account "419, Interest and Dividend Income," Note A is revised. As revised Note A to account 419 reads:

419 Interest and dividend income.

NOTE A: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(t) In account "421, Miscellaneous Nonoperating Income," revise the last sentence of the paragraph. As revised this portion of account 421 reads:

421 Miscellaneous nonoperating income.

Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(u) In account "421.1, Gain on Disposition of Property," revise the last sentence of the paragraph. As revised this portion of account 421.1 reads:



## 421.1 Gain on disposition of property.

Income taxes on gains recorded in this account shall be recorded in account 409.2, Income Taxes, Other Income and Deductions.

(v) In account "421.2, Loss on Disposition of Property," revise the last sentence of the paragraph. As revised this portion of account 421.2 reads:

## 421.2 Loss on disposition of property.

The reduction in income taxes relating to losses recorded in this account shall be recorded in account 409.2, Income Taxes, Other Income and Deductions.

(w) In account "434, Extraordinary Income," amend the last sentence of the paragraph. As amended this portion of account 434 reads:

## 434 Extraordinary income.

Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 8.)

(x) In account "435, Extraordinary Deductions," amend the last sentence of the paragraph. As amended this portion of account 435 reads:

## 435 Extraordinary deductions.

Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 8.)

(5) Revise the Operation and Maintenance Expense Accounts by revising Note A of account "927, Franchise Requirements." As revised Note A of account 927 reads:

## 927 Franchise requirements.

NOTE A: Franchise taxes shall not be charged to this account but to account 408.1, Taxes Other Than Income Taxes, Utility Operating Income.

## PART 260—STATEMENTS AND REPORTS (SCHEDULES)

(K) Schedule pages 110 and 111, Comparative Balance Sheet, 114 and 116A, Statement of Income for the Year, in FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, are amended as set forth in Attachments D and E hereto.

(L) Schedule pages 214C and 214D, Accumulated Deferred Income Taxes (Account 190), are added to FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, as set out in Attachment F hereto.<sup>1</sup>

(M) Schedule pages 227 and 227A, Accumulated Deferred Income Taxes (Accounts 281, 282, and 283), in FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B),

prescribed by 18 CFR 260.1, are revised as set forth in Attachment G hereto.<sup>1</sup>

(N) Schedule pages 3 and 6 in FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D), prescribed by § 260.2 are amended as set forth in Attachments I and J hereto.

(O) FPC Form No. 11, Natural Gas Pipeline Company Monthly Statement, prescribed by § 260.3 is amended as set out in Attachment L hereto.<sup>1</sup>

(P) This order, as related to accounting and reporting changes, is effective January 1, 1974, other than the accounting provisions relating to the utilization of the Class Life Asset Depreciation Range System which shall coincide with the effective dates provided for in the Revenue Act of 1971.

(Q) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

NOTE.—The new or revised schedule pages for specified FPC forms appended to this Order have been reviewed and approved by the Comptroller General of the United States under provisions of Section 409 of Public Law 95-153 and assigned the following approval numbers:

Form No. 1—B180228 (R0005)  
Form No. 1F—B180228 (R0006)  
Form No. 1M—B180228 (R0007)  
Form No. 2—B180228 (R0008)  
Form No. 2A—B180228 (R0009)  
Form No. 5—B180228 (R0010)  
Form No. 11—B180228 (R0011)

## ATTACHMENT A

## LIST OF RESPONDENTS:

## Accounting Firms

Arthur Andersen & Co.  
Haskins & Sells.  
Lybrand Ross Bros. & Montgomery.

## Associations

American Accounting Association Ad Hoc Committee, The.  
American Gas Association.  
Edison Electric Institute.  
Independent Natural Gas Association of America.  
Subcommittee of Staff Experts on Accounting, NARUC.

## Electric Utilities

Alabama Power Company.  
American Electric Power System Companies:  
Appalachian Power Company.  
Indiana and Michigan Electric Company.  
Kentucky Utilities Company.  
Kingsport Power Company.  
Michigan Gas and Electric Company.  
Ohio Power Company.  
Wheeling Electric Company.  
Arizona Public Service Company.  
Baltimore Gas and Electric Company.  
Boston Edison Company.  
Carolina Power & Light Company.  
Central Vermont Public Service Corporation.  
Cincinnati Gas & Electric Company.  
Cleveland Electric Illuminating Company, The.  
Columbus and Southern Ohio Electric Company.

<sup>1</sup> Attachments C-L filed as part of the original document.

Commonwealth Edison Company.  
Community Public Service Company.  
Consumers Power Company.  
Detroit Edison Company, The.  
Duke Power Company.  
Florida Power Corporation.  
Georgia Power Company.  
General Public Utilities Corporation.  
Jersey Central Power and Light Company.  
Metropolitan Edison Company.  
New Jersey Power and Light Company.  
Pennsylvania Electric Company.

Gulf Power Company.  
Gulf States Utilities Company.  
Idaho Power Company.  
Iowa Electric Light and Power Company.  
Iowa-Illinois Gas and Electric Company.  
Louisville Gas & Electric Company.

Mississippi Power Company.  
Montana-Dakota Utilities Company.  
Montana Power Company, The.  
Northern States Power Company.  
Oklahoma Gas and Electric Company.  
Otter Tail Power Company.

Pacific Gas and Electric Company.  
Pacific Power & Light Company.  
Pennsylvania Power & Light Company.  
Philadelphia Electric Company.

Conowingo Power Company.  
Susquehanna Electric Company, The.  
Susquehanna Power Company, The.  
Philadelphia Electric Power Company.

Public Service Electric and Gas Company.  
Public Service of Indiana.  
San Diego Gas & Electric Company.

Southern Services, Inc.:  
Alabama Power Company.  
Georgia Power Company.  
Gulf Power Company.  
Mississippi Power Company.  
Southern Electric Generating Company.  
Southern Company, The.

Union Electric Company.  
Utah Power & Light Company.  
West Texas Utilities Company.  
Wisconsin Electric Power Company.

## Gas Utilities (Jurisdictional)

Arkansas Louisiana Gas Company.  
Colorado Interstate Gas Company, a Division of Colorado Interstate Corporation.  
Columbia Gas System Service Corporation.  
Consolidated Gas Supply Corporation.  
Northern Natural Gas Company.  
Pacific Gas Transmission Company.  
Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.

Texas Eastern Transmission Corporation.  
Transcontinental Gas Pipe Line Corporation.  
United Gas Pipe Line Company.

## Gas Utilities (Non-Jurisdictional)

Brooklyn Union Gas Company, The.  
Coastal States Gas Producing Company.  
Southern California Gas Company.

## State &amp; Federal Commissions

Interstate Commerce Commission.  
State of New York Public Service Commission.  
State of Washington Utilities Transportation Commission.  
State of Wisconsin Public Service Commission.

## ATTACHMENT B

## LIST OF RESPONDENTS:

## Associations

American Gas Association.  
Edison Electric Institute.  
Independent Natural Gas Association of America.

## Electric Utilities

American Electric Power Company, Inc.  
Appalachian Power Company.  
Indiana & Michigan Electric Company.  
Kentucky Power Company.  
Kingsport Power Company.  
Michigan Power Company.  
Ohio Power Company.  
Wheeling Electric Company.  
Atlantic City Electric Company.  
Arizona Public Service Company.  
Boston Edison Company.  
Carolina Power & Light Company.  
Cincinnati Gas & Electric Company, The.  
Union Light, Heat and Power Company, The.

Lawrenceburg Gas Transmission Corporation.  
Cleveland Electric Illuminating Company, The.

Commonwealth Edison Company.  
Consumers Power Company.  
Duke Power Company.  
Empire District Electric Company, The.  
Florida Power Corporation.

Iowa-Illinois Gas and Electric Company.  
Kansas City Power & Light Company.  
Maine Yankee Atomic Power Company.  
Minnesota Power & Light Company.  
Northern States Power Company.  
Oklahoma Gas and Electric Company.  
Otter Tail Power Company.

Pacific Gas and Electric Company.  
Pacific Power & Light Company.  
Pennsylvania Power & Light Company.  
Philadelphia Electric Company.  
Public Service Electric and Gas Company.  
Public Service of Indiana.

Southern Services, Inc.:  
Alabama Power Company.  
Georgia Power Company.  
Gulf Power Company.  
Mississippi Power Company.

Southern Electric Generating Company.  
Utah Power & Light Company.  
West Texas Utilities Company.  
Wisconsin Power & Light Company.

## Gas Utilities

Colorado Interstate Gas Company.  
El Paso Natural Gas Company.  
Northern Natural Gas Company.  
Tennessee Gas Pipeline Company.  
Texas Eastern Transmission Corporation.  
Transcontinental Gas Pipe Line Corporation.

## State Commissions

Public Utilities Commission of California.

## Accounting Firms

Arthur Andersen & Co.  
[FR Doc. 74-3741 Filed 2-15-74; 8:45 am]

[Docket No. R-424; Order No. 506]

UNIFORM SYSTEMS OF ACCOUNTS  
Premium, Discount and Expense of Issue,  
Gains and Losses on Refunding and Reacquisition of Long-Term Debt, and Interperiod Allocation of Income Taxes

FEBRUARY 11, 1974.

On August 6, 1971, the Commission issued a notice of proposed rulemaking, Docket No. R-424 (36 FR 16069, August 19, 1971) amended October 13, 1971 (36 FR 20445, October 22, 1971). This rulemaking essentially proposed to establish accounting procedures (a) for premium, discount and expense related to the issuance of long-term debt and for the gains and losses related to refunding and reacquisition of long-term debt and

for (b) comprehensive interperiod tax allocation.

As a matter of convenience for all concerned, that portion of Docket No. R-424 dealing with long-term debt will be handled under this order. Since the remaining portion of Docket No. R-424 relating to interperiod tax allocation ties in with Docket No. R-446 (37 FR 13805, July 14, 1972) containing interrelated tax matters.

Comments were invited from interested parties on Docket No. R-424 on or before October 5, 1971. Due to requests, this date was extended to September 3, 1972. The Commission received comments from sixty-seven respondents, Attachment A. Of these sixty-seven respondents, sixty-two addressed themselves to the long-term debt issues, see Attachment A.

Basically, the proposal concerned four major areas of accounting all having a relation to long-term debt. They were:

1. Accounting for premium, discount and expense of long-term debt.
2. Accounting for gains and losses on reacquired long-term, when no refunding is involved.
3. Accounting for gains and losses on reacquisition of long-term debt when a refunding is involved.
4. Adjusting retained earnings and restating balance sheets and income statements retroactively for a ten-year period, as effected by 2, above.

As to the proposal for the accounting and reporting change relating to premium, discount and expense of long-term debt, we are herein implementing the proposal as proposed. We believe that premiums and discounts are inseparable items from the long-term debt creating them and that reporting long-term debt in the aggregate on the balance sheet is a more practical and convenient method for determining not only the real long-term debt liability, but also the effective costs of funds derived from the sale of debt securities. There was little opposition to this proposal.

Concerning the proposal for the accounting and reporting changes relating to gains and losses on reacquiring long-term debt, when no refunding is involved, we are herein implementing the proposal as proposed with an amendment to allow accounting for these gains and losses on a current basis when a regulatory agency having rate jurisdiction over the utility does not require amortization of the gains and losses and apply them to embedded debt cost in determining the rate of return for rate setting purposes. We are aware that the Accounting Principles Board, Opinion No. 26 calls for these amounts to be accounted for in the current accounting period, however, we believe that the accounting and financial statements of a regulated utility should reflect the economic effects of rates, as provided for by the Addendum to the Accounting Principles Board's Opinion No. 2. We established a rate principle in Opinion No. 583, Manufacturer's Light and Heat Company, RP69-16, issued August 17, 1970 (44 FPC 314) that gains

and losses relating to reacquisition of long-term debt should be amortized over the remaining life of the old debt and to deduct the amortization amount from the actual charges for interest to determine the true embedded cost of debt. Failure to provide accounting recognition of this significant ratemaking policy would result in distortions of financial statements.

On the other hand, relative to the above mentioned amendment, we are deeply concerned about the position in which utilities will be placed where a regulatory agency having rate jurisdiction does not consider the above referenced rate principle in establishing rates. It is believed a practical and equitable approach would be one whereby companies are allowed to account for gains and losses relating to reacquisition of long-term debt on a current accounting basis only when the amounts are not used in establishing rates as referenced above.

In connection with the proposal for accounting and reporting of gains and losses on reacquisition of long-term debt by refunding, we are convinced that accounting for this type item should be essentially the same as for the gains and losses concerned with the reacquisition of long-term debt when no refunding is involved, even though we realize the motives behind the two procedures may be somewhat different. Although we are deviating from the Accounting Principles Board Opinion No. 26, as aforementioned, for reacquisitions without refunding we do agree and support the principle that these two type transactions should be accounted for in a consistent manner. Therefore, since the accounting prescribed for reacquisitions without refunding is compelling, then the accounting in this case should follow suit. We are adopting the proposal as proposed.

And finally, we have decided to terminate the portion of the rule which requires restating balance sheets and income statements retroactively for a ten-year period. We do this primarily because of our concern about the impact it may have on the confidence of stockholders, potential investors, and financial analysts, and the fact that financial plans had been developed and decisions made using such statements.

We are also terminating the proposed amendment to Accounts 914, Revenues from Merchandising, Jobbing and Contract Work, and 915, Costs and Expenses of Merchandising, Jobbing and Contract Work, since these accounts were revoked by Docket No. R-445 (37 FR 24654, November 18, 1972). Also for consistency sake, it was necessary to apply account numbers 411.4 and 411.5 to the newly established Account 420, Investment Tax Credits (electric only, Order 454, issued July 6, 1972).

Certain constructive suggestions have been embodied in the changes to the Uniform System of Accounts such as when a refunding technique has been selected it shall be followed consistently



and that General Instruction 7 of the systems should contain a language change bringing it into line with the proposals. Certain other minor changes stemming from respondent suggestions, although not substantive in nature, were of considerable value in adding clarity to the accounting text language.

The Commission finds: (1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Parts 101 and 104 of the Commission's Uniform System of Accounts for Public Utilities and Licensees, and Annual Report Forms No. 1, No. 1-F, No. 1-M, and No. 5 prescribed by §§ 141.1, 141.2, 141.7, and 141.25, respectively, in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments to Parts 201 and 204 of the Commission's Uniform System of Accounts for Natural Gas Companies and Annual Report Forms No. 2, No. 2-A, and No. 11 prescribed by §§ 260.1, 260.2, and 260.3, respectively, in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for administration of the Natural Gas Act.

(4) Since the revisions prescribed herein which were not included in the notice of this proceeding, are consistent with the prime purpose of the proposed rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(5) Good cause exists for making the amendments to the Uniform Systems of Accounts for Public Utilities and Licensees and Natural Gas Companies ordered herein, effective January 1, 1973, and the amendments to FPC Annual Report Forms No. 1, No. 1-F, No. 1-M, No. 2, and No. 2-A effective for the reporting year 1973. The effective date of the amendments to FPC Forms No. 5 and No. 11 shall be effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly Sections 301, 302, 303, 304 and 309 thereof (49 Stat. 854-856, 859; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and the Natural Gas Act, as amended, particularly Sections 8, 9, 10 and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

(A) That portion of the rulemaking proposed in this docket dealing with adjustments to retained earnings and restatement of balance sheet and income statements for a ten-year period, 1961 through 1970, and amendment to Account 114, Electric Plant Acquisition Adjustments, is hereby terminated.

(B) That portion of the rulemaking proposed in this docket dealing with in-

terperiod allocation of income taxes is hereby severed from the remainder of the rulemaking for separate Commission action. Also, that portion of the rulemaking having to do with amending Accounts 914, Revenues from Merchandising, Jobbing and Contract Work, and 915, Costs and Expenses of Merchandising, Jobbing and Contract Work, is terminated since these accounts were subsequently eliminated from the systems of accounts, Docket No. R-445 (37 FR 24658, November 18, 1972).

(C) The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by 18 CFR Part 101 is amended as follows:

#### PART 101—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

1. The General Instructions are amended:

(a) In instruction "2. Records," paragraph "E" is amended by deleting Account "426, Miscellaneous Income Deductions," and substituting Account 426.5, Other Deductions, therefor.

(b) In instruction "7. Extraordinary Items," the text is amended by amending the first sentence.

(c) Immediately following instruction "16. Separate Accounts or Records for Each Licensed Project," a new instruction "17. Long-Term Debt: Premium, Discount and Expense and Gain or Loss on Reacquisition," is added.

As so amended these portions of the General Instructions read as follows:

##### General Instructions

2. Records. . . . .  
E. All amounts included in the accounts prescribed herein for electric plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426.5, Other Deductions.

##### 7. Extraordinary Items.

It is the intent that net income shall reflect all items of profit and loss during the period with the exception of prior period adjustments as described in paragraph 7.1 and long-term debt as described in paragraph 17 below. . . . .

##### 17. Long-Term Debt: Premium, Discount and Expense, and Gain or Loss on Reacquisition.

A. Premium, discount and expense. A separate premium, discount and expense account shall be maintained for each class and series of long-term debt (including receivers' certificates) issued or assumed by the utility. The premium will be recorded in account 225, Unamortized Premium on Long-Term Debt, the discount will be recorded in account 226, Unamortized Discount on Long-Term Debt—Debit, and the expense of issuance shall be recorded in account 181, Unamortized Debt Expense.

The premium, discount and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be on a monthly basis, and amounts thereof relating to discount and expense shall be charged to account 428, Amortization of Debt Discount and Expense. The amounts relating to premium shall be credited to account 429, Amortization of Premium on Debt—Credit.

B. Reacquisition, without refunding. When long-term debt is reacquired or redeemed without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation (primarily redemptions for sinking fund purposes), the difference between the amount paid upon reacquisition and the face value; plus any unamortized premium less any related unamortized debt expense and reacquisition costs; or less any unamortized discount, related debt expense and reacquisition costs applicable to the debt redeemed, retired and canceled, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility shall amortize the recorded amounts equally on a monthly basis over the remaining life of the respective security issues (old original debt). The amounts so amortized shall be charged to account 428.1, Amortization of Loss on Reacquired Debt, or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

C. Reacquisition, with refunding. When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the maturity date of the first issue, the difference between the amount paid upon refunding and the face value; plus any unamortized premium less related debt expense or less any unamortized discount and related debt expense, applicable to the debt refunded, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility may elect to account for such amounts as follows:

(1) Write them off immediately when the amounts are insignificant.

(2) Amortize them by equal monthly amounts over the remainder of the original life of the issue retired, or

(3) Amortize them by equal monthly amounts over the life of the new issue.

Once an election is made, it shall be applied on a consistent basis. The amounts in (1), (2) or (3) above shall be charged to account 428.1, Amortization of Loss on Reacquired Debt, or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

D. Under methods (2) and (3) above, the increase or reduction in current income taxes resulting from the reacquisition should be apportioned over the remainder of the original life of the issue

retired or over the life of the new issue, as appropriate, as directed more specifically in paragraphs E and F below.

E. When the utility recognizes the loss in the year of reacquisition as a tax deduction, account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 283.

F. When the utility chooses to recognize the gain in the year of reacquisition as a taxable gain, account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited and account 190, Accumulated Deferred Income Taxes, shall be debited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 190.

G. When the utility chooses to use the optional privilege of deferring the tax on the gain attributable to the reacquisition of debt by reducing the depreciable basis of utility property for tax purposes, pursuant to section 108 of the Internal Revenue Code, the related tax effects shall be deferred as the income is recognized for accounting purposes, and the deferred amounts shall be amortized over the life of the associated property on a vintage year basis. Account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited, and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with an amount equal to the estimated income tax effect applicable to the portion of the income, attributable to reacquired debt, recognized for accounting purposes during the period. Account 283 shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the reduction in the depreciable basis for tax purposes.

H. The tax effects relating to gain or loss shall be allocated as above to utility operations except in cases where a portion of the debt reacquired is directly applicable to nonutility operations. In that event, the related portion of the tax effects shall be allocated to nonutility operations. Where it can be established that reacquired debt is generally applicable to both utility and nonutility operations, the tax effects shall be allocated between utility and nonutility operations based on the ratio of net investment in utility plant to net investment in non-utility plant.

I. Premium, discount, or expense on debt shall not be included as an element in the cost of construction or acquisition of property (tangible or intangible), except under the provisions of account 419.1, Allowance for Funds Used During Construction.

#### 8. DEFERRED CREDITS

251 [Revoked]

257 Unamortized gain on reacquired debt.

(3.) The balance sheet accounts are amended:

(a) Revise account title and text of account "181, Unamortized Debt Discount and Expense." As revised, account 181 reads:

181 Unamortized debt expense.

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 428, Amortization of Debt Discount and Expense. Any unamortized amounts outstanding at the time that the related debt is prematurely reacquired shall be accounted for as indicated in General Instruction 17.

(b) Immediately following account "188, Research and Development Expenditures," add a new account titled 189, Unamortized Loss on Reacquired Debt, to read as follows:

189 Unamortized loss on reacquired debt.

This account shall include the losses on long-term debt reacquired or redeemed. The amounts in this account shall be amortized in accordance with General Instruction 17.

(c) Revise paragraph B of account "222, Reacquired Bonds." As revised, this portion of account 222 reads:

222 Reacquired bonds.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expenses or premium, and the amount paid upon reacquisition, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. (See General Instruction 17.)

(d) Immediately following account "224, Other Long-Term Debt," add new accounts titled 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit, to read as follows:

225 Unamortized premium on long-term debt.

A. This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of long-term debt securities.

B. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the

J. Alternate method. Where a regulatory authority or a group of regulatory authorities having prime rate jurisdiction over the utility specifically disallows the rate principle of amortizing gains or losses on reacquisition of long-term debt without refunding, and does not apply the gain or loss to reduce interest charges in computing the allowed rate of return for rate purposes, then the following alternate method may be used to account for gains or losses relating to reacquisition of long-term debt, with or without refunding.

(1) The difference between the amount paid upon reacquisition of any long-term debt and the face value, adjusted for unamortized discount, expenses or premium, as the case may be, applicable to the debt redeemed shall be recognized currently in income and recorded in account 421, Miscellaneous Nonoperating Income, or account 426.5, Other Deductions.

(2) When this alternate method of accounting is used, the utility shall include a footnote to each financial statement, prepared for public use, explaining why this method is being used along with the treatment given for ratemaking purposes.

(2.) The Chart of Balance Sheet Accounts is amended:

(a) By revising account title "181, Unamortized Debt Discount and Expense," to read "181, Unamortized Debt Expense."

(b) Immediately following account "188, Research and Development Expenditures," add new account 189, Unamortized Loss on Reacquired Debt.

(c) Immediately following account "224, Other Long-Term Debt," add two new accounts titled, 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit.

(d) By revoking account "251, Unamortized Premium on Debt."

(e) Immediately following account title "256, Deferred Gains from Disposition of Utility Plant," add account title 257, Unamortized Gain on Reacquired Debt.

As so amended, those portions of the Chart of Balance Sheet Accounts read:

Balance Sheet Accounts	
ASSETS AND OTHER DEBITS	
	4. DEFERRED DEBITS
181	Unamortized debt expense.
189	Unamortized loss on reacquired debt.
	LIABILITIES AND OTHER CREDITS
	6. LONG-TERM DEBT
225	Unamortized premium on long-term debt.
226	Unamortized discount on long-term debt—Debit.



amounts thereof to be credited to account 429, Amortization of Premium on Debt—Credit. (See General Instruction 17.)

#### 226 Unamortized discount on long-term debt—Debit.

A. This account shall include the excess of the face value of long-term debt securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

B. Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 428, Amortization of Debt Discount and Expense. (See General Instruction 17.)

#### 251 [Revoked]

(e) Revoke account "251, Unamortized Premium on Debt."

(f) Amend paragraphs "A" and "B" of account "255, Accumulated Deferred Investment Tax Credits," to eliminate references to account 411.3, Investment Tax Credit Adjustments, and substitute therefor references to account "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As amended, account 255 reads:

#### 255 Accumulated deferred investment tax credits.

A. This account shall be credited and account 411.4, Investment Tax Credit Adjustments, Utility Operations, or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, as appropriate, shall be debited with investment tax credits deferred by companies which do not apply such credits as a reduction of the overall income tax expense in the year in which a tax credit is realized. There can be neither changes in accounting method for electric utility operations nor transfers from this account, except as authorized herein or as may otherwise be authorized by the Commission. (See the special instructions for accounts 411.4 and 411.5.)

B. This account shall be debited and account 411.4 or 411.5, as appropriate, shall be credited with a proportionate amount determined in relation to the average useful life of electric utility or nonutility property to which the tax credits relate, or such lesser period of time as may be adopted and consistently followed by the company.

(g) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new account 257, Unamortized Gain on Reacquired Debt. As so amended, this portion of the balance sheet accounts reads:

#### 257 Unamortized gain on reacquired debt.

This account shall include the amounts of discount realized upon reacquisition

or redemption of long-term debt. The amounts in this account shall be amortized in accordance with General Instruction 17.

(4.) The Chart of Income Accounts are amended as follows:

(a) Immediately following account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," revoke account title "411.3, Investment Tax Credit Adjustments."

(b) Immediately following account "425, Miscellaneous Amortization," revoke account title "426, Miscellaneous Income Deductions."

(c) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Reacquired Debt.

(d) Immediately following account "429, Amortization of Premium on Debt—Credit," add a new account 429.1, Amortization of Gain on Reacquired Debt—Credit.

As so amended the Chart of Income Accounts reads:

INCOME ACCOUNTS	
1. UTILITY OPERATING INCOME	
Operating expenses:	
411.3 [Revoked]	
2. OTHER INCOME AND DEDUCTIONS	
B. OTHER INCOME DEDUCTIONS	
426 [Revoked]	
3. INTEREST CHARGES	
428.1 Amortization of loss on reacquired debt.	
429.1 Amortization of gain on reacquired debt—Credit.	

(5.) The text of the Income Accounts are amended and revised as follows:

(a) Revoke account "411.3, Investment Tax Credit Adjustments."

(b) Immediately following account "411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions," add *Special Instructions—Accounts 411.4 and 411.5*, with text.

(c) Revise the text of accounts "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustment, Nonutility Operations."

(d) Amend subparagraph (a) of account "420, Investment Tax Credits," by deleting the reference to account "411.3, Investment Tax Credit Adjustments," and substituting therefor a reference to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations.

(e) In account "421, Miscellaneous Nonoperating Income," amend item 3 by a phrase to the end of the item.

(f) Revoke account "426, Miscellaneous Income Deductions."

(g) Immediately following account "425, Miscellaneous Amortization," add *Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4 and 426.5* with text.

(h) In account "426.5, Other Deductions," amend item "3."

(i) In account "428, Amortization of Debt Discount and Expense," revise the last sentence of paragraph A.

(j) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Reacquired Debt.

(k) In account "429, Amortization of Premium on Debt—Credit," revise the last sentence of paragraph A.

(l) Immediately following account "429, Amortization of Premium on Debt—Credit," add a new account 429.1, Amortization of Gain on Reacquired Debt—Credit.

As so amended this portion of the text of the Income Accounts reads:

Income Accounts	
1. UTILITY OPERATING INCOME	
§ 411.3 [Revoked]	
SPECIAL INSTRUCTIONS—ACCOUNTS 411.4 AND 411.5	

A. Account 411.4 shall be debited with the amounts of investment tax credits related to electric utility property that are credited to account 255, Accumulated Deferred Investment Tax Credits, by companies which do not apply the entire amount of the benefits of the investment credit as a reduction of the overall income tax expense in the year in which such credit is realized (see account 255).

B. Account 411.4 shall be credited with the amounts debited to account 255 for proportionate amounts of tax credit deferrals allocated over the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and consistently followed by the company.

C. Account 411.5 shall also be debited and credited as directed in paragraphs A and B, for investment tax credits related to nonutility property.

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Nonutility Operations.

#### 2. OTHER INCOME AND DEDUCTIONS

##### 420 Investment tax credits.

(a) By amounts equal to debits to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjust-

ments, Nonutility Operations, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for non-deferral of all or a portion of such credits; and,

#### 421 Miscellaneous nonoperating income.

##### ITEMS

3. Gains on disposition of investments. Also, gains on reacquisition and resale or retirement of utilities debt securities when the gain is not amortized and used by a jurisdictional regulatory agency to reduce embedded debt cost in establishing rates. See General Instruction 17.

#### 426 [Revoked]

SPECIAL INSTRUCTIONS—ACCOUNTS 426.1, 426.2, 426.3, 426.4 AND 426.5

These accounts shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

NOTE: The classification of expenses as nonoperating and their inclusion in these accounts is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

#### 426.5 Other deductions.

##### ITEMS

3. Loss on reacquisition, resale or retirement of utility's debt securities, when the loss is not amortized and used by a jurisdictional regulatory agency to increase embedded debt cost in establishing rates. See General Instruction 17.

#### 3. INTEREST CHARGES

#### 428 Amortization of debt discount and expense.

A. . . . Amounts charged to this account shall be credited concurrently to accounts 181, Unamortized Debt Expense, and 228, Unamortized Discount on Long-Term Debt—Debit.

#### 428.1 Amortization of loss on reacquired debt.

A. This account shall include the amortization of the losses on reacquisition of debt. Amounts charged to this account shall be credited concurrently to account 189, Unamortized Loss on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the loss amortized applicable to each class and series of long-term debt reacquired. See General Instruction 17.

#### 429 Amortization of premium on debt—Credit.

A. . . . Amounts credited to this account shall be charged concurrently to

account 225, Unamortized Premium on Long-Term Debt.

#### 429.1 Amortization of gain on reacquired debt—Credit.

A. This account shall include the amortization of the gains realized from reacquisition of debt. Amounts credited to this account shall be charged concurrently to account 257, Unamortized Gain on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the gains amortized applicable to each class and series of long-term debt reacquired. See General Instruction 17.

(6.) Revise the Operation and Maintenance Expense Accounts by deleting the words "Discount and" from Note B of account "928, Regulatory Commission Expenses." As revised, Note B of account 928 reads:

#### 928 Regulatory commission expenses.

NOTE B: Do not include in this account amounts includible in account 302, Franchises and Consents, account 181, Unamortized Debt Expense, or account 214, Capital Stock Expense.

#### PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

(D) The Commission's Uniform System of Accounts for Class C and Class D Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) The General Instructions are amended:

(a) In instruction "2. Records," paragraph E is amended by deleting Account "426, Miscellaneous Income Deductions," and substituting Account 426.5, Other Deductions, therefor.

(b) In instruction "8. Extraordinary Items," the text is amended by amending the first sentence.

(c) Immediately following instruction "14. Separate Accounts or Records for Each Licensed Project," a new instruction "15. Long-Term Debt: Premium, Discount and Expense and Gain or Loss on Reacquisition," is added.

As so amended these portions of the General Instructions read as follows:

##### General Instructions

#### 2. Records.

E. All amounts included in the accounts prescribed herein for electric plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426.5, Other Deductions.

8. Extraordinary Items. It is the intent that net income shall reflect all

items of profit and loss during the period with the exception of prior period adjustments as described in paragraph 9 and long-term debt as described in paragraph 15 below. . . .

15. Long-Term Debt: Premium, Discount and Expense and Gain or Loss on Reacquisition.

A. Premium, discount and expense. A separate premium, discount, and expense account shall be maintained for each class and series of long-term debt (including receivers' certificates) issued or assumed by the utility. The premium will be recorded in account 225, Unamortized Premium on Long-Term Debt, the discount will be recorded in account 226, Unamortized Discount on Long-Term Debt—Debit, and the expense of issuance shall be recorded in account 181, Unamortized Debt Expense.

The premium, discount and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be on a monthly basis, and amounts thereof relating to discount and expense shall be charged to account 428, Amortization of Debt Discount and Expense. The amounts relating to premium shall be credited to account 429, Amortization of Premium on Debt—Credit.

B. Reacquisition, without refunding. When long-term debt is reacquired or redeemed without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation (primarily redemptions for sinking fund purposes), the difference between the amount paid upon reacquisition and the face value; plus any unamortized premium less any related unamortized debt expense and reacquisition costs; or less any unamortized discount, related debt expense and reacquisition costs applicable to the debt redeemed, retired and canceled, shall be included in account 189, Unamortized Loss on Reacquired Debt; or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility shall amortize the recorded amounts equally on a monthly basis over the remaining life of the respective security issues (old original debt). The amounts so amortized shall be charged to account 428.1, Amortization of Loss on Reacquired Debt, or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

C. Reacquisition, with refunding. When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the maturity date of the first issue, the difference between the amount paid upon refunding and the face value; plus any unamortized premium less related debt expense or less any unamortized discount and related debt expense, applicable to the debt refunded, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The util-



ity may elect to account for such amounts as follows:

(1) Write them off immediately when the amounts are insignificant.

(2) Amortize them by equal monthly amounts over the remainder of the original life of the issue retired, or

(3) Amortize them by equal monthly amounts over the life of the new issue.

Once an election is made, it shall be applied on a consistent basis. The amounts in (1), (2) or (3) above shall be charged to account 428.1, Amortization of Loss on Reacquired Debt, or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

D. Under methods (2) and (3) above, the increase or reduction in current income taxes resulting from the reacquisition should be apportioned over the remainder of the original life of the issue retired or over the life of the new issue, as appropriate, as directed more specifically in paragraphs E and F below.

E. When the utility recognizes the loss in the year of reacquisition as a tax reduction, account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 283.

F. When the utility chooses to recognize the gain in the year of reacquisition as a taxable gain, account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited and account 190, Accumulated Deferred Income Taxes, shall be debited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 190.

G. When the utility chooses to use the optional privilege of deferring the tax on the gain attributable to the reacquisition of debt by reducing the depreciable basis of utility property for tax purposes, pursuant to section 108 of the Internal Revenue Code, the related tax effects shall be deferred as the income is recognized for accounting purposes, and the deferred amounts shall be amortized over the life of the associated property on a vintage year basis. Account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited, and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with an amount equal to the estimated income tax effect applicable to the portion of the income, attributable to reacquired debt, recognized for accounting purposes during the period. Account 283 shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the reduction in the depreciable basis for tax purposes.

H. The tax effects relating to gain or loss shall be allocated as above to utility operations except in cases where a portion of the debt reacquired is directly applicable to nonutility operations. In that event, the related portion of the tax effects shall be allocated to nonutility operations. Where it can be established that reacquired debt is generally applicable to both utility and nonutility operations, the tax effects shall be allocated between utility and nonutility operations based on the ratio of net investment in utility plant to net investment in non-utility plant.

I. Premium, discount, or expense on debt shall not be included as an element in the cost of construction or acquisition of property (tangible or intangible), except under the provisions of account 419.1, Allowance for Funds Used During Construction.

J. *Alternate method.* Where a regulatory authority or a group of regulatory authorities having prime rate jurisdiction over the utility specifically disallows the rate principle of amortizing gains or losses on reacquisition of long-term debt without refunding, and does not apply the gain or loss to reduce interest charges in computing the allowed rate of return for rate purposes, then the following alternate method may be used to account for gains or losses relating to reacquisition of long-term debt, with or without refunding.

(1) The difference between the amount paid upon reacquisition of any long-term debt and the face value, adjusted for unamortized discount, expenses or premium, as the case may be, applicable to the debt redeemed shall be recognized currently in income and recorded in account 421, Miscellaneous Nonoperating Income, or account 426.5, Other Deductions.

(2) When this alternate method of accounting is used, the utility shall include a footnote to each financial statement, prepared for public use, explaining why this method is being used along with the treatment given for ratemaking purposes.

(2.) The Chart of Balance Sheet Accounts is amended:

(a) By revising account title "181, Unamortized Debt Discount and Expense," to read "181, Unamortized Debt Expense."

(b) Immediately following account "187, Deferred Losses from Disposition of Utility Plant," add new account 189, Unamortized Loss on Reacquired Debt.

(c) Immediately following account "224, Other Long-Term Debt," add two new accounts titled, 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit.

(d) By revoking account "251, Unamortized Premium on Debt."

(e) Immediately following account title "256, Deferred Gains from Disposition of Utility Plant," add account title 257, Unamortized Gain on Reacquired Debt.

As so amended, those portions of the Chart of Balance Sheet Accounts read:

Balance Sheet Accounts	
ASSETS AND OTHER DEBITS	
	4. DEFERRED DEBITS
181	Unamortized debt expense.
189	Unamortized loss on reacquired debt.
LIABILITIES AND OTHER CREDITS	
	6. LONG-TERM DEBT
225	Unamortized premium on long-term debt.
226	Unamortized discount on long-term debt—Debit.
	8. DEFERRED CREDITS
251	[Revoked]
257	Unamortized gain on reacquired debt.

(3) The balance sheet accounts are amended:

(a) Revise account title and text of account "181, Unamortized Debt Discount and Expense." As revised, account 181 reads:

181 Unamortized debt expense.

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 428, Amortization of Debt Discount and Expense. Any unamortized amounts outstanding at the time that the related debt is prematurely reacquired shall be accounted for as indicated in General Instruction 15.

(b) Immediately following account "187, Deferred Losses from Disposition of Utility Plant," add a new account titled 189, Unamortized Loss on Reacquired Debt, to read as follows:

189 Unamortized loss on reacquired debt.

This account shall include the losses on long-term debt reacquired or redeemed. The amounts in this account shall be amortized in accordance with General Instruction 15.

(c) Revise paragraph B of account "221, Bonds." As revised, this portion of account 221 reads:

221 Bonds.

B. When bonds are required, the difference between face value, adjusted for unamortized discount, expenses or premium, and the amount paid upon reacquisition, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. (See General Instruction 15.)

(d) Immediately following account "224, Other Long-Term Debt," add new accounts titled 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit, to read as follows:

225 Unamortized premium on long-term debt.

A. This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of long-term debt securities.

B. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the amounts thereof to be credited to account 429, Amortization of Premium on Debt—Credit. (See General Instruction 15.)

226 Unamortized discount on long-term debt—Debit.

A. This account shall include the excess of the face value of long-term debt securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

B. Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 428, Amortization of Debt Discount and Expense. (See General Instruction 15.)

251 [Revoked]

(e) Revoke account "251, Unamortized Premium on Debt."

(f) Amend paragraphs "A" and "B" of account "255, Accumulated Deferred Investment Tax Credits," to eliminate references to account 411.3, Investment Tax Credit Adjustments, and substitute therefor references to account "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As amended, account 255 will read:

255 Accumulated deferred investment tax credits.

A. This account shall be credited and account 411.4, Investment Tax Credit Adjustments, Utility Operations, or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, as appropriate, shall be debited with investment tax credits deferred by companies which do not apply such credits as a reduction of the overall income tax expense in the year in which a tax credit is realized. There can be neither changes in accounting method for electric utility operations nor transfers from this account, except as authorized herein or as may otherwise be authorized by the Commission. (See the special instructions for accounts 411.4 and 411.5.)

B. This account shall be debited and account 411.4 or 411.5, as appropriate,

shall be credited with a proportionate amount determined in relation to the average useful life of electric utility or nonutility property to which the tax credits relate, or such lesser period of time as may be adopted and consistently followed by the company.

(g) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new account 257, Unamortized Gain on Reacquired Debt. As so amended, this portion of the balance sheet accounts reads:

257 Unamortized gain on reacquired debt.

This account shall include the amounts of discount realized upon reacquisition or redemption of long-term debt. The amounts in this account shall be amortized in accordance with General Instruction 15.

(4) The Chart of Income Accounts are amended as follows:

(a) Immediately following account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," revoke account title "411.3, Investment Tax Credit Adjustments."

(b) Immediately following account "425, Miscellaneous Amortization," revoke account title "426, Miscellaneous Income Deductions."

(c) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Reacquired Debt.

(d) Immediately following account "429, Amortization of Premium on Debt—Credit," add a new account 429.1, Amortization of Gain on Reacquired Debt—Credit.

As so amended the Chart of Income Accounts reads:

INCOME ACCOUNTS	
1. UTILITY OPERATING INCOME	
Operating Expenses:	
411.3 [Revoked]	
2. OTHER INCOME AND DEDUCTIONS	
B. OTHER INCOME DEDUCTIONS	
426 [Revoked]	
3. INTEREST CHARGES	
428.1 Amortization of loss on reacquired debt.	
429.1 Amortization of gain on reacquired debt—Credit.	

(5.) The text of the Income Accounts are amended and revised as follows:

(a) Revoke account "411.3, Investment Tax Credit Adjustments."

(b) Immediately following account "411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions," add *Special Instructions—Accounts 411.4 and 411.5*, with text.

(c) Revise the text of accounts "411.4, Investment Tax Credit Adjustments,

Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

(d) Amend subparagraph (a) of account "420, Investment Tax Credits," by deleting the reference to account "411.3, Investment Tax Credit Adjustments," and substituting therefor a reference to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations.

(e) In account "421, Miscellaneous Nonoperating Income," amend item 3 by a phrase to the end of the item.

(f) Revoke account "426, Miscellaneous Income Deductions."

(g) Immediately following account "425, Miscellaneous Amortization," add *Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4 and 426.5* with text.

(h) In account "426.5, Other Deductions," amend item "3."

(i) In account "428, Amortization of Debt Discount and Expense," revise the last sentence of paragraph A.

(j) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Reacquired Debt.

(k) In account "429, Amortization of Premium on Debt—Credit," revise the last sentence of paragraph A.

(l) Immediately following account "429, Amortization of Premium on Debt—Credit," add a new account 429.1, Amortization of Gain on Reacquired Debt—Credit.

As so amended this portion of the text of the Income Accounts reads:

Income Accounts	
1. UTILITY OPERATING INCOME	
411.3 [Revoked]	
SPECIAL INSTRUCTIONS—ACCOUNTS 411.4 AND 411.5	

A. Account 411.4 shall be debited with the amounts of investment tax credits related to electric utility property that are credited to account 255, Accumulated Deferred Investment Tax Credits, by companies which do not apply the entire amount of the benefits of the investment credit as a reduction of the overall income tax expense in the year in which such credit is realized (see account 255).

B. Account 411.4 shall be credited with the amounts debited to account 255 for proportionate amounts of tax credit deferrals allocated over the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and consistently followed by the company.

C. Account 411.5 shall also be debited and credited as directed in paragraphs A and B, for investment tax credits related to non-utility property.

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjust-



ments related to property used in Non-utility Operations.

## 2. OTHER INCOME AND DEDUCTIONS

### 420 Investment tax credits.

(a) By amounts equal to debits to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and,

### 421 Miscellaneous nonoperating income.

#### ITEMS

3. Gains on disposition of investments. Also, gains on reacquisition and resale or retirement of utilities debt securities when the gain is not amortized and used by a jurisdictional regulatory agency to reduce embedded debt cost in establishing rates. See General Instruction 15.

### 426 [Revoked]

SPECIAL INSTRUCTIONS—ACCOUNTS 426.1, 426.2, 426.3, 426.4 AND 426.5

These accounts shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

NOTE.—The classification of expenses as nonoperating and their inclusion in these accounts is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

### 426.5 Other deductions.

#### ITEMS

3. Loss on reacquisition, resale or retirement of utility's debt securities, when the loss is not amortized and used by a jurisdictional regulatory agency to increase embedded debt cost in establishing rates. See General Instruction 15.

## 3. INTEREST CHARGES

### 428 Amortization of debt discount and expense.

A. . . . Amounts charged to this account shall be credited concurrently to accounts 181, Unamortized Debt Expense, and 226, Unamortized Discount on Long-Term Debt—Debit.

### 428.1 Amortization of loss on reacquired debt.

A. This account shall include the amortization of the losses on reacquisition of debt. Amounts charged to this account shall be credited concurrently to account 189, Unamortized Loss on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the loss amortized applicable to each class and series of long-term debt reacquired. See General Instruction 15.

### 429 Amortization of premium on debt—Credit.

A. . . . Amounts credited to this account shall be charged concurrently to account 225, Unamortized Premium on Long-Term Debt.

### 429.1 Amortization of gain on reacquired debt—Credit.

A. This account shall include the amortization of the gains realized from reacquisition of debt. Amounts credited to this account shall be charged concurrently to account 257, Unamortized Gain on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the gains amortized applicable to each class and series of long-term debt reacquired. See General Instruction 15.

(6.) Revise the Operation and Maintenance Expense Accounts by deleting the words "Discount and" from Note B of account "928, Regulatory Commission Expenses." As revised, Note B of account 928 reads:

928 Regulatory commission expenses.

NOTE B: Do not include in this account amounts includible in account 302, Franchises and Consents, account 181, Unamortized Debt Expense, or account 214, Capital Stock Expense.

## PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS A AND CLASS B)

(E.) The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1.) The General Instructions are amended:

(a) In instruction "2. Records," paragraph "E" is amended by deleting Account "426, Miscellaneous Income Deductions," and substituting Account 426.5, Other Deductions, therefore.

(b) In instruction "7. Extraordinary Items," the text is amended by amending the first sentence.

(c) Immediately following instruction "16. Significance of Commission Opinions No. 568 and 568A on Accounting," a new instruction "17. Long-Term Debt: Premium, Discount and Expense, and Gain or Loss on Reacquisition," is added.

As so amended these portions of the General Instructions read as follows:

#### General Instructions

#### 2. Records.

E. All amounts included in the accounts prescribed herein for gas plant and operating expenses shall be just and reasonable and any payments or accruals by

the utility in excess of just and reasonable charges shall be included in account 426.5, Other Deductions.

7. Extraordinary Items. It is the intent that net income shall reflect all items of profit and loss during the period with the exception of prior period adjustments as described in paragraph 7.1 and long-term debt as described in paragraph 17 below.

17. Long-Term Debt: Premium, Discount and Expense, and Gain or Loss on Reacquisition—A. Premium, discount and expense. A separate premium, discount and expense account shall be maintained for each class and series of long-term debt (including receivers' certificates) issued or assumed by the utility. The premium will be recorded in account 225, Unamortized Premium on Long-Term Debt, the discount will be recorded in account 226, Unamortized Discount on Long-Term Debt—Debit, and the expense of issuance shall be recorded in account 181, Unamortized Debt Expense.

The premium, discount and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be on a monthly basis, and amounts thereof relating to discount and expense shall be charged to account 428, Amortization of Debt Discount and Expense. The amounts relating to premium shall be credited to account 429, Amortization of Premium on Debt—Credit.

B. Reacquisition, without refunding. When long-term debt is reacquired or redeemed without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation (primarily redemptions for sinking fund purposes), the difference between the amount paid upon reacquisition and the face value, plus any unamortized premium less any related unamortized debt expense and reacquisition costs; or less any unamortized discount, related debt expense and reacquisition costs applicable to the debt redeemed, retired and canceled, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility shall amortize the recorded amounts equally on a monthly basis over the remaining life of the respective security issues (old original debt). The amounts so amortized shall be charged to account 428.1, Amortization of Loss on Reacquired Debt, or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

C. Reacquisition, with refunding. When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the maturity date of the first issue, the difference between the amount paid upon refunding and the face value, plus any unamortized premium less related debt expense or less any unamortized discount and related debt expense, applicable to the debt refunded, shall be

included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility may elect to account for such amounts as follows:

(1) Write them off immediately when the amounts are insignificant.

(2) Amortize them by equal monthly amounts over the remainder of the original life of the issue retired, or

(3) Amortize them by equal monthly amounts over the life of the new issue.

Once an election is made, it shall be applied on a consistent basis. The amounts in (1), (2), or (3) above shall be charged to account 428.1, Amortization of Loss on Reacquired Debt, or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

D. Under methods (2) and (3) above, the increase or reduction in current income taxes resulting from the reacquisition should be apportioned over the remainder of the original life of the issue retired or over the life of the new issue, as appropriate, as directed more specifically in paragraphs E and F below.

E. When the utility recognizes the loss in the year of reacquisition as a tax deduction, account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 283.

F. When the utility chooses to recognize the gain in the year of reacquisition as a taxable gain, account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited and account 190, Accumulated Deferred Income Taxes, shall be debited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 190.

G. When the utility chooses to use the optional privilege of deferring the tax on the gain attributable to the reacquisition of debt by reducing the depreciable basis of utility property for tax purposes, pursuant to Section 108 of the Internal Revenue Code, the related tax effects shall be deferred as the income is recognized for accounting purposes, and the deferred amounts shall be amortized over the life of the associated property on a vintage year basis. Account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited, and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with an amount equal to the estimated income tax effect applicable to the portion of the income, attributable to reacquired debt, recognized for accounting purposes during the period. Account 283 shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the reduction in the depreciable basis for tax purposes.

H. The tax effects relating to gain or loss shall be allocated as above to utility operations except in cases where a portion of the debt reacquired is directly applicable to nonutility operations. In that event, the related portion of the tax effects shall be allocated to nonutility operations. Where it can be established that reacquired debt is generally applicable to both utility and nonutility operations, the tax effects shall be allocated between utility and nonutility operations based on the ratio of net investment in utility plant to net investment in non-utility plant.

I. Premium, discount, or expense on debt shall not be included as an element in the cost of construction or acquisition of property (tangible or intangible), except under the provisions of account 410.1, Allowance for Funds Used During Construction.

J. Alternate method. Where a regulatory authority or a group of regulatory authorities having prime rate jurisdiction over the utility specifically disallows the rate principle of amortizing gains or losses on reacquisition of long-term debt without refunding, and does not apply the gain or loss to reduce interest charges in computing the allowed rate of return for rate purposes, then the following alternate method may be used to account for gains or losses relating to reacquisition of long-term debt, with or without refunding.

(1) The difference between the amount paid upon reacquisition of any long-term debt and the face value, adjusted for unamortized discount, expenses or premium, as the case may be, applicable to the debt redeemed shall be recognized currently in income and recorded in account 421, Miscellaneous Nonoperating Income, or account 426.5, Other Deductions.

(2) When this alternate method of accounting is used, the utility shall include a footnote to each financial statement, prepared for public use, explaining why this method is being used along with the treatment given for ratemaking purposes.

(2.) The Chart of Balance Sheet Accounts is amended:

(a) By revising account title "181, Unamortized Debt Discount and Expense," to read "181, Unamortized Debt Expense."

(b) Immediately following account "188, Research and Development Expenditures," add new account 189, Unamortized Loss on Reacquired Debt.

(c) Immediately following account "224, Other Long-Term Debt," add two new accounts titled, 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit.

(d) By revoking account "251, Unamortized Premium on Debt."

(e) Immediately following account title "256, Deferred Gains from Disposition of Utility Plant," add account title 257, Unamortized Gain on Reacquired Debt.

As so amended, those portions of the Chart of Balance Sheet Accounts read:

#### Balance Sheet Accounts ASSETS AND OTHER DEBITS

#### 4. DEFERRED DEBITS

181 Unamortized debt expense.

189 Unamortized loss on reacquired debt.

#### LIABILITIES AND OTHER CREDITS

#### 6. LONG-TERM DEBT

225 Unamortized premium on long-term debt.

226 Unamortized discount on long-term debt—Debit.

#### 8. DEFERRED CREDITS

251 [Revoked]

257 Unamortized gain on reacquired debt.

(3.) The balance sheet accounts are amended:

(a) Revise account title and text of account "181, Unamortized Debt Discount and Expense." As revised, account 181 reads:

181 Unamortized debt expense.

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 428, Amortization of Debt Discount and Expense. Any unamortized amounts outstanding at the time that the related debt is prematurely reacquired shall be accounted for as indicated in General Instruction 17.

(b) Immediately following account "188, Research and Development Expenditures," add a new account titled 189, Unamortized Loss on Reacquired Debt, to read as follows:

189 Unamortized loss on reacquired debt.

This account shall include the losses on long-term debt reacquired or redeemed. The amounts in this account shall be amortized in accordance with General Instruction 17.

(c) Revise paragraph B of account "222, Reacquired Bonds." As revised, this portion of account 222 reads:

222 Reacquired bonds.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expenses or premium, and the amount paid upon reacquisition, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. (See General Instruction 17.)

(d) Immediately following account "224, Other Long-Term Debt," add new accounts titled 225, Unamortized Pre-



mium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit, to read as follows:

**225 Unamortized premium on long-term debt.**

A. This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of long-term debt securities.

B. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the amounts thereof to be credited to account 429, Amortization of Premium on Debt—Credit. (See General Instruction 17.)

**226 Unamortized discount on long-term debt—Debit.**

A. This account shall include the excess of the face value of long-term debt securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

B. Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 428, Amortization of Debt Discount and Expense. (See General Instruction 17.)

**251 [Revoked]**

(e) Revoke account "251, Unamortized Premium on Debt."

(f) Amend paragraphs "A" and "B" of account "255, Accumulated Deferred Investment Tax Credits," to eliminate references to account 411.3, Investment Tax Credit Adjustments, and substitute therefor references to account "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As amended, account 255 reads:

**255 Accumulated deferred investment tax credits.**

A. This account shall be credited and account 411.4, Investment Tax Credit Adjustments, Utility Operations, or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, as appropriate, shall be debited with investment tax credits deferred by companies which do not apply such credits as a reduction of the overall income tax expense in the year in which a tax credit is realized. There can be neither changes in accounting method for gas utility operations nor transfers from this account, except as authorized by the Commission. (See the special instructions for accounts 411.4 and 411.5.)

B. This account shall be debited and account 411.4 or 411.5, as appropriate, shall be credited with a proportionate amount determined in relation to the average useful life of gas utility or nonutility property to which the tax credits relate, or such lesser period of time as

may be adopted and consistently followed by the company.

(g) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new account 257, Unamortized Gain on Recaptured Debt. As so amended, this portion of the balance sheet accounts reads:

**257 Unamortized gain on recaptured debt.**

This account shall include the amounts of discount realized upon reacquisition or redemption of long-term debt. The amounts in this account shall be amortized in accordance with General Instruction 17.

(4) The Chart of Income Accounts are amended as follows:

(a) Immediately following account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," revoke account title "411.3, Investment Tax Credit Adjustments."

(b) Immediately following account "425, Miscellaneous Amortization," revoke account title "426, Miscellaneous Income Deductions."

(c) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Recaptured Debt.

(d) Immediately following account "429, Amortization of Premium on Debt—Credit," add a new account 429.1, Amortization of Gain on Recaptured Debt—Credit.

As so amended the Chart of Income Accounts reads:

INCOME ACCOUNTS	
OPERATING EXPENSES:	
411.3 [Revoked]	
B. OTHER INCOME DEDUCTIONS	
426 [Revoked]	
3. INTEREST CHARGES	
428.1 Amortization of loss on recaptured debt.	
429.1 Amortization of gain on recaptured debt—Credit.	

(5.) The text of the Income Accounts are amended and revised as follows:

(a) Revoke account "411.3, Investment Tax Credit Adjustments."

(b) Immediately following account "411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions," add *Special Instructions—Accounts 411.4 and 411.5*, with text.

(c) Revise the text of accounts "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

(d) Amend subparagraph (a) of account "420, Investment Tax Credits," by deleting the reference to account "411.3,

Investment Tax Credit Adjustments," and substituting therefor a reference to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations.

(e) In account "421, Miscellaneous Nonoperating Income," amend item 3 by a phrase to the end of the item.

(f) Revoke account "426, Miscellaneous Income Deductions."

(g) Immediately following account "425, Miscellaneous Amortization," add *Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5* with text.

(h) In account "426.5, Other Deductions," amend item "3."

(i) In account "428, Amortization of Debt Discount and Expense," revise the last sentence of paragraph A.

(j) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Recaptured Debt.

(k) In account "429, Amortization of Premium on Debt—Credit," revise the last sentence of paragraph A.

(l) Immediately following account "429, Amortization of Premium on Debt—Credit," add a new account 429.1, Amortization of Gain on Recaptured Debt—Credit.

As so amended this portion of the text of the Income Accounts reads:

INCOME ACCOUNTS	
1. UTILITY OPERATING INCOME	
411.3 [Revoked]	
SPECIAL INSTRUCTIONS—ACCOUNTS 411.4 AND 411.5	

A. Account 411.4 shall be debited with the amounts of investment tax credits related to gas utility property that are credited to account 255, Accumulated Deferred Investment Tax Credits, by companies which do not apply the entire amount of the benefits of the investment credit as a reduction of the overall income tax expense in the year in which such credit is realized (see account 255).

B. Account 411.4 shall be credited with the amounts debited to account 255 for proportionate amounts of tax credit deferrals allocated over the average useful life of gas utility property to which the tax credits relate or such lesser period of time as may be adopted and consistently followed by the company.

C. Account 411.5 shall also be debited and credited as directed in paragraphs A and B, for investment tax credits related to nonutility property.

**411.4 Investment tax credit adjustments, utility operations.**

This account shall include the amount of those investment tax credit adjustments related to property used in Utility Operations (by department).

**411.5 Investment tax credit adjustments, nonutility operations.**

This account shall include the amount of those investment tax credit adjustments related to property used in Nonutility Operations.

**2. OTHER INCOME AND DEDUCTIONS**

**420 Investment tax credits.**

(a) By amounts equal to debits to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and,

**421 Miscellaneous nonoperating income.**

ITEMS

3. Gains on disposition of investments. Also gains on reacquisition and resale or retirement of utilities debt securities when the gain is not amortized and used by a jurisdictional regulatory agency to reduce embedded debt cost in establishing rates. See General Instruction 17.

**426 [Revoked]**

SPECIAL INSTRUCTIONS—ACCOUNTS 426.1, 426.2, 426.3, 426.4 AND 426.5

These accounts shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

NOTE: The classification of expenses as nonoperating and their inclusion in these accounts is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

**426.5 Other deductions.**

ITEMS

3. Loss on reacquisition, resale or retirement of utility's debt securities, when the loss is not amortized and used by a jurisdictional regulatory agency to increase embedded debt cost in establishing rates. See General Instruction 17.

**3. INTEREST CHARGES**

**428 Amortization of debt discount and expense.**

A. . . . Amounts charged to this account shall be credited concurrently to accounts 181, Unamortized Debt Expense, and 226, Unamortized Discount on Long-Term Debt—Debit.

**428.1 Amortization of loss on recaptured debt.**

A. This account shall include the amortization of the losses on reacquisition of debt. Amounts charged to this account shall be credited concurrently to account 189, Unamortized Loss on Recaptured Debt.

B. This account shall be maintained so as to allow ready identification of the loss amortized applicable to each class and series of long-term debt reacquired. See General Instruction 17.

**429 Amortization of premium on debt—Credit.**

A. . . . Amounts credited to this account shall be charged concurrently to account 225, Unamortized Premium on Long-Term Debt.

**429.1 Amortization of gain on recaptured debt—Credit.**

A. This account shall include the amortization of the gains realized from reacquisition of debt. Amounts credited to this account shall be charged concurrently to account 257, Unamortized Gain on Recaptured Debt.

B. This account shall be maintained so as to allow ready identification of the gains amortized applicable to each class and series of long-term debt reacquired. See General Instruction 17.

(6) Revise the Operation and Maintenance Expense Accounts by deleting the words "Discount and" from Note B of account "928, Regulatory Commission Expenses." As revised, Note B of account 928 reads:

**928 Regulatory commission expenses.**

NOTE B: Do not include in this account amounts includible in account 302, Franchises and Consents, account 181, Unamortized Debt Expense, or account 214, Capital Stock Expense.

**PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS C AND CLASS D)**

(F.) The Commission's Uniform System of Accounts for Class C and Class D Natural Gas Companies prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1.) The General Instructions are amended:

(a) In instruction "2. Records," paragraph "E" is amended by deleting Account "426, Miscellaneous Income Deductions," and substituting Account 426.5, Other Deductions, therefor.

(b) In instruction "8. Extraordinary Items," the text is amended by amending the first sentence.

(c) Immediately following instruction "14. Gas Well Records," a new instruction "15. Long-Term Debt: Premium, Discount and Expense, and Gain or Loss on Reacquisition," is added.

As so amended these portions of the General Instructions read as follows:

**General Instructions**

**2. Records.**

E. All amounts included in the accounts prescribed herein for gas plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426.5, Other Deductions.

**8. Extraordinary Items.**

It is the intent that net income shall reflect all items of profit and loss during the period with the exception of prior period adjustments as described in paragraph 9 and long-term debt as described in paragraph 15 below. . . .

**15. Long-Term Debt: Premium, Discount and Expense, and Gain or Loss on Reacquisition.**

A. Premium, discount and expense. A separate premium, discount, and expense account shall be maintained for each class and series of long-term debt (including receivers' certificates) issued or assumed by the utility. The premium will be recorded in account 225, Unamortized Premium on Long-Term Debt, the discount will be recorded in account 226, Unamortized Discount on Long-Term Debt—Debit, and the expense of issuance shall be recorded in account 181, Unamortized Debt Expense.

The premium, discount and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be on a monthly basis, and amounts thereof relating to discount and expense shall be charged to account 428, Amortization of Debt Discount and Expense. The amounts relating to premium shall be credited to account 429, Amortization of Premium on Debt—Credit.

B. Reacquisition, without refunding. When long-term debt is reacquired or redeemed without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation (primarily redemptions for sinking fund purposes), the difference between the amount paid upon reacquisition and the face value; plus any unamortized premium less any related unamortized debt expense and reacquisition costs; or less any unamortized discount, related debt expense and reacquisition costs applicable to the debt redeemed, retired and canceled, shall be included in account 189, Unamortized Loss on Recaptured Debt, or account 257, Unamortized Gain on Recaptured Debt, as appropriate. The utility shall amortize the recorded amounts equally on a monthly basis over the remaining life of the respective security issues (old original debt). The amounts so amortized shall be charged to account 428.1, Amortization of Loss on Recaptured Debt, or credited to account 429.1, Amortization of Gain on Recaptured Debt—Credit, as appropriate.

C. Reacquisition, with refunding. When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the maturity date of the first issue, the difference between the amount paid upon refunding and the face value; plus any unamortized premium less related debt expense or less any unamortized discount and related debt expense, applicable to the debt refunded, shall be included in account 189, Un-



amortized Loss on Recquired Debt, or account 257, Unamortized Gain on Recquired Debt, as appropriate. The utility may elect to account for such amounts as follows:

(1) Write them off immediately when the amounts are insignificant.

(2) Amortize them by equal monthly amounts over the remainder of the original life of the issue retired, or

(3) Amortize them by equal monthly amounts over the life of the new issue.

Once an election is made, it shall be applied on a consistent basis. The amounts in (1), (2) or (3) above shall be charged to account 428.1, Amortization of Loss on Recquired Debt, or credited to account 429.1, Amortization of Gain on Recquired Debt—Credit, as appropriate.

D. Under methods (2) and (3) above, the increase or reduction in current income taxes resulting from the reacquisition should be apportioned over the remainder of the original life of the issue retired or over the life of the new issue, as appropriate, as directed more specifically in paragraphs E and F below.

E. When the utility recognizes the loss in the year of reacquisition as a tax deduction, account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 283.

F. When the utility chooses to recognize the gain in the year of reacquisition as a taxable gain, account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited and account 190, Accumulated Deferred Income Taxes, shall be debited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 190.

G. When the utility chooses to use the optional privilege of deferring the tax on the gain attributable to the reacquisition of debt by reducing the depreciable basis of utility property for tax purposes, pursuant to Section 108 of the Internal Revenue Code, the related tax effects shall be deferred as the income is recognized for accounting purposes, and the deferred amounts shall be amortized over the life of the associated property on a vintage year basis. Account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited, and account 283, Accumulated Deferred Income Taxes—Other shall be credited with an amount equal to the estimated income tax effect applicable to the portion of the income, attributable to reacquired debt, recognized for accounting purposes during the period. Account 283 shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the reduction in the depreciable basis for tax purposes.

H. The tax effects relating to gain or loss shall be allocated as above to utility operations except in cases where a portion of the debt reacquired is directly applicable to nonutility operations. In that event, the related portion of the tax effects shall be allocated to nonutility operations. Where it can be established that reacquired debt is generally applicable to both utility and nonutility operations, the tax effects shall be allocated between utility and nonutility operations based on the ratio of net investment in utility plant to net investment in non-utility plant.

I. Premium, discount, or expense on debt shall not be included as an element in the cost of construction or acquisition of property (tangible or intangible), except under the provisions of account 419.1, Allowance for Funds Used During Construction.

J. *Alternate method.* Where a regulatory authority or a group of regulatory authorities having prime rate jurisdiction over the utility specifically disallows the rate principle of amortizing gains or losses on reacquisition of long-term debt without refunding, and does not apply the gain or loss to reduce interest charges in computing the allowed rate of return for rate purposes, then the following alternate method may be used to account for gains or losses relating to reacquisition of long-term debt, with or without refunding.

(1) The difference between the amount paid upon reacquisition of any long-term debt and the face value, adjusted for unamortized discount, expenses or premium, as the case may be, applicable to the debt redeemed shall be recognized currently in income and recorded in account 421, Miscellaneous Nonoperating Income, or account 426.5, Other Deductions.

(2) When this alternate method of accounting is used, the utility shall include a footnote to each financial statement, prepared for public use, explaining why this method is being used along with the treatment given for ratemaking purposes.

(2.) The Chart of Balance Sheet Accounts is amended:

(a) By revising account title "181, Unamortized Debt Discount and Expense," to read "181, Unamortized Debt Expense."

(b) Immediately following account "187, Deferred Losses from Disposition of Utility Plant," add new account 189, Unamortized Loss on Recquired Debt.

(c) Immediately following account "224, Other Long-Term Debt," add two new accounts titled, 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit.

(d) By revoking account "251, Unamortized Premium on Debt."

(e) Immediately following account title "256, Deferred Gains from Disposition of Utility Plant," add account title 257, Unamortized Gain on Recquired Debt.

As so amended, those portions of the Chart of Balance Sheet Accounts read:

Balance Sheet Accounts	
ASSETS AND OTHER DEBITS	
4. DEFERRED DEBITS	
181 Unamortized debt expense.	
189 Unamortized loss on reacquired debt.	
LIABILITIES AND OTHER CREDITS	
6. LONG-TERM DEBT	
225 Unamortized premium on long-term debt.	
226 Unamortized discount on long-term debt—Debit.	
8. DEFERRED CREDITS	
251 [Revoked]	
257 Unamortized gain on reacquired debt.	

(3.) The balance sheet accounts are amended:

(a) Revise account title and text of account "181, Unamortized Debt Discount and Expense." As revised, account 181 reads:

181 Unamortized debt expense.

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 428, Amortization of Debt Discount and Expense. Any unamortized amounts outstanding at the time that the related debt is prematurely reacquired shall be accounted for as indicated in General Instruction 15.

(b) Immediately following account "188, Research and Development Expenditures," add a new account titled 189, Unamortized Loss on Recquired Debt, to read as follows:

189 Unamortized loss on reacquired debt.

This account shall include the losses on long-term debt reacquired or redeemed. The amounts in this account shall be amortized in accordance with General Instruction 15.

(c) Revise paragraph B of account "221, Bonds." As revised, this portion of account 221 reads:

221 Bonds.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expenses or premium, and the amount paid upon reacquisition, shall be included in account 189, Unamortized Loss on Recquired Debt, or account 257, Unamortized Gain on Recquired Debt, as appropriate. (See General Instruction 15.)

(d) Immediately following account "224, Other Long-Term Debt," add new accounts titled 225, Unamortized Pre-

mium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit, to read as follows:

225 Unamortized premium on long-term debt.

A. This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of long-term debt securities.

B. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the amounts thereof to be credited to account 429, Amortization of Premium on Debt—Credit. (See General Instruction 15.)

226 Unamortized discount on long-term debt—Debit.

A. This account shall include the excess of the face value of long-term debt securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

B. Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 428, Amortization of Debt Discount and Expense. (See General Instruction 15.)

(e) Revoke account "251, Unamortized Premium on Debt."

(f) Amend paragraphs "A" and "B" of account "255, Accumulated Deferred Investment Tax Credits," to eliminate references to account 411.3, Investment Tax Credit Adjustments, and substitute therefor references to account "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As amended, account 255 reads:

255 Accumulated deferred investment tax credits.

A. This account shall be credited and account 411.4, Investment Tax Credit Adjustments, Utility Operations, or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, as appropriate, shall be debited with investment tax credits deferred by companies which do not apply such credits as a reduction of the overall income tax expense in the year in which a tax credit is realized. There can be neither changes in accounting method for gas utility operations nor transfers from this account, except as authorized herein or as may otherwise be authorized by the Commission. (See the special instructions for accounts 411.4 and 411.5.)

B. This account shall be debited and account 411.4 or 411.5, as appropriate, shall be credited with a proportionate amount determined in relation to the average useful life of gas utility or non-utility property to which the tax credits relate, or such lesser period of time as

may be adopted and consistently followed by the company.

(g) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new account 257, Unamortized Gain on Recquired Debt. As so amended, this portion of the balance sheet accounts reads:

257 Unamortized gain on reacquired debt.

This account shall include the amounts of discount realized upon reacquisition or redemption of long-term debt. The amounts in this account shall be amortized in accordance with General Instruction 15.

(4.) The Chart of Income Accounts are amended as follows:

(a) Immediately following account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," revoke account title "411.3, Investment Tax Credit Adjustments."

(b) Immediately following account "425, Miscellaneous Amortization," revoke account title "426, Miscellaneous Income Deductions."

(c) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Recquired Debt.

(d) Immediately following account "429, Amortization of Premium on Debt—Credit," add a new account 429.1, Amortization of Gain on Recquired Debt—Credit.

As so amended the Chart of Income Accounts reads:

Income Accounts	
1. UTILITY OPERATING INCOME	
Operating Expenses:	
411.3 [Revoked]	
B. OTHER INCOME DEDUCTIONS	
426 [Revoked]	
3. INTEREST CHARGES	
428.1 Amortization of loss on reacquired debt.	
429.1 Amortization of gain on reacquired debt—Credit.	

(5.) The text of the Income Accounts are amended and revised as follows:

(a) Revoke account "411.3, Investment Tax Credit Adjustments."

(b) Immediately following account "411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions," add *Special Instructions—Accounts 411.4 and 411.5*, with text.

(c) Revise the text of accounts "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

(d) Amend subparagraph (a) of ac-

count "420, Investment Tax Credits," by deleting the reference to account "411.3, Investment Tax Credit Adjustments," and substituting therefor a reference to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations.

(e) In account "421, Miscellaneous Nonoperating Income," amend item 3 by a phrase to the end of the item.

(f) Revoke account "426, Miscellaneous Income Deductions."

(g) Immediately following account "425, Miscellaneous Amortization," add *Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4 and 426.5* with text.

(h) In account "426.5, Other Deductions," amend item "3."

(i) In account "428, Amortization of Debt Discount and Expense," revise the last sentence of paragraph A.

(j) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Recquired Debt.

(k) In account "429, Amortization of Premium on Debt—Credit," revise the last sentence of paragraph A.

(l) Immediately following account "429, Amortization of Premium on Debt—Credit," add a new account 429.1, Amortization of Gain on Recquired Debt—Credit.

As so amended this portion of the text of the Income Accounts reads:

Income Accounts	
1. UTILITY OPERATING INCOME	
411.3 [Revoked]	
SPECIAL INSTRUCTIONS—ACCOUNTS 411.4 AND 411.5	

A. Account 411.4 shall be debited with the amounts of investment tax credits related to gas utility property that are credited to account 255, Accumulated Deferred Investment Tax Credits, by companies which do not apply the entire amount of the benefits of the investment credit as a reduction of the overall income tax expense in the year in which such credit is realized (see account 255).

B. Account 411.4 shall be credited with the amounts debited to account 255 for proportionate amounts of tax credit deferrals allocated over the average useful life of gas utility property to which the tax credits relate or such lesser period of time as may be adopted and consistently followed by the company.

C. Account 411.5 shall also be debited and credited as directed in paragraphs A and B, for investment tax credits related to non-utility property.

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Non-utility Operations.



## 2. OTHER INCOME AND DEDUCTIONS

## 420 Investment tax credits.

(a) By amounts equal to debits to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations, for Investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and,

## 421 Miscellaneous nonoperating income.

## ITEMS

3. Gains on disposition of investments. Also, gains on reacquisition and resale or retirement of utilities debt securities when the gain is not amortized and used by a jurisdictional regulatory agency to reduce embedded debt cost in establishing rates. See General Instruction 15.

## 426 [Revoked]

SPECIAL INSTRUCTIONS—ACCOUNTS 426.1, 426.2, 426.3, 426.4 AND 426.5

These accounts shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

Note: The classification of expenses as nonoperating and their inclusion in these accounts is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

## 426.5 Other deductions.

## ITEMS

3. Loss on reacquisition, resale or retirement of utility's debt securities, when the loss is not amortized and used by a jurisdictional regulatory agency to increase embedded debt cost in establishing rates. See General Instruction 15.

## 3. INTEREST CHARGES

## 428 Amortization of debt discount and expense.

A. . . . Amounts charged to this account shall be credited concurrently to accounts 181, Unamortized Debt Expense, and 226, Unamortized Discount on Long-Term Debt—Debit.

## 428.1 Amortization of loss on reacquired debt.

A. This account shall include the amortization of the losses on reacquisition of debt. Amounts charged to this account shall be credited concurrently to account 189, Unamortized Loss on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the

loss amortized applicable to each class and series of long-term debt reacquired. See General Instruction 15.

## 429 Amortization of premium on debt—Credit.

A. . . . Amounts credited to this account shall be charged concurrently to account 225, Unamortized Premium on Long-Term Debt.

## 429.1 Amortization of gain on reacquired debt—Credit.

A. This account shall include the amortization of the gains realized from reacquisition of debt. Amounts credited to this account shall be charged concurrently to account 257, Unamortized Gain on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the gains amortized applicable to each class and series of long-term debt reacquired. See General Instruction 15.

(6.) Revise the Operation and Maintenance Expense Accounts by deleting the words "Discount and" from Note B of account "928, Regulatory Commission Expenses." As revised, Note B of account 928 reads:

## 928 Regulatory commission expenses.

Note B: Do not include in this account amounts includible in account 302, Franchises and Consents, account 181, Unamortized Debt Expense, or account 214, Capital Stock Expense.

## PART 141—STATEMENTS AND REPORTS (SCHEDULES)

## PART 260—STATEMENTS AND REPORTS (SCHEDULES)

(G.) Subparagraph (d) of § 141.1, Part 141, Subchapter D, Chapter I, Title 18 CFR, is amended by adding a schedule titled, Unamortized Loss and Gain on Reacquired Debt, immediately following schedule "Deferred Losses from Disposition of Utility Plant." As so amended, the subparagraph reads:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

(d) This annual report contains the following schedules:

Unamortized Loss and Gain on Reacquired Debt

(H.) Subparagraph (c) of § 260.1, Part 260, Subchapter G, Chapter I, Title 18 CFR, is amended by adding a schedule titled, Unamortized Loss and Gain on Reacquired Debt, immediately following schedule "Deferred Losses from Disposition of Utility Plant." As so amended, the subparagraph will read:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

(c) This annual report contains the following schedules:

Unamortized Loss and Gain on Reacquired Debt.

(I.) Schedule pages 110 and 111, Comparative Balance Sheet, 112, Notes to Balance Sheet, and 116A, Statement of Income for the Year, in FPC Form No. 1, Annual Report for Public Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations are amended as set forth in Attachments B and D hereto.

(J.) Schedule pages 110 and 111, Comparative Balance Sheet, 112, Notes to Balance Sheet, and 116A, Statement of Income for the Year, in FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations are amended as set forth in Attachments C and D hereto.

(K.) Schedule pages 211, Unamortized Debt Discount and Expense and Unamortized Premium on Debt (Accounts 181 and 251), 220, Securities Issued or Assumed and Securities Refunded or Retired During the Year, 304, Particulars Concerning Certain Income Deduction and Interest Charges Accounts, and 305, Expenditures for Certain Civic, Political and Related Activities (Subaccount 426.4), in FPC Form No. 1, Annual Report for Public Utilities and Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations and FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations are revised as set forth in Attachment D hereto.

(L.) Schedule page 214B, Unamortized Loss and Gain on Reacquired Debt (Accounts 189, 257), is added to FPC Form No. 1, Annual Report for Public Utilities, Licensees and Others (Class A and Class B) prescribed in § 141.1, Chapter I, Title 18 of the Code of Federal Regulations and FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed in § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, as set forth in Attachment E hereto.

(M.) Schedule pages 3, Comparative Balance Sheet, and 6, Statement of Income for the Year, in FPC Form No. 1-F, Annual Report for Public Utilities and Licensees (Class C and Class D) prescribed by § 141.2, Chapter I, Title 18 of the Code of Federal Regulations are amended as set out in Attachments F and H hereto.

(N.) Schedule pages 3, Comparative Balance Sheet and 6, Statement of Income for the Year, in FPC Form No. 2-A, Annual Report of Natural Gas Companies, prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations are amended as set out in Attachments G and H hereto.

(O.) Schedule page 2, Balance Sheet in FPC Form No. 1-M, Annual Report for Municipal Electric Utilities Having Annual Electric Operating Revenues of \$250,000 or more, prescribed by § 141.7, Chapter I, Title 18 of the Code of Federal Regulations hereto.

(P.) FPC Form No. 5, Monthly Statement of Electric Operating Revenue and Income, prescribed by § 141.25, Chapter I, Title 18 of the Code of Federal Regulations is amended as set out in Attachment J hereto.

(Q.) FPC Form No. 11, Natural Gas Pipeline Company Monthly Statement, prescribed by § 260.3, Chapter I, Title 18 of the Code of Federal Regulations is amended as set out in Attachment K hereto.

(R.) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.<sup>1</sup>

[SEAL] KENNETH F. PLUMB,  
Secretary.

Note: The new or revised scheduled pages for specified FPC forms appended to this Order have been reviewed and approved by the Comptroller General of the United States under provisions of Section 409 of Public Law 95-163 and assigned the following approval numbers:

Form No. 1—B180228 (R0005)  
Form No. 1F—B180228 (R0006)  
Form No. 1M—B180228 (R0007)  
Form No. 2—B180228 (R0008)  
Form No. 2A—B180228 (R0009)  
Form No. 5—B180228 (R0010)  
Form No. 11—B180228 (R0011)

## ATTACHMENT A—LIST OF RESPONDENTS

## ACCOUNTING FIRMS

Arthur Andersen & Co.  
Haskins & Sells  
Lybrand Ross Bros. & Montgomery

## ASSOCIATIONS

American Accounting Association Ad Hoc Committee, The  
American Gas Association  
Edison Electric Institute  
Independent Natural Gas Association of America  
Subcommittee of Staff Experts on Accounting, NARUC

## ELECTRIC UTILITIES

Alabama Power Company  
American Electric Power System Companies  
Appalachian Power Company  
Indiana and Michigan Electric Company  
Kentucky Utilities Company  
Kingsport Power Company  
Michigan Gas and Electric Company  
Ohio Power Company  
Wheeling Electric Company  
Arizona Public Service Company  
Baltimore Gas and Electric Company  
Boston Edison Company  
Carolina Power & Light Company  
Central Vermont Public Service Corporation  
Cincinnati Gas & Electric Company  
Cleveland Electric Illuminating Company, The

<sup>1</sup> Attachments B-K and a dissenting statement filed by Commissioner Moody are filed as part of the original document.

Columbus and Southern Ohio Electric Company  
Commonwealth Edison Company  
Community Public Service Company  
Consumers Power Company  
Detroit Edison Company, The  
Duke Power Company  
Florida Power Corporation  
Georgia Power Company  
General Public Utilities Corporation<sup>1</sup>  
Jersey Central Power and Light Company  
Metropolitan Edison Company  
New Jersey Power and Light Company  
Pennsylvania Electric Company  
Gulf Power Company  
Gulf States Utilities Company  
Idaho Power Company  
Iowa Electric Light and Power Company  
Iowa-Illinois Gas and Electric Company  
Louisville Gas & Electric Company<sup>1</sup>  
Mississippi Power Company  
Montana-Dakota Utilities Company  
Montana Power Company, The  
Northern States Power Company  
Oklahoma Gas and Electric Company<sup>1</sup>  
Otter Tail Power Company  
Pacific Gas and Electric Company  
Pacific Power & Light Company  
Pennsylvania Power & Light Company  
Philadelphia Electric Company  
Conowingo Power Company  
Susquehanna Electric Company, The  
Susquehanna Power Company, The  
Philadelphia Electric Power Company  
Public Service Electric and Gas Company  
Public Service Indiana  
San Diego Gas & Electric Company  
Southern Services, Inc.  
Alabama Power Company  
Georgia Power Company  
Gulf Power Company  
Mississippi Power Company  
Southern Electric Generating Company  
Southern Company, The  
Union Electric Company  
Utah Power & Light Company  
West Texas Utilities Company  
Wisconsin Electric Power Company

## GAS UTILITIES (JURISDICTIONAL)

Arkansas Louisiana Gas Company  
Colorado Interstate Gas Company, a division of Colorado Interstate Corporation  
Columbia Gas System Service Corporation  
Consolidated Gas Supply Corporation  
Northern Natural Gas Company  
Pacific Gas Transmission Company  
Tennessee Gas Pipeline Company, a division of Tenneco, Inc.  
Texas Eastern Transmission Corporation  
Transcontinental Gas Pipe Line Corporation  
United Gas Pipe Line Company

## GAS UTILITIES (NON-JURISDICTIONAL)

Brooklyn Union Gas Company, The  
Coastal States Gas Producing Company<sup>1</sup>  
Southern California Gas Company

## STATE AND FEDERAL COMMISSIONS

Interstate Commerce Commission  
State of New York Public Service Commission  
State of Washington Utilities Transportation Commission  
State of Wisconsin Public Service Commission

[FR Doc. 74-3742 Filed 2-15-74; 8:45 am]

<sup>1</sup> Did not address themselves to the subject of Accounting for Premium, Discount and Expense of Issue, Gains and Losses on Refunding and Reacquisition of Long-Term Debt. Commented on Interperiod Tax Allocation only.

## Title 19—Customs Duties

## CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-63]

## PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

## Coastwise Movement of LASH-type Barges

On June 25, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 16656), which proposed to amend §§ 4.80(b), 4.81, and 4.93(a) (1) of the Customs regulations and add a new § 4.81a to the Customs regulations to specify conditions and procedures controlling LASH-type barge activity in coastwise movements.

The proposed amendments set forth arrival and departure procedures and special permit-to-proceed procedures applicable to LASH-type barges engaged in coastwise trade. In addition, the amendments reflect and implement Public Law 92-163 (85 Stat. 486; T.D. 72-18), which amended section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883), by extending the coastwise laws exemptions afforded to the transportation of empty LASH-type barges to certain barge equipment and by providing, with certain exceptions, for the coastwise transportation of inward foreign cargo and export cargo by (1) United States-flag LASH-type barges not qualified to engage in the coastwise trade, and (2) LASH-type barges of nations found to grant reciprocal privileges to United States-flag LASH-type barges, when the cargo has been transferred from one LASH-type barge to another barge owned or leased by the same owner or operator.

Interested persons were given 30 days from the date of publication of the notice to submit relevant written data, views, or arguments regarding the proposed amendments to the Customs regulations. After consideration of all comments received, the following changes are made in the proposed amendments:

1. Section 4.81(g) (4) is deleted and is replaced with provisions authorizing the master of the towing vessel to designate in writing the owner or operator of the LASH-type barges as his representative with the authority to execute and deliver documents required under permit-to-proceed procedures, and authorizing the owner or operator of one or more towing vessels to present a blanket designation on behalf of masters of their towing vessels.

2. The second and third sentences of replaced § 4.81(g) (4) are redesignated as § 4.81(g) (6).

3. A new subparagraph (5) is inserted in § 4.81(g) to authorize the use of company seals as an alternative to Customs seals for the purpose of securing the LASH-type barges.

4. Section 4.81a is redesignated as § 4.81a(a) and a new paragraph (b) is inserted providing that the Federal Re-



public of Germany has been found to extend privileges reciprocal to those provided in § 4.81a(a) to United States-flag LASH-type barges. Subsequent to the date of publication of the notice of proposed rule making, the Department of State furnished information from the Federal Republic of Germany on this subject and it has been found that the Federal Republic of Germany extends such reciprocal privileges to United States-flag LASH-type barges.

Accordingly, the proposed amendments, modified to include these changes, are adopted as set forth below.

**Effective date.** These amendments shall become effective on March 21, 1974.

[SEAL] VERNON D. ACREE,  
Commissioner of Customs.

Approved: February 7, 1974.

JAMES B. CLAWSON,  
Acting Assistant Secretary of the Treasury.

1. Paragraph (b) of § 4.80 is amended to read as follows:

§ 4.80 Vessels entitled to engage in coastwise trade.

(b) Any vessel of the United States, whether or not entitled under paragraph (a) of this section to engage in the coastwise trade, and any foreign vessel may proceed between points in the United States embraced within the coastwise laws to discharge cargo or passengers laden at a foreign port, to land cargo or passengers for a foreign port, in ballast, or to transport certain articles in accordance with § 4.93. Cargo laden at a foreign port may be retained on board during such movements. Furthermore, certain barges of United States or foreign flag may transport transferred merchandise between points in the United States embraced within the coastwise laws, excluding transportation between the continental United States and a non-contiguous point in the United States embraced within the coastwise laws, in accordance with § 4.81a.

2. The citation of authority for § 4.80 is amended to read:

(R.S. 4132, as amended, R.S. 4214, as amended, R.S. 4311, as amended, secs. 7, 8, 24 Stat. 81, as amended, secs. 2, 9, 39 Stat. 729, as amended, 730, as amended, secs. 22, 27, 41 Stat. 997, 999, as amended, 72 Stat. 1736; 46 U.S.C. 11, 13, 103; 251, 289, 319, 802, 808, 883, 883-1)

3. Section 4.81 is amended by adding a new paragraph (g) to read as follows:

§ 4.81 Reports of arrivals and departures in coastwise trade.

(g) In lieu of the procedures stated in §§ 4.85 and 4.87 and at the option of the owner or operator, sealed unmanned non-self-propelled barges specifically designed for carriage aboard a vessel and regularly carried aboard a vessel in the foreign trade, hereinafter referred to as LASH-type barges, may

move under a simplified permit-to-proceed procedure as follows:

(1) At the port where a LASH-type barge begins a coastwise movement with inward foreign cargo, a permit to proceed on Customs Form 1301 must be obtained. The required oath shall be executed on Customs Form 1300. A single permit to proceed may be used for all the barges proceeding to the same port of unloading in the same tow. An inward foreign manifest of the cargo in each barge, destined to the port of unloading shown on the permit to proceed, must be attached to each permit and a Customs Form 7512-C must be prepared for each permit. At the port of unloading of the barge, report of arrival and entry must be made within 24 hours to the appropriate Customs officer by presentation of the permit to proceed, manifests, Form 7512-C obtained at the preceding port, a new master's oath, and a new General Declaration (Customs Form 1301). If only part of the inward foreign cargo is unladen, a new permit to proceed must be obtained, the inward foreign manifests shall be attached to it, the master's oath shall be filed, a new Form 7512-C shall be prepared, and the barge shall be resealed.

(2) At the port where a LASH-type barge begins a coastwise movement with export cargo, a permit to proceed on Customs Form 1301 and a master's oath must be presented to the appropriate Customs officer. A single permit to proceed and master's oath may be presented for all the barges proceeding from the same port of lading in the same tow. Required shipper's export declarations for LASH-type barges must be filed at the port where the barges will be taken aboard a barge-carrying vessel. Where a complete manifest is not available at the port of lading, the permit to proceed must include a statement that a complete manifest and shipper's export declaration for each barge will be filed at the port where the barge will be taken aboard a barge-carrying vessel, and that port must be identified in the statement. At the next port, a report of arrival must be made within 24 hours and entry must be made within 48 hours by presentation of the permit to proceed received upon departure from the prior port, a newly executed General Declaration (Customs Form 1301), and a master's oath.

(3) When foreign LASH-type barges are proceeding between ports of the United States under paragraph (e) of this section, a single permit to proceed may be used for all the barges proceeding to the same port in the same tow.

(4) In lieu of the master of the towing vessel executing and delivering documents required under permit-to-proceed procedures (see § 4.81(f)) at the port where a LASH-type barge begins a coastwise movement, the master of the towing vessel may designate in writing the owner or operator of the barges as his representative with authority to execute and deliver such documents at the customhouse. The owner or operator of the barges may designate representatives to perform such functions at ports or places where permit-to-proceed documents must be

delivered. Documents obtained from Customs officers at one place by such a representative may be forwarded by any suitable means to the representative who must present them to Customs officers at another place, the only requirement being that the forms are properly completed and are presented within the prescribed time periods. Moreover, instead of a written designation from each master of a towing vessel, a blanket designation in writing from the owner or operator of one or more towing vessels, designating the owner or operator of the barges to be the representative of the master for purposes of executing and delivering permit-to-proceed documents, is authorized.

(5) Uncolored seals stamped "U.S. Customs" shall be used to seal LASH-type barges (see § 24.13(b) of this chapter). When sealing is performed for private parties under Customs supervision, the seals shall be furnished for such use without charge (see § 24.13(f) of this chapter). In lieu of Customs seals, company seals affixed abroad or immediately upon arrival may be used. In no case will the sealing of a barge moving solely with export cargo or in ballast be required. The seal number of the company seals used on a barge moving with inward foreign cargo under a permit to proceed must be listed on the General Declaration, Customs Form 1301. At the port of unloading of the merchandise, the seal of the barge will be physically verified by Customs officers or, at the discretion of the district director, the seal will be presented to Customs officers for comparison of the number with the General Declaration.

(6) When a LASH-type barge is proceeding to a place in the United States that is not a port of entry, § 1.3 (b) and (c) of this chapter are applicable. No merchandise shall be unladen from a LASH-type barge until a permit or special license therefor is obtained in accordance with § 4.30 except that a single permit to unlade may be used for all barges that arrived at the port of unloading in the same tow.

4. The citation of authority for § 4.81 is amended to read as follows:

(R.S. 4132, as amended, R.S. 4311, as amended, R.S. 4367, R.S. 4368; sec. 27, 41 Stat. 999, as amended, secs. 433, 439, 442, 443, 444, 486, 48 Stat. 711, as amended, 712, as amended, 713, as amended, 725, as amended; 19 U.S.C. 1433, 1439, 1442, 1443, 1444, 1486, 46 U.S.C. 11, 251, 313, 314, 883)

5. A new § 4.81a is added, to read as follows:

§ 4.81a Certain barges carrying merchandise transferred from another barge.

(a) A LASH-type barge (as defined in § 4.81(g)) documented as a vessel of the United States but not qualified to engage in the coastwise trade or a LASH-type barge of a nation found to grant reciprocal privileges to United States-flag LASH-type barges may transport inward foreign and export cargo between points embraced within the coastwise laws of

the United States after the merchandise has been transferred to it from another LASH-type barge owned or leased by the same owner or operator. LASH-type barges moving under procedures stated in §§ 4.85 and 4.87 instead of § 4.81 are not required to be sealed when transporting transferred cargo under this section. This section is not applicable to transportation between the continental United States and noncontiguous States, districts, territories, and possessions embraced within the coastwise laws. The permit to proceed shall include a statement that the unqualified LASH-type barge is owned or leased by the owner or operator of the LASH-type barge from which the merchandise was transferred.

(b) The following nations have been found to extend privileges reciprocal to those provided in paragraph (a) of this section to LASH-type barges of the United States:

Federal Republic of Germany  
(Sec. 27, 41 Stat. 999, as amended; 46 U.S.C. 883.)

6. Paragraph (a)(1) of § 4.93 is amended to read as follows:

§ 4.93 Coastwise transportation of containers by certain vessels: procedures.

(a) . . .

(1) Empty cargo vans, empty lift vans, and empty shipping tanks; equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and equipment, excluding propulsion equipment, for use with such barges; and empty instruments of international traffic exempted from application of the Customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)), if such articles are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign trade.

(R.S. 251, as amended, sec. 2, 23 Stat. 118, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 2)

[FR Doc.74-3895 Filed 2-15-74; 8:45 am]

#### Title 21—Food and Drugs

#### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

#### Use of Lecithin as an Optional Anti-Sticking Agent

In the matter of amending the standard of identity for pasteurized process cheese, pasteurized process cheese food and pasteurized process cheese spread (21 CFR 19.750, 19.765 and 19.775) to allow the optional use of lecithin in these foods for the functional purpose of aiding in the separation of slices of the product and in the removal of wrappers from the product: A notice of proposed rule mak-

ing in the above-identified matter was published in the FEDERAL REGISTER of August 20, 1973 (38 FR 22408) based on a petition filed by the National Cheese Institute, Inc., 110 North Franklin St., Chicago, IL 60606.

Two comments were received in response to the proposal. Each stated that adoption of the proposed amendment would improve the products, to the benefit of consumers.

Having considered the information submitted by the petitioner, the comments received, and other relevant material, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal to amend the standards of identity for pasteurized process cheese (§ 19.750), pasteurized process cheese food (§ 19.765), and pasteurized process cheese spread (§ 19.775) as set forth below.

Labeling requirements applicable to these cheese foods were established by an order published in the FEDERAL REGISTER of April 23, 1973 (38 FR 9996).

Therefore, pursuant to provisions of the Federal Food and Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): It is ordered, That Part 19 be amended as follows:

1. In § 19.750(d) by adding a new subparagraph (8) as follows:

§ 19.750 Pasteurized process cheese: identity; label statement of optional ingredients.

(8) Pasteurized process cheese in the form of slices or cuts in consumer-sized packages may contain lecithin as an optional anti-sticking agent in an amount not to exceed 0.03 percent by weight of the finished product.

2. In § 19.765(e) by adding a new subparagraph (8) as follows:

§ 19.765 Pasteurized process cheese food: identity; label statement of optional ingredients.

(8) Pasteurized process cheese food in the form of slices or cuts in consumer-sized packages may contain lecithin as an optional anti-sticking agent in an amount not to exceed 0.03 percent by weight of the finished product.

3. In § 19.775(f) by adding a new subparagraph (9) as follows:

§ 19.775 Pasteurized process cheese spread: identity; label statement of optional ingredients.

(9) Pasteurized process cheese spread in consumer-sized packages may contain lecithin as an optional anti-sticking agent in an amount not to exceed 0.03

percent by weight of the finished product.

Any person who will be adversely affected by the foregoing order may at any time on or before March 21, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

**Effective date.** This order shall become effective April 22, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Sec. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371.)

Dated: February 11, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.74-3865 Filed 2-15-74; 8:45 am]

#### Title 29—Labor

#### CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

[S-73-2]

#### PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

#### Increase in Maximum Length of Certain Small Fire Hose and Acceptance of Hose Reels

On February 23, 1973, a document was published in the FEDERAL REGISTER (38 FR 4979), proposing to amend certain standpipe and hose system standards (29 CFR 1910.158(b) (3) and (4)), so as to distinguish between unlined small fire hose and rubber-lined small fire hose, and to require either an approved hose rack or an approved hose reel at each station provided with small hose. The notice invited interested persons to submit written data, views, and arguments concerning the proposed changes and, if desired, to request an informal hearing. Several comments were received; no hearing was requested.

The present § 1910.158(b) (3) limits to 75 feet the maximum length of any small fire hose. The proposal was to distinguish between unlined and rubber-lined hose,



and to increase to 100 feet the maximum length of rubber-lined hose.

The proposal was based on the fact that rubber-lined hose offers substantially less friction, and causes a substantially smaller loss of water pressure than similar but unlined hose. None of the commentators has disputed this fact. Many support the proposal generally; a few urge even greater maximum length. Some, however, have pointed out possible adverse side effects, such as greater effort in handling, and greater tripping hazard inherent in, a longer hose.

We believe that the increased hazards pointed out are outweighed by the safety advantages in having a 100-foot lined hose with as much water pressure as a 75-foot unlined hose. The longer hose would cover a greater area and would avoid the need for two hoses, with possible hazards resulting from indecision as to which hose would reach a fire, and from two firemen getting in each other's way in the attempt to put out the same fire. On the other hand, considerations of loss of water pressure and of handling a fire hose argue for some limit to the length of even lined hoses. The maximum length of 100 feet which was requested by a petitioner for the amendment, appears to be a reasonable limit.

Some objections were made to the proposed restriction to "rubber-lined" hoses. It was suggested that the maximum length be increased for "woven-jacket-lined" hoses. Because it is believed that all lined hoses currently available have significantly less friction than unlined hoses, no material for the lining has been specified in the adopted rule. The other proposal was to allow the use of approved hose reels as alternatives to approved hose racks. Two commentators support the use of hose reels, but object to the requirement of approval. It is pointed out that a large number of unapproved hose reels are already in use and that only hose reels of two manufacturers are approved by Underwriters Laboratories, Inc., and Factory Mutual Engineering Corp. For these reasons it has been concluded that the application of the approval requirement to existing reels is impracticable. Therefore, the requirement has been limited to hose reels acquired in the future.

Accordingly, after consideration of all comments submitted and pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 12-71, 36 FR 8754, and 29 CFR Part 1911, §1910.158(b)(3) and (4) are hereby revised, effective February 19, 1974 to read as follows:

§ 1910.158 Standpipe and hose systems.

(b) Hose outlets. . . .

(3) Hose. Each hose outlet provided for the use of building occupants (Class II and III services) shall be equipped with approved small fire hose attached and ready for use. The maximum total length of unlined hose shall be 75 feet. The

maximum total length of lined hose shall be 100 feet.

(4) Hose racks or reels. Each station provided with small hose shall be equipped with an approved rack, or an approved reel, securely fastened in position; provided, that an employer may continue to use a reel acquired prior to May 20, 1974, even though it is not approved, so long as it is in good working condition.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655) Secretary of Labor's Order No. 12-71, 36 FR 8754)

Signed at Washington, D.C. this 13th day of February 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc. 74-3893 Filed 2-15-74; 8:45 am]

Title 33—Navigation and Navigable Waters  
CHAPTER I—COAST GUARD,  
DEPARTMENT OF TRANSPORTATION

[CGD 73-171R]

PART 117—DRAWBRIDGE OPERATION  
REGULATIONS

Green River, Kentucky

This amendment changes the regulations for the Louisville and Nashville railroad bridges across the Green River at Spottsville, Kentucky, to require constant attendance when the vertical clearance is 40 feet or less and at least 4 hours notice when the vertical clearance is more than 40 feet. The increase from 30 feet to 40 feet is required to accommodate the larger vessels that presently use this stretch of the Green River. In addition, the bridges at Livermore and Smallhouse will normally be maintained in the open to navigation position and vessels may pass the open draws without further signal. This amendment was circulated as a public notice dated August 27, 1973 by the Commander, Second Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 73-171N) on August 21, 1973 (38 FR 22491). One comment was received that proposed at least 6 hours notice rather than 4 hours. However, 4 hours notice should be the maximum required to provide for the reasonable need of navigation, and this proposal is therefore rejected.

Accordingly, 33 CFR 117.560 is amended by: redesignating paragraph (g) (7) (ii) as (g) (7) (iv), adding new paragraph (g) (7) (ii) and revising paragraph (g) (7) (i) and (iii) as follows:

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(g) . . . .

(7) Green River, Ky. (i) Louisville railroad bridge at Spottsville. When there is 40 feet or less of vertical clearance beneath the draw, constant attendance is required and the draw shall open on signal. When the vertical clearance is more than 40 feet at least 4 hours notice

shall be given, and during this period if a vessel informs the draw tender during its passage through the draw that it will return within 4 hours, the draw tender shall remain on duty until the vessel returns but shall not be required to remain for longer than 4 hours.

(ii) Louisville and Nashville railroad bridges at Livermore and Smallhouse. The draws of these bridges are normally maintained in the fully open position and when they are open, a vessel may pass through the draw without further signals. When the draws are in the closed position their operation is governed by paragraph (g) (7) (i) of this section.

(iii) The owners of or agencies controlling these bridges shall arrange for ready telephone communication with the authorized representative at any time from the bridges or their immediate vicinity. Copies of these regulations shall be conspicuously posted at Green River Navigation Locks Nos. 1, 2, 3, and 4.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Effective date. This revision shall become effective on March 18, 1974.

Dated: February 7, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc. 74-3911 Filed 2-15-74; 8:45 am]

Title 41—Public Contracts and Property  
Management

CHAPTER 101—FEDERAL PROPERTY  
MANAGEMENT REGULATIONS

[FPMR Temp. Reg. A-10]

PART 101-4—PATENTS

Subpart 101-4.1—Licensing of  
Government-Owned Inventions

NOTICE OF SUSPENSION

1. Purpose. This regulation modifies previous instructions regarding the use of the provisions in Subpart 101-4.1, Licensing of Government-owned Inventions.

2. Effective date. This regulation is effective January 17, 1974.

3. Expiration date. This regulation will continue in effect until canceled.

4. Background. Amendment A-16 to the Federal Property Management Regulations, published February 5, 1973 (38 FR 3328), added a new Part 101-4, Patents, and a new Subpart 101-4.1, Licensing of Government-owned Inventions. The subpart prescribes the terms, conditions, and procedures for the licensing of rights in domestic patents and patent applications vested in the United States of America, and for dedication of Government-owned inventions by a Government agency. On January 17, 1974, the U.S. District Court for the District of Columbia issued an order which directed that immediate steps be taken to void the regulations, and to

notify all Federal agencies that the regulations are void and of no effect and that all Federal agencies are prohibited from issuing any licenses pursuant to the regulations. An appeal of the court's order is under consideration.

5. Agency action. The provisions of Subpart 101-4.1 are suspended, and agencies are directed to take no actions pursuant to those provisions until further notice.

Dated: February 12, 1974.

ARTHUR F. SAMPSON,  
Administrator of General Services.

[FR Doc. 74-4011 Filed 2-15-74; 9:43 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Wheeler National Wildlife Refuge

The following special regulation is issued and is effective on March 1, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

With the exception of the display pool adjoining the observation building and the area immediately north of its dike, which are closed to all fishing throughout the year, the area is open to transportation of unstrung bows and arrows when used for fishing in conformance with Alabama State fishing regulations. This regulation effective March 1, 1974, through June 15, 1974.

C. EDWARD CARLSON,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 6, 1974.

[FR Doc. 74-3842 Filed 2-15-74; 8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

Appendix; Rulings

[Ruling 1974-5]

PROPANE; PRICE DETERMINATION

Several questions have arisen regarding the application of the special rule for the pricing of propane by refiners set forth in 10 CFR 212.83(c) (1) (iii). Prior to issuance of this special rule, increased propane as an "other than a special product" and computed under § 212.83(c) (1) (ii). The effect of the amendment is to place a maximum on the amount of increased product costs incurred after January 31, 1974, that can be allocated to propane during the twelve month period following that date. This special rule provides greater flexibility on a monthly basis than would otherwise occur were propane treated as a "special product."

The total amount of these increased product costs that may be allocated to propane must be directly proportional to the ratio that the total sales volume of propane bears to the total sales volume of all covered products of that refiner during the twelve month period following January 31, 1974. For example, if a refiner's total sales of propane for the twelve month period equal 10 percent of total sales volume of all covered products, the increased product cost incurred during that period which may be allocated to propane may not exceed 10 percent of its total increased product cost for the same twelve month period. The new rule does not change the base price method of calculation otherwise stated for covered products in § 212.82(f). The allocable increased product costs must still be added to the refiner's May 15, 1973 selling price in order to determine the base price of the refiner's propane.

A refiner may allocate his increased costs disproportionately to his sales of propane in any month of the twelve month period so long as the ratio that increased costs allocated to propane bears to total increased cost for the entire period is the same as the ratio that total sales of propane bears to total sales of covered products for that period.

Increased product costs incurred prior to January 31, 1974 may be allocated to propane sold after that date without regard to the proportionate pass-through test. The new amendment serves only to limit the amount of the increased product costs incurred after January 31, 1974, that may be allocated to propane. Increased product costs incurred prior to January 31, 1974 may also be banked and carried forward as increased costs that may be used to justify an increased base price in a future month in accordance with the provisions of § 212.83(d) (2). Refiners may therefore immediately reduce propane prices and recover incurred product costs in accordance with the banking provisions.

WILLIAM N. WALKER,  
General Counsel,  
Federal Energy Office.

FEBRUARY 14, 1974.

[FR Doc. 74-4019 Filed 2-15-74; 9:45 am]

Appendix; Rulings

[Ruling 1974-6]

ALLOCATED GASOLINE PRODUCTS

Discrimination Among Purchasers

Facts. Firm A is a retail marketer of motor gasoline and diesel fuel in a state or locality which has adopted a plan which establishes certain categories of purchasers and specifies the dates, times or conditions under which sales to such categories of purchaser can be made. The plan to which Firm A is subject permits the sale of gasoline to customers with vehicles with even numbered license plates only on even numbered dates, and the sale of gasoline to customers with vehicles with odd numbered license plates only on odd numbered dates. The plan

also provides that certain categories of purchasers, such as those with emergency vehicles or with commercial vehicles, can purchase gasoline on any date.

Firm B is a retail marketer of motor gasoline and diesel fuel which is subject to mandatory allocation requirements under which it makes 100 percent of current needs for gasoline available to certain categories of purchaser. Firm B is also subject to an order under the State set-aside program to make available certain amounts of gasoline to a particular purchaser.

Firm C is a retail marketer of motor gasoline and diesel fuel which has a normal business practice, established before the mandatory allocation program became effective, of providing certain preferential treatment in connection with the sale of products to commercial accounts or in bulk to commercial users. Such practices include the sale to such purchasers from a separate pump or at times other than when sales are being made to the general public.

Issue #1. May Firm A follow the state plan without violating 10 CFR 210.62, which requires that suppliers deal with purchasers according to normal business practices and that no supplier engage in any form of discrimination among purchasers?

Issue #2. May Firm B follow the mandatory allocation requirements and the order under the State set-aside program, without violating 10 CFR 210.62?

Issue #3. May Firm C continue its normal business practice of giving some form of preferential treatment to purchasers for commercial accounts or in bulk for commercial use, such as selling from a separate pump or making sales at a time other than when sales are being made to the general public without violating 10 CFR 210.62?

Ruling. Firm A may follow a state or local plan, whether mandatory or voluntary, which establishes certain categories of purchasers and certain conditions of sale as to such categories without violating 10 CFR 210.62, provided that Firm A does not discriminate in its treatment of purchasers within the categories established by the plan. Firm A may not change its normal business practices except to the extent that it distinguishes among the categories of customer specified by the state. Such action by Firm A would not be regarded as "discriminatory" under 10 CFR 210.62(b), since it would not constitute "extending any preference or sales treatment which has the effect of frustrating or impairing the objectives, purposes and intent of this Chapter or of the Act." It should be noted, however, that compliance with any such state plan by Firm A must be uniform, and that application of such a plan to only some purchasers (for example, purchasers who are not regarded by Firm A as regular customers), but to other purchasers, would constitute prohibited "discrimination" under 10 CFR 210.62(b).

Firm B may follow the mandatory allocation requirements and the order



under the State set-aside program. 10 CFR 210.62 was adopted in order to further the goals of the over-all mandatory allocation program, and following the requirements of that program would not constitute prohibited "discriminatory" action under 10 CFR 210.62.

Firm C may continue to give some form of preferential treatment to purchasers for commercial accounts or in bulk for commercial use, provided the practice was established as a normal business

practice, consistent with 10 CFR 210.62(a), and that it is not followed in such a manner as to circumvent the objectives of the mandatory allocation program.

WILLIAM N. WALKER,  
General Counsel,  
Federal Energy Office.

FEBRUARY 14, 1974.

[FR Doc.74-4039 Filed 2-15-74; 11:03 am]

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

## Proposed Rules

### DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[ 33 CFR Part 209 ]

#### FEDERAL DREDGING PROJECTS IN NAVIGABLE AND OCEAN WATERS

##### Proposed Policy, Practice and Procedure

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) for Federal dredging projects performed by the Corps of Engineers in navigable and ocean waters. The proposed regulation prescribes the policy, practice and procedures which will be followed by all Corps of Engineers installations and activities in connection with their performance of Federal dredging projects.

Prior to adoption of the proposed regulation consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attn: DAEN-CWO-M, on or before March 21, 1974.

Dated: February 9, 1974.

J. W. MORRIS,  
Major General, USA,  
Director of Civil Works.

##### § 209.145 Federal dredging projects in navigable and ocean waters.

(a) *Purpose.* This regulation prescribes the policy, practice and procedure to be followed by all Corps of Engineers installations and activities in connection with the performance of Federal dredging projects.

(b) *Applicable laws.* (1) Section 10 of the River and Harbor Act approved March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403) prohibits the unauthorized obstruction or alteration of any navigable water of the United States. The excavation from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters is unlawful unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army.

(2) Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344, 86 Stat. 816) authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits, after notice and opportunity for public hearings, for the discharge of dredged or fill material into the navigable waters at specified disposal sites. The selection of disposal

sites will be in accordance with guidelines developed by the Administrator of the Environmental Protection Agency (EPA) in conjunction with the Secretary of the Army. Furthermore, the Administrator can prohibit or restrict the use of any defined area as a disposal site whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such areas will have an unacceptable adverse effect on municipal water, supplies, shellfish beds and fishery areas, wildlife or recreational areas.

(3) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413, 86 Stat. 1052) authorizes the Secretary of the Army to issue permits, after notice and opportunity for public hearings, for the transportation of dredged material for the purpose of dumping it in ocean waters. However, similar to the EPA Administrator's limiting authority cited in paragraph (b) (2) of this section, the Administrator can prevent the issuance of a permit under this authority if he finds that the dumping of the material will result in an unacceptable adverse impact on municipal water supplies, shellfish beds, wildlife, fisheries or recreational areas.

(4) Section 103(e) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(e), 86 Stat. 1052) provides that in connection with Federal projects involving dredged material the Secretary of the Army may issue regulations, in lieu of its permit procedures (which are prescribed in 33 CFR 209.120), which will require the application to each project of the same criteria, other factors to be evaluated, the same procedures, and the same requirements which apply to the issuance of permits under sections 103 (a), (b), (c), and (d) of this Act.

(c) *Related legislation and other authority.* (1) Section 307(c) (1) and (2) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456 (c) (1) and (2), 86 Stat. 1280) require any Federal agency conducting or supporting activities directly affecting the coastal zone or undertaking any development project in the coastal zone to do so in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532, 86 Stat. 1052) authorizes the Secretary of Commerce after consultation with other interested Federal agencies and with the approval of the President, to designate as marine

sanctuaries those areas of the ocean waters or of the Great Lakes and their connecting waters or of other coastal waters which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. After designating such an area, the Secretary of Commerce shall issue regulations to control any activities within the area. Activities in the sanctuary authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with the purposes of Title III of the Act and can be carried out within the regulations for the sanctuary.

(3) The National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) declares the national policy to encourage a productive and enjoyable harmony between man and his environment. Section 102 of that Act directs that "to the fullest extent possible: (1) the policies, regulations, and public law of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall . . . insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations . . . ."

(4) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Migratory Marine Game-Fish Act (16 U.S.C. 760c-760g) and the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c) express the concern of Congress with the quality of the aquatic environment as it affects the conservation, improvement and enjoyment of fish and wildlife resources. Reorganization Plan No. 4 of 1970 transferred certain functions, including certain fish and wildlife-water resources coordination responsibilities, from the Secretary of the Interior to the Secretary of Commerce. Under the Fish and Wildlife Coordination Act and Reorganization Plan No. 4, any Federal Agency which proposes to control or modify any body of water must first consult with the United States Fish and Wildlife Service, the National Marine Fisheries Service, as appropriate, and with the head of the appropriate State agency exercising administration over the wildlife resources of the affected State.

(d) *Definitions.* For the purposes of this regulation:

(1) The term "navigable waters" means those waters of the United States which are subject to the ebb and flow of the tide, or are presently, or have been



in the past, or may be in the future susceptible for use for purposes of interstate or foreign commerce (see 33 CFR 209.260 (ER 1165-2-302) for a more complete definition of this term).

(2) The term "ocean waters", as defined in the Marine Protection Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq. 86 Stat. 1052), means those waters of the open seas lying seaward of the base line from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

(3) The term "dredged material" means any material excavated or dredged from the navigable waters of the United States including any runoff or overflow which occurs during a dredging operation or from a contained land or water disposal area.

(4) The term "coastal zone" means the coastal waters and adjacent shorelands designated by a State as being included in its approved coastal zone management program under the Coastal Zone Management Act of 1972.

(5) The term "Federal dredging project" means any authorized project in or affecting navigable or ocean waters involving dredging and/or the disposition of dredged or fill material in such waters, which is undertaken by the Secretary of the Army acting through the Corps of Engineers.

(e) *Applicability.* This regulation is applicable to all Corps of Engineers installations and activities involved with the performance of Federal dredging projects, or the transportation of dredged material for the purpose of dumping it in ocean waters.

(f) *General policies for evaluating Federal dredging projects.* (1) The manner in which an authorized Federal dredging project will be performed will be determined following an evaluation of the probable impact which the various feasible courses of action will have on the public interest. This evaluation will require a careful weighing of all relevant factors. The benefit which reasonably may be expected to accrue from the particular dredging activity must be balanced against its reasonably foreseeable alternative detriments. The decision as to how the Federal project will be performed will be determined by the outcome of this general balancing process (e.g., 33 CFR 209.400 (ER 1165-2-501), Guidelines for Assessment of Economic, Social and Environmental Effects of Contemplated Civil Works Projects), and will reflect the national concern for both the maintenance of interstate and foreign commerce and the protection and utilization of important natural resources. All factors which may be relevant to the proposal must be considered; among those are conservation, economics, esthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, the need to maintain navigation, recreation, water supply, water quality, and in general, the needs and welfare of the people.

(2) The following general criteria will be considered in the evaluation of every project:

(i) The relative extent of the need for the proposed dredging project;

(ii) The desirability and feasibility of using appropriate alternative locations and methods to accomplish the same objectives;

(iii) The seasonal nature of dredging and the need to preschedule dredging equipment;

(iv) The extent and permanence of the beneficial and/or detrimental effects which the proposed dredging activity may have on the uses to which the area is suited; and

(v) The probable impact of each proposal in relation to the cumulative effect created by other dredging projects in the general area.

(g) *Policies on particular factors of consideration—*(1) *Effect on wetlands.*

(i) Wetlands are those land and water areas subject to regular inundation by tidal, riverine, or lacustrine flowage. Generally included are inland and coastal shallows, marshes, mudflats, estuaries, swamps, and similar areas in coastal and inland navigable waters. Many such areas serve important purposes relating to fish and wildlife, recreation, and other elements of the general public interest. As environmentally vital areas, they constitute a productive and valuable public resource, the unnecessary alteration or destruction of which should be discouraged as contrary to the public interest.

(ii) Wetlands considered to perform functions important to the public interest include:

(a) Wetlands which serve important natural biological functions, including food chain production, general habitat, and nesting, spawning, rearing and resting sites for aquatic or land species;

(b) Wetlands set aside for study of the aquatic environment or as sanctuaries or refuges;

(c) Wetlands contiguous to areas listed in paragraphs (g) (1) (ii) (a) and (b) of this section, the destruction or alteration of which would affect detrimentally the natural drainage characteristics, sedimentation patterns, salinity distribution, flushing characteristics, current patterns, or other environmental characteristics of the above area;

(d) Wetlands which are significant in shielding other areas from wave action, erosion, or storm damage. Such wetlands often include barrier beaches, islands, reefs and bars;

(e) Wetlands which serve as valuable storage areas for storm and flood waters; and

(f) Wetlands which are prime natural recharge areas. Prime recharge areas are locations where surface and ground water are directly interconnected.

(iii) Although a particular alteration of wetlands may constitute a minor change, the cumulative effect of numerous such piecemeal changes often results in a major impairment of the wetland resources. Thus, any wetland site involved in a proposed Federal dredging project will be evaluated with the recog-

nition that it is part of a completed and interrelated wetland area. In addition, the District Engineer may undertake reviews of particular wetland areas, in consultation with the Field Representative of the Secretary of the Interior, the Regional Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, the Regional Administrator of the Environmental Protection Agency, and the head of the appropriate State agency to assess the cumulative effect of activities in such areas.

(iv) Federal dredging projects will not be performed in wetlands identified as important to paragraph (g) (1) (ii) of this section, unless the District Engineer concludes, on the basis of the analysis required in paragraph (f) of this section, that the benefits of the proposed alteration outweigh the damage to the wetlands resource and the proposed alteration is necessary to realize those benefits. In evaluating whether a particular alteration is necessary, the District Engineer shall primarily consider whether the wetland resources and environment must be utilized in performing the dredging project, and whether feasible alternative disposal or dredging sites are available.

(v) In accord with the policy expressed in paragraph (f) (3) of this section, and with the congressional policy expressed in the Estuary Protection Act, Pub. L. 90-454, State regulatory laws or programs for classification and protection of wetlands will be given great weight.

(2) *Fish and wildlife.* (i) In accordance with the Fish and Wildlife Coordination Act (see paragraph (c) (4) of this section), District Engineers will in all proposed Federal dredging cases, consult with the Regional Director, U.S. Fish and Wildlife Service; the Regional Director, National Marine Fisheries Service; and the head of the agency responsible for fish and wildlife for the State in which the work is to be performed, with a view to the conservation of wildlife resources by prevention of their loss and damage due to the proposed dredging project. They will give great weight to these views on fish and wildlife considerations in evaluating the project. In appropriate cases, modification of proposed project plans to eliminate or mitigate any damage to such resources will be made.

(3) *Historic, scenic, and recreational values.* (i) Proposed Federal dredging projects may involve areas which possess recognized historic, cultural, scenic, conservation, recreational or similar values. Full evaluation of the general public interest requires that due consideration be given to the effect which the proposed dredging project may have on the enhancement, preservation, or development of such values. Recognition of those values is often reflected by State, regional, or local land use classifications (see paragraph (f) (3) of this section), or by similar Federal controls or policies. In both cases, action on such proposed projects should, insofar as possible, be consistent with, and avoid adverse effect on, the values or purposes for which those classifications, controls, or policies were established.

(ii) Specific application of the policy in paragraph (g) (3) (i) of this section, applies to:

(a) Rivers named in section 3 of the Wild and Scenic Rivers Act (82 Stat. 906, 16 U.S.C. 1273 et seq.), and those proposed for inclusion as provided by sections 4 and 5 of the Act, or by later legislation.

(b) Historic cultural, or archeological sites or practices as provided in the National Historic Preservation Act of 1966 (83 Stat. 852, 42 U.S.C. 4321 et seq.) (see also Executive Order 11593, May 13, 1971, and statutes there cited). Particular attention should be directed toward any district, site, building, structure, or object listed in the National Register of Historic Places. Comments regarding such undertakings shall be sought and considered as provided by paragraph (i) (2) (iii) of this section. (See also ER 1105-2-11.)

(c) Any other areas named in Acts of Congress as National Rivers, National Seashores, National Recreation Areas, National Lakeshores, or established for similar purposes.

(4) *Effective on limits of the territorial sea.* Federal dredging projects may have the effect of modifying the coast line or baseline from which the three-mile belt is measured for purposes of the Submerged Lands Act and International Law. Generally, the coast line or baseline is the line of ordinary low water on the mainland; however, there are exceptions where there are islands or low-tide elevations off shore. (See the Submerged Lands Act, 67 Stat. 29, U.S. Code Section 1301(c), and "United States v. California," 381 U.S. 139 (1965), 382 U.S. 488 (1966)). All proposed Federal dredging projects affecting coastal waters will therefore be reviewed specifically to determine whether the coast line or baseline might be altered. If it is determined that such a change might occur, coordination with the Attorney General and the Solicitor of the Department of the Interior is required before final action is taken. The District Engineer will submit a description of the proposed work and a copy of the plans to the Chief of Engineers, Attn. DAEN-CWO-M, for coordination with the Solicitor, Department of the Interior.

(5) *Discharge of dredged or fill material in navigable waters or ocean waters.*

(i) Federal dredging projects involving the discharge of dredged or fill material into other than ocean waters at specified disposal sites will be reviewed in accordance with guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of section 404(b) of the Federal Water Pollution Control Act. If the Environmental Protection Agency guidelines alone prohibit the designation of a proposed disposal site, any potential impairment to the maintenance of navigation, including any economic impact on navigation and anchorage, which would result from the failure to authorize the use of the proposed disposal site in navigable waters, will also be considered in evaluating whether a

proposed method of performing the Federal dredging project is in the public interest. Pursuant to section 401(a) (6) of the Federal Water Pollution Control Act (33 U.S.C. 1341), a State water quality certification will not be obtained for Federal dredging projects.

(ii) If the proposed Federal dredging project involves the discharge of dredged material into ocean waters, it will be evaluated to determine that the proposed dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological system, or economic potentialities. In making this determination, the criteria established by the Administrator, EPA, pursuant to section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972 and published in 40 CFR 277 shall be applied. In addition, based upon an evaluation of the potential effect which the failure to undertake the proposed dredging project would have on navigation, economic and industrial development, and foreign and domestic commerce of the United States, a determination will also be made, when applicable, of the need for dumping the dredged spoil in ocean waters, other possible methods of disposal, and appropriate locations for the dumping. To the maximum extent possible, those sites recommended by the Administrator pursuant to section 102(c) of the Marine Protection, Research and Sanctuaries Act of 1972 will be utilized.

(iii) Sites previously designated for use as disposal sites for discharge or dumping of dredged material in navigable and ocean waters will be utilized to the maximum practicable extent unless restricted by the Administrator, Environmental Protection Agency, in accordance with section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972.

(iv) Prior to undertaking a proposed Federal dredging project for the discharge or dumping of dredged or fill material in navigable or ocean waters, Corps of Engineers officials will advise appropriate Regional Administrators of the proposed disposal site. If the Regional Administrator advises, within fifteen days, that he objects to the proposed disposal site, the case will be forwarded to the Chief of Engineers, Attn. DAEN-CWO-M, in accordance with paragraph (n) of this section, for further coordination with the Administrator, EPA, and decision. The report forwarding the case will contain an analysis for a determination by the Secretary of the Army that there is no economically feasible method or site available other than that to which the Regional Administrator objects.

(6) *Dredging projects in coastal zones and marine sanctuaries.* (i) Proposed Federal dredging projects in or affecting the coastal zones of those States having a coastal zone management program approved by the Secretary of Commerce will be evaluated to insure that they will be consistent with those management programs to the maximum extent practicable.

(ii) Proposed Federal dredging projects in a marine sanctuary established by the Secretary of Commerce under authority of Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 will be evaluated for impact on the marine sanctuary. No project will be undertaken until a certification is obtained from the Secretary of Commerce that the proposed activity is consistent with the purposes of title III of the Marine Protection, Research and Sanctuaries Act of 1972 and can be carried out within the regulations promulgated by the Secretary of Commerce to control activities within the marine sanctuary. In appropriate cases, modification of proposed project plans will be required to incorporate provisions required by the Secretary of Commerce in connection with his certification.

(h) *Evaluation procedures.* (1) Prior to undertaking a Federal dredging project, the District Engineer will issue a public notice as described in paragraph (i) of this section. The notice will be distributed for posting in post offices or other appropriate public places in the vicinity of the site of the proposed project, and will be sent to appropriate city and county officials, to appropriate State agencies, to concerned Federal agencies, to local, regional and national shipping and other concerned business and conservation organizations, and to any other interested parties. In addition, the District Engineer may also publish a copy of this public notice (without drawings) for five consecutive days in the local newspaper. Copies of public notices will be sent to all parties who have specifically requested copies of public notices, to the U.S. Senators and Representatives for the area where the work is to be performed, the Field Representative of the Secretary of the Interior, the Regional Director of the Bureau of Sport Fisheries and Wildlife, the Regional Director of the National Park Service, the Regional Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (NOAA), the head of the State agency responsible for fish and wildlife resources, the District Commander, U.S. Coast Guard, and the Office of the Chief of Engineers, Attention: DAEN-CWO-M.

(2) The District Engineer shall consider all comments received in response to the public notice in his subsequent actions on the proposed dredging project. Receipt of the comments will be acknowledged and they will be made a part of the official file on the project. Comments received as form letters or petitions may be acknowledged as a group to the persons or organization responsible for the form letter or petition. If comments relate to matters within the special expertise of another Federal agency, the District Engineer may seek the advice of that agency. The receipt of comments as a result of the public notice should not extend beyond seventy-five days from the date of the notice.

(3) At the earliest time during the evaluation of a proposed Federal dredg-



ing project when he can make an assessment of the environmental impact of the proposed project, the District Engineer will consider whether or not an environmental impact statement is required if an environmental impact statement or assessment has not already been prepared which adequately covers the proposed project. This will be reconsidered as additional information is developed. A preliminary determination of whether an environmental impact statement will be prepared or a statement that an environmental impact statement has been prepared and that it will be made available upon request will be announced in the Public Notice (see paragraph (i) of this section). If he determines that an environmental impact statement will not be prepared for the proposed dredging project, a finding to that effect will immediately be placed in the project file and, if the public notice has indicated an intent to prepare a statement, will be announced to the public. This finding shall be dated and signed and shall include a brief statement of the facts and reasons for the decision. If the District Engineer believes that the proposed Federal dredging project would significantly affect the quality of the human environment and an environmental impact statement covering the proposed project has not been prepared, he will prepare an environmental impact statement in accordance with ER 1105-2-507 (see 38 FR 9242, April 12, 1973). In such cases and if a public hearing is to be held (see paragraph (4) of this section), the proposed final environmental impact statement must be completed prior to the hearing. If a public meeting is planned, however, and an environmental impact statement has not already been prepared and filed with the Council on Environmental Quality (CEQ), the draft environmental impact statement will be filed with CEQ at least fifteen days prior to the meeting.

(4) If the proposed dredging project involves the discharge of dredged or fill material into other than ocean waters or the transportation of dredged material for the purpose of dumping it in ocean waters, and a person or persons having an interest which may be adversely affected by the project request a hearing, or if otherwise required by law or directed by the Chief of Engineers, the District Engineer will conduct a public hearing in accordance with applicable Corps of Engineers regulations 33 CFR 209.132.

(5) If the proposed dredging project involves any property listed in the National Register of Historic Places (which is published in its entirety in the FEDERAL REGISTER annually in February with addenda published each month), the District Engineer will determine if any aspect of the activity causes or may cause any change in the quality of the historical, architectural, archeological, or cultural character that qualified the property for listing in the National Register. Generally, adverse effects occur under conditions which include but are not limited to destruction or alteration of all or part of the property; isolation from or alteration of its surrounding environment; and introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting. If the District Engineer determines that the dredging activity will have no effect on the property, he will proceed with the standard procedures in this regulation. If, however, the District Engineer determines that the dredging activity will have an effect on the property, he will proceed in accordance with the procedures specified in the FEDERAL REGISTER, 37 FR 24146, 24148, November 14, 1972.

(6) If it can be anticipated that the benefits which would be produced by the proposed Federal dredging project will result in related operations by other Federal and non-Federal agencies, the District Engineer will consider these related operations in planning the construction and maintenance of the Federal dredging project, and to the maximum extent possible, will coordinate with interested Federal, State, regional and local agencies and the general public simultaneously with these related dredging projects.

(7) After all above actions have been completed, the District Engineer will determine the manner by which proposed Federal dredging project will be undertaken. When the final decision is made, the official making the decision will make a statement of findings to support that decision and this statement of findings will be dated, signed and placed in the project file. If an environmental impact statement is to be filed with CEQ, a copy of the statement of findings will be submitted to DAEN-CWO-M for filing with CEQ.

(8) If the circumstances surrounding a Federal dredging project require emergency action and the District Engineer considers that the public interest requires that the standard procedures must be abbreviated in the particular case, he will explain the circumstances and recommend special procedures to the Chief of Engineers, Attn: DAEN-CWO-M by teletype. The Chief of Engineers, upon consultation with the Secretary of the Army or his authorized representative and other affected agencies, will instruct the District Engineer as to the procedures to be followed.

(9) In view of the extensive coordination with other agencies and the public and the study of all aspects of proposed dredging projects required by the above procedures, the District Engineer will initiate action under these regulations sufficiently in advance to meet operation schedules.

(i) *Public notice and coordination with interested parties.* (1) The Public Notice is the primary method of advising all interested parties of the proposed Federal dredging project and of soliciting comments and information necessary to evaluate the probable impact on the public interest. The notice must, therefore, include sufficient information to

give a clear understanding of the nature of the activity to generate meaningful comments. The notice should include the following items of information:

- (i) The name of the project;
  - (ii) The location of the proposed project;
  - (iii) A brief description of the proposed project, its purpose and a description of the type, composition and quantity of materials to be dredged and/or dumped and means of conveyance;
  - (iv) A sketch showing the location of the proposed project, including depth of water in the area and disposal sites;
  - (v) The nature and event of known and anticipated related dredging to be conducted by others;
  - (vi) A list of Federal, State and local agencies with whom these activities are being coordinated;
  - (vii) A Statement concerning a preliminary determination of the need for and/or availability of any environmental impact statement;
  - (viii) Any other available information which may assist interested parties in evaluating the likely impact of the proposed activity, if any, on factors affecting the public interest, including environmental values;
  - (ix) A reasonable period of time, not less than thirty days from date of mailing, within which interested parties may express their views concerning the proposed dredging, and a paragraph describing the various factors on which decisions are based during evaluation of the proposed dredging project.
- (a) The public notice will contain the following paragraph:

The decision as to the manner in which this authorized Federal dredging project will be performed will be based on an evaluation of the probable impact which the various feasible courses of action will have on the public interest. The decision will reflect the national concern for both the maintenance of interstate and foreign commerce and the protection and utilization of important natural resources. The benefit which reasonably may be expected to accrue from this dredging activity will be balanced against its reasonable foreseeable alternative detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, the need to maintain navigation, recreation, water supply, water quality and, in general, the needs and welfare of the people.

(b) If the proposed dredging project involves the discharge of dredged or fill material into other than ocean waters or the transportation of dredged material for the purpose of dumping it in ocean waters, the public notice shall also indicate that the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of section 404(b) of the Federal Water Pollution Control Act or of the criteria established under authority of section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as appropriate. In addition, the

following statement will also be included in the public notice:

Any person who has an interest which may be adversely affected by this proposed dredging project may request a public hearing. The request must be submitted in writing to the District Engineer within thirty days of the date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by this activity.

(2) It is presumed that all interested parties and agencies will wish to respond to public notices; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed dredging project. A copy of the public notice with the list of the addressees to whom the notice was sent will be included in the file. If a question develops for which another agency has responsibility and that other agency has not responded to the public notice, the District Engineer should contact that agency directly for its comments. Whenever a response to a public notice has been received from a member of Congress, either in behalf of a constituent or himself, the District Engineer will inform the member of Congress of his determination.

(3) Notices sent to several agencies within the same State may result in conflicting comments from those agencies. Many States have designated a single State agency or individual to provide a coordinated State position regarding those matters. Where a State has not so designated a single source, the District Engineer will elicit from the Governor an expression of his views and desires concerning the proposed dredging project. Where coordination is required by the Fish and Wildlife Coordination Act (see paragraph (c) (5) of this section), District Engineers will address a letter to the designated single State agency or Governor, as appropriate, inviting attention to the coordination requirements of the Fish and Wildlife Coordination Act and requesting that a report from the head of the State agency responsible for fish and wildlife resources be appended to the coordinated State report.

(j) *Public meetings and hearings.* (1) It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, mutual cooperation, and in a manner responsive to the public interest. The views of all concerned persons are initially sought by means of public notices in connection with any proposed Federal dredging project. Where response to a notice indicates the need for a further opportunity for public expression and a public hearing is not required by law or directed by the Chief of Engineers, the District Engineer may hold a public meeting.

(2) A public meeting is a forum at which all concerned persons are given an opportunity to present additional information relevant to a proper evaluation of the proposed project. If a public meeting is held, notice announcing the meeting will be published at least thirty days in advance of the meeting. A summary of environmental considerations will be included in the notice. The District Engineer has the opportunity to present the public interest. Officials of other Federal agencies or of State and local governments will be given opportunity to express their views, as well as all other persons. The conduct of the meeting will be in accordance with 33 CFR 209.405 (ER 1105-2-502) and a transcript of the meeting will be part of the file.

(k) *Duration of Federal dredging projects.* (1) If the Federal dredging project involves periodic maintenance dredging, the determination as to the manner in which the dredging project will be performed will include future periodic maintenance dredging.

(2) The District Engineer may reevaluate the method and procedures by which a Federal dredging project is being performed and take action to modify those procedures if conditions under which the project was initially approved have changed materially or if the public interest so warrants. In the event a reevaluation becomes necessary the same evaluation set forth in paragraph (h) of this section will be followed.

(l) *Authority to undertake Federal dredging projects.* (1) District Engineers may undertake Federal dredging projects in accordance with this regulation subject to such special conditions as are necessary to protect the public interest in the navigable waters or ocean waters in all cases in which there are no known substantive objections to the proposed dredging activity or in which objections have been resolved to the satisfaction of the District Engineer. All other proposed Federal dredging projects, including those cases in paragraphs (1) (2) (i) through (vii) of this section, will be referred to Division Engineers.

(2) Division Engineers will review, attempt to resolve outstanding matters, and evaluate all Federal dredging projects referred by District Engineers. Division Engineers may authorize or defer commencement of a dredging project as well as the inclusion of additional procedures to those projects as may be necessary to protect the public interest in the navigable waters or ocean waters. However, Division Engineers will refer to the Chief of Engineers, Attention: DAEN-CWO-M, the following cases:

(i) When it is proposed to undertake a proposed Federal dredging project and there are unresolved objections from another Federal agency;

(ii) When the recommended decision is contrary to the stated position of the Governor of the affected State or of a member of Congress;

(iii) When there is substantial doubt as to authority, law, regulations, or policies applicable to the proposed dredging project;

(iv) When higher authority requests the case be forwarded for decision;

(v) When the case is recognized to be highly controversial or litigation is anticipated;

(vi) When the proposed dredging project would affect the baseline used for

determination of the limits of the territorial sea; and

(vii) When any party to a public hearing has filed an appeal of the decision.

(m) *Supervision of Federal dredging projects.* District Engineers will supervise all authorized dredging activities and will require that the activity be conducted and executed in conformance with the approved plans and procedures of the project. Inspections will be made during performance of the dredging activity and instructions will be given to insure that there is no departure from the approved plans.

(n) *Reports.* The report of a District Engineer requiring action by the Division Engineer or by the Chief of Engineers will be in a letter form with all pertinent comments, records and studies including the final environmental impact statement and statement of finding, if prepared, as inclosures. The following items will be included or discussed in the report:

- (1) Name of project.
- (2) Location of proposed work.
- (3) Character and purpose of proposed work.
- (4) Other Federal, State, and local coordinations.
- (5) Date of public notice and public meeting or public hearings, if held, and summary of objections offered with comments of the District Engineer thereon. The comments should explain the objections and not merely refer to inclosed letters.

(6) Views of State and local authorities.

(7) Views of District Engineer concerning probable effect of the proposed work on:

(i) Navigation, present and prospective.

(ii) Beach erosion or accretion.

(iii) Fish and wildlife.

(iv) Water quality.

(v) Aesthetics.

(vi) Ecology.

(vii) Historic values.

(viii) Recreation.

(ix) Economy.

(x) Water supply.

(xi) Public Interest.

(8) Other pertinent remarks, including need for the proposed work and alternatives reasonably available.

(9) Conclusions.

(10) Recommendations including any proposed special procedures.

[FR Doc. 74-3828 Filed 2-15-74; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 33]

ENROLLMENT OF INDIANS IN PUBLIC SCHOOLS

Notice of Extension of Time for Filing Comments

FEBRUARY 5, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).



On January 14, 1974, there was published in the *FEDERAL REGISTER* (39 FR 1776-1777), a notice of proposed revision of Part 33 of Title 25 of the Code of Federal Regulations, clarifying the eligibility requirements for educational programs for Indian students in public schools to be funded under these regulations.

Following publication of the above notice, several requests for an extension of the time for filing comments have been received. No objection appearing, the period of time for filing comments, suggestions, or objections, to the proposed regulations is hereby extended to and including March 15, 1974.

MORRIS THOMPSON,  
Commissioner of Indian Affairs.  
[FR Doc.74-3838 Filed 2-15-74; 8:45 am]

**Mining Enforcement and Safety Administration**

**[ 30 CFR Part 75 ]**

**MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES**

**Illumination; Objections Filed and Hearing Requested**

Pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 U.S.C. 811 (a)), and in accordance with section 317(e) thereof (83 Stat. 788; 30 U.S.C. 877(e)) which requires the Secretary to propose standards under which all working places in an underground coal mine shall be illuminated by permissible lighting while persons are working in such places, there was published, as proposed rulemaking, in the *FEDERAL REGISTER* for October 27, 1971 (36 FR 20607), §§ 75.1719 through 75.1719-4 of 30 CFR Part 75, entitled "Illumination in Underground Coal Mines."

Interested persons were afforded a period of 45 days following publication within which to submit to the Director, Bureau of Mines, written comments, suggestions, or objections to these proposed standards, stating the grounds therefor, and to request a public hearing on such objections.

Section 101(f) of the Act directs the Secretary to publish in the *FEDERAL REGISTER*, as soon as practicable after the period for filing such objections has expired, a notice specifying proposed mandatory safety standards to which objections have been filed and a hearing requested.

Notice is hereby given that written objections were timely filed with the Director, Bureau of Mines, stating the grounds for objections and requesting a hearing on proposed §§ 75.1719 through 75.1719-4 of 30 CFR Part 75.

Pursuant to section 101(g) of the Act, the Secretary will after publication of this notice in the *FEDERAL REGISTER*, issue notice of the time and place at which a

public hearing will be held for the purpose of receiving relevant evidence to the objections received.

WILLIAM A. VOGELY,  
Acting Deputy Assistant Secretary of the Interior.

FEBRUARY 14, 1974.

[FR Doc.74-4009 Filed 2-15-74; 8:45 am]

**[ 30 CFR Part 77 ]**

**MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES**

**Rollover Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) for Mobile Equipment; Objections Filed and Hearing Requested**

Pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 U.S.C. 811(a)), there was published in the *FEDERAL REGISTER* for October 9, 1973 (38 FR 27841) a notice proposing to amend § 77.403 and to add a new § 77.403a to 30 CFR Part 77, pertaining to rollover protective structures (ROPS) and falling object protective structures (FOPS) for mobile equipment. Interested persons were afforded a period in excess of 30 days following publication within which to submit to the Administrator, Mining Enforcement and Safety Administration, written comments, suggestions, or objections to these proposed standards, stating the grounds therefor, and to request a public hearing on such objections.

Section 101(f) of the Act directs the Secretary to publish in the *FEDERAL REGISTER*, as soon as practicable after a period for filing such objections has expired, a notice specifying proposed mandatory safety standards to which objections have been filed and a hearing requested.

Notice is hereby given that written comments from equipment manufacturers, mine operators, trade associations and union representatives were timely filed with the Administrator, Mining Enforcement and Safety Administration stating the grounds for objections. Four requests for a public hearing on the proposed amendments to § 77.403 and the new § 77.403a were received from interested trade associations.

Pursuant to section 101(g) of the Act, the Secretary will after publication of this notice in the *FEDERAL REGISTER*, issue notice of the time and place at which a public hearing will be held for the purpose of receiving relevant evidence to the objections received.

WILLIAM A. VOGELY,  
Acting Deputy Assistant Secretary of the Interior.

FEBRUARY 14, 1974.

[FR Doc.74-4010 Filed 2-15-74; 8:45 am]

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**[ 7 CFR Part 991 ]**

**HANDLING OF HOPS OF DOMESTIC PRODUCTION**

**Proposed Salable Quantity and Allotment Percentage for the 1974-75 Marketing Year**

Notice is hereby given of a proposal to establish, for the 1974-75 marketing year, beginning August —, 1974, a salable quantity of 60,270,000 pounds, and an allotment percentage of 100 percent, for hops grown in Washington, Oregon, Idaho, and California. The salable quantity is the total quantity of hops that may be freely marketed from any crop grown in those states and handled by handlers. The salable quantity is prorated among producers by applying the allotment percentage to each producer's allotment base.

The proposed salable quantity and allotment percentage would be established in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Hop Administrative Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than March 8, 1974. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27 (b)).

The proposed salable quantity and allotment percentage are based upon recommendations of the Committee made at their meeting of January 22, 1974, and derive from the following estimates for the marketing year beginning August 1, 1974:

- (1) Total domestic consumption of 37,500,000 pounds of hops;
- (2) Minus imports of 10,000,000 pounds of hops to result in domestic consumption of U.S. hops of 27,500,000 pounds;
- (3) Plus total U.S. exports of 29,000,000 pounds of hops to equal 56,500,000 pounds total usage of U.S. hops;
- (4) Minus a desirable inventory adjustment, as of September 1, 1975, of 1,500,000 pounds;
- (5) Plus an adjustment of 5,270,000 pounds to provide for adequate supplies should some producer allotments not be fully produced.

Thus, the salable quantity during the 1974-75 marketing year would be 60,270,000 pounds.

The proposed salable percentage is computed by subtracting from this sal-

able quantity 1,000,000 pounds for additional allotment bases for hops of the Fuggle variety pursuant to §§ 991.38(b) and 991.138(c) and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the 1,000,000 pound additional allotment bases for Fuggle variety hops.

The proposal is as follows:

§ 991.212 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1974.

The allotment percentage during the marketing year beginning August 1, 1974, shall be 100 percent, and the salable quantity shall be 60,270,000 pounds.

Dated: February 13, 1974.

CHARLES R. BRADER,  
Deputy Director,  
Fruit and Vegetable Division.

[FR Doc.74-3910 Filed 2-15-74; 8:45]

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**[ 29 CFR Part 1999 ]**

**STANDARD FOR OCCUPATIONAL EXPOSURE TO NOISE**

**Notice of Intent To Prepare an Environmental Impact Statement**

The National Environmental Policy Act of 1969 (42 U.S.C. section 102) requires each Federal agency to consider the environmental effects of proposed actions and to prepare environmental impact statements or major actions affecting the quality of the human environment. Accordingly, the Occupational Safety and Health Administration, U.S. Department of Labor, in conformance with its procedures for environmental impact statements (29 CFR Part 1999), announces its intention to prepare an environmental impact statement assessing the impact of a standard that will be proposed for occupational noise exposure.

The Office of Standards, Occupational Safety and Health Administration, is currently collecting information and data on possible environmental impacts of the recommended standard, such as any adverse environmental effects which cannot be avoided should the standard be adopted; alternatives to such a standard; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and any irreversible commitments of resources which would be involved if the standard should be implemented. Those issues of particular interest are set forth below:

- (a) Effects of occupationally induced hearing impairment and other physiological or psychological effects of noise;
- (b) Secondary effects of occupational noise exposure, such as accident experience and interruption of mission;
- (c) Sociological effects of hearing loss on the individual and the community;
- (d) Technological or engineering find-

ings relating to reduction of noise in the occupational environment; and  
(e) Any other pertinent issues.

Any person having information or data on this subject which is not readily available in the open literature is invited to submit it, with accompany documentation, to the Director, Office of Standards, Occupational Safety and Health Administration, 1726 M Street, NW., Room 210, Washington, D.C. 20210 by March 21, 1974. All information received will be available for public inspection at the Office of Standards after the draft environmental impact statement is completed.

A copy of the completed draft environmental impact statement on noise will be available to any member of the public who requests it.

Comments on the draft statement should be sent to the Office of Standards, Occupational Safety and Health Administration. A 45-day period will be allowed for the submission of comments after the publication of the draft environmental statement.

Signed at Washington, D.C., this 13th day of February, 1974.

JOHN STENDER,  
Assistant Secretary of Labor.  
[FR Doc.74-3894 Filed 2-15-74; 8:45 am]

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**Office of the Secretary**

**[ 41 CFR Parts 3-1, 3-4, 3-16 ]**

**USE OF "EXAMINATION OF RECORDS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE" AND "ACCOUNTS, AUDIT AND RECORDS" CLAUSES IN ALL NEGOTIATED CONTRACTS, AGREEMENTS AND OTHER INSTRUMENTS**

**Notice of Proposed Rule Making**

Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Ch. 3, by amending Parts 3-1, 3-4, and 3-16, to make the "Examination of Records by the Department of Health, Education, and Welfare" and "Accounts, Audit and Records" clauses mandatory for all contracts, agreements, and other instruments (regardless of name) which are subject to 41 U.S.C. 252. The HEWPR is being clarified to indicate its applicability to agreements and other instruments (regardless of name) which are subject to 41 U.S.C. 252.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Office of Grants and Procurement Management, OASAM, Room 2038, HEW South Building, Department of Health, Education, and Welfare, 330 C Street SW., Washington, D.C. 20201, on or before March 21, 1974. All comments submitted pursuant to this notice will be available

for public inspection during regular business hours in the Office of Grants and Procurement Management.

These amendments give the Secretary of the Department of Health, Education, and Welfare or his authorized representative the right to examine records pertaining to all negotiated contracts and to agreements and other instruments (regardless of name) which are subject to 41 U.S.C. 252.

Dated: February 12, 1974.

THOMAS S. MCFEE,  
Acting Assistant Secretary for Administration and Management.

As proposed, the following changes will be made in the HEW Procurement Regulations:

**§ 3-1.104 [Amended]**

1. Section 3-1.104, *Applicability*, of Subpart 3-1.1, *Regulation System*, is amended by adding the following as the second sentence of the section. The remainder of the section remains unchanged.

• • • The HEWPR applies to contracts and to agreements and other instruments (regardless of name) which are subject to 41 U.S.C. 252. • • •

2. The following will be added to paragraph (a) of § 3-16.5003, *Additions, modifications and substitutions to General Provisions of Subpart 3-16.50, Forms for Negotiated Procurements*:

**§ 3-16.5003 [Amended]**

(a) • • •

(19) The following clause "Examination of Records by the Department of Health, Education, and Welfare" shall be included in HEW Forms 313 and 314 and shall be used in all negotiated fixed-price contracts:

EXAMINATION OF RECORDS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The provisions of clause ----- above entitled "Examination of Records by Comptroller General" are extended to provide equal rights to duly authorized representatives of the Secretary or of the Contracting Officer.

Note: The clause entitled "Examination of Records by Comptroller General" is set forth in § 1-7.103-3.

(20) The following clause, "Accounts, Audit and Records," shall be included in all HEW Forms 313 and 304 and shall be used in all negotiated fixed-price contracts:

**ACCOUNTS, AUDIT AND RECORDS**

(a) The Contractor shall maintain books, records, documents, and other evidence, accounting procedures, and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred for the performance of this contract. The foregoing constitutes "records" for the purpose of this clause.

(b) The Contractor's facility(ies) or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable time to inspection and audit by the Secretary or his authorized representatives.



(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or the time periods for particular records specified in 41 CFR Part 1-20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (1) or (2) below:

(1) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(2) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exception has been taken by the Contracting Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of. (d) The Contractor shall insert the substance of this clause, including this paragraph (d) in each subcontract hereunder with the exceptions of (1) purchase orders not exceeding \$2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public. When so inserted, changes shall be made to designate the higher-tier subcontractor at this level involved in place of the Contractor; to add "of the Government prime contract," in place of "this contract" in (B) of subparagraph (c) (2) above.

§§ 3-16.950-315, 3-16.950-315A and 3-16.950-316 [Amended]

3. Sections 3-16.950-315, 3-16.950-315A and 3-16.950-316, are amended by adding the clause entitled "Examination of Records by the Department of Health, Education, and Welfare" set forth in § 3-16.5003(a)(19) and deleting the clause entitled "Accounts, Audit and Records" and substituting the clause set forth in § 3-16.5003(a)(20) therefor.

4. The following is added to the table of contents of Part 3-4, Special Types and Methods of Procurement:

Subpart 3-4.59—Agreements and Other Types of Instruments

Sec. 3-4.5901 Policy.

A new subpart 3-4.59, consisting at this time of § 3-4.5901 is added as follows:

Subpart 3-4.59—Agreements and Other Types of Instruments

§ 3-4.5901 Policy.

Agreements and other instruments subject to 41 U.S.C. 252 must contain the clauses set forth in the DHEW General Provisions and other clauses contained in these regulations that are required by the type of procurement involved.

[FR Doc. 74-3879 Filed 2-15-74; 8:45 am]

#### [41 CFR Part 3-4]

#### PROCUREMENTS INVOLVING THE USE OF LABORATORY ANIMALS

##### Proposed Policies and Procedures

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the

Office of the Secretary is considering an amendment to 41 CFR Chapter 3 by adding Subpart 3-4.58, Procurements Involving the use of Laboratory Animals. The purpose of the issuance is to establish policies and procedures conforming to the provisions of the Animal Welfare Act.

Any person who wishes to submit written data, views or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Acting Deputy Assistant Secretary, Grants and Procurement Management, Room 2038, HEW South Building, Department of Health, Education, and Welfare, 330 Independence Avenue, SW, Washington, D.C. 20201, on or before March 21, 1974. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of the Acting Deputy Assistant Secretary, Grants and Procurement Management.

Dated: February 11, 1974.

THOMAS S. MCFEE,  
Acting Assistant Secretary for  
Administration and Manage-  
ment.

As proposed, the new Subpart 3-4.58 would read as follows:

Subpart 3-4.58—Procurements Involving the Use of Laboratory Animals

Sec. 3-4.5800 Scope of subpart.  
3-4.5801 Definitions.  
3-4.5802 Policy.  
3-4.5803 Applicability.  
3-4.5804 Grantee and Contractor Implementation.  
3-4.5805 Departmental Implementation.

§ 3-4.5800 Scope of subpart.

This issuance describes DHEW grant or contract support for projects or activities involving animals, and the responsibilities of the DHEW operating agencies for implementing policies and procedures described herein.

§ 3-4.5801 Definitions.

(a) *Animal Welfare Act*. The Act of August 24, 1966 (Public Law 89-544), commonly known as the Laboratory Animal Welfare Act, as amended by the Act of December 24, 1970 (Public Law 91-579), the Animal Welfare Act of 1970.

(b) *Animal*. "Animal" means any live, warm-blooded animal (homoiotherm) which is being used, or is intended for use, for research, testing, training, education, experimentation, or demonstration purposes.

(c) *Animal Facility*. "Animal facility" means any room, building, or area used to contain a primary enclosure designed to immediately restrict an animal or animals to a limited amount or space, such as a room, pen, run, cage, compartment, or hutch.

(d) *Institution*. Any corporation, institution, organization, agency, or other legally accountable person, other than an individual, located in a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, Wake Island, Johnston Island, the Vir-

gin Islands, the Canal Zone, or the Trust Territory of the Pacific Islands.

(e) *Significant numbers of animals*. No fixed quantitative definition of this term is offered. Institutions believing that they do not use significant numbers of animals in DHEW supported activities and wishing to modify their institutional committee make-up on the basis of their animal inventory as provided for by § 3-4.5804(a)(2)(ii) should give inventory information as suggested by the assurance examples in Exhibit X3-4.58-2. Final determination as to the acceptability of such modifications will be made by the DHEW.

§ 3-4.5802 Policy.

It is the policy of the Department of Health, Education, and Welfare that institutions using animals in projects or other activities supported with funds from DHEW grants, awards, or contracts shall assure the DHEW in writing that they will evaluate on a continuing basis their animal facilities in regard to the care, use, and treatment of such animals, consistent with the standards established by the Animal Welfare Act, the DHEW "Principles for Use of Experimental Animals" (Exhibit X3-4.58-1), and DHEW publication, "Guide for Care and Use of Laboratory Animals," Fourth Edition.<sup>1</sup> No DHEW grant or contract involving the use of animals will be awarded to an institution unless such assurance has been filed with the DHEW. No such grant or contract will be awarded to an individual without affiliation with an institution which has accepted responsibility for administration of the funds awarded and has filed an assurance with DHEW.

§ 3-4.5803 Applicability.

(a) This policy is applicable to the grants and contracts of any DHEW agency which involve the use of animals in direct research, training, testing, or other activities to be performed by the grantee or contractor institution. While the bulk of such support is offered by a few DHEW agencies (NIH, FDA), staff of all agencies shall be alert to the inclusion of procedures involving animals into proposals received.

(b) Applicability of this policy to contracts for the procurement of animals or animal materials for use in DHEW intramural activities shall be determined by the DHEW officials responsible for administering programs which award such contracts.

§ 3-4.5804 Grantee and contractor implementation.

(a) See Exhibit X3-4.58-2 for examples of acceptable assurance forms. An assurance will identify the evaluation mechanism or mechanisms to be used by the institution, based on one of the following three actions, as appropriate.

(1) Accreditation of all institutional animal facilities by a nationally recog-

<sup>1</sup>Revision of PHS publication number 1604, "Guide for Laboratory Animal Facilities and Care," Third Edition, 1968.

nized professional laboratory animal accrediting body.<sup>2</sup>

(2) Establishment of an institutional committee to evaluate on a continuing basis the care of all animals held or used by or for the grantee or contractor institution for use in research, teaching, or other activities supported by DHEW grants or contracts.

(i) Where the institution uses significant numbers of animals in DHEW supported activities, the committee will consist of at least three members, at least one of whom must be a Doctor of Veterinary Medicine.

(ii) Where the institution does not use significant numbers of animals in DHEW supported activities, the committee will consist of at least three members. At least one of the members must be a scientist with demonstrated expertise in the care and use of laboratory animals. If such expertise is not available, a Doctor of Veterinary Medicine available to the committee on a consultant basis is the permissible alternative.

(3) Both of the foregoing (accreditation and committee), if the accreditation is limited to only a portion of the institution's facilities for the care and use of live animals.

(b) *Institutional review of applications and proposals*. Grantee and contractor institutions are encouraged to review their applications and proposals in the light of the pertinent provisions of the Animal Welfare Act, the standards set by the Institute of Laboratory Animal Resources, National Academy of Sciences, National Research Council (NAS, NRC), and the DHEW Principles for the Use of Laboratory Animals (Exhibit X3-4.58-1), and to familiarize their staff with these provisions, standards, and principles. However, there is no requirement under this policy that institutional committees perform review of individual proposals or regularly provide to the DHEW summaries or certifications of such committee actions.

(c) *Reporting to DHEW*. No routine reports are required. Assurance requirements are limited to the description, on a one-time basis, of administrative mechanisms for the continuing evaluation of institutional facilities and activities concerned with the care and use of animals. However, significant changes in assurance status or significant problems encountered in implementing this policy shall be promptly reported to the Institutional Relations Branch, DRG, NIH, DHEW. Review of these changes or problems, or of institutional and other records of performance under the terms and conditions of this policy, may require renegotiation of the assurance, or such other action as may be appropriate. (See § 3-4.5805 (d).)

<sup>2</sup>Registration, licensing, or inspection by the Animal Health Division of the Department of Agriculture, or by any State, county, or municipal government agency, does not serve to satisfy the terms of this policy. Accreditation by the American Association for Accreditation of Laboratory Animal Care does serve to satisfy the terms of this policy.

(d) *Maintenance of institutional records*. As a part of the continuing evaluation process, DHEW awardee institutions shall keep records of committee activities, including recommendations and determinations, and/or records of accrediting body determinations. Institutions shall also keep animal inventory records to establish whether significant numbers of animals are being used. These records shall be available for inspection by the Secretary, DHEW, or his authorized representatives. They shall be retained for a period of three years after termination of the budget period to which they apply.

§ 3-4.5805 Departmental implementation.

(a) The Division of Research Grants, NIH, DHEW, will be responsible for general administration and coordination of the implementation of this policy. The Institutional Relations Branch, DRG, will publish and distribute to all DHEW components a cumulative list of all institutions which have filed assurances of compliance as specified by § 3-4.5804.

(b) Staff, advisory groups, and consultants, in their review of applications for DHEW grants and contracts, shall consider the requirements of this policy with special attention to the principles described in Exhibit X3-4.58-1. If a project is disapproved or not awarded as requested, entirely or in part on grounds of incompatibility with this policy or its related principles, DHEW program staff shall bring the circumstances to the attention of the Institutional Relations Branch, which will call the matter to the attention of the applicant institution on behalf of the DHEW.

(c) *Implementation procedures*. DHEW agencies shall publish their implementation requirements within 60 days of publication of this policy. Assurances previously accepted by the DRG, NIH, for the NIH and listed in its current "Protection of Animal Subject \* \* \* Cumulative List of Institutions in Compliance with NIH Policy" will be considered acceptable for the purposes of this policy provided that the DHEW supported activities are limited to the use of the six species (dogs, cats, monkeys, guinea pigs, rabbits, and hamsters) covered by the NIH policy memorandum of August 2, 1971. Application of this policy will be made to all contracts, and to all grants resulting from competing applications awarded after July 1, 1973.

No DHEW grant or contract involving the use of animals shall be awarded when the application or proposal for such grant or contract raises questions in the minds of DHEW operating agency staff as to the applicant's or proposer's compliance with the terms of this policy or its related principles. The principal investigator or project director will be contacted by DHEW operating agency staff and given an opportunity to resolve the questions, in a time period specified by the DHEW operating agency. Final adverse action shall be taken by DHEW only if the principal investigator or project director fails or refuses to

satisfactorily resolve the questions within the time period specified by the DHEW operating agency. Alternatively, if, in the judgment of DHEW operating agency staff, the project or activity can properly be restricted so as to eliminate those parts of the design which are incompatible with this policy or its related principles, such a restricted award may be offered.

(d) *Follow-Up*. If, in the judgment of the Secretary or his authorized representative, an institution has failed in a material manner<sup>3</sup> to comply with the terms of this policy, he may:

(1) With respect to an institution, determine that its eligibility to receive further DHEW grants or contracts involving the use of animals be withdrawn, such disqualification to continue until terminated in the public interest by the Secretary or his authorized representative. The institution shall be promptly notified of such action.

(2) With respect to a particular DHEW grant or contract involving the use of animals, require that it be terminated in the manner provided for in applicable grant or procurement regulations. The grantee or contractor shall be promptly notified of such action.

(3) With respect to an individual employed by the grantee or contractor institution, determine that he is no longer qualified to serve as principal investigator, program director, or other person responsible for the direction of activities funded by DHEW as grants or contracts involving the use of animals, such disqualification to continue until terminated in the public interest by the Secretary or his authorized representative. The individual shall be promptly notified of such action.

EXHIBIT X3-4.58-1

#### PRINCIPLES FOR USE OF LABORATORY ANIMALS

*The personnel*. 1. Projects or activities involving live, warm-blooded animals and the procurement of living animal tissues for biomedical activities must be performed by, or under the immediate supervision of, a scientist qualified in the scientific area under study.

2. The housing, care, and feeding of all laboratory animals must be supervised by a properly qualified veterinarian or other scientist competent in such matters.

*The project or activity*. 3. The intent of the project or activity should be such as to yield fruitful results for the good of society, and not random and unnecessary in nature.

4. The project or activity should be so designed and based on knowledge of the disease or problem under study that the significance of anticipated results will justify its performance.

5. The project or activity should be so conducted as to avoid all unnecessary suffering and injury to the subject animals.

6. The scientist in charge of the project or activity must be prepared to terminate it whenever he believes that its continuation may result in unnecessary injury to the subject animals.

<sup>3</sup>Any violation under section 19 or 20 of the Animal Welfare Act (Exhibit X3-4.58-3) shall be considered to constitute a material failure to comply with the terms of this policy.



7. If any aspect of the project or activity is likely to cause greater discomfort than that attending anesthesia, the subject animals must be rendered incapable of perceiving the pain prior to its possible onset and be maintained in that condition until the threat of pain is ended. The only exception to this guideline should be in those cases where anesthesia would defeat the purpose of the project; such exceptions must be specifically approved and supervised by the principal investigator.

8. If it is necessary to sacrifice a laboratory animal, the subject animal must be killed in a humane manner in such a way as to insure immediate death in accordance with procedures approved by the institutional committee. No animal shall be discarded until death is certain.

9. Post-experiment care of subject animals must be such as to minimize discomfort, in accordance with acceptable practice in veterinary medicine.

*The facilities.* 10. Standards for the construction and use of housing, service, and surgical facilities should be consistent with the recommendations in DHEW publication, "Guide for Care and Use of Laboratory Animals," Fourth Edition, or as otherwise required by the U.S. Department of Agriculture regulations established under the terms of the Animal Welfare Act.

#### EXHIBIT X3-4.58-2

##### EXAMPLES OF ACCEPTABLE ASSURANCE FORMS

Assurances may take any one of several forms depending on circumstances, but should include the information provided by one or more of the examples below, be dated, and be signed by an authorized representative of the institution:

1. "This institution uses or intends to use significant numbers of warm-blooded animals in activities supported by DHEW grants, contracts, or awards. We are accredited by the American Association for Accreditation of Laboratory Animal (AAALAC). Our director(s) of laboratory animal care, as listed with AAALAC, are as follows: (insert name(s), degree(s), title(s)). Our accreditation applies to the following facilities and components of this institution:

Records of accrediting body determinations will be available for inspection by the Secretary, DHEW, or his authorized representatives."

2. "This institution uses or intends to use significant numbers of warm-blooded animals in activities supported by DHEW grants, contract, or awards. We have established a committee of at least three members, at least one of whom is a Doctor of Veterinary Medicine (insert name), to evaluate the care of all warm-blooded animals held or used for research, teaching or other activities supported by DHEW grants, contracts, or awards. The committee will be responsible for animals housed at the following facilities and components of this institution:

The evaluation committee will periodically inspect the animal facilities of this institution and report its findings and recommendations to the institution's responsible officials on a schedule the committee determines necessary; but in no case will these reports be issued less than annually. Records will be kept of committee activities and

recommendations. These records will be available for inspection by the Secretary, DHEW, or his authorized representatives."

3. "This institution uses or intends to use warm-blooded animals in activities supported by DHEW grants, contracts, or awards, but not in significant numbers (average daily inventory, \_\_\_\_\_ warm-blooded animals; total annual inventory, \_\_\_\_\_ warm-blooded animals).

We have established a committee of at least three members, one of whom is (insert name, highest degree held, field of major interest, years of animal research experience), to evaluate the care of all warm-blooded animals held or used for research, teaching, or other activities supported by DHEW grants, contracts, or awards. The committee will be responsible for animals housed at the following facilities and components of this institution:

The evaluation committee will periodically inspect the animal facilities of this institution and report its findings and recommendations to the institution's responsible officials on a schedule the committee determines necessary; but in no case will these reports be issued less than annually. Records will be kept of committee activities and recommendations. These records will be available for inspection by the Secretary, DHEW, or his authorized representatives."

4. "This institution uses or intends to use warm-blooded animals in activities supported by DHEW grants, contracts, or awards, but not in significant numbers (average daily inventory, \_\_\_\_\_ warm-blooded animals; total annual inventory, \_\_\_\_\_ warm-blooded animals). We have established a committee of at least three members, to evaluate the care of all warm-blooded animals held or used for research, teaching, or other activities supported by DHEW grants, contracts, or awards. We have arranged for a Doctor of Veterinary Medicine (insert name \_\_\_\_\_), to consult with the committee as needed. The committee will be responsible for animals housed at the following facilities and components of this institution:

The evaluation committee will periodically inspect the animal facilities of this institution and report its findings and recommendations to the institution's responsible officials on a schedule the committee determines necessary; but in no case will these reports be issued less than annually. Records will be kept of committee activities and recommendations. These records will be available for inspection by the Secretary, DHEW, or his authorized representatives."

#### EXHIBIT X3-4.58-3

##### ANIMAL WELFARE ACT—SECTIONS 19 AND 20

Section 19. (a) If the Secretary has reason to believe that any dealer, exhibitor, or operator of an auction sale subject to Section 12 of this Act has violated or is violating any provisions of this Act, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may make an order that such person shall cease and desist from continuing such violation, and if such persons is licensed under this Act, the Secretary may also suspend such person's license temporarily, but not to exceed twenty-one days, and after notice and opportunity for

hearing, may suspend for such additional period as he may specify, or revoke such license. If such violation is determined to have occurred. Any dealer, exhibitor, or operator of an auction sale subject to Section 12 of this Act, who knowingly fails to obey a cease and desist order made by the Secretary under this Section, shall be subject to a civil penalty of \$500 for each offense, and each day during which such failure continues, shall be deemed a separate offense.

(b) Any dealer, exhibitor, or operator of an auction sale aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this Section may within sixty days after entry of such an order, seek review of such order in the United States court of appeals for the circuit in which such person has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of Section 701-706 of Title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

(c) Any dealer, exhibitor, or operator of an auction sale subject to Section 12 of this Act, who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both.

Section 20. (a) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any of the rules, regulations, or standards promulgated by the Secretary hereunder and if after notice and opportunity for hearing, he finds a violation, he may make an order that such research facility shall cease and desist from continuing such violation. Such cease and desist order shall become effective fifteen days after issuance of the order. Any research facility which knowingly fails to obey a cease and desist order made by the Secretary under this Section shall be subject to a civil penalty of \$500 for each offense, and each day during which such failure continues shall be deemed a separate offense.

(b) Any research facility aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706, of Title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

[FR Doc. 74-3878 Filed 2-15-74; 8:45 am]

### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

##### [14 CFR Part 71]

[Airspace Docket No. 73-EA-112]

##### CONTROL ZONE

##### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Du Bois, Pa., Control Zone (39 FR 376).

<sup>1</sup>In this Exhibit, "Secretary" means Secretary of Agriculture.

so as to alter the Olean, N.Y., Transition Area (39 FR 557).

The subject transition area is presently existing on a part-time basis because of the part time operation and monitoring of the non-federal radio beacon affiliated with the Olean Municipal Airport, Olean, New York. The schedule has now been revised to a 24-hour basis, permitting a full-time transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before March 21, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Du Bois, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Du Bois, Pa. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 41° 10' 42" N., 78° 53' 50" W., of Du Bois-Jefferson County Airport, Du Bois, Pa.; within 3 miles each side of the Du Bois-Jefferson County Airport ILS localizer northeast course, extending from the 5-mile radius zone to 8.5 miles northeast of the OM; and within 2.5 miles each side of the Clarion, Pa. VORTAC 066° radial, extending from the 5-mile radius zone to 23 miles east of the Clarion, Pa. VORTAC.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 6, 1974.

JAMES BISPO,

Deputy Director, Eastern Region.

[FR Doc. 74-3821 Filed 2-15-74; 8:45 am]

##### [14 CFR Part 71]

[Airspace Docket No. 73-EA-114]

##### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Administration is proposing to amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the East Hampton, N.Y., Transition Area (39 FR 484).

A review of the terminal airspace procedures for East Hampton, New York, requires an alteration to the transition area

so as to meet the requirements of the Terminal Instrument Procedures (TER PS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before March 21, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of East Hampton, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by deleting the description of the East Hampton, N.Y. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40° 57' 36" N., 72° 15' 06" W., of East Hampton Airport, East Hampton, N.Y., extending clockwise from a 307° bearing to a 044° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 044° bearing to a 092° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 092° bearing to a 232° bearing from the airport; and within a 7-mile radius of the center of the airport, extending clockwise from a 232° bearing to a 307° bearing from the airport.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 6, 1974.

JAMES BISPO,

Deputy Director, Eastern Region.

[FR Doc. 74-3822 Filed 2-15-74; 8:45 am]

##### [14 CFR Part 71]

[Airspace Docket No. 74-EA-2]

##### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Administration is proposing to amend § 71.181 of Part 71



of the Federal Aviation Regulations so as to alter the Saranac Lake, N.Y., Transition Area (39 FR 587).

A revision to instrument approach procedures for the Adirondack Airport, Saranac Lake, New York, requires an alteration of the transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before March 21, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Saranac Lake, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Saranac Lake, N.Y. 700-foot floor transition area and by substituting the following in lieu thereof:

#### SARANAC LAKE, N.Y.

That airspace extending upward from 700 feet above the surface beginning at lat. 44°40'00" N., long. 74°15'00" W.; to lat. 44°40'00" N., long. 73°55'00" W.; to lat. 44°21'00" N., long. 73°50'00" W.; to lat. 44°08'00" N., long. 74°27'00" W.; to lat. 44°21'00" N., long. 74°38'00" W.; to point of beginning.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 6, 1974.

JAMES BISPO,  
Deputy Director, Eastern Region.

[FR Doc. 74-3823 Filed 2-15-74; 8:45 am]

#### [14 CFR Parts 71, 73]

[Airspace Docket No. 74-SW-1]

#### TEMPORARY RESTRICTED AREAS Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to

Parts 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas adjacent to Fort Hood, Tex. The restricted areas would be used to contain a joint military exercise "BRAVE CREW 74" which is scheduled from June 17 through June 20, 1974. Those areas with airspace at or above 14,500 feet MSL would also be included in the continental control area for the duration of their time of designation.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before March 21, 1974, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendments would designate the following temporary restricted areas:

#### 1. R-6315A BRAVE CREW 74, Tex.

**Boundaries.** Beginning at Lat. 32°00'00" N., Long. 97°50'00" W.; to Lat. 32°10'00" N., Long. 98°32'00" W.; to Lat. 31°38'00" N., Long. 98°00'00" W.; to Lat. 31°00'00" N., Long. 98°00'00" W.; to Lat. 30°47'00" N., Long. 98°03'00" W.; to Lat. 30°50'00" N., Long. 97°44'00" W.; to Lat. 31°08'00" N., Long. 97°32'42" W.; to Lat. 31°13'45" N., Long. 97°32'35" W.; to Lat. 31°50'00" N., Long. 97°48'00" W.; to point of beginning, excluding that airspace beginning at Lat. 31°00'00" N., Long. 97°37'00" W.; to Lat. 31°00'30" N., Long. 97°41'00" W.; thence clockwise via the arc of a 5-mile-radius circle centered on the Killeen, Tex., Airport (Lat. 31°05'10" N., Long. 97°41'05" W.) to Lat. 31°09'00" N., Long. 97°40'20" W.; to Lat. 31°08'06" N., Long. 97°32'42" W.; to point of beginning from 500 feet AGL to and including 4,000 feet MSL, and excluding that airspace from 500 feet AGL to and including 800 feet AGL within a 3-mile radius of the following airports:

City-County Airport, Gatesville, Tex. (Lat. 31°25'18" N., Long. 97°47'48" W.) Moccasin Bend Airport, Gatesville, Tex. (Lat. 31°29'06" N., Long. 97°48'05" W.) Hamilton Municipal Airport, Hamilton, Tex. (Lat. 31°40'15" N., Long. 98°08'45" W.) Dublin Jay Cee Airport, Dublin, Tex. (Lat. 32°03'19" N., Long. 98°19'09" W.) Dublin Municipal Airport, Dublin, Tex. (Lat. 32°04'05" N., Long. 98°19'30" W.) Lee Campbell Ranch Airport, Dublin, Tex. (Lat. 32°01'57" N., Long. 98°25'09" W.) DeLeon Municipal Airport, DeLeon, Tex. (Lat. 32°05'55" N., Long. 98°31'30" W.) Comanche County-City Airport, Comanche, Tex. (Lat. 31°55'00" N., Long. 98°36'00" W.) Dudley Airport, Comanche, Tex. (Lat. 31°52'15" N., Long. 98°39'45" W.) Mills County Airport, Goldthwaite, Tex. (Lat. 31°28'55" N., Long. 98°34'25" W.) Bowie

Memorial Airport, Brownwood, Tex. (Lat. 31°40'00" N., Long. 98°59'00" W.) San Saba Municipal Airport, San Saba, Tex. (Lat. 31°14'08" N., Long. 98°43'00" W.) Lampasas Airport, Lampasas, Tex. (Lat. 31°06'27" N., Long. 98°11'45" W.) Lometa Airport, Lometa, Tex. (Lat. 31°14'00" N., Long. 98°28'00" W.)

**Designated altitudes.** 500 feet AGL to and including FL 180.

**Time of designation.** Continuous, 0001 CDT June 17 through 2400 CDT June 20, 1974.

**Controlling agency.** Federal Aviation Administration Houston ARTC Center.

**Using agency.** U.S. Air Force, Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

#### 2. R-6315B BRAVE CREW 74, Tex.

**Boundaries.** Beginning at Lat. 32°10'00" N., Long. 98°32'00" W.; to Lat. 32°10'00" N., Long. 99°30'00" W.; to Lat. 31°10'00" N., Long. 99°30'00" W.; to Lat. 31°00'00" N., Long. 99°00'00" W.; to Lat. 30°47'00" N., Long. 98°03'00" W.; to Lat. 31°05'00" N., Long. 97°47'00" W.; to Lat. 31°50'00" N., Long. 97°48'00" W.; to Lat. 32°00'00" N., Long. 97°50'00" W.; to point of beginning.

**Designated altitudes.** FL 180 to and including FL 280.

**Time of designation.** Continuous, 0001 CDT June 17 through 2400 CDT June 20, 1974.

**Controlling agency.** Federal Aviation Administration Houston ARTC Center.

**Using agency.** U.S. Air Force, Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

#### 3. R-6315C BRAVE CREW 74, Tex.

**Boundaries.** Beginning at Lat. 31°00'00" N., Long. 99°00'00" W.; to Lat. 20°47'00" N., Long. 98°03'00" W.; to Lat. 30°50'00" N., Long. 97°43'30" W.; to point of beginning, Long. 97°43'30" W.; to point of beginning excluding that airspace from 500 feet AGL to and including 800 feet AGL within a 3-mile radius of the Georgetown Municipal Airport (Lat. 30°40'45" N., Long. 97°40'45" W.), Georgetown, Tex.

**Designated altitudes.** 500 feet AGL to and including 5,000 feet MSL.

**Time of designation.** Continuous, 0001 CDT June 17 through 2400 CDT June 20, 1974.

**Controlling agency.** Federal Aviation Administration Houston ARTC Center.

**Using agency.** U.S. Air Force, Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

#### 4. R-6315D BRAVE CREW, 74, Tex.

**Boundaries.** Beginning at Lat. 30°47'00" N., Long. 98°03'00" W.; to Lat. 31°02'00" N., Long. 98°11'00" W.; to Lat. 31°27'00" N., Long. 98°11'00" W.; to Lat. 31°24'00" N., Long. 97°43'00" W.; to Lat. 31°22'33" N., Long. 97°42'45" W.; to Lat. 31°20'48" N., Long. 97°40'32" W.; to Lat. 31°19'37" N., Long. 97°40'32" W.; to Lat. 31°13'45" N., Long. 97°32'35" W.; to Lat. 31°08'06" N., Long. 97°32'42" W.; to Lat. 31°09'00" N., Long. 97°40'20" W.; thence counterclockwise via the arc of a 5-mile radius circle centered on the Killeen, Tex., Airport (Lat. 31°05'10" N., Long. 97°41'05" W.) to Lat. 31°00'30" N., Long. 97°41'00" W.; to Lat. 31°00'00" N., Long. 97°37'00" W.; to Lat. 30°50'00" N., Long. 97°44'00" W.; to point of beginning, excluding that airspace from 100 feet AGL to and including 500 feet AGL within a 3-mile radius of the following airports:

City-County Airport, Gatesville, Tex. (Lat. 31°25'18" N., Long. 97°47'48" W.) Lampasas Airport, Lampasas, Tex. (Lat. 31°06'27" N., Long. 98°11'45" W.)

**Designated altitudes.** 100 feet AGL to and including 500 feet AGL.

**Time of designation.** Continuous, 0001 CDT June 17 through 2400 CDT June 20, 1974.

**Controlling agency.** Federal Aviation Administration Houston ARTC Center.

**Using agency.** U.S. Air Force, Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

Temporary Restricted Areas R-6315A and R-6315B, defined above, would also be included in the continental control area for the duration of their time of designation.

The proposed restricted areas would be used to contain a joint military training exercise, "BRAVE CREW 74" involving armored and tactical air units in joint operations including air defense and counter air operations.

Aircraft involved in the exercise are expected to number approximately 84 high-performance aircraft and approximately 50 rotary wing and special purpose aircraft. Aircraft would be involved in low altitude high speed operations, air-to-air refueling, air-to-air intercepts, close air support and interdiction. Special purpose flights would include forward air control missions, aerial resupply and helicopter insertion and extraction of ground forces. Exercise air traffic is expected to reach in excess of 200 sorties per day. Supersonic flight would not be authorized. Except for approved departures and arrivals at operating bases, overflight of inhabited areas would be avoided to minimize noise levels. All close air support training would be conducted in uninhabited maneuver areas, with the great majority occurring on the Fort Hood Reservation (R-6302).

A Tactical Air Control System (TACS) would be established for use in providing air traffic control. Leased lines of communications would be installed with appropriate FAA facilities in order to accomplish the orderly and safe ingress/egress of exercise air traffic and the coordinated movement of nonexercise air traffic within or proceeding into and out of the exercise area/s. A wide area telecommunications service would be provided for the accommodation of nonexercise air traffic. This number would be published in Part 3 of the Airman's Information Manual (AIM) effective during the exercise period.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act. (49 U.S.C. 1655 (c)).

Issued in Washington, D.C., on February 11, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 74-3818 Filed 2-15-74; 8:45 am]

#### [14 CFR Part 73]

[Airspace Docket No. 73-SW-42]

#### DESIGNATION OF RESTRICTED AREA Supplemental Notice of Proposed Rule Making

On October 3, 1973, a notice of proposed rule making (NPRM) was published in the Federal Register (38 FR 27415) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations. The amendment would designate a new Restricted Area, R-3806 England Air Force Base, La., between Alexandria and Lake Charles, La. The area would be used by the United States Air Force for airborne search and rescue training.

During the comment period several people objected to the proposed restricted area because it would require lengthy bypass routes for much of the local air traffic. In general, the comments also included alternative locations for the restricted area that would allow more direct routing.

As a result of the comments, the Federal Aviation Administration concluded that a change in location of the proposed restricted area is warranted. This Supplemental Notice of Proposed Rule Making is therefore issued to alter the original notice. It would change the boundaries proposed for Restricted Area R-3806 to provide a corridor of unrestricted airspace between R-3806 and the R-3804 Restricted Area complex. It would also lower the base altitude designation proposed for R-3806 to 500 feet AGL rather than 1,000 feet AGL. The using agency proposed for R-3806 has concurred in these changes.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before March 21, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Supplemental NPRM would alter the original notice by:

a. Changing the boundaries for R-3806 England Air Force Base, La., to read as follows:

**Boundaries.** Beginning at Lat. 31°03'00" N., Long. 92°49'30" W.; to Lat. 30°58'00" N., Long. 92°39'00" W.; to Lat. 30°38'00" N., Long. 92°49'00" W.; to Lat. 30°43'00" N., Long. 92°58'00" W.; to Lat. 30°50'30" N., Long. 93°01'00" W.; to Lat. 30°55'25" N., Long. 92°54'40" W.; to point of beginning.

b. Changing the designated altitudes for R-3806 England Air Force Base, La., to read as follows:

**Designated altitudes.** 500 feet AGL to and including 7,000 feet MSL, excluding the airspace below 1,500 feet AGL within a two-nautical-mile radius of the City of Eliza-beth, La.

Redefining the boundaries of the proposed restricted area would provide a corridor of unrestricted airspace between R-3806 and the R-3804 complex. During periods when R-3806 is activated the corridor can accommodate flights to or from the Southwest and Northeast. It should also be noted that, as R-3806 would be designated for joint use, it would be available to the public when not required by the using agency.

Lowering the base of R-3806 to 500 feet AGL would provide a more realistic safety buffer of restricted airspace for the high speed aircraft performing the search and rescue maneuvers.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 11, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 74-3819 Filed 2-15-74; 8:45 am]

#### National Highway Traffic Safety Administration

[49 CFR Part 573]

[Docket No. 74-7; Notice 1]

#### DEFECT REPORTING REQUIREMENTS

Proposed Extensions and Modifications;  
Correction

In FR Doc. 74-1056, appearing at page 1863 in the issue of January 15, 1974, the docket and notice numbers should read as set forth above.

(Secs. 108, 112, 113, 119, Pub. L. 89-563, 80 Stat. 718, 16 U.S.C. 1397, 1401, 1402, 1408, delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 11, 1974.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc. 74-3871 Filed 2-15-74; 8:45 am]



## Office of Pipeline Safety

[49 CFR Part 192]

[Docket No. OPS-26; Notice 74-1]

PIPE TRANSPORTED BY RAILROAD  
Qualification for Use

The Office of Pipeline Safety (OPS) is considering amendments to the gas pipeline safety regulations set forth in Part 192 to (1) incorporate by reference the 1972 edition of the American Petroleum Institute document API RP5L1, entitled "API Recommended Practice for Railroad Transportation of Line Pipe," and (2) provide that pipe transported by railroad after the effective date of the proposed amendment may not be used under § 192.65 (a) unless it is transported in accordance with the latest referenced edition of API RP5L1. The regulations currently incorporate by reference the 1967 edition of API RP5L1. The proposed amendment would not preclude the use of pipe transported by railroad in accordance with the 1967 edition before the proposed amendment becomes effective.

Section 192.65 provides that pipe having an outer diameter to wall thickness ratio of 70 to 1 or more and transported by railroad after November 11, 1970, may not be used in a pipeline to be operated at a hoop stress of 20 percent or more of SMYS unless that transportation was performed in accordance with API RP5L1.

The 1967 edition of API RP5L1 does not cover the transportation of long pipe loaded on short railroad cars. Long pipe, which the industry is beginning to use for economic reasons, is double-jointed pipe (80-foot lengths) or pipe initially manufactured in longer than 40-foot lengths. Because the 1967 edition prohibits pipe overhang of more than five feet, or one-half the distance between intermediate bearing strips, whichever is larger, long pipe transported on the common 52-foot flatcars may not be used under Part 192. While longer flatcars of 89-foot lengths do exist, they are in short supply and not generally available.

The 1972 edition of API RP5L1 was developed by the API's Committee on Standardization of Tubular Goods to provide for the loading and transportation of long pipe on short railroad cars. Records of various companies that have shipped long pipe on short cars in a manner substantially the same as provided in the 1972 edition reveal no failures or damage attributable to that transportation. In addition, the OPS has granted two waivers from § 192.65 which were conditioned upon compliance with requirements of the 1972 edition and the performance of certain inspections and tests (Dockets OPS-8 and OPS-19). Transportation of long pipe conducted under these waivers did not result in damage during shipment, and there were no failures when the pipe was hydrostatically tested to a minimum of 90 percent of SMYS following shipment. Based on this information, OPS proposes to incorporate by reference in Part 192 the

1972 edition of API RP5L1 so as to permit the use of long pipe transported on short flatcars in accordance with the requirements of that edition.

In addition, OPS is proposing, as a qualification for use of pipe under § 192.65(a), that pipe transported by railroad after the proposal takes effect be transported in accordance with the latest referenced edition of API RP5L1. The 1972 edition of API RP5L1 contains improvements in safety over earlier editions. If this edition is incorporated by reference, the 1967 referenced edition would then prescribe criteria different from that adopted by OPS in the 1972 edition. Consequently, OPS believes that to permit the use of pipe transported after the 1972 edition is incorporated by reference where that transportation is in accordance with the 1967 edition would not be in the best interest of pipeline safety. The proposed revision of § 192.65 (a) would not preclude the use of pipe which is transported in accordance with the 1967 edition before the effective date of the proposed revision.

In consideration of the foregoing, it is proposed to amend 49 CFR 192 as follows:

1. Section 192.65(a) would be revised to read as follows:

§ 192.65 Transportation of pipe.

In a pipeline to be operated at a hoop stress of 20 percent or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of 70 to 1, or more, that is transported by railroad unless—

(a) The transportation is performed in accordance with the 1972 edition of API RP5L1, except that before (effective date) the transportation may be in accordance with the 1967 edition of API RP5L1.

2. In Section IIA of Appendix A to 49 CFR Part 192, item 4 would be amended to read as follows:

## APPENDIX A—INCORPORATED BY REFERENCE

II. Documents incorporated by reference.  
A. American Petroleum Institute:

4. API Recommended Practice 5L1 entitled "API Recommended Practice for Railroad Transportation of Line Pipe" (1967 and 1972 editions).

Interested persons are invited to participate in this rule-making action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. All communications received by April 1, 1974, will be considered by the Director before taking final action on the notice. All comments will be available for examination by interested persons at the Office of Pipeline Safety before and after the closing date for comments. The pro-

posal contained in this notice may be changed in the light of comments received.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1672), 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C. on February 11, 1974.

JOSEPH C. CALDWELL,  
Director,  
Office of Pipeline Safety.

[FR Doc. 74-3896 Filed 2-15-74; 8:45 am]

ENVIRONMENTAL PROTECTION  
AGENCY

[40 CFR 52]

APPROVAL AND PROMULGATION OF  
IMPLEMENTATION PLANS

Revisions to Illinois, Indiana, Michigan,  
Minnesota and Wisconsin

On May 31, 1972 (37 FR 10482), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for the implementation of the national ambient air quality standards. These implementation plans are required to contain compliance schedules meeting the requirements of § 51.15, including the requirement that any compliance schedule extending over a period of more than one year contain legally enforceable increments of progress (37 FR 26310, December 9, 1972). A compliance schedule consists of dates by which specified actions are to be taken by an air pollution source toward meeting applicable emission limiting regulations.

On June 20, 1973 (38 FR 16144), the Administrator published approvals and disapprovals of compliance schedules required to be submitted by the States by February 15, 1973. At the same time he proposed substitute compliance schedules where the state submissions did not fully satisfy the requirements of § 51.15 (38 FR 16171, 17737). After subsection to public hearing, these substituted schedules were promulgated for Illinois, Michigan, and Wisconsin in the August 23, 1973 FEDERAL REGISTER (38 FR 22736). It should be noted that, for the State of Michigan, a compliance schedule for sources of sulfur oxides was promulgated on October 28, 1972 (37 FR 23089), which covered sources in priority I and priority II air quality control regions. The schedule promulgated for Michigan on August 23, 1973 applied only to sources in priority III air quality control regions. A standardizing amendment to these regulations was published September 7, 1973 (38 FR 24333).

The States of Illinois, Indiana, Michigan, Minnesota, and Wisconsin have negotiated individual source compliance

schedules, subjected these schedules to public hearing after giving due notice thereof, adopted and submitted them as proposed revisions to their respective state implementation plans pursuant to section 110(a)(3) of the Clean Air Act and 40 CFR 51.6. Also, Illinois has submitted a resolution adopting a solid fuel emission limitation. The limitation effectuates a coal ban for commercial and residential buildings after May 30, 1975 in the Chicago Major Metropolitan Area.

These submitted schedules are identified in this notice by source, location, applicable regulation, date schedule adopted and final compliance date and, together with the Illinois regulatory change, are set forth as proposed rule-making. Public comment is being solicited as to whether the schedules and the Illinois rule should be approved pursuant to section 110 of the Clean Air Act, as amended. Copies of the compliance schedules and the resolution with transcripts of the State-held public hearings are available for public inspection between 8:15 a.m. and 4:45 p.m., Monday through Friday at the EPA Region V office, One North Wacker Drive, Chicago, Illinois 60606. Copies are also available for public inspection at the Freedom of Information Center, EPA, Room 329, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region V, One North Wacker Drive, Chicago, Illinois 60606. All relevant comments received on or before March 21, 1974 will be considered. Comments received will be available during the business hours specified above at the Region V office.

AUTHORITY: (Section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)).

Dated February 11, 1974.

RUSSELL E. TRAIN,  
Administrator.

It is proposed to amend Part 52 of 40 CFR Chapter I, as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

## Subpart C—Illinois

1. In § 52.720, paragraph (c) is amended and paragraph (d) is added as follows:

§ 52.720 Identification of plan.

(c) Supplemental information was submitted on:

(4) October 22, 1973 by Governor Walker.

(d) Revisions to the plan were submitted on:

(1) March 13, 1973, April 3, 1973, May 3, 1973, June 15, 1973, and August 7, 1973.

The following compliance schedules for the sources identified below have been submitted as plan revisions pursuant to section 110(a)(3) of the Clean Air Act. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

ILLINOIS					
Source	Location	Regulations Involved	Date schedule adopted	Final compliance date	
Boone County: Green Giant Co.	Belvidere	204(e)	May 16, 1973	May 30, 1975	
Champaign County: Illinois Central Gulf Railroad	Champaign	do	Apr. 20, 1973	Feb. 15, 1975	
Christian County: Allied Mills, Inc.	Taylorville	do	Feb. 28, 1973	May 31, 1975	
Coles County: Celotex Corp.	Charleston	do	Mar. 1, 1973	May 30, 1975	
Cook County:					
A. H. Dick Co.	Niles	203(b), 205(f)	July 11, 1973	Mar. 8, 1974	
Allied Chemical Corp.	Chicago	204(c)	May 29, 1973	May 30, 1975	
Athas Match Plate Co., Inc.	do	do	Mar. 14, 1973	May 1975	
Belden Corp.	do	205(f)	Aug. 3, 1973	Apr. 15, 1974	
Benjamin Harris & Co.	Chicago Heights	203(d)(7)	Aug. 30, 1973	Feb. 1, 1974	
Commonwealth Edison (Huron State, Unit 4)	Chicago	203(b), 204(c)	Apr. 2, 1973	June 1, 1974	
CPC International Inc.	Bedford Park	205(e)	Mar. 5, 1973	May 30, 1975	
Darling & Co.	Chicago	204(c)	Mar. 30, 1973	Do.	
Dover Industrial Chrome, Inc.	do	do	July 24, 1973	Do.	
General Electric	Chicago Heights	203(b)	July 14, 1973	Feb. 1, 1974	
Great Lakes Carbon Corp.	Chicago	do	May 24, 1973	May 24, 1974	
H. Kolbmann Co.	Bedford Park	201(e)	Oct. 2, 1972	May 1975	
Harcos Alundum Inc.	Chicago	do	Dec. 9, 1973	190.	
Illinois Central Gulf Railroad	do	do	Mar. 22, 1973	Feb. 15, 1975	
J. L. Clark Manufacturing Co.	Downers Grove	205(f)	May 1, 1973	May 30, 1975	
Johnson & Johnson	Bedford Park	do	June 20, 1973	Do.	
Lloyd J. Harris Pl. Co., Inc.	Chicago	204(c)	Feb. 27, 1973	May 31, 1975	
Materials Service Corp.	Calumet Park	do	July 17, 1973	May 30, 1975	
Do	Chicago	do	do	do	
Minnesota Grain Rolling	do	203(d)	May 24, 1973	May 24, 1974	
Owens-Illinois, Inc.	do	do	Feb. 22, 1973	May 30, 1975	
Do	Chicago Heights	203(a)	July 19, 1973	May 1975	
Piquet & Ford, Ltd.	Chicago	204(c)	May 8, 1973	May 30, 1975	
Pepsi Cola General Bottlers, Inc.	Chicago, 1745 North Kolmar Ave.	do	Mar. 29, 1973	Do.	
Do	Chicago, 650 East 51st St.	do	do	do	
R. R. Donnelley & Sons Co.	Chicago	205(f)	June 20, 1973	July 30, 1974	
Schneider Building Corp.	do	do	do	do	
(a) Oil heater building 1 & 2	Chicago	204(c)	Apr. 12, 1973	May 30, 1975	
(b) Oil heater building 3	do	do	May 14, 1973	Do.	
Union Oil Co. of California	Chicago	do	June 19, 1973	Do.	
Do	do	do	Dec. 13, 1973	Do.	
W. H. Hutchison & Son, Inc.	do	205(f)	Aug. 12, 1973	Do.	
Western Rust Proof Co.	do	204(c)	Oct. 10, 1973	Nov. 1, 1975	
Whodler Uniform Service, Inc.	do	do	May 22, 1973	May 30, 1975	
Win. Yungler Manufacturing Co.	do	do	Aug. 16, 1973	Do.	
World's Finest Chocolate, Inc.	do	do	May 30, 1973	Do.	
Carroll County: Rein, Schultz, & Dahl, Inc.	Mount Carroll	do	Apr. 26, 1973	May 1975	
DuPage County: H. S. Crocker Co., Inc.	Elmhurst	205(b)	Mar. 5, 1973	May 30, 1975	
DuWitt County: Illinois Central Gulf Railroad	Clinton	do	Apr. 1, 1973	Feb. 15, 1974	
Grundy County: General Electric	Morris	207(e)(2)	Mar. 8, 1973	Mar. 8, 1974	
Henry County: Hyster Co.	Kewanee	204(c)	Sept. 25, 1973	May 30, 1975	
Jackson County: Truck Industries, Inc.	Carbondale	do	June 20, 1973	May 1, 1975	
Jo Davies County: Kraftco Corp., Kraft Foods Division	Galesburg	do	April 19, 1973	May 30, 1975	
Kane County:					
All Steel Equipment, Inc.	Montgomery	201(f)	July 21, 1973	May 31, 1974	
Consolidated Foods, Inc.	Aurora	205(f)	May 9, 1973	May 30, 1975	
DuKane Corp.	St. Charles	do	June 7, 1973	Apr. 1, 1975	
Knox County: Alton Box Board Co.	Galesburg	204(c)	Feb. 27, 1973	May 30, 1975	
Lake County:					
Abbott Laboratories (Boilers Nos. 4, 5, 6, 8)	North Chicago	do	June 4, 1973	Do.	
Fanshied, Inc.	Waukegan	do	Nov. 15, 1973	Aug. 1, 1975	
Morton Manufacturing Co.	Libertyville	205(f)	Aug. 27, 1973	May 30, 1975	
Mt. St. Joseph	Lake Zurich	204(c)	June 20, 1973	Do.	
La Salle County:					
Allied Mills, Inc.	Mendota	do	May 28, 1973	May 1975	
American Nickeloid Co.	do	do	May 22, 1973	May 30, 1975	
Curran Corp.	La Salle	204(c)(2)	Apr. 9, 1973	Do.	
Del Monte Corp.	Mendota	204(c)	May 15, 1973	June 1, 1974	
E. I. du Pont de Nemours & Co., Inc.	Seneca	207(a)(2)	Apr. 3, 1973	Oct. 1, 1974	
Nabisco, Inc.	Marseilles	204(c)	May 24, 1973	May 30, 1975	
Lawrence County: Texaco Inc.	Lawrenceville	do	Oct. 17, 1973	June 1974	
Madison County:					
Clark Oil & Refining Corp.	Hartford	do	Feb. 22, 1973	Dec. 31, 1974	
Edwardsville Creamery Co.	Edwardsville	do	June 15, 1973	May 29, 1975	
Granite City Steel Co.	Granite City	203(d)(6)	May 31, 1973	Apr. 24, 1974	
Illinois Central Gulf Railroad	Venture	204(c)	July 5, 1973	Feb. 15, 1975	
Illinois Power Co. (Wood River Boiler #5)	East Alton	do	May 1, 1973	May 30, 1975	
Do	do	do	do	do	
Olin Corp.	do	do	May 9, 1973	Do.	
Owens-Illinois, Inc.	Madison	do	May 2, 1973	Do.	
Owens-Illinois Inc.	Alton	do	Mar. 30, 1973	Do.	
Reilly Tar & Chemical Corp.	Granite City	do	Mar. 8, 1973	Do.	
Shell Oil Co.	do	203(b)	Nov. 27, 1972	May 31, 1975	
Marion County: Jean T. Macmackin	Salem	205	May 31, 1973	Dec. 31, 1974	
Marshall County: B. F. Goodrich Chemical Co.	Henry	204(c)	Apr. 17, 1973	May 30, 1975	
Morgan County: Anderson Clayton & Co.	Jacksonville	do	do	May 1975	
Peoria County:					
Atlantic Richfield Co.	Chillicothe	205(f)	June 6, 1973	Jan. 31, 1974	



## PROPOSED RULES

## ILLINOIS—Continued

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
Bemis Co., Inc.	Peoria	204(c)	May 4, 1973	Mar. 1, 1975
Hiram Walker & Sons, Inc.	do	do	Mar. 5, 1973	June 1, 1975
Putnam County, Illinois Power Co.	Hennepin	203(g)(b)	July 31, 1973	June 30, 1974
Randolph County: Chester Dairy Co.	Chester	204(c)	Aug. 6, 1973	July 1, 1975
Rock Island County: Iowa-Illinois Gas & Electric Co.	Moline	do	Sept. 26, 1972	June 1, 1975
Saline County: U.S. Department of Agriculture	Harrisburg	502	Mar. 14, 1973	Feb. 14, 1974
Sangamon County: Allis Chalmers	Springfield	204(c)	May 16, 1973	May 30, 1975
St. Clair County:				
Alton Box Board Co.	Godfrey	do	July 19, 1973	Do.
Carlisle Brewing Co.	Bellville	do	May 7, 1973	Do.
East St. Louis & Interurban Water Co.	East St. Louis	do	Apr. 18, 1973	Do.
Locke Stove Co.	do	205(b)	June 11, 1973	Do.
Model-Progress Laundry, Inc.	do	204(c)	May 1, 1973	Do.
Monsanto Co.	Sauget	do	Oct. 19, 1973	Do.
Tazewell County:				
CPC International, Inc.	Pekin	203(b), 204(c)	Mar. 1, 1973	Do.
Quaker Oats Co.	do	204(c)	May 24, 1973	Do.
Vermillion County:				
American Can Co.	Hoopeston	205(d)(2)(d)	May 25, 1973	Do.
Danville Asphalt	Fifthian	204(c)	Mar. 16, 1973	Do.
Launoff Grain Co.	Danville	do	Mar. 13, 1973	Oct. 1, 1974
Walush County: Mount Carmel Public Utility Co.	Mount Carmel	203(b)	Oct. 31, 1972	June 30, 1974
Will County:				
Caterpillar Tractor Co.	Joliet	203(b), 204(c)	May 8, 1973	Nov. 1, 1974
Texasco, Inc.:				
(a) Steam generator	Lockport	204(c)	Jan. 29, 1973	May 1, 1974
(b) Delayed cooking unit	do	do	Jan. 31, 1973	May 30, 1975
(c) Catalytic cracking unit	do	do	May 1, 1973	Do.
The Celotex Corp.	Wilmington	203(a)	June 21, 1973	Mar. 31, 1974
Williamson County:				
Olin Corp.	Marion	204(c)	May 8, 1973	May 30, 1975
Winnebago County:				
J. L. Clark Manufacturing Co.	Rockford	205(f)	Apr. 30, 1973	Do.
Nielke Bros. Tree Service	South Beloit	502	Apr. 17, 1973	Mar. 28, 1974

## Subpart P—Indiana

2. In § 52.770, paragraph (d) is added as follows:

§ 52.770 Identification of plan.

(d) Revisions to the plan were submitted on:

(1) November 2, 1973 by Governor Bowen.

The following compliance schedules for the sources identified below have been submitted as plan revisions pursuant to § 110(a)(3) of the Clean Air Act. All regulations cited are air pollution control regulations for the State, unless otherwise specified.

## INDIANA

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
Lake County:				
American Maize Products Co.	Roby	APC 5	Jan. 18, 1973	Apr. 1, 1974
Commonwealth Edison Co. of Hammond	Hammond	APC 13	do	Dec. 1, 1975
Indiana, Inc. (State Line Station)	do	do	do	do
Jones & Laughlin Steel Corp.	do	APC 4R, APC 13	Mar. 12, 1973	Mar. 31, 1974

## Subpart X—Michigan

3. Section 52.1170 is amended by adding a new paragraph (d) as follows:

§ 52.1170 Identification of plan.

(d) Revisions to the plan were submitted on:

(1) May 4, 1973, September 19, 1973, October 23, 1973, December 13, 1973.

The following compliance schedules for the sources identified below have been submitted as revisions to the plan pursuant to section 110(a)(3) of the Clean Air Act. All regulations cited are air pollution control regulations for the State, unless otherwise specified.

## MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
Allegan County:				
Holland Board of Public Works	Holland	336.44, 46	Mar. 30, 1973	June 1, 1975
Menasha Corp.	Otsego	336.49	Mar. 14, 1973	Dec. 31, 1974
Plainwell Paper Co.	Plainwell	335.44, 46	do	June 30, 1975
Alpena County: National Gypsum Co. (Huron Cement Division Plant)	Alpena	336.44	Sept. 25, 1973	Apr. 1, 1977
Baraga County: Upper Peninsula Power Co.	L'Anse	336.44, 46	July 25, 1973	Aug. 1, 1975
Bay County:				
Consumers Power (Karn Plant)	Essesville	336.44	Sept. 18, 1973	Dec. 31, 1975
(Weadock Plant)	do	336.49	do	Jan. 1, 1980
do	Essesville	do	Mar. 30, 1973	Do.

## PROPOSED RULES

## MICHIGAN—Continued

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
Charlevoix County:				
East Jordan Iron Works, Inc.	East Jordan	336.44	Sept. 25, 1973	Oct. 1, 1974
Medusa Cement Co.	Charlevoix	336.44, 46	Aug. 14, 1973	Feb. 28, 1974
Eaton County: Lansing Board of Water & Light (Erickson Station)	Lansing	336.49	Mar. 14, 1973	July 1, 1975
Ganose County:				
GMC Flint Assembly Plant (Chevrolet Division)	Flint	335.49	Mar. 21, 1973	July 11, 1975
GMC Fisher Body Division (Cold Water Road)	do	336.49	Mar. 23, 1973	July 1, 1975
GMC Fisher Body Division (No. 1 GMC)	do	do	do	July 1, 1974
do	do	do	do	July 1, 1978
Huron County:				
Detroit Edison (Harbor Beach Powerplant)	Harbor Beach	do	Nov. 15, 1973	Nov. 1, 1980
Hercules Inc.	do	do	Mar. 16, 1973	July 1, 1975
do	do	do	do	July 1, 1978
Ingham County:				
Morison Wheel Corp. (Centrifuge Division)	Lansing	336.44, 49	Oct. 22, 1973	Dec. 31, 1973
Lansing Board of Water & Light (Eckert Station)	do	336.44, 46	Mar. 14, 1973	Jan. 1, 1975
(a) Units 1-3	do	336.49	Mar. 4, 1973	Jan. 1, 1977
(b) Unit 4	do	do	do	Oct. 1, 1976
(c) Unit 5	do	do	do	July 1, 1977
(d) Unit 6	do	do	do	Nov. 1, 1975
do	do	do	do	July 1, 1975
do	do	do	do	Jan. 1, 1975
Lansing Board of Water & Light (Pik Station): Units 11-14	do	do	Mar. 14, 1973	July 1, 1977
Lansing Board of Water & Light (Ottawa Street Station): Units 1-5	do	do	do	July 1, 1975
Ionia County: Extruded Metals	Belding	336.44, 46	Mar. 30, 1973	May 31, 1974
Marquette County:				
The Cleveland Cliffs Iron Co.	Humbolt	do	Mar. 14, 1973	Dec. 1, 1976
The Cleveland Cliffs Iron Co.	Republic	do	do	Feb. 1, 1975
Midland County: Dow Chemical	Midland	do	Dec. 3, 1973	Apr. 1, 1975
Monroe County:				
Consolidated Packaging Corp. (b) Toller 8	Monroe	do	Mar. 23, 1973	Jan. 5, 1974
Detroit Edison (Monroe Powerplant)	do	336.49	Sept. 13, 1973	July 1, 1975
Dundee Cement Co.	Dundee	336.44	May 25, 1973	Sept. 1, 1974
Muskegon County:				
Consumer Power Co. (Cobb Plant)	Muskegon	336.49	Mar. 30, 1973	Jan. 1, 1980
Tech-Cast Inc.	Montague	336.44	Mar. 14, 1973	Dec. 31, 1974
Oakland County:				
Fisher Body Division (GMC)	Pontiac	336.49	May 21, 1973	July 1, 1975
do	do	do	do	July 1, 1978
Truck & Coach Division (GMC)	do	do	do	July 1, 1975
(No. 3 GMC)	do	do	do	July 1, 1978
Otsego County: U.S. Plywood Division of Champion Papers	Gaylord	335.44, 46	June 16, 1973	Dec. 13, 1974
Ottawa County:				
Consumers Power Co. (Campbell Plant)	West Olive	336.49	Sept. 18, 1973	Jan. 1, 1980
GMC Saginaw Steering Gear (Plant 1)	Saginaw	336.49	Mar. 30, 1973	July 1, 1974
GMC Saginaw Steering Gear (Plant 2)	do	do	do	July 1, 1975
St. Clair County:				
The Detroit Edison Co.	Marysville	do	Mar. 14, 1973	July 1, 1975
do	do	do	do	July 1, 1978
do	Port Huron	do	do	July 1, 1975

## Subpart Y—Minnesota

4. Section 52.1220 is amended by adding a new paragraph (d) as follows:

§ 52.1220 Identification of plan.

(d) Revisions to the plan were submitted on:

(1) June 28, 1973 and August 9, 1973.

The following compliance schedules for the sources identified below have been submitted as revisions to the plan pursuant to section 110(a)(3) of the Clean Air Act. All regulations cited are air pollution control regulations for the State, unless otherwise specified.

## MINNESOTA

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
Beltrami County: Superwood Corp.	Bemidji	APC 5	Jan. 19, 1973	Mar. 31, 1974
Brown County: International Multifoods Corp.	New Ulm	APC 5-6	Dec. 14, 1972	May 31, 1975
do	do	do	May 12, 1973	Do.
Cook County: Erie Mining Co.	Taconite Harbor	APC 4-II	June 12, 1973	Dec. 31, 1974
Dakota County:				
3M Co. (Chemetite Plant)	Cottage Grove	APC 4	Jan. 19, 1973	May 31, 1975
Koch Refining Co.	Rosemount	do	Sept. 11, 1972	Jan. 1, 1974
Reaver Co.	Hastings	APC 5-6	Apr. 12, 1973	Mar. 1, 1975
Northern States Power Co.	Blackdog	APC 4	Nov. 16, 1972	June 1, 1975
St. Paul Ammonia Products, Inc.	Rosemount	do	Sept. 11, 1972	Dec. 31, 1974
Hennepin County:				
General Mills, Inc.:				
(a) Elevator	Minneapolis	APC 5-6	Apr. 12, 1973	Mar. 31, 1975
(b) Purity oats	do	do	do	Mar. 1, 1974
Peavy Co.	do	do	do	Aug. 1, 1974
Spencer Kellogg Co.	do	do	July 25, 1973	Dec. 30, 1974



## MINNESOTA—Continued

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
Koochiching County: Boise Cascade Corp.	International Falls	do	Apr. 18, 1972	Oct. 15, 1974
Do	do	do	do	Sept. 30, 1976
Lac Seul County: International Multifoods Corp.	New Prague	do	Dec. 14, 1972	May 31, 1975
Do	do	do	do	do
Itasca County: Otter Tail Power Co.	Fergus Falls	APC 4	May 12, 1973	Do
Itasca County: International Multifoods Corp.	St. Paul	APC 5 & 6	Dec. 14, 1972	Sept. 30, 1974
Do	do	do	May 12, 1973	Do
Scott County: Peavey Co.	Shakopee	do	Apr. 21, 1973	Aug. 1, 1974
St. Louis County: General Mills, Inc.	Duluth	do	Apr. 12, 1973	May 31, 1975
Wabash County: International Multifoods Corp.	Wabash	APC 4	Nov. 16, 1972	Dec. 31, 1974
Washington County: Northern States Power Co.	A. S. King	do	do	July 11, 1975

## Subpart YY—Wisconsin

(1) June 26, 1973.

5. Section 52.2570 is amended by adding a new paragraph (d) as follows:

§ 52.2570 Identification of plan.

(d) Revisions to the plan were submitted on:

The following compliance schedules for the sources identified below have been submitted as revisions to the plan pursuant to section 110(a)(3) of the Clean Air Act. All regulations cited are air pollution control regulations of the State, unless otherwise specified.

## WISCONSIN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
Brown County: Wisconsin Public Service Corp.	Green Bay	NR 154.11(5)(c)	May 11, 1973	May 1, 1975
Eau Claire County: Northern States Power Co.	Eau Claire	NR 154.11(2)(b)	Sept. 27, 1971	Oct. 1, 1974
Grant County: Wisconsin Power & Light Co., Nelson Dewey Plant.	Cassville	NR 154.05(2)(b)	June 8, 1973	June 1, 1971
Marathon County: Mosinee Paper Corp.	Mosinee	NR 154.11 (4), (5)	May 19, 1973	Sept. 1, 1975
Outagamie County: Kimberly Clark Corp.	Kimberly	NR 154.11(5)(c)	May 15, 1973	Oct. 1, 1974
Thielsen Pulp & Paper Co.	Kaukauna	do	May 11, 1973	May 1, 1975
Sheboygan County: Kohler Co.	Kohler	NR 154.11(4)(b)	do	Feb. 1, 1975

[FR Doc. 74-3722 Filed 2-15-74; 8:45 am]

## [ 40 CFR Part 52 ]

## OREGON

## Proposed Revisions to Implementation Plan

On May 31, 1972 (37 FR 10888), the Administrator approved the "State of Oregon Clean Air Act Implementation Plan" in its entirety. Contained in that approved plan is Chapter 340 of the Oregon Administrative Rules (OAR), Department of Environmental Quality, Air Pollution Control.

This notice is issued to advise the public that proposed implementation plan revisions for the State of Oregon have been received by the Environmental Protection Agency and that comments may be submitted on whether these revisions should be approved or disapproved by the Administrator as required by section 110 of the Clean Air Act. Comments received on or before March 21, 1974, will be considered.

On February 8, 1973, the Department of Environmental Quality submitted to EPA, as a revision to the approved plan, amended Chapters 25-105 through 25-130, OAR 340, Hot Mix Asphalt Plants and amended Chapter 340 sections 25-155 through 25-195, Kraft Pulp Mills. The amended asphalt plant regulation, adopted by the State on January 26, 1973,

provides for expansion of the geographical limits of "Special Control Areas," increases the distance required between residences and asphalt plants from one-half mile to one mile, and adds opacity and grain loading limitations for asphalt plants within "Special Control Areas." The amended Kraft mill regulation, also adopted by the State on January 26, 1973, includes a new definition for particulate matter emitted from recovery furnaces.

On February 13, 1973, the Department of Environmental Quality submitted to EPA recodifications of regulations included in the approved plan for the Lane Regional Air Pollution Authority, Mid-Willamette Valley Air Pollution Authority, and Columbia Willamette Air Pollution Authority.

On May 30, 1973, the Department of Environmental Quality submitted to EPA, as a revision to the approved plan, amended Chapter 340, section 25-315(1), Veneer Driers. The amended regulations adopted by the State of April 2, 1973, requires control of visible emissions and the characteristic blue haze emitted from veneer driers.

Copies of the proposed revisions are available for public inspection during normal business hours at the Office of EPA, Region X, 1200 Sixth Avenue,

Seattle, Washington 98101; at the Department of Environmental Quality, 1234 SW Morrison Street, Portland, Oregon 97245; and at the Freedom of Information Center, EPA, 401 M Street, SW, Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101: Attention: J. Akins. Comments received on or before March 21, 1974, will be considered, and will be available during normal working hours at the Region X Office.

This notice of proposed rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: February 13, 1974.

RUSSELL E. TRAIN,  
Administrator,

Environmental Protection Agency.

[FR Doc. 74-3916 Filed 2-15-74; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 17 ]

[Docket No. 19931; FCC 74-115]

## ANTENNA STRUCTURES

## High Intensity Lighting

In the matter of amendment of Part 17 of the Commission's rules to prescribe high intensity lighting of antenna structures.

1. Notice is hereby given of proposed additions to Part 17 of the rules as set forth below.

2. On March 1, 1973, the Federal Aviation Administration (FAA), in keeping with its statutory responsibility for promoting safety in air commerce, issued a notice of proposed change looking toward augmenting the standards described in its Advisory Circular 70/7460-1, Obstruction Marking and Lighting, so as to permit the use of high intensity (strobe) obstruction lighting systems on skeletal structures. At the same time the FAA proposed to delete the requirement for obstruction marking skeletal structures with aviation surface orange and white paint where high intensity strobe lighting is employed. Since the FCC Rules relate closely to those of the FAA in this area, the Commission is of the view that a comparable amendment to the FCC Rules is warranted so as to be consistent. However, the additional provisions are intended as an alternative to, and not a substitution for, the current rule provisions, which continue in effect.

3. Generally, high intensity lighting systems are appropriate to structures 500 feet or more above ground level. However, the Commission may prescribe high intensity lighting in all instances where the FAA study establishes that

Notice published at 38 FR 6711 on March 12, 1973.

the conventional obstruction marking and lighting is inadequate to insure air safety or, in the event that such lighting is an option exercised by the proponent, where the FAA finds that the application of such lighting would not be detrimental to air safety. Existing antenna structures would be unaffected; however, the Commission may prescribe high intensity lighting for such structures, following study by and upon the recommendation of the FAA, if an existing antenna structure is altered or replaced by a similar structure.

4. High intensity lighting systems normally will be prescribed as a self-contained 24-hour obstruction lighting system. Where such lighting is applied to an existing and conventionally lighted antenna structure, or in special cases where the use of the high intensity lighting system at nighttime may be objectionable, the Commission may prescribe or restrict the high intensity lighting system for display during daytime only in which event the conventional red obstruction lighting system would be prescribed for nighttime. The high intensity lighting system, however, is adjustable to overcome most expected objections.

5. High intensity lighting systems have been installed on television antenna structures in Worcester, Mass. (WMTW-TV) as well as in Camden and Trenton, New Jersey (WNJS and WNJT, respectively). Observations of these installations has established that during daylight hours the high intensity lighting system is sufficiently effective to eliminate the need for the aviation surface orange and white painting. Consequently, the proposed rules would make the obstruction painting optional in those instances where high intensity lighting systems are employed. High intensity lighting systems are currently being installed or considered for at least a dozen other tall antenna structures.

6. The proposed amendments are authorized in accordance with sections 4(1), 303(q), and 303(r) of the Communications Act of 1934, as amended. Comments may be filed in accordance with the provisions of § 1.415 on or before March 25, 1974; reply comments on or before April 5, 1974. The Commission may consider in addition to all relevant and timely comments, other available pertinent data before taking final action.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished to the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: February 6, 1974.

Released: February 11, 1974.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

Sections 17.39-17.42 are added new to Subpart C of 47 CFR Part 17 to read as follows:

§ 17.39 Specifications for high intensity lighting of antenna structures 300 feet or less in height.

Antenna structures up to and including 300 feet in height above ground level which are required to be obstruction lighted with high intensity lights as a result of an FAA study, or which are so lighted at the option of the permittee or licensee, shall be lighted as follows:

(a) There shall be installed at the top of the skeletal tower three or more strobe light units meeting the requirements of FAA/DOD Specification L-856, High Intensity Obstruction Light Systems. The units shall emit a white high intensity light of not less than 200,000 candelas throughout 360° of horizontal arc about the structure to ensure that the light system is visible from aircraft at any normal angle of approach. The intensity shall be decreased to approximately 20,000 candelas during twilight, and to approximately 4,000 candelas at night.

(b) Where a rod, antenna, or similar appurtenance of 20 or more feet extends above the main skeletal framework a single unit high intensity omni-directional white light, similar in appearance to a 300 mm red electric code beacon, shall be installed at the highest point of the structure in addition to the lights required in paragraph (a) of this section. This light shall produce a daytime and twilight intensity of approximately 20,000 candelas and be decreased at nighttime to an intensity of approximately 4,000 candelas.

(c) All lamps shall flash simultaneously at 40 pulses per minute. The system shall be equipped with a light sensitive control device adjusted so that the daytime to twilight intensities are automatically changed when the north sky illuminance level falls or rises to between 60 and 30 foot candles, and so that the twilight to nighttime intensities are automatically changed when the north sky illuminance level falls or rises to between 5 and 2 foot candles.

§ 17.40 Specifications for high intensity lighting of antenna structures over 300 feet up to and including 600 feet in height.

Antenna structures over 300 feet up to and including 600 feet in height above ground level which are required to be obstruction lighted with high intensity lights as a result of an FAA study, or which are so lighted at the option of the permittee or licensee, shall be lighted as follows:

(a) There shall be installed at the top of the skeletal tower three or more strobe light units meeting the requirements of FAA/DOD Specification L-856, High Intensity Obstruction Light Systems. The units shall emit a white high intensity light of not less than 200,000 candelas throughout 360° of horizontal arc about the structure to ensure that the light

system is visible from aircraft at any normal angle of approach. The intensity shall be decreased to approximately 20,000 candelas during twilight, and to approximately 4,000 candelas at night.

(b) At the approximate midpoint of the skeletal tower there shall be installed a similar set of high intensity strobe lights.

(c) Where a rod, antenna, or similar appurtenance of 20 or more feet extends above the main skeletal framework a single unit high intensity omni-directional white light, similar in appearance to a 300 mm red electric code beacon, shall be installed at the highest point of the structure in addition to the lights required in paragraph (a) of this section. This light shall produce a daytime and twilight intensity of approximately 20,000 candelas and a nighttime intensity of approximately 4,000 candelas.

(d) All lamps shall flash simultaneously at 40 pulses per minute. The system shall be equipped with a light sensitive control device adjusted so that the daytime to twilight intensities are automatically changed when the north sky illuminance level falls or rises to between 60 and 30 foot candles, and so that the twilight to nighttime intensities are automatically changed when the north sky illuminance level falls or rises to between 5 and 2 foot candles.

§ 17.41 Specifications for high intensity lighting of antenna structures over 600 feet up to and including 1,000 feet in height.

Antenna structures over 600 feet up to and including 1,000 feet in height above ground level which are required to be obstruction lighted with high intensity lights as a result of an FAA study, or which are so lighted at the option of the permittee or licensee, shall be lighted as follows:

(a) There shall be installed at the top of the skeletal tower three or more strobe light units meeting the requirements of FAA/DOD Specification L-856, High Intensity Obstruction Light Systems. The units shall emit a white high intensity light of not less than 200,000 candelas throughout 360° of horizontal arc about the structure to ensure that the light system is visible from aircraft at any normal angle of approach. The intensity shall be decreased to approximately 20,000 candelas during twilight, and to approximately 4,000 candelas at night.

(b) At the approximate 1/3 and 2/3 levels of the skeletal tower there shall be installed a similar set of high intensity strobe lights.

(c) Where a rod, antenna, or similar appurtenance of 20 or more feet extends above the main skeletal framework a single unit high intensity omni-directional white light, similar in appearance to a 300 mm red electric code beacon, shall be installed at the highest point of the structure in addition to the lights required in paragraph (a) of this section. This light shall produce a daytime and twilight intensity of approximately 20,-



## FEDERAL RESERVE SYSTEM

[ 12 CFR Part 212 ]

[Reg. L]

## INTERLOCKING RELATIONSHIPS UNDER THE CLAYTON ACT

## Banks in Low-Income Areas

The Board of Governors is inviting comment on a proposed amendment to Federal Reserve Regulation L (12 CFR 212) that would, under certain circumstances, permit interlocking service by a director, officer or employee of a member bank with another bank, banking association, savings bank or trust company located in a low income or other economically depressed area.

Interlocking relationships between member banks and other banking institutions are generally subject to the prohibitions of section 8 of the Clayton Act (15 U.S.C. 19). In addition to the exceptions expressly provided in the statute, the Board is empowered to permit by regulation interlocking relationships between a member bank and not more than one other institution. Minority-owned and other banks in low income or other economically depressed areas are often in need of managerial assistance; such assistance may sometimes be provided by banks and other institutions but for the prohibitions of section 8. Accordingly, the Board believes that public benefits may result from the amendment under consideration and that such amendment, in the form proposed, would not be inconsistent with the purposes of section 8 of the Clayton Act or other statutes administered by the Board.

To implement the proposal, § 212.3 of Regulation L would be amended by adding a new paragraph (g) to read as follows:

## § 212.3 Relationships permitted by Board.

(g) *Bank in low income area.* Any director, officer or employee of a member bank of the Federal Reserve System may be at the same time a director, officer or employee of not more than one other bank located, or to be located, in a low income or other economically depressed area, subject to the following conditions: (1) the other bank's federal supervisory agency determines that such relationship is necessary to provide management or operating expertise to such other bank; (2) not more than three interlocking relationships between any two banks shall be permitted by this paragraph, except that persons serving in interlocking relationships pursuant to this paragraph shall in no instance constitute a majority of the board of directors of the other bank; (3) no interlocking relationship permitted by this paragraph shall continue for more than a five-year period, or

(4) upon such other terms and conditions in addition to or in lieu of the foregoing, as may be determined by the Board in any specific case.

To aid in consideration of this matter by the Board, interested persons are invited to submit relevant views, data and argument. Any such material should be submitted to the Secretary of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than March 15, 1974. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Board of Governors of the Federal Reserve System, February 8, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.74-3829 Filed 2-15-74; 8:45 am]

## NATIONAL CREDIT UNION ADMINISTRATION

[ 12 CFR PART 701 ]

## FLOOD INSURANCE

## Proposed Rulemaking

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1015, 12 U.S.C. 1789, is proposing the establishment of a new § 701.32 to Part 701 to read as set forth below.

HERMAN NICKERSON, Jr.,  
Administrator.

February 12, 1974.

## § 701.32 Flood insurance.

## (a) Definitions.

(1) "Community" means a state or a political subdivision thereof which has building code jurisdiction over a particular area having special flood hazards.

(2) "Participating" for the purpose of this section means a community participating in the national flood insurance program is a community which has complied with the requirements for participation as set forth in § 1909.22 of the regulations of the Federal Insurance Administration of the Department of Housing and Urban Development (24 CFR § 1909.22) and in which flood insurance is currently being sold.

(b) In enacting the Flood Disaster Protection Act of 1973 (87 Stat. 975) on December 31, 1973, the Congress found that annual losses throughout the nation from floods and mudslides are increasing at an alarming rate, partly as a result of the accelerating development of, and concentration of population in, areas of flood hazards. The Congress further found that a component part of this accelerating development has been the availability of financial assistance, including real estate loans by Federal credit unions, federally insured State credit

unions and other financial institutions, thus encouraging construction in flood prone areas. Accordingly, the Flood Disaster Protection Act imposes certain conditions on the making of such loans by federally supervised, regulated or insured credit unions and other financial institutions, requiring in substance that the property securing such loans be covered by adequate flood insurance. To implement these requirements, the federal financial supervisory agencies designated in the Act, including the National Credit Union Administration, are directed, pursuant to sections 102(b) and 202(b) of the Act, to issue appropriate regulations with respect to institutions under their supervisory jurisdiction. This regulation is intended to comply with that legislative mandate and is issued under sections 102(b), 102(c), 202(b), and 205(b) of the Flood Disaster Protection Act of 1973 (87 Stat. 978, 982).

(c) After March 2, 1974, no Federal credit union nor federally insured State credit union shall make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been

identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or to the maximum limit of coverage made available with respect to the particular type of property under the Act, whichever is less.

(d) Notwithstanding the provisions of paragraph (c) of this section, flood insurance shall not be required on any State-owned property that is covered under an adequate policy of self-insurance satisfactory to the Secretary of Housing and Urban Development who shall publish and periodically revise the list of states falling within the exemption provided in this paragraph.

(e) On and after July 1, 1975, no Federal credit union nor federally insured State credit union shall make, increase, extend, or renew any loan secured by

improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national insurance program.

(f) Each Federal credit union and each federally insured State credit union shall maintain in connection with all loans secured by improved real estate, or a mobile home, sufficient records to indicate the method used the credit union to determine whether or not such loans fall within the provisions of paragraph (c) and (e) of this section.

(g) The requirements of section 553 (b) and section 553(d) of Title 5 of the United States Code were not followed in connection with the promulgation of this regulation because the Administrator, National Credit Union Administration, found that the public interest and requirements of existing law compelled him to make the action effective no later than March 2, 1974.

[FR Doc.74-3804 Filed 2-15-74; 8:45 am]



## Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF STATE

[Public Notice OM-111]

#### SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON CODE OF CONDUCT FOR LINER CONFERENCES

##### Notice of Meeting

A meeting of the Subcommittee on Code of Conduct for Liner Conferences will be held at 10 a.m. on Thursday, February 28, 1974 in Room 1408, Department of State, to discuss United States positions for the resumed UN Conference of Plenipotentiaries on a Code of Conduct for Liner Conferences, March 11-29, 1974 in Geneva.

The meeting will be closed to the public, under a determination to do so, made under the provisions of section 10(d) of Public Law 92-463 in that the above meeting will necessarily involve discussion of matters concerned with those recognized as not subject to public disclosure under 5 U.S.C. 552(b)(1). The discussion will focus on the final U.S. negotiating position for the UNCTAD Resumed Session on a Code of Conduct for Liner Conferences to be held in Geneva, March 11-29. The Code is concerned with the future relationship between shipping companies, exporters-importers, governments and world organizations.

For information regarding the meeting, contact Mr. Richard K. Bank, Executive Secretary, Shipping Coordinating Committee, Department of State, Washington, D.C. 20520, telephone (Area Code 202) 632-0704.

Dated: February 11, 1974.

RICHARD K. BANK,  
Executive Secretary, Shipping  
Coordinating Committee.

[FR Doc.74-3793 Filed 2-15-74; 8:45 am]

### DEPARTMENT OF THE TREASURY

#### Bureau of Alcohol, Tobacco and Firearms TECHNICAL SUBCOMMITTEE TO THE ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

##### Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Technical Subcommittee to the Advisory Committee on Explosives Tagging will be held at 9:30 a.m. on February 26, 1974, and at 9:30 a.m. February 27, 1974, in Room 4202, 1200 Pennsylvania Avenue, NW., Washington, D.C., 20226.

The purpose of the meeting is to review and recommend readjustment of the objectives and target dates of the Explosives Tagging Program; determine the status of research activity for the various candidate tagging systems; recommend a course of action to meet new target dates of program objectives; and determine what candidate tagging systems should be observed by the committee.

The meeting will be open to the public. Time will be available for brief statements from members of the public, but those wishing to make an oral statement must inform the chairman in writing prior to the meeting. Statements should be sent to the Committee Manager, Advisory Committee on Explosives Tagging, Room 8239, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, Washington, D.C., 20226.

Dated: February 14, 1974.

[SEAL] REX D. DAVIS,  
Director.

[FR Doc.74-3943 Filed 2-15-74; 8:45 am]

### DEPARTMENT OF DEFENSE

#### Office of the Secretary

#### DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

##### Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at the Pentagon, Washington, D.C., on:

Thursday, March 14, 1974.  
Friday, March 15, 1974.

These meetings commencing at 9 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD (Comptroller).

FEBRUARY 13, 1974.

[FR Doc.74-3846 Filed 2-15-74; 8:45 am]

#### NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

##### Notice of Open Meeting

Pursuant to the provisions of section 10, Public Law 92-463, effective January 5, 1973, notice is hereby given that a regional meeting of the National Committee for Employer Support of the Guard and Reserve Advisory Council will be held on February 26, 1974 in the Institute for Defense Analyses Auditorium,

400 Army-Navy Drive, Arlington, Virginia.

The purpose of the meeting is to develop greater activity by members of the National Advisory Council in the solicitation of employer support of the Guard and Reserve.

The transcript of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, Room 3A29, 400 Army-Navy Drive, Arlington, Virginia 22202.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD(C).

FEBRUARY 13, 1974.

[FR Doc.74-3845 Filed 2-15-74; 8:45 am]

#### NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

##### Notice of Open Meeting

Pursuant to the provisions of section 10, Public Law 92-463, effective January 5, 1973, notice is hereby given that a meeting of the National Committee for Employer Support of the Guard and Reserve Executive Committee will be held on March 6, 1974, at the Pentagon, Room 1E801, Washington, DC.

The purpose of the meeting is to increase the knowledge and understanding of the members of the Executive Committee on matters relative to enlisting Employer Support for the Guard and Reserve.

A transcript of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, Room 3A29, 400 Army-Navy Drive, Arlington, Virginia 22202 (OXford 7-6902).

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD(C).

FEBRUARY 12, 1974.

[FR Doc.74-3844 Filed 2-15-74; 8:45 am]

### POSTAL SERVICE

#### POSTAL SERVICE ADVISORY COUNCIL

##### Notice of Meeting

Notice is hereby given that a meeting of the Postal Service Advisory Council

will be held on Tuesday, March 5, 1974, at 10 a.m. in room 10384, USPS Headquarters, 475 L'Enfant Plaza West, SW., Washington, D.C.

The Postal Service Advisory Council was established by 39 U.S.C. 206, which provides that "[t]he Postal Service shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations."

The meeting has been called to swear in new and reappointed members of the Council who will be briefed on budget and service matters. The meeting is open to the public. Persons wishing to be present or to obtain further information on this meeting should contact Mrs. Sally Jones, Secretary to the Senior Assistant Postmaster General, Policy Matters, room 10220, U.S. Postal Service, at the street address shown above. Mrs. Jones' telephone number is 202-245-4935.

ROGER P. CRAIG,  
Deputy General Counsel.

[FR Doc.74-4040 Filed 2-15-74; 11:24 am]

### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

#### J. N. "DING" DARLING WILDERNESS PROPOSAL

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on March 21, 1974, at Sanibel Community House, Sanibel Island, Florida, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including J. N. "Ding" Darling wilderness proposal within the National Wilderness Preservation System. The wilderness study included the entire acreage within J. N. "Ding" Darling National Wildlife Refuge, which is located in Lee County, Florida.

A study summary containing maps and information on J. N. "Ding" Darling Wilderness Proposal may be obtained from the Refuge Manager, J. N. "Ding" Darling National Wildlife Refuge, P.O. Drawer B, Sanibel, Florida 33957 or the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE, Atlanta, Georgia 30329.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by April 22, 1974.

F. V. SCHMIDT,  
Acting Director, Bureau of Sport  
Fisheries and Wildlife.

FEBRUARY 12, 1974.

[FR Doc.74-3936 Filed 2-15-74; 8:45 am]

## NOTICES

### DEPARTMENT OF COMMERCE

#### Domestic and International Business Administration

#### GEORGE WASHINGTON UNIVERSITY MEDICAL CENTER

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00135-33-90000. Applicant: George Washington University Medical Center, 901 Twenty-Third Street, N.W., Washington, D.C. 20037. Article: EMI-Scanner X-ray System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The foreign article will be used in research intended to answer these questions:

(a) Are the quantitative [x-ray] absorptions generated of value in telling the exact type of tumor present?; (b) Can the method be made even more sensitive by injecting into the blood radiographic contrast media to enhance absorption differences of normal and abnormal regions of the brain?; (c) Can the method be adapted to body parts other than the brain?; (d) Can the method be used to determine the efficiency of treatment of brain tumors of those patients undergoing cancer therapy?; and (e) Does it eliminate or complement existing studies?; and (f) Does it change the mode of caring for patients with cerebral symptoms?

The article will also be used to teach medical students and physicians courses in the diagnosis and management of diseases of the brain. The courses are entitled, "Diagnostic Radiology" and "Computers in Radiology."

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial x-ray tomography. The speed and accuracy of the article in providing information is pertinent to the applicant's use in teaching the management and diagnosis of diseases of the brain, for research in techniques to enhance absorption differences and in studies of tumor identification by quantitative absorption measurement.

The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated January 10, 1974 that it knows of no domestic instrument of equivalent scientific value to the article for the applicant's intended uses. HEW also cited as a precedent its recommendation relating to Docket Number 73-00531-33-90000 which conforms in certain particulars with this application.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,  
Director, Special Import  
Programs Division.

(Catalogue Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74-3848 Filed 2-15-74; 8:45 am]

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00366-12-90500. Applicant: National Aeronautics and Space Administration, Langley Research Center, Hampton, Va. 23365. Article: Four (4) Bi-Directional Actuator Assemblies. Manufacturer: Spar Aerospace Products Ltd., Canada. Intended use of article: The article is intended to be used in conjunction with the Meteoroid Technology Satellite which collects data on the near earth meteoroid environment. The penetration capability of meteoroids through bumper protected target sheets will be determined.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 72-00313-12-90500 and Docket Number 71-00489-12-90500, which were denied without prejudice to resubmission on November 8, 1972 and October 12, 1971 respectively, for informational deficiencies. The foreign article, which consists of several deployable booms made of thin strips of



coiled metal (together with electric motor drive) is intended to be a part of a payload for a space launch. These booms have (1) the shape and volume specified by the applicant, (2) the strength to withstand launch and satellite ambient environments, (3) a weight not more than 14.5 lbs., and (4) a column load of 2.5 lbs upon extension. The National Bureau of Standards (NBS) advised in its memorandum dated January 18, 1974 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. NBS further advises that it knows of no domestically manufactured instrument scientifically equivalent to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.106, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.

[FR Doc. 74-3850 Filed 2-15-74; 8:45 am]

#### UNIVERSITY OF PENNSYLVANIA Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00133-33-46040. Applicant: University of Pennsylvania, Department of Anatomy, 116 Anatomy-Chemistry Bldg., 36th & Hamilton Walk, Philadelphia, Pa. 19174. Article: Electron Microscope, Model JEM 200A. Manufacturer: JEOL Ltd., Japan. Intended use of article: The foreign article is intended to be used to study the detailed structure of muscle cells. The main objective of this work is to understand the normal and pathological structure of muscle and how this is related to muscle disease.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU-

4C, formerly produced by the Forghio Corporation and currently being supplied by Adam David Company. The Model EMU-4C has a specified maximum accelerating voltage of 100 kilovolts.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 10, 1974 that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. HEW further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic.

For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

A. H. STUART,  
Director, Special Import  
Programs Division.  
(Catalog of Federal Domestic Assistance Program No. 11.106, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 74-3849 Filed 2-15-74; 8:45 am]

#### Office of the Secretary ADVISORY COMMITTEE FOR INTERNATIONAL LEGAL METROLOGY Notice of Establishment

In accord with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), and OMB/Justice Department guidelines on the Act, and after consultation with the Office of Management and Budget, it has been determined that the establishment of the Advisory Committee for International Legal Metrology is in the public interest in connection with duties imposed on the Department by law.

The Committee will advise the Department through the Director, National Bureau of Standards, on technical and policy matters relating to the Department's general responsibility for the development of U.S. positions on technical issues arising in the International Organization of Legal Metrology. The Committee will function solely as an advisory body, and in compliance with the requirements of the Federal Advisory Committee Act. It will function under the Department's National Bureau of Standards.

The Committee will consist of approximately 20 members, representatives of government, professional metrology, national standards bodies, and industry and trade associations, appointed by the Director of the National Bureau of Standards.

The Committee's charter will be filed under 5 U.S.C. App. I (Supp. II, 1972) thirty days from the publication of this notice.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee for International Legal Metrology. Such comments should be addressed to the Director, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Dated: February 12, 1974.

HENRY B. TURNER,  
Assistant Secretary  
for Administration.

[FR Doc. 74-3851 Filed 2-15-74; 8:45 am]

#### MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE Notice of Establishment

In accordance with the provisions of the Federal Advisory Committee Act 5 U.S.C. App. I (Supp. II, 1972) and OMB/Justice Department guidelines on the Act, pursuant to authority delegated by the Secretary of Commerce, and after consultation with the Office of Management and Budget, I hereby determine that the establishment of the Marine Petroleum and Minerals Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will take into account such factors as the economy, quality of the environment, technology, and wise use of the natural resources. The Committee will also advise with respect to Law of the Sea affairs.

The Committee shall consist of a balanced representation of interests. The Committee membership shall possess a broad range of experience and knowledge relating to the problems involving management, use, conservation, and the development of marine petroleum and marine minerals resources. The members shall be appointed by the Secretary of Commerce and shall serve at the discretion of the Secretary. The Committee will be responsible and report to the Secretary through the Administrator, NOAA.

The Committee shall function solely as an advisory body, and in compliance with the requirements of 5 U.S.C. App. I (Supp. II, 1972). The Committee's charter shall be filed thirty days from the publication of this notice.

Interested persons are invited to submit comments regarding the establishment of the Marine Petroleum and Minerals Advisory Committee. Such comments should be addressed to Administrator, NOAA, U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Dated: February 12, 1974.

HENRY B. TURNER,  
Assistant Secretary  
for Administration.

[FR Doc. 74-3852 Filed 2-15-74; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration  
[Docket No. NFD-156]

##### MAINE

#### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Maine, dated January 18, 1974, and published January 24, 1974 (39 FR 2786), and amended February 1, 1974, and published February 7, 1974 (39 FR 4797), is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 18, 1974:

The Counties of:  
Aroostook. Penobscot.  
(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: February 11, 1974.

THOMAS P. DUNNE,  
Administrator, Federal Disaster  
Assistance Administration.

[FR Doc. 74-3868 Filed 2-15-74; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

Coast Guard  
[CGD 74-31]

#### MOORING OF BARGES AND VESSEL OPERATION AND CONTROL BARGE BREAKAWAYS

##### Vicinity of the Port of New Orleans

Notice is hereby given that Ellis L. Perry, Rear Admiral, United States Coast Guard, Commander, Eighth Coast Guard District, has issued the following special order to regulate the mooring of barges and vessel operation and control barge breakaways in the Mississippi River in the vicinity of the Port of New Orleans.

LOUISIANA—MISSISSIPPI RIVER  
VICINITY—PORT OF NEW ORLEANS

Mississippi River, New Orleans; special order to regulate the mooring of barges and vessel operation and control barge breakaways in the Mississippi River in the vicinity of the Port of New Orleans.

1. *Background:* The Commander, Eighth Coast Guard District, has considered the increased risk to the Port of New Orleans caused by the following primary factors affecting the Mississippi River and its banks in the vicinity of New Orleans:

a. The present high water stage of the river and the increased current and counter eddy currents associated therewith;

b. The limited access to barge fleeting areas from the land side caused by the high water conditions;

c. The increase of debris being carried by the Mississippi River;

d. The large number of barges, estimated between two and three thousand, moored in the vicinity of the Port of New Orleans;

e. The increase in number and size of vessels coming into and passing through the Port of New Orleans and the wake generated by these vessels;

f. The number of multiple barge breakaways caused by one or more of these factors which have occurred since the river level has risen above 12 feet on the Carrollton Gauge and the resulting extensive property damage;

g. The increased potential risk resulting from future multiple breakaways which may collide with vessels carrying inflammable or combustible liquids or gas and "particularly hazardous materials";

h. The necessity of having towboats readily available to gain early control of barges which break from their moorings so that additional downstream breakaways can be minimized;

1. The importance of waterborne commerce to the Port of New Orleans.

2. *Purpose and application:*

a. Based upon these primary factors, the Commander, Eighth Coast Guard District has determined that an emergency situation exists and will continue to exist in the vicinity of the Port of New Orleans. In order to reduce the number of breakaways and control any damage which may be caused thereby, the Commander, Eighth Coast Guard District, finds it necessary to issue this order setting forth certain rules which must be adhered to between miles 88 and 123 AHOP (above Head of Passes) by persons in charge of the following facilities and/or vessels:

(1) Barge fleeting areas or facilities,  
(2) Towboats mooring barges to such fleeting areas or facilities,  
(3) Towboats otherwise operating barges,

(4) All vessels underway and anchoring.

b. Person in charge includes any owner, agent, pilot, master, officer, crewmember, supervisor, dispatcher, or other person controlling, navigating, or otherwise responsible for directing the movement or action of any vessel, barge, or barge fleeting facility governed by this order. The term "person in charge" includes an individual, firm, corporation, association or partnership.

c. This order is issued under the provisions of 33 CFR, Part 6 and will remain in effect until further notice.

3. The following equipment rules apply to all barge fleeting facilities between miles 88 and 123 AHOP:

a. *Permanent moorings and shore wires.* The permanent moorings including deadmen, piling or anchors, shall be of sufficient mass and composition and fitted with adequate mooring chains and/or shore wire cables. Shore wires shall be no less than 1 1/4" diameter wire cable or equivalent chain. In determining whether a larger size wire cable or an additional number of cables is needed, the following factors must be considered:

(1) Size and loaded condition of barges,  
(2) Number of barges,  
(3) Construction of barge, i.e. box type or raked,  
(4) Current conditions,  
(5) Proximity to normal routes of passing vessels.

For each group formation, a stern wire or line shall be used. This wire or line shall be of sufficient size to hold the downstream end of the barge group formation into the bank.

b. *Barge to barge mooring cables and lines.* When mooring barges abreast, at least one 3/4" wire cable will be used. This wire cable is to be made up as a sling with eyes at both ends with sufficient length so as to give at least 3 runs of wire between the barges. Where barges are moored end to end so that headlogs and/or sternlogs come together or nearly together, two additional 3/4" wire cables with at least three runs each must be run between the barge fore and aft. If manila or synthetic lines are used, they must be of sufficient length to give at least 75 percent of the breaking strength of 3 runs of 3/4" wire cable. This takes into consideration the better elastic properties of these lines. A stern wire or line shall also be used. This trailing or stern line shall be of sufficient size to hold the downstream end of each barge from swinging out into the river.

c. *Condition of shore wires, mooring cables and lines.* All shore wires, wire cables or lines used in the mooring of barges shall be of good quality, in serviceable condition and of sufficient size to carry the expected load. No sisal may be used. Exclusively frayed or unraveled wire cables or lines shall not be used.

d. *Moored barge lighting.* Barge fleets shall be lighted in accordance with the appropriate Rules of the Road; Inland Rules or Western Rivers Rules.

4. The following rules apply to operating procedures at all barge fleeting facilities between miles 88 and 123 AHOP:

a. *Inspection of the fleet.* At least twice a day, persons in charge of barge fleeting facilities shall cause an inspection to be made of all shore wires as well as all wires and lines used to moor all barges. During these inspections, all barges are also to be checked to insure they are in good general condition. These inspections are to be made by competent persons. One inspection shall be made during daylight and one during hours of darkness. In addition, after a towboat has concluded an operation of adding to, withdrawing from, or moving barges within the fleet the mooring cables or lines for all barges affected by that operation, i.e., all barges moored to each other in that group formation, must be re-inspected.

b. *Surveillance of the fleet.* Barge fleets shall be under the constant visual surveillance of a competent person or persons situated in a position or positions ashore or afloat from which the entire fleet can be observed to detect improper barge or vessel movement or any other



unusual condition. This person or persons shall be responsible for taking necessary action to resecure loose barges or correct other deficiencies. If, due to weather conditions, visual surveillance cannot be maintained, surveillance of the entire fleet must be maintained by radar.

c. *Standby towboats.* (1) Each fleet shall have at least 1 towboat standing by constantly to take control of barges which may breakaway in or from a fleet. This towboat shall be radar equipped. This towboat shall maintain a constant pilot house watch to spot breakaways and receive radio-telephone communications from ashore or other vessels. Towboats used for this purpose shall be located with 500 yards of any part of the fleet. If the fleet exceeds 100 barges, there must be a minimum of one such towboat for each additional 100 barges or fraction thereof. A towboat or towboats which can observe the entire fleet may fulfill the requirements of paragraph 4b. If the person conducting constant visual surveillance is ashore, as provided in paragraph 4b above, a 2-way means of communication must be provided between that person and the towboat standing by. For the purposes of this part, the tugs required by paragraph 4d may be considered as a "towboat standing by constantly."

(2) If a barge or barges break away in the vicinity of the fleet, a standby towboat may be used to gain control of these barges. The person in charge of the barge fleet facility must take immediate steps to replace this standby tug as soon as practicable.

d. *Transfers in the fleet.* Whenever barges are added or withdrawn from the fleet or moved within the fleet, a minimum of two (2) towboats shall be used for the operation.

e. *Poor visibility limitations.* Barges shall not be added to, withdrawn from or moved within the fleet during periods of poor visibility caused by fog or heavy rains. Such poor visibility exists when the opposing bank at river level may not be seen visually from the fleet.

f. *Operational log.* The persons in charge of barge fleet facilities shall cause to be kept an operational log in which shall be recorded the date, time, and identity of persons making the entry and shall include:

- (1) The time of each inspection required by paragraph 4a.
- (2) The identity of each barge transferred in or out of the fleet together with the name of the towboats employed.
- (3) The identity of each barge moved within the fleet together with the name of the towboat employed.

5. The following rules apply to all barge fleet facilities or fleets and all persons in charge of moving barges between miles 88 and 123 AHOP:

- a. No barges shall be tied off to trees.
- b. Where grounding a barge or tow is not objectionable, a towboat must be made up to such barge or tow at all times.

6. The following rules specifically apply to all vessels operating between miles 88 and 123 AHOP:

a. Persons in charge of all vessels shall give special attention to minimize the effect of their wake on moored barges by reducing speed and, where possible, giving a wide berth to moored barges;

b. Tankships which are loaded with flammable or combustible liquid cargo in bulk or which are loaded with particularly hazardous cargo in bulk, within the meaning of 46 CFR 146 or which, if unloaded, are not gas free, shall not anchor in the New Orleans General Anchorage or the Quarantine Anchorage. These anchorages run along the right descending bank from approximately mile 88.7 to mile 91.6 AHOP and extend 800 feet perpendicular to that bank;

c. A current listing of particularly hazardous cargo is as follows:

Acetaldehyde.	Methane.
Aceton cyanohydrin.	Methyl acrylate.
Acetonitrile.	Methyl bromide.
Acrylonitrile.	Methyl chloride.
Allyl Alcohol.	Methyl Methacrylate
Ammonia,	(monomer).
anhydrous.	Oleum.
Aniline.	Phenol.
Butadiene.	Phosphorus,
Carbolic oil.	elemental.
Carbon disulfide.	Propane.
Chlorine.	Propylene.
Chlorohydrins,	Propylene oxide.
crude.	Sulfuric acid.
Crotonaldehyde.	Sulfuric acid, spent.
1,2-Dichloropropane.	Vinyl acetate.
Dichloropropene.	Vinyl chloride.
Epichlorohydrin.	Vinylidene chloride.
Ethylene.	Ethyl ether.
Ethylene oxide.	

7. *Breakaway recovery procedures.* a. In the event a barge breakaway does occur, it is essential that all available towboats and fleet operating personnel in the vicinity quickly respond to attempt to gain control of the breakaway barges and prevent collisions with other downstream vessels, especially barges in fleet areas. Therefore, the following procedures shall be adhered to when any breakaway occurs:

(1) Communications during breakaway recovery operations shall utilize Channel 16 (158.8 mhz) VHF-FM. The first towboat or tug on scene or the first dispatcher aware of a breakaway shall contact the Coast Guard on Channel 16 and pass the essential information. The Coast Guard will immediately make an Urgent Marine Information Broadcast. The Coast Guard Captain of the Port will provide additional communications assistance as necessary, and will make every effort to inform other marine interests that can provide assistance, or that are likely to be affected by the breakaway.

(2) The first towboat on scene shall automatically be designated as the Breakaway Recovery Coordinator. His primary function will be to direct the assisting towboats to the loose barges and pass information to the Coast Guard. If a better qualified towboat arrives on scene, the designation of Breakaway Recovery Coordinator may be transferred to him.

(3) When the Coast Guard has a suitable vessel on scene, the Coast Guard

vessel will assume Breakaway Recovery Coordinator.

8. *Penalties.* If any owner, agent, master, officer, or person in charge, or any member of the crew of any vessel governed by this order fails to comply with the rules contained in the order, the vessel and its equipment are subject to forfeiture and the person guilty of such failure is subject to a maximum punishment of ten years imprisonment and a \$10,000.00 fine. (33 CFR 6.18-1, 50 U.S.C. 192)

9. *Effective Date.* This order is effective at 12 o'clock noon, Tuesday, 12 February 1974. Persons in charge of vessels, barges, or barge fleet facilities who can comply with the provisions of this order prior to that time are strongly urged to do so. If equipment changes are necessary, a reasonable time for compliance will be permitted."

Dated: February 13, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc.74-3913 Filed 2-15-74; 8:45 am]

[CGD 74-34]

#### BOATING SAFETY ADVISORY COUNCIL

##### Notice of Open Meeting

This is to give notice pursuant to the Federal Advisory Committee Act, section 10(a)(2) dated October 6, 1972 that the Boating Safety Advisory Council, U.S. Coast Guard will conduct an open meeting on Tuesday and Wednesday, March 5 and 6, 1974, in Room 3201, Buzzards Point Building, 2100 Second Street SW., Washington, D.C. beginning at 9 a.m.

The Boating Safety Advisory Council is a 21-member Council authorized by section 33 of the Federal Boat Safety Act of 1971. The Council must be consulted by the Coast Guard in establishing a need for formulating and prescribing regulations which establish minimum safety standards for boats and associated equipment. In addition, the Coast Guard is required to consult with the Council on any other major boat safety matters related to the Act.

The agenda for the March 5 and 6 meeting consists of the following:

A discussion of the proposed electrical system standard, the need for coordinated public education programs and a report on the Coast Guard regulatory program.

Any member of the public who wishes to do so may file a written statement with the committee, before or after the meeting, or may present an oral statement with the advance approval of the Chairman.

Interested persons may request additional information concerning the March 5 and 6 meeting and other matters relating to the Boating Safety Advisory Council (pursuant to the Federal Advisory Committee Act, section 10(b) dated October 6, 1972) from the Executive Director, Boating Safety Advisory Council, U.S. Coast Guard Headquarters (G-BR/

62), Washington, D.C. 20590 or by calling (202) 426-4176.

Dated: February 11, 1974.

JOHN F. THOMPSON,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Boating Safety.  
[FR Doc.74-3912 Filed 2-15-74; 8:45 am]

#### Saint Lawrence Seaway Development Corp.

##### ADVISORY BOARD

##### Notice of Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation will be held at the U.S. Army Corps of Engineers Waterways Experiment Station, Hydraulics Conference Room, Vicksburg, Miss. on February 21, 1974 from 3:00 p.m. to 5:00 p.m.

Agenda items are as follows:

- (1) Opening remarks by the Administrator;
- (2) Approval of minutes of prior meeting;
- (3) Administrative report;
- (4) Program reviews;
- (5) Closing remarks.

Further information may be obtained from Mr. Robert Kraft, Special Assistant to the Administrator, Office of the Administrator, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue SW., Washington, D.C. 20590, or by calling 202-426-3574.

Issued: February 7, 1974.

[SEAL] D. W. OBERLIN,  
Administrator.  
[FR Doc.74-3877 Filed 2-15-74; 8:45 am]

#### ATOMIC ENERGY COMMISSION

[Docket Nos. 50-354, 50-355]

#### PUBLIC SERVICE ELECTRIC AND GAS CO.

Hope Creek Generating Station, Nos. 1 and 2 Units; Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement, prepared by the Commission's Directorate of Licensing, related to the proposed issuance of construction permits for the Public Service Electric and Gas Company's Hope Creek Generating Station, Nos. 1 and 2 Units, to be located in Lower Alloways Creek Township in Salem County, New Jersey, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20545, and in the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079. The Final Environmental Statement is also being made available at the Division of State and Regional Planning, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625, and at the Wilmington

Metropolitan Area Planning and Coordinating Council, 4613 Robert Kirkwood Highway, Wilmington, Delaware 19808. The notice of availability of the Draft Environmental Statement for the Hope Creek Generating Station, Nos. 1 and 2 Units, with request for comments from interested persons was published in the FEDERAL REGISTER on November 30, 1973 (38 FR 33112). The comments received from Federal, State, and local agencies have been included in the Final Environmental Statement.

Single copies of the Commission's Final Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 12th day of February 1974.

For the Atomic Energy Commission.

B. J. YOUNGLOOD,  
Chief, Environmental Projects  
Branch No. 3, Directorate of  
Licensing.

[FR Doc.74-3872 Filed 2-15-74; 8:45 am]

#### CIVIL AERONAUTICS BOARD

[Docket 25988; Order 74-2-40]

#### ALLEGHENY AIRLINES, INC. ET AL.

Order Disclaiming Jurisdiction and Tentatively Approving Agreement and Acquisition

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of February, 1974.

Application of Allegheny Airlines, Inc., Mohawk Air Services, Inc. and Ransome Airlines, Inc. pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

Allegheny Airlines, Inc. (Allegheny), Mohawk Air Services, Inc. (Mohawk) and Ransome Airlines, Inc. (Ransome) request that the Board grant such exemptions from or approval under sections 408, 409 and 412 of the Federal Aviation Act of 1958, as amended, (the Act) as may be required to permit various transactions and agreements between the applicants in connection with a program to modify certain Nord 262 aircraft presently owned by Allegheny and Ransome. The modification is based primarily on replacing the present Bastan VI turbo-prop engines with PT6A-45 turbine engines manufactured by United Aircraft of Canada, Ltd. (UACL). The advantages of this modification are increased payload resulting from lighter weight, improved performance, and cost savings in operations and maintenance. Upon completion of the modification, and assuming its success, the aircraft will be called the Mohawk 298.

Allegheny is a scheduled, certificated air carrier. Mohawk is being organized for the primary purpose of handling the various transactions required by the modification program and will be a wholly-owned subsidiary of Allegheny.

For the purposes of the instant application it is a person engaged in a phase of aeronautics. Ransome is an air taxi operator and is an active participant in the Allegheny Commuter program under which certain points on Allegheny's system are served by air taxis.

According to the application, Mohawk was incorporated on October 1, 1973 for the purpose of achieving the common objectives of Allegheny and Ransome in developing and marketing an improved commuter-type aircraft. Allegheny's investment in Mohawk will be reflected by the issuance to it of Mohawk capital stock and convertible subordinated debentures, in equal proportions, in exchange for progress payments to be made by Allegheny during the initial phases of the aircraft conversion program and for the transfer to Mohawk of Allegheny's right, title and interest in five Nord 262 aircraft which it presently owns. Allegheny will hold and exercise the right to elect directors and officers of Mohawk. Ransome has a contingent right, upon completion of the initial seven-plane conversion program, to acquire up to a 1/3 interest in Mohawk and to maintain this interest in the event of the acquisition by Allegheny of additional shares or convertible debentures of Mohawk.

The application also describes certain agreements which are necessary to formalize the various transactions between the parties and others.

The joint venture agreement between Allegheny, Mohawk and Ransome provides for (a) the conveyance of five Nord 262 aircraft owned by Allegheny to Mohawk; (b) the conveyance by Ransome to Mohawk of title to its two owned Nord 262 aircraft, and the delivery of three Nord aircraft leased from Allegheny, such transfers to be accomplished simultaneously with the delivery of each of five converted Mohawk 298 aircraft to Ransome; and (c) the terms, timing and price of the foregoing aircraft transfers and the grant of an option to Ransome to acquire the sixth and seventh Mohawk 298 aircraft.

In addition to the foregoing, the application lists other agreements necessary to the successful completion of the program. These include (a) the conversion agreement with Frakes Aviation, a Texas company which has done the feasibility study and will do the prototype

<sup>1</sup> At present the only designated officer of Mohawk is Walter J. Short, Allegheny's Executive Vice President-Finance, who will serve as President of Mohawk.

<sup>2</sup> Ransome agrees to repurchase one converted aircraft for each one it formerly owned (2) or leased (3). The purchase price of Mohawk 298 aircraft by Ransome is based on actual costs, and will be equal to the sum of: (1) The cost to Mohawk of the unconverted Nord N-262; (2) One-seventh of the total conversion contract price, exclusive of engineering costs; (3) All taxes or other government charges imposed upon the aircraft or Mohawk, pro rata; (4) One-fifteenth of the engineering costs; and (5) One-seventh of all reasonable costs incurred by Mohawk.



conversion and testing, and the subsequent modification; and (b) an agreement between Mohawk and Societe Nationale Industriale Aerospatiale (SNIAS) under which the latter will provide technical data and assistance to Frakes Aviation, and will provide a U.S. inventory of spare parts as long as there are at least five Mohawk 298 aircraft operating in North America.<sup>1</sup>

The application states that, although the basic transaction is not complex, the status of the joint applicants as air carriers and of Mohawk as a person engaged in a phase of aeronautics, together with several details of the subsidiary transaction, together require exemption or approval under a number of sections of the Act.<sup>2</sup>

In support of their request for approval, exemption or other relief from the various sections of title IV of the Act, applicants point out that the overriding consideration in all of these is the public interest and that none of the transactions or agreements involved will adversely affect such interest. The end product of the arrangements, the Mohawk 298, will be an improved aircraft capable of providing better service to the public and it will be available to any operator at prices comparable to that at which it is available to Ransome. The establishment of Mohawk to achieve this goal and the other transactions involved thus do not create a monopoly and thereby tend to restrain competition or jeopardize another air carrier not a party thereto. The application notes, therefore, that it would be entirely appropriate to approve the acquisition of Mohawk under the third proviso of section 408(b) or grant Allegheny an exemption from section 408 pursuant to section 416(b) in order to expedite the matter. With respect to the transfer of aircraft by Allegheny and Ransome to Mohawk, applicants urge that the Board disclaim jurisdiction since the aircraft involved do not, with respect to Allegheny, represent a substantial part of its properties<sup>3</sup> and, with respect to Ransome, represent only a trade-in of an older Nord aircraft for the modified Mohawk 298. No comments have been received from any other person.<sup>4</sup>

Upon consideration of the foregoing, the Board concludes that Allegheny and Ransome are air carriers and that Mohawk is a person engaged in a phase of aeronautics, all within the meaning of sections 408, 409, and 412 of the Act. Thus, the Board has initial jurisdiction over the various transactions and agreements included in the application. Concerning these transactions, there is no

<sup>1</sup> This basic conversion to be paid to Frakes by Mohawk for each of the first seven aircraft is \$350,000.

<sup>2</sup> The application notes particularly sections 408(a)(1), 408(a)(2), 408(a)(6), 409 and 412.

<sup>3</sup> Order 70-11-13, November 4, 1970.

<sup>4</sup> The application also states that the interlocking relationships of Mr. Short appear to come within the exemption from section 409 in 14 CFR 287.

indication that the various arrangements will create a monopoly and thereby tend to restrain competition; nor will they jeopardize another air carrier not a party thereto. It further appears that the program proposed by Allegheny amounts to the best way which Allegheny, according to the business judgment of its management, can dispose of some surplus aircraft (and make more economical the aircraft being operated now by one of its commuter associates). Thus, with a limitation upon our approval to aircraft presently owned by Allegheny or Ransome, it does not appear that these transactions would be inconsistent with the public interest or that the requirements of section 408 would be otherwise unfulfilled. However, since these public interest factors pertaining to equipment presently owned by Allegheny and Ransome would not apply to Nord aircraft not presently owned by them, our final approval will apply only to transactions related to such aircraft. Specifically our tentative approval herein does not extend to or contemplate similar arrangements with respect to aircraft acquired by Allegheny, Ransome or their affiliates for the purpose of reconfiguration and resale.<sup>5</sup>

No person disclosing a substantial interest in this proceeding is currently requesting a hearing; and it is concluded that the public interest does not require a hearing. Notice of intent to dispose of the section 408 issues without a hearing shall be published in the FEDERAL REGISTER; and a copy thereof shall be furnished to the Attorney General not later than the day following the date of such publication (see section 408(b) third proviso).

With regard to the issues arising under section 408 of the Act, the Board tentatively finds that the transaction which is the subject of the application does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Therefore, it is the Board's tentative conclusion that the application under section 408 of the Acts should be approved.

There is, however, the question whether the establishment of Mohawk for the purposes described herein constitutes an engagement by Allegheny, a subsidized air carrier, in a non-transport activity

<sup>5</sup> We do point out here that Allegheny's involvement beyond aircraft presently owned by it or Ransome would tend to resemble, if not in fact be, that of a manufacturer of aircraft equipment used and useful in air transportation. Such status, if in fact achieved, might, among other things, encourage Allegheny to attempt to influence the selection by "Allegheny Commuter" carriers of aircraft "manufactured" by Allegheny. In short, Allegheny's position as a major certificated air carrier, its close relationships with a number of commuter carriers, and its own interest in the success of the Nord reconfiguration program, would raise public interest questions under section 408 which would warrant substantial scrutiny.

within the meaning of section 399.90 of the Board's Policy Statements.<sup>6</sup> Substantial engagement by a subsidized carrier in such an activity is presumed, under the Policy Statement, not to be in the public interest. In any instance in which this situation is present, the carrier has the burden of showing that such activities will not involve a risk of significant financial loss and will not unduly divert the management or otherwise interfere with the primary business of the carrier which is to provide air transportation. Section 399.90 enumerates the major factors which the Board will consider in determining whether a non-transport activity is in the public interest.<sup>7</sup>

One of the Board's principal considerations in instances of this nature is the extent to which the non-transport activity may divert the attention of the carrier-management from its primary responsibility. We note, in this regard, that Mohawk will exist primarily as a paper corporation to hold title to the aircraft, to supervise the modification work, and to arrange for the lease or sale of the aircraft after modification. The new corporation will occupy offices in Allegheny's headquarters and apparently will require a minimum of supervision by Allegheny's management. According to the carrier, its concern will be limited essentially to assuring that the intent of its investment is carried out, as the conversion work will be done elsewhere and as only a small sales staff will be required by Mohawk for marketing the converted aircraft. As noted above, one Allegheny official has been designated to serve as an officer of Mohawk.<sup>8</sup>

A "non-transport activity" is defined by section 399.90 to mean "any business activity performed by a subsidized air carrier which is not an integral part of the transportation of persons, property or mail by the carrier pursuant to its certificate of public convenience and necessity of other authorization granted by the Board." Allegheny submits that the Mohawk proposal is not a non-transport activity but rather is "related to Allegheny's primary transport activity." In any event, the carrier believes its participation in the arrangement is not of a substantial nature. We are unable to conclude that the proposed activity is an "integral" part of Allegheny's operation or otherwise falls outside the scope of section 399.90.

Such factors include the additional investment in plant and organization and the number of personnel necessary to perform the activity in excess of those required for the carrier's normal operations; the carrier's past experience in performing the activity; the amount and strength of the competition; the speculative nature of the activity; the ability to the air carrier's normal activity; the amount of supervision required; the extent of any conflict between the air carrier's interest in the activity and its performance of air transportation; the extent to which the activity contributes to the development of the air carrier's traffic; and the extent to which the activity contributes to safety in air commerce.

<sup>6</sup> Footnote 1, supra. Any other officers and directors of Allegheny who may also serve on Mohawk must, of course, report such affiliations pursuant to Part 245 of the Board's Economic Regulations.

Another major concern of the Board in connection with subsidized carriers' non-transport activities is whether the undertaking involves a risk of significant financial loss. Here, we note that Allegheny has advanced to date \$155,255 toward the development of the initial prototype aircraft.<sup>9</sup> By March 1975, at which time the first completed aircraft is scheduled to be available, Allegheny will have invested a total of \$1,457,785. Overall, the program contemplates total payments to Frakes of \$2,450,000, which would be the maximum exposure to Allegheny. The carrier anticipates, however, that upon the successful conversion of the initial prototype (March, 1975), subsequent modification costs can be accomplished through borrowings by Mohawk against the value of the transferred Nord airframes and the revenue from the sale or lease of converted aircraft as they become available. In considering the degree of business risk involved, we also note that the contractual provisions permit termination of the program by Allegheny if the first aircraft completed does not meet predetermined technical and performance standards. Also, there is a commitment by Ransome to purchase five of the converted aircraft. Further, the price to be paid by Ransome is not a fixed amount, but rather is geared to the recovery of Mohawk's conversion costs. In the final analysis, the significant import of the program is to assist Allegheny in disposing of aircraft surplus to its needs and to upgrade Ransome's flight equipment. Although the risk of financial loss is present, the provisions of the proposal seem reasonable when measured in terms of its objectives. Moreover, any expansion of the scope of the project beyond that contemplated herein, or appreciable increase in the amount of Allegheny's total investment, would require that applicants seek further authority from the Board. Under all of these circumstances, the Board tentatively finds that section 399.90 is not a bar to the Board's approval of the transaction.

The Board has further decided to disclaim jurisdiction over the acquisition of Nord 262 aircraft by Mohawk from Allegheny and Ransome. In Allegheny's case these aircraft are not only surplus to its operations but constitute less than 10 percent of the total capacity, value and number of Allegheny's total aircraft fleet.<sup>10</sup> With respect to Ransome there will be no decrease in its operating capability, since each Nord it transfers to

<sup>9</sup> The amount includes \$72,255 paid to Frakes (\$30,000 refundable deposit for the purchase from United Aircraft of Canada, Ltd. of two PT-6A 45 engines; \$45,255 as an initial progress payment for preliminary work), plus further progress payments of \$15,000, \$15,000 and \$50,000, respectively. The preliminary engineering studies indicate that the performance of the aircraft can be improved by the engine conversion.

<sup>10</sup> Orders 70-11-13 and 70-11-14, November 4, 1970.

<sup>11</sup> American Airlines, Inc.-Boeing Co. Order E-24608, January 31, 1967, Docket 18080.

Mohawk will be replaced by a Mohawk 298 as a concurrent transaction. Thus, the overall arrangement constitutes a trade-in and re-purchase resembling previous similar transactions over which the Board has disclaimed jurisdiction.<sup>11</sup>

Finally, we tentatively approve the joint venture agreement between Allegheny, Mohawk, and Ransome. The public interest considerations involved in the overall arrangement are in essence the same as those considered supra; and the agreement does not appear to be in violation of any other provision of the Act so long as it is confined to the various transactions described in the application and limited elsewhere in this order. Thus, the Board tentatively finds that the joint venture agreement between Allegheny, Mohawk, and Ransome is not adverse to the public interest nor in violation of the Federal Aviation Act of 1958, as amended.

Accordingly, it is ordered That:

1. Interested persons are afforded 14 days from the date of this order in which to file comments on the tentative findings and conclusions herein (including the section 408 issues raised by the acquisition of Mohawk by Allegheny and Ransome); such comments shall be filed with the Board's docket section in the form and manner stated in the Board's rules of practice (14 CFR Part 302);
2. The applicants' request for a disclaimer of jurisdiction under section 408 with respect to the aircraft acquisitions described herein be and it hereby is granted;
3. The joint venture agreement between the applicants be and it hereby is tentatively approved pursuant to section 412(b) of the Act;
4. Except to the extent granted or tentatively approved herein, the application be and it hereby is dismissed; and
5. This order shall be published in the FEDERAL REGISTER; and a copy shall be served upon the Attorney General within one day after issuance.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-3905 Filed 2-15-74;8:45 am]

[Docket 26260]

#### COMPAGNIE NATIONALE DE TRANSPORTS AERIENS ROYAL AIR MAROC

##### Further Notice of Prehearing Conference and Hearing

In the matter of Compagnie Nationale de Transports Aeriens Royal Air Maroc, foreign air carrier permit, Morocco-New York-Montreal.

Pursuant to the request of counsel for the applicant and with the concurrence of counsel for the Bureau of Operating Rights, notice is hereby given that a prehearing conference in the above-captioned proceeding is now assigned to be held on February 22, 1974, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW.,

Washington, D.C., before the undersigned. (See 39 FR, 2289, January 18, 1974.)

Notice is also given that the hearing in this proceeding will be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for a postponement thereof on or before February 20, 1974.

Dated at Washington, D.C., February 12, 1974.

[SEAL] ALEXANDER W. ARGERAKIS,  
Administrative Law Judge.  
[FR Doc.74-3906 Filed 2-15-74;8:45 am]

#### DELAWARE RIVER BASIN COMMISSION

##### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 27, 1974, in Room 603, City Hall Annex, Juniper and Filbert Streets in Philadelphia, beginning at 2 p.m. The subjects of the hearing will be as follows:

A. A proposal to amend the Comprehensive Plan so as to include therein the following projects:

1. *Lehigh County Authority.* A well water supply project to augment public water supplies in the Authority's service area in Upper Macungie Township, Lehigh County, Pa. A transmission main will connect new well No. 7 to the existing system. The new facility is expected to yield one million gallons per day.
2. *Telford Borough Authority.* An interceptor sewer to serve areas of Telford Borough, Hilltown and West Rockhill Townships in Bucks and Montgomery Counties, Pa. Approximately 31,000 feet of interceptor sewer will be installed to serve an ultimate population of about 35,000 persons.
3. *North Penn Water Authority.* A well water supply project to augment public water supplies in Hatfield Township and adjacent municipalities in Montgomery and Bucks Counties, Pa. Designated as Well No. 15, the new facility is expected to yield 140,000 gallons per day.
4. *A Pocono Country Place, Inc.* A well water supply project to provide water service in the "A Pocono Country Place" development in Coolbaugh Township, Monroe County, Pa. A water storage and distribution system will also be constructed. Designated as Well No. 2, the new facility is expected to yield 288,000 gallons per day.
5. *Pennsgrove Water Supply Co.* A well water supply project to provide standby water service in the Bridgeport section of Logan Township, Gloucester County, N.J. Designated as Well No. 2, the new facility will be limited to a maximum withdrawal of an average of 100,000 gallons per day during any 30-day period.
6. *Borough of Glassboro.* A well water supply project to augment public water supplies in the Borough of Glassboro, Gloucester County, N.J. Designated as Well No. 5, the new facility will be limited to a maximum withdrawal of an average of 1.4 million gallons per day during any 30-day period.
7. *New Jersey Water Co.* A well water supply project to augment public water supplies in the company's Washington District in the Borough of Washington, Warren County, N.J. Designated as Well No. 3, the new facility is expected to yield 800,000 gallons per day. Use of the new facility would be within



the existing system limitation of an average of 1.8 million gallons per day from all sources during any 90-day period.

8. *Stratford Sewerage Authority*. Expansion and upgrading of the Authority's sewage treatment plant in the Borough of Stratford, Camden County, N.J. The upgraded facility is designed to remove 92 percent of BOD, and suspended solids from a design flow of one million gallons per day. Treated effluent will discharge into North Branch of Big Timber Creek.

B. An application for water quality certification pursuant to Section 401 of the Federal Water Pollution Control Act:

*City of Milford*. A project to construct a storm water sewer outfall from the North Milford sanitary interceptor in Milford, Del. The outfall would be located at the storm water sewer termination point on the north bank of the Mispillion River.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,  
Secretary.

FEBRUARY 11, 1974.

[FR Doc. 74-3843 Filed 2-15-74; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### AIRCRAFT AND AIRPORT NOISE REGULATIONS

#### Notice of Public Comment Period

Section 7(a) of the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234) required the Administrator of the Environmental Protection Agency to conduct a study of aircraft and airport noise and report thereon to the Congress by July 27, 1973. That report was submitted as required.

Section 7(b) of the Noise Control Act, amending Section 611 of the Federal Aviation Act of 1958 (49 U.S.C. § 1437), required the Administrator of EPA to submit proposed regulations on aircraft and airport noise to the Federal Aviation Administration (FAA) following submittal of the report required by section 7(a) of the Noise Control Act.

In the section 7(a) report, the Administrator of EPA discussed the adequacy of FAA aircraft noise regulations and made tentative assessment of a number of regulatory actions that could be effective in controlling aircraft noise. After further review of those possible actions, the EPA Administrator is now considering the development of ten regulations which may be submitted to the FAA for its consideration under section 611 of the Federal Aviation Act as amended.

A short title and synopsis of the ten regulatory proposals which EPA is considering follows:

1. *Noise abatement takeoff operating procedures*. Individual airports, or runways of the airports, can be placed into the following three main categories regarding community noise exposure: Sideline noise sensitive, near downrange noise sensitive, and far downrange

noise sensitive. A set of three standard takeoff procedures suitable for safe operation of each type of civil turbojet aircraft is being considered for use, as appropriate, to minimize the noise exposure of the noise sensitive communities.

2. *Noise abatement approach operating procedures*. A set of standardized approach procedures suitable for safe operation of each type of civil turbojet aircraft is being considered for use as appropriate to minimize community noise exposure. The set of procedures includes: all Instrument Landing Systems (ILS) standardized for a three-degree approach angle, two-segment approaches for use under Visual Flight Rules (VFR) conditions, and minimum flap settings for use under VFR conditions.

3. *Noise abatement minimum altitudes*. Minimum safe altitudes higher than are presently specified in the Federal Aviation Regulations, are being considered for the purpose of noise abatement, applicable to civil turbojet powered aircraft regardless of category.

4. *Civil aircraft fleet noise requirements*. Regulations are being considered that would establish civil aircraft noise requirements, prevent an immediate escalation of fleet noise levels (FNL), and require a reduction in FNL within specified time limits.

5. *Supersonic civil aircraft noise*. Regulations are under consideration that would limit the noise generated by civil supersonic aircraft regardless of category.

6. *Modifications to Federal Aviation Regulations (FAR) Part 36*. Modifications to FAR 36 for lowering the noise limits for all new aircraft types that must comply are being considered. In addition, various amendments may be proposed that would require altitude and temperature accountability, strengthen test conditions for acoustical change approvals, and, in general make the rule clearer and more effective.

7. *Propeller driven small aircraft*. Noise standards may be proposed for propeller driven small aircraft applicable to new type designs, newly produced aircraft of older type designs, and to the prohibition of "acoustical changes" in type design of those aircraft that increase their noise levels.

8. *Reduced or short takeoff or landing (R/STOL) aircraft*. Noise standards may be proposed for all aircraft capable of operating from short or reduced length runways. (Official definitions for these lengths have not been established but 2,000 and 4,000 feet, respectively, are being considered.)

9. *Vertical takeoff or landing (VTOL) aircraft*. Noise standards may be proposed for all aircraft capable of takeoff or approach operations in a vertical (or nearly vertical) mode.

10. *Airport noise regulation*. The intent of the airport noise regulation which is under consideration will be to establish goals, set up mechanisms and set into motion processes by which the noise exposure of communities around airports

can be limited to levels consistent with public health and welfare requirements.

The achievement and maintenance of noise exposure limits for communities around airports will require a comprehensive program:

(a) To make aircraft inherently quieter and to have them flown as quietly as possible.

(b) To design or modify the total operating plan of the airport so as to minimize the extent of the airport noise impact zone and tailor its shape to avoid existing noise-sensitive land uses.

(c) To prevent buildup of new housing or other noise-sensitive land uses in present and anticipated future noise impact zones and, where necessary, resolve by land use measures (soundproofing or conversion) those few impacted areas where the noise exposure cannot be adequately decreased by other means.

Item (a) is the objective of regulations listed as items 1 through 9 above while items (b) and (c) are the objectives of the Airport Noise Regulation.

The airport noise regulation should be structured so as to provide a quantitative framework within which all levels of government and affected persons can work together effectively, gradually to reduce existing and prevent new noise exposure situations inconsistent with public health and welfare, and to provide an impetus for their cooperative actions. The implementation process being considered is as follows: After the promulgation of the Federal airport noise regulation by the FAA, the existing airports with jet operations would be reviewed by the FAA. Proprietors of airports identified by the FAA as a result of this review would be required to submit to the FAA their time-phased implementation plans. Development of implementation plans for each airport would be done by a process of consultation involving local governments and the public. Quantitative prediction of the effectiveness of various alternative operational modes for the airport would be carried out by the airport proprietor as part of the local development of the implementation plan.

The implementation plan for the airport would then be submitted by the proprietor to the FAA for approval. Any final adjustments of the plan required during the approval process would be incorporated, and the implementation plan adopted as a Federal regulation for the airport. Specific elements of the plan would be promulgated as FAA regulations or operating rules and thus become subject to FAA enforcement. Progress in implementing approved implementation plans would be reviewed on a periodic basis. An airport's compliance with its Federally-approved implementation plan would be made a condition for receiving the benefit of further Federal support, possibly including but not limited to an operating certificate for the airport, further use of Federal funds, and approval of environmental impact statements respecting proposed projects at the airport or within its noise impact zone.

It is the intention of the Environmental Protection Agency to submit any proposed regulations in such legal form as to make them capable of immediate incorporation in notices of proposed rulemaking to amend the Federal Aviation Regulations (which are contained in Title 14 of the Code of Federal Regulations).

Among the first nine regulations being considered, as listed above, it is to be noted that rulemaking processes have already been initiated by the FAA, by publication of advance notices of proposed rulemaking or, in some cases, notices of proposed rulemaking. The processes available to EPA nevertheless include those set forth in Section 611 as amended, and comments of the public to EPA on all ten of the above proposals are therefore invited. It is anticipated that each of the ten proposals would be submitted to the FAA as it is developed. An airport noise regulation proposal must consider the effects of the other proposed regulations and therefore would be submitted last.

The Agency publishes this notice in order to invite early public participation in the development of EPA's draft regulations for proposal to the FAA. EPA expects, to the extent possible within the time frame for EPA development of each regulatory proposal, to make available mechanisms for further public comment as our draft proposals become more specific. This participation does not affect the right of the public to participate in the later review of these regulations by FAA, according to processes set forth in section 611 as amended and the Administrative Procedure Act (5 U.S.C. 500 et. seq.)

That opportunity for later public participation can be summarized as follows:

EPA will transmit the proposed regulations to the FAA by letter, will publish notice of the transmittal in the Federal Register, and will make the proposed regulations and the supporting "project reports" available to the public. Under section 611, the FAA must publish EPA's proposed regulations in the Federal Register within 30 days and commence public hearings within 60 days thereafter.

The purpose of this notice is to invite interested persons to participate in EPA's development of the regulations to be proposed, by submitting such written data, views or arguments as they may desire. Communications should identify the public file number and title of the regulation being addressed, and be submitted in triplicate to the: Office of Noise Control Programs, Environmental Protection Agency, Crystal Mall Building No. 2, 11th Floor, 1921 Jefferson Davis Highway, Washington, D.C. 20460.

Data, views or arguments submitted on any topic related to the regulatory action being addressed will be considered. However, information of the following kinds will be particularly useful:

(I) For the aircraft-related regulations (Items 1 through 9 above), any information relating to the basic requirement that the regulations contribute to the promotion of an environment for all

Americans free from noise that jeopardizes their health or welfare, or to the four statutory constraints:

(a) Consistency with the highest degree of safety in air commerce or air transportation in the public interest;

(b) Economic reasonableness;

(c) Technological practicability; and

(d) Appropriateness for the particular type of aircraft, aircraft engine, appliance or certificate to which it will apply.

(II) For the airport-related regulation (Item 10 above), any information relating to the foregoing statutory criteria; and in addition any information or views on the following subjects:

(a) Potential methods for classifying airports as may be appropriate for differential regulatory treatment;

(b) Data on the extent of the current noise impact problem at U.S. airports, both civil and military;

(c) Analytical models for estimating the noise environments generated by complex noise sources in communities (such as highways, airports, industrial plants) and the strengths and weaknesses of each model;

(d) Information on airport noise monitoring systems including their performance characteristics, costs and modes of use;

(e) Views and study results regarding alternative methods of financing various actions implicit in carrying out an airport noise regulation (including reduction of the noise characteristics of existing aircraft), not limited to financing methods available only under existing legislation;

(f) Information and experience on various legal mechanisms for controlling the land use aspect of the airport/community interface;

(g) Methodologies and data concerning the social and economic impacts, on airport influence regions, of potential restrictions on either airport activity level or surrounding land development;

(h) Methodologies and data on the quantifiable effects upon interstate and foreign commerce of potential actions stemming from an airport noise regulation;

(i) Potential interactions with other environmental and energy conservation considerations; and

(j) Recommendations concerning cooperative Federal/State/local mechanisms for efficient implementation of an airport noise regulation.

All communications received within the time limits listed in the following table will be considered. All comments received will be made available for examination by interested persons, both before and after the closing date, at Office of Public Affairs, Environmental Protection Agency, 4th and M Streets, SW Washington, D.C. 20460.

Note: Priority attention would be given to those air carrier airports with significant noise problems (i.e., whose noise impact zones presently encompass large populated areas). However, it is presently envisioned that the regulation would be structured to be applicable to airports of all sizes and uses, and to require that all new airport sitings,

airport expansions or other airport actions tending to increase cumulative noise exposure be conditioned upon continual compliance with the exposure limits established for application to new projects as defined in the regulation.

Public file No.	Title	Comment period, time from date of this notice
A/A 73-1...	Noise Abatement Takeoff Operating Procedures.	60 days.
A/A 73-2...	Noise Abatement Approach Operating Procedures.	Do.
A/A 73-3...	Noise Abatement Minimum Altitudes.	Do.
A/A 73-4...	Civil Aircraft Fleet Noise Requirements.	Do.
A/A 73-5...	Supersonic Civil Aircraft Noise.	Do.
A/A 73-6...	Modifications to FAR Part 36.	Do.
A/A 73-7...	Propeller Driven Small Aircraft.	Do.
A/A 73-8...	Reduced or Short Takeoff or Landing (R/STOL) Aircraft.	Do.
A/A 73-9...	Vertical Takeoff or Landing (VTOL) Aircraft.	Do.
A/A 73-10...	Airport Noise Regulation.....	90 days.

RUSSELL E. TRAIN,  
Administrator.

FEBRUARY 13, 1974.

[FR Doc. 74-3915 Filed 2-15-74; 8:45 am]

[OPP 32000/11]

## NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION; DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FFIRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER, a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before April 22, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c) (1) (D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in nor-



mal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 22, 1974.

## APPLICATIONS RECEIVED

EPA File Symbol 7959-UG. BASF Wyandotte Corporation, 100 Cherry Hill Road, Parsippany, New Jersey 07054. *Basalin Manufactur's Concentrate*. Active Ingredient: Fluchloralim [N - (2 - Chloroethyl)-a,a-trifluoro - 2,6 - dinitro - N - propyl - p-toluidine] 55%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 32694-L. Contrast Maintenance Chemicals, Inc., P.O. Box 40025, Indianapolis, Indiana 46240. *Industrial DE-AL*. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 5%; n-Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 240-ERG. Daly-Herring Company, P.O. Box 428, Kinston, North Carolina 28501. *Harlequin Vegetable Dust*. Active Ingredient: Endosulfan (Hexachlorohexahydromethano-2,4,3 - benzodioxathiepin oxide) 3.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 912-TT. Farmers Union Central Exchange, Inc., P.O. Box "G", St. Paul, Minnesota 55165. *Cenez Grain Storer*. Active Ingredients: Isobutyric Acid 28.2% Propionic Acid 18.8%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10065-G. Fisons Corporation, 2 Preston Court, Bedford, Massachusetts 01730. *Ficam W*. Active Ingredient: 2,3 isopropylidenedioxyphenyl N-methylcarbamate 76%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 802-LEN. The Chas. H. Lilly Co., 109 S.E. Alder, Portland, Oregon 97214. *Müller's LV Brush-Killer D*. Active Ingredients: 2,4 - Dichlorophenoxyacetic Acid, Butoxy Propyl Esters 36.7%; 2,4,5-Trichlorophenoxyacetic Acid, Butoxy Propyl Esters 34.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 802-LER. The Chas. H. Lilly Co., 109 S.E. Alder, Portland, Oregon 97214. *Müller's Silver 4 BP*. Active Ingredient: Butoxy Propyl Esters of Silver [2-(2,4,5-Trichlorophenoxy) Propionic Acid] 68.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1124-TI. Purex Corporation, 24600 South Main Street, Carson, California 90745. *Guardex Giant Size Chlorine Tablets*. Active Ingredient: Trichloro-s-triazinetrione 99.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 476-2108. Stauffer Chemical Company, 1200 South 47th Street, Richmond, California 94804. *Devinol 50-WP*. Active Ingredient: 2-(alpha-naphthoxy)-N,N-diethylpropanamide 50%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated February 11, 1974.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 74-3799 Filed 2-15-74; 8:45 am]

## [OFF-8002-4-8]

REGISTRATION OF PESTICIDES  
Notice of Denial of Registration

Applications were made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 793), to register pesticides containing DDT. The applicants, products, and intended uses are:

Bakersfield Ag-Chem, Bakersfield, California, *DDT-Toraphene 24E* (Application No. 11369-R, Received May 8, 1973), for use on seed alfalfa to control lygus bugs and on citrus (oranges and lemons) to control fruit tree leafrollers, western tussock moth, beet citrus cut worm.

Coastal Ag-Chem Co., Oxnard, California, *Coastoz DDT Toraphene 2-4E* (Application No. 9469-A, Received August 28, 1973), for use on alfalfa (seed crop only), citrus, onions, and peppers.

Dettebach Pesticide Corporation, Atlanta, Georgia, *Professional DDT 50% Tracking Powder* (Application No. 6754-GI, Received July 11, 1973), for use as a tracking powder for control of mice.

Farmcraft, Inc., Tigard, Oregon, *Farmcraft DDT-24E* (Application No. 1871-IL, Received April 12, 1973), for use on cole crops, sweet corn, mint, hops, stone fruits, strawberries, nursery plants, and greenhouse plants.

These applications for registration have been denied and the applicants have been notified. The reasons for denial are set forth in the Order of the Administrator, filed June 14, 1972, and published in the FEDERAL REGISTER of July 7, 1972 (37 FR 13369), and the failure of the applicants to submit data in support of the applications, as required by section 3(c)(1) of the Act (86 Stat. 980).

Dated: February 12, 1974.

CHARLES L. ELKINS,  
Acting Assistant Administrator  
for Hazardous Materials Control.

[FR Doc. 74-3917 Filed 2-15-74; 8:45 am]

FEDERAL COMMUNICATIONS  
COMMISSION

[Report 687]

COMMON CARRIER SERVICES  
INFORMATIONDomestic Public Radio Services  
Applications Accepted For Filing

FEBRUARY 11, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one

1 All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

2 The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

## APPLICATIONS ACCEPTED FOR FILING

## DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20907-C2-TC-74, AAA Answerphone, Inc.—Jackson, Consent to Transfer of Control from John N. Palmer, transferor to William E. McMullan, Jr., et al., transferees. Stations: KUO627, Grenada, Mississippi.

20908-C2-TC-(3)-74, All City Telephone Answering Service, Inc. Consent to Transfer of Control from Merchants Police, Inc., transferors to Harold S. Leich, transferee. Stations: KRST16, KSA266 & KSC373, Milwaukee, Wisconsin.

20909-C2-P-(3)-74, Seattle Radiotelephone Service (KOA733): C.P. for additional facilities to operate on 454.175 and 454.225 MHz located at Seattle First National Bank Building, Seattle, Washington.

20910-C2-AL-74, Robert E. Measures d/b as Radiophone. Consent to Assignment of License from Robert E. Measures, assignor to Jim Bob Measures, assignee. Station: KQZ701, Weatherford, Texas.

20911-C2-P-(2)-74, The Diamond State Telephone Company (KQH864): C.P. for additional facilities to operate on 152.75 MHz and change antenna system and power operating on 152.69 MHz located on east side of County Road #195, 2 miles SW of Dover, Delaware.

20912-C2-P-74, Evans Radio Company, Inc. (KSV889): C.P. for additional facilities to operate on 152.21 MHz located at 1400 Main Street, Columbia, South Carolina.

20913-C2-P-(3)-74, Southern Bell Telephone and Telegraph Company (KTY603): C.P. to change antenna system operating on base facilities 152.69 and 152.81 MHz and test facilities 157.95 and 158.07 MHz located at 461 East Main Street, Spartansburg, South Carolina.

20914-C2-P-74, Bonduel Telephone Company (New): C.P. for a new 1-way signaling station to operate on 158.10 MHz to be located 2.8 miles west of City Limits of Bonduel, Wisconsin.

20915-C2-P-74, Scandinavia Telephone Company (New): C.P. for a new 1-way signaling station to operate on 158.10 MHz to be located 2 miles SE of Scandinavia, Wisconsin.

20916-C2-P/L-(2)-74, The University of North Carolina: C.P. to reinstate expired license to operate on 152.57 and 152.73 MHz to be located at Wilson Court, Chapel Hill, North Carolina.

## Major amendments

1552-C2-P-73, Western Electronics and Communications (New): Amend to change base station frequency to 152.12 MHz. All other particulars remain as reported on PN #613 dated September 11, 1972.

5283-C2-P-73, RCC of Virginia, Inc. (New), Virginia Beach, Virginia. Amend to change base station location to near NW intersection of Virginia 190 and Centerville Turnpike. All other particulars to remain as reported on PN #632 dated January 22, 1973.

5628-C2-P-(3)-73, Empire Communications Company (New), Oakridge, Oregon. Amend to show control station location as 392 East 3rd Street, Eugene, Oregon. All other particulars to remain as reported on PN #634 dated February 5, 1973.

20795-C2-P-74, Peter A. Bakal. Amend call sign to read KED364 and base frequency to read 152.24 MHz. All other particulars to remain as reported on PN #663, dated January 14, 1974.

## Correction

20852-C2-P-(3)-74, Albert F. DiCroce d/b as Peabody Telephone Answering Service (KOC788): Correct PN #685 dated January 28, 1974, to read: C.P. for additional facilities to operate on 152.21 MHz at Loc. #1: Newbury Street, Route 1, Peabody, Massachusetts; add antenna loc. #2: On top of Bellevue Hill, West Roxbury, Massachusetts; and add antenna loc. #3: Silver Hill, Haverhill, Massachusetts, both to operate on 152.06 MHz.

## RURAL RADIO SERVICE

60201-C6-P-74, Pacific Northwest Bell Telephone Company (New): C.P. for a new rural subscriber station to operate on 157.92 MHz to be located 14 miles East of Fall Creek, Oregon.

## POINT-TO-POINT MICROWAVE RADIO SERVICE

3003-C1-P-74, 3 Rivers Telephone Cooperative, Inc. (KPZ778), 2.6 Miles SW of Fairfield, Montana. Lat. 47°35'04" N., Long. 112°00'07" W. C.P. to add freqs. 11685V and 11445H MHz toward a new point of communication at Augusta, Mont., via Passive Reflector.

3004-C1-P-74, Same (New), Lot 1, Bik. 14, Augusta, Montana. Lat. 47°29'38" N., Long. 112°23'35" W. C.P. for a new station on freqs. 10755V and 10995H MHz toward Fairfield, Mont., via Passive Reflector.

3005-C1-P-74, The New England Telephone and Telegraph Company (KCL57), 234 Washington Street, Providence, Rhode Island. Lat. 41°49'16" N., Long. 71°25'02" W. C.P. to add freq. 2162.0H MHz toward a new point of communication at Kingstown, R.I., on azimuth 185°33'.

3006-C1-P-74, Same (New), Old Town Road, New Shoreham, Rhode Island. Lat. 41°10'21" N., Long. 71°33'52" W. C.P. for a new station on freq. 2165.2H MHz toward S. Kingstown, R.I., on azimuth 13°43'.

3007-C1-P-74, Same (New), Tower Hill Road, South Kingstown, Rhode Island. Lat. 41°29'48" N., Long. 71°27'33" W. C.P. for a new station on freq. 2112.0H MHz toward Providence, R.I., on azimuth 5°31'; freq. 2115.2H MHz toward N. Shoreham, R.I., on azimuth 189°47'.

3008-C1-P/L-74, The Ohio Bell Telephone Company (New), Temporary Fixed Locations within the territory of the grantee. C.P. and License for a new station on freqs. 3700-4200, 5625-6425, and 10700-11700 MHz.

3051-C1-P-74, Michigan Bell Telephone Company (KQM41), 309 S. Washington Street, Saginaw, Michigan. Lat. 43°25'51" N., Long. 83°56'24" W. C.P. to add freq. 4130V MHz toward Pine Run, Mich., on azimuth 143°37'.

3052-C1-P-74, Same (KQG59), 502 Beach Street, Flint, Michigan. Lat. 43°00'53" N., Long. 83°41'33" W. C.P. to add freq. 4130H MHz toward Pine Run, Mich., on azimuth 03°10'.

3053-C1-P-74, Same (KQF43), 1.5 Miles East of Pine Run, Michigan. Lat. 43°10'20" N., Long. 83°40'48" W. C.P. to add freq. 4170H MHz toward Flint, Mich., on azimuth 183°20'; freq. 4170V MHz toward Saginaw, Mich., on azimuth 323°48'.

3054-C1-MP-74, Southern Pacific Communications Company (WQO37), Mod. of C.P. to change station location to 45 12th Avenue, San Diego, California. Lat. 32°42'16" N., Long. 117°09'13" W.; change frequency and point of communication to 6226.9H MHz toward Otay Mountain, Calif., respectively.

3055-C1-P-74, Southern Pacific Communications Company (New): Otay Mountain, 5 Miles SW of Dulzura, California. Lat. 32°35'42" N., Long. 116°50'39" W. C.P. for a new station on freqs. 5974.8H MHz toward San Diego, Calif., and 6034.2V MHz toward Monument Peak, Calif.

3056-C1-MP-74, Same (WQO36): Monument Peak, 16 Miles SE of Julian, California. Lat. 32°53'31" N., Long. 116°25'11" W. Mod. of C.P. to change polarization of freq. 6286.2 MHz and point of communication to vertical and Otay Mountain, Calif., respectively.

3057-C1-P-74, Eastern Microwave, Inc. (New): 15 Columbus Circle, New York, New York. Lat. 40°46'09" N., Long. 73°58'55" W. C.P. for a new station on freq. 11,626H MHz toward West Milford, N.J., on azimuth 810°44'.

3058-C1-MP-74, American Television Relay, Inc. (KKT84): Sandia Crest, 8.1 Miles SE of Bernalillo, New Mexico. Lat. 35°12'44" N., Long. 106°26'59" W. Mod. of C.P. to change point of communication at Albuquerque to Lat. 35°06'36" N., Long. 106°33'18" W.; the radio path bearing toward Albuquerque, N. Mex. is now 220°15'.

3059-C1-P-74, West Texas Microwave Company (KKT90): 1.1 Miles NNW of Levelland, Texas. Lat. 33°36'08" N., Long. 102°23'01" W. C.P. to add point of communication on freqs. 11,265V and 11,505V MHz (via power split) toward Littlefield, Tex., on azimuth 9°17'. (Informative: Applicant is reinstating expired Construction Permit, File No. 6554-C1-P-68.)

## Major amendments

2607-C1-MP-74, N-Triple-C Inc. (W0H87): 23rd and Stark Avenue, Kansas City, Missouri. Change frequency toward 1102 Grand Avenue, Kansas City, Mo. to 11,345V MHz.

2608-C1-MP-74, Same (New): 1102 Grand Avenue, Kansas City, Missouri. Change frequency toward 23rd and Stark Avenue, Kansas City, Missouri to 10,775V MHz. (All other particulars same as reported on Public Notice dated 1-14-74.)

## Correction: Major amendments

2188-C1-MP-74, Mountain Microwave Corp. (WQR88): 1102 "T" Street, Omaha, Nebraska. Correct to Read: Mod. of C.P. to change polarization from H to V on freq. 11,075 MHz toward KETV. (All other particulars same as reported on Public Notice #685, dated 1-28-74.)

Correction: Applications accepted for filing 2768-C1-P-74, General Telephone Company of Kentucky (KYC57): High Knob, Kentucky. Correct to Read: C.P. to add freq. 6375.2V MHz toward Ashland (Polard Hill), Ky. on azimuth 66°27'. (All other particulars same as reported on Public Notice #685, dated 1-28-74.)

## NOTICE

The Commission has approximately 1,000 point to point microwave applications (most of them proposing specialized common carrier services) which have not been amended to comply with rules adopted on June 3, 1971 in the First Report and Order in Docket 18920 (29 FCC 2d 870) and/or the requirement for submission of a statement concerning site availability pursuant to Rule § 21.15(c)(5). (See Public Notices dated May 30, 1972; September 25, 1972 and January 29, 1973.) In recognition of the effort required in meeting these requirements, the Commission has been liberal in granting extensions of time to amend applications. However, it now appears that more than enough time has been allowed to permit the acquisition and filing of the necessary data. Therefore, any application pending as of December 31, 1972, which is not amended by April 30, 1974, to comply with the rules adopted in Docket 18920, the requirements of § 21.15(c)(5), or otherwise as requested by the Commission's staff, will be dismissed for applicant's failure to prosecute pursuant to § 21.28(c). Further extensions of time in these matters should not be anticipated.

[FR Doc. 74-3827 Filed 2-15-74; 8:45 am]

GUAM BROADCASTING CO.  
Standard Broadcast Application  
Availability

The application (File No. BP-19323) of Guam Broadcasting Company, Inc., for a construction permit for a new standard broadcast station at Agaña, Guam, on 540 kHz, 10 kW, U, has been amended to specify the same power and hours of operation on the 720 kHz channel. Since this change in proposed frequency constitutes a major amendment as defined in § 1.571(a) of the rules, § 1.571(j)(1) requires that a new file number be assigned. Thus, the applicant's previously assigned "cut-off" date of December 13, 1973 (Public Notice released November 1, 1973, No. 09204), is no longer applicable and a new "cut-off" date is required. Accordingly, notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on March 26, 1974, the aforementioned application will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the rules, an application, in order to be afforded comparative consideration with that application must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on March 25, 1974.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309 (d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.



The new file number assigned to this application is BP-19602.

Adopted: February 8, 1974.

Released: February 11, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.  
[FR Doc.74-3826 Filed 2-15-74; 8:45 am]

[Docket No. 19902; FCC 74-135]  
**DAYTIME AM BROADCAST STATIONS**  
Sign-on Times; Order Modifying Interim  
Regulations

In the matter of amendment of Part 73 of the Commission's rules to provide a one-hour advancement in the sign-on times of daytime AM broadcast stations to recoup the morning hour lost by the enactment of year-around-Daylight Saving Time.

1. On December 18, 1973, we adopted an Order (FCC 73-1324) defining the pre-sunrise operating privileges of daytime-only AM broadcast stations pending resolution of matters at issue in this proceeding. In general terms, the relief provided in that Order allows daytime stations with no foreign protection problems to "back up" their licensed sign-on times by one hour, using the facilities described in their pre-sunrise service authorizations (PSA's). Stations ineligible for a PSA were, by the blanket provisions of paragraph 7(f) of that Order, allowed to commence operation one hour prior to local sunrise with a power of 50 watts, if in so doing, no violation of existing international agreements would occur.

2. In the notice of inquiry and proposed rule making (FCC 73-1323) (39 FR 1075, Jan. 4, 1974) issued in this proceeding, comments were requested on various related matters, including the status of PSA-holders with specified pre-sunrise powers of less than 50 watts, as well as an undetermined number of technically eligible licensees who have never applied for PSA's—presumably because of the severity of time and/or power restrictions under existing PSA rules. Paragraph 10(b), Notice.

3. After the adoption of the December 18 order, a number of daytimers—including those holding low-power PSA's as well as those eligible therefor—have requested special relief from pre-sunrise power restrictions which, it must be conceded, are unrealistically low in terms of effective community service; e.g., WJKM, Hartsville, Tennessee (3.1 watts); WNWI, Valparaiso, Indiana (10 watts); WAHT, Annville-Cleona, Pennsylvania (0.85 watts); KYMN, Northfield, Minnesota (4.2 watts); KOLM, Rochester, Minnesota (1.15 watts); WQTR, Natick, Massachusetts (1.6 watts); and WAVS, Fort Lauderdale, Florida (2.5 watts). Under existing PSA rules, these restrictions are designed to protect U.S. co-channel dominant stations to the west of the daytime station. Some of these li-

censees are attempting to compete in the same market with other daytime stations currently ineligible for a PSA but nonetheless permitted to operate one hour prior to local sunrise with a power of 50 watts pursuant to paragraph 7(f) of the December 18 Order. Since all stations involved in this comparison operate on U.S. clear channels, the argument is made that to hold "eligible" stations to existing PSA power restrictions, while at the same time providing a flat 50-watt pre-sunrise operating power for stations presently ineligible for a PSA, is basically inequitable and should be corrected.

4. Despite the additional nighttime skywave interference which will be inflicted on the U.S. clear channel services by the grant of the relief requested, we have concluded that considerations of basic fairness require that, pending outcome of rule making, all daytime stations assigned to U.S. I-A and I-B clear channels (except those on U.S.-shared I-B clear channels, where such power would not provide foreign protection) be placed on the same 50-watt footing with respect to pre-sunrise operating power. In reaching this conclusion, we stress that we are in no way prejudging the outcome of rule making or of the specific issues raised in paragraph 10(b) of the Notice.

5. Authority for the adoption of this Order is contained in section 6 of PL 93-182 and section 4(i) of the Communications Act of 1934, as amended. Because of the urgent need for the interim adjustments herein ordered and because we interpret PL 93-182 as permitting these adjustments to be made without regard to hearing rights which might otherwise be asserted by affected fulltime stations under section 316 of the Communications Act, we find that compliance with the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 533) is not required.

6. Accordingly, it is ordered, That effective February 20, 1974, and pending further action of the Commission, the Order (FCC 73-1324) (39 FR 1077, Jan. 4, 1974) adopted December 18, 1973, is modified in the following particulars:

(a) Amend paragraph 7(d) to read as follows:

(d) Class II (secondary) daytimers assigned to U.S. I-A and I-B clear channels and presently holding PSA's may achieve the one-hour advancement by adhering, throughout the year, to the sign-on times specified in outstanding Commission letters with the pre-sunrise facilities described in their PSA's: *Provided*, That if the authorized pre-sunrise power is less than 50 watts, the operating power may be increased to 50 watts during the hour immediately preceding local sunrise if no co-channel skywave interference to foreign stations would result (see paragraph 1, Appendix); and: *Provided further*, That on or before April 15, 1974, stations availing themselves of the 50-watt option shall give written notice to the Commission setting forth the date such operation commenced, describing the method whereby the power reduction from the licensed value has been

achieved (if different from that presently employed for PSA operation), and including calculations to establish that the 50-watt pre-sunrise operation causes no objectionable interference to any foreign station. The PSA mode(s) of operation shall be continued until the standard (non-advanced) sign-on times specified in their station licenses, at which times they shall shift to the daytime facilities authorized therein.

(b) Add a new paragraph 7(g) to read as follows:

(g) Class II (secondary) daytimers assigned to U.S. I-A and I-B clear channels and currently eligible for a PSA but who have not applied therefor because the allowable pre-sunrise power would be less than 50 watts may, on the effective date of this Order, commence operation one hour prior to local sunrise with a power of 50 watts into the daytime or critical hours antenna system, as appropriate, if no co-channel skywave interference to foreign stations would result (see paragraph 2, Appendix), and may continue such mode of operation until the standard (non-advanced) sign-on times specified in their station licenses: *Provided*, That on or before April 15, 1974, stations availing themselves of this privilege shall give written notice to the Commission setting forth the date such operation commenced, describing the method whereby the power reduction has been achieved, and including calculations to establish that the 50-watt pre-sunrise operation causes no objectionable interference to any foreign station; and: *Provided further*, That in no event shall operation under this paragraph commence earlier than 6 a.m. local time or local sunrise at the controlling foreign I-B clear channel station (if any) to the east, whichever is later—see paragraph 3, Appendix.

(c) Amend paragraph 8 to read as follows:

8. It is further ordered, That any licensee or permittee eligible for a PSA specifying a pre-sunrise power of more than 50 watts must apply for and obtain such PSA before the privileges conferred by this Order shall become operative.

7. It is further ordered, That the requests for special relief described in paragraph 3 of this Order are granted to the extent indicated, and in all other respects are denied.

Adopted: February 6, 1974.

Released: February 11, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

#### APPENDIX

1. The following daytime stations hold PSA's but are precluded from increasing PSA powers because of foreign interference conflicts:  
KANN—Ogden, Utah.  
KBL—Liberty, Mo.  
KCLT—Lockhart, Tex.  
KODM—Comanche, Tex.  
KGRI—Henderson, Tex.  
KHYM—Gilmer, Tex.

KILR—Estherville, Iowa.  
KKIM—Albuquerque, N. Mex.  
KLPB—Oklahoma City, Okla.  
KORC—Mineral Wells, Tex.  
KSTA—Coleman, Tex.  
WKBA—Vinton, Va.  
WKYE—Bristol, Tenn.  
WLUX—Baton Rouge, La.  
WSER—Elkton, Md.  
WTTN—Tryon, N.C.  
WXVA—Charleston, W. Va.  
WYNA—Raleigh, N.C.  
WYNX—Smyrna, Ga.

2. The following daytime stations are eligible for PSA's under § 73.99 of the rules but are precluded from 50-watt PSA operation because of foreign interference conflicts:  
KGGH—Houston, Tex.  
(new)—McComb, Miss.  
WMAG—Forest, Miss.  
WXTN—Lexington, Miss.

3. The following daytime stations are eligible for PSA's under § 73.99 of the rules but with sign-on times later than 6 a.m. local time because of their geographic relationship to foreign I-B clear channel stations:  
KMLO—Vista, Calif.  
KNBA—Vallejo, Calif.  
KNCR—Fortuna, Calif.  
WKDR—Plattsburgh, N.Y.

[FR Doc.74-3825 Filed 2-15-74; 8:45 am]

#### FEDERAL ENERGY OFFICE ADVISORY COMMITTEES Notice of Establishment

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). Following consultation with the Office of Management and Budget, notice is hereby given that it is in the public interest to establish the following advisory committees. A description of the nature and purpose of these committees is contained in their charters which are published below.

Dated: February 13, 1974.

WILLIAM E. SIMON,  
Administrator.

#### TRANSPORTATION ADVISORY COMMITTEE CHARTER

1. *Objectives and scope of activities.* The objectives of the Transportation Advisory Committee are to advise the Administrator, Federal Energy Office (FEO) with respect to general transportation aspects of interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

2. *Committee tenure.* In view of the goals and purposes of the Committee, it will be expected to continue beyond the foreseeable future. However, its continuation will be subject to biennial review and renewed as required by section 14 of Pub. L. 92-463.

3. *Official to whom committee reports.* The Committee will report to the Administrator, Federal Energy Office.

4. *Support services.* Necessary support for the Committee will be furnished by the Federal Energy Office.

5. *Committee duties.* The duties of the Committee are solely advisory and are stated in paragraph 1 above.

6. *Estimated annual cost.* The estimated annual operating costs for the Committee are \$20,000 and involve approximately one-half man-years of staff support.

7. *Meetings.* The Committee will meet approximately four times a year.

8. *Termination date.* The Committee will terminate two years from date of this Charter, unless prior to that date renewal action is taken by the Administrator, FEO, as described in paragraph 2 above.

9. *Determination.* Establishment of this Committee is determined to be in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order No. 11748, dated December 4, 1973, which delegated to the Administrator, FEO, authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159); section 203(a)(3) of the Economic Stabilization Act of 1970 (Pub. L. 91-379) as amended; and specified authorities under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), as amended.

#### CONSTRUCTION ADVISORY COMMITTEE

##### CHARTER

1. *Objectives and scope of activities.* The objectives of the Construction Advisory Committee are to advise the Administrator, Federal Energy Office (FEO) with respect to general construction aspects of interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

2. *Committee tenure.* In view of the goals and purposes of the Committee, it will be expected to continue beyond the foreseeable future. However, its continuation will be subject to biennial review and renewed as required by section 14 of Pub. L. 92-463.

3. *Official to whom committee reports.* The Committee will report to the Administrator, Federal Energy Office.

4. *Support services.* Necessary support for the Committee will be furnished by the Federal Energy Office.

5. *Committee duties.* The duties of the Committee are solely advisory and are stated in paragraph 1 above.

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9. *Determination.* Establishment of this Committee is determined to be in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order No. 11748, dated December 4, 1973, which delegated to the Administrator, FEO, authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159); section 203(a)(3) of the Economic Stabilization Act of 1970 (Pub. L. 91-379) as amended; and specified authorities under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), as amended.

#### PROFESSIONAL/SERVICE ORGANIZATIONS ADVISORY COMMITTEE

##### CHARTER

1. *Objectives and scope of activities.* The objectives of the Professional/Service Organizations Advisory Committee are to advise the Administrator, Federal Energy Office (FEO) with respect to professional/service organization aspects of interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

2. *Committee tenure.* In view of the goals and purposes of the Committee, it will be expected to continue beyond the foreseeable future. However, its continuation will be

subject to biennial review and renewed as required by section 14 of Pub. L. 92-463.

3. *Official to whom committee reports.* The Committee will report to the Administrator, Federal Energy Office.

4. *Support services.* Necessary support for the Committee will be furnished by the Federal Energy Office.

5. *Committee duties.* The duties of the Committee are solely advisory and are stated in paragraph 1 above.

6. *Estimated annual cost.* The estimated annual operating costs for the Committee are \$20,000 and involve approximately one-half man-years of staff support.

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9. *Determination.* Establishment of this Committee is determined to be in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order No. 11748, dated December 4, 1973, which delegated to the Administrator, FEO, authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159); section 203(a)(3) of the Economic Stabilization Act of 1970 (Pub. L. 91-379) as amended; and specified authorities under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), as amended.

[FR Doc.74-3964 Filed 2-14-74; 2:29 p.m.]

#### EMERGENCY ADVISORY COMMITTEE FOR NATURAL GAS—SUBCOMMITTEE ON LP-GAS SUPPLY AND DEMAND

##### Notice of Meeting

The first meeting of the Government Policies Task Group of the Subcommittee on LP-Gas Supply and Demand of the Emergency Advisory Committee for Natural Gas shall be held on Wednesday, February 20, 1974, at 10 a.m. in Room 4426, U.S. Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C.

The meeting of the Government Policies Task Group will be limited to a discussion to a general purpose and objectives of the group and discussion involving the following areas:

- Mandatory Petroleum Allocation Program on propane and butane.
- Pricing regulations on propane and butane.
- Mandatory Allocation Program of other petroleum products and its impact on LP-Gas supply and demand.
- Other factors affecting the supply and demand of LP-Gas.

This meeting is open to the public. limited to available space, i.e., any interested person may attend, appear before or file statements with Committee.

Dated: February 13, 1974.

L. A. D'ANDREA,  
Executive Secretary—EACNG.

[FR Doc.74-3963 Filed 2-14-74; 2:29 pm]

#### STATE LEGISLATURE ADVISORY COMMITTEE

##### Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the



State Legislature Advisory Committee will be held Friday, February 22, 1974, at 10 a.m., in Room 4121, Treasury Building, 15th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to advise the Administrator, FEO, with respect to interests and problems of the states related to the policy and implementation of programs to meet the current national energy crisis. The agenda for the meeting is as follows:

I. Discussion of the current status of Federal energy programs and proposals, Fiscal Year 1975 budget requests, price rollback possibilities, lifting of the oil embargo and rationing proposals.

II. Petroleum Allocation Programs in the States. A discussion of the effectiveness of State Energy Offices and the regulations for allocating scarce petroleum resources.

III. Intergovernmental Cooperation. A discussion of FEO's intergovernmental programs, including the activities of regional offices, training programs, technical assistance programs, and grant activities to States and local governments.

The meeting is open to the public; however, space and facilities are limited.

Further information concerning the meeting may be obtained from Paul Sweet National Legislative Conference, 1150 17th Street, NW, Suite 602, Washington, D.C. 20036, telephone: (202) 785-5610. Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Dated: February 14, 1974.

WILLIAM E. SIMON,  
Administrator.

[FR Doc.74-3965 Filed 2-14-74; 2:29 pm]

#### FEDERAL HOME LOAN BANK BOARD

[H.C. 170]

#### AMERICAN FINANCIAL CORP. AND UNITED DAIRY FARMERS INVESTMENT CO.

Notice of Receipt of Application for Approval of Acquisition of Control of Excellent Loan and Building Association Co.

FEBRUARY 13, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the American Financial Corporation and the United Dairy Farmers Investment Company, Cincinnati, Ohio, savings and loan and bank holding companies, for approval of their acquisition of control of the Excellent Loan and Building Association Company, Cincinnati, Ohio, an uninsured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a (e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of cash for the stock of the Excellent Loan and Building Association Company. Following the acquisition it has proposed that said association be merged into the Hunter Savings Association, an insured subsidiary of the appli-

cants. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before March 21, 1974.

[SEAL] EUGENE M. HERRIN,  
Assistant Secretary,  
Federal Home Loan Bank Board.  
[FR Doc.74-3897 Filed 2-15-74; 8:45 am]

#### FEDERAL POWER COMMISSION

[Docket No. RP74-66]

#### ARKANSAS LOUISIANA GAS CO.

##### Notice of Change in Rates

FEBRUARY 12, 1974.

Take notice that Arkansas Louisiana Gas Company (Arkansas) on January 31, 1974, tendered for filing FPC Gas Rate Schedules XFS-1, First Revised Sheet No. 2 in its Original Tariff Volume No. 3; XFS-3, First Revised Sheet No. 37 in its Original Tariff Volume No. 3; and XFS-18, Original Sheet No. 100 in its Original Tariff Volume No. 3. Arkansas requests that the filing be permitted to become effective as of January 1, 1974.

Arkansas states that the increased tariff reflects solely the appropriate reimbursement of the increase in the Louisiana severance tax, pursuant to Commission Order No. 500, issued December 28, 1973, in Docket No. RM74-9.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3880 Filed 2-15-74; 8:45 am]

[Docket No. CI74-94]

#### BLAKE HAMMAN

##### Notice of Extension of Time and Postponement of Hearing

FEBRUARY 12, 1974.

On February 5, 1974, Blake Hamman filed a motion for an extension of the procedural dates fixed by order issued January 22, 1974, in the above-designated matter. The motion states that the interveners have no objection to the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Applicant's Testimony, April 15, 1974.  
Hearing, April 25, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3882 Filed 2-15-74; 8:45 am]

[Docket No. CI74-385]

#### BRUNSON & MCKNIGHT, INC.

##### Notice of Application

FEBRUARY 11, 1974.

Take notice that on January 31, 1974, Brunson & McKnight, Inc. (applicant), P.O. Box 297, Hobbs, New Mexico 88240, filed in Docket No. CI74-385 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company from the Hat Mesa (Morrow) Field, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to sell natural gas to Transwestern from the subject acreage within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the 180-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 90,000 Mcf of gas per month at 55.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, with upward Btu adjustment limited to 1,100 Btu per cubic foot.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required

herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3881 Filed 2-15-74; 8:45 am]

[Docket No. RP74-68]

#### COLORADO INTERSTATE GAS CO.

##### Notice of Proposed Change in Rates

FEBRUARY 12, 1974.

Take notice that Colorado Interstate Gas Company (CIG), on January 30, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. CIG proposes to increase its jurisdictional rates by \$10,065,261 to reflect the increased cost of gas which results from the transfer of CIG's former producing properties to CIG Exploration, Inc. (Exploration), and the pricing of the gas produced therefrom at the applicable area rate rather than on a cost-of-service basis.

CIG states that the Commission approved the transfer of properties and pricing the gas at area rates rather than on a cost-of-service basis by order issued January 7, 1974, in Docket Nos. CP73-184, et al. According to CIG, the increased rates will fund a 5-year exploration and development program for the acquisition of additional supplies of gas for CIG's existing customers.

The company states that CIG and Exploration plan to transfer the producing properties on March 1, 1974. Therefore, the proposed effective date of the revised tariff sheets is March 1, 1974.

CIG states that these rates were originally proposed in Docket No. RP73-93, but were withdrawn when certificate authorization was not received before October 1, 1973. CIG therefore incorporates by reference the pertinent cost support in its filing in Docket No. RP73-93.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3883 Filed 2-15-74; 8:45 am]

[Project No. 2232]

#### DUKE POWER COMPANY, INC.

##### Notice of Application for Approval of Joint Use of Project Lands and Waters

FEBRUARY 12, 1974.

Public notice is hereby given that application for approval of joint use of project lands and waters was filed January 24, 1974, under the Federal Power Act (16 U.S.C. 791a-825r) by Duke Power Company (Duke) (Correspondence to: Mr. George W. Ferguson, Jr., Associate General Counsel, Duke Power Company, Legal Department, P.O. Box 2178, Charlotte, North Carolina 28201) for Project No. 2232, located on the Catawba River, in Alexander, Burke, Caldwell, Catawba, Gaston, Iredell, Lincoln, McDowell, and Mecklenburg Counties, North Carolina and the Catawba and Wateree Rivers, in Chester, Fairfield, Kershaw, Lancaster, and York Counties, South Carolina. The project lands and waters affected are located on the Wateree River in Kershaw County, South Carolina. The project affects navigable waters of the United States.

According to the application, Duke on January 15, 1974, entered into an Indenture and Agreement with Lugoff Water District of Kershaw County (Lugoff) to grant an easement and right-of-way to Lugoff for construction, operation and maintenance of a water supply pumping station and intake pipes at the Wateree Development of Project No. 2232. By this filing Duke requests the Commission's approval of said agreement.

The Indenture and Agreement granted a 20 foot wide right-of-way 864.5 feet in length, of which approximately 505 feet would be within project boundaries. A 10 inch underground pipe would extend 340 feet to the shoreline on the west side of the Wateree Hydroelectric Station, then 157 feet along a four foot wide walkway on the reservoir surface to an 8 by 12 foot platform with two pumps thereon.

Construction would begin between January and March and be completed by May 1974. Lugoff would have the initial use of 1.5 million gallons per day from Lake Wateree; this quantity would increase to about 3 million gallons per day by the year 1995.

Any person desiring to be heard or to make protest with reference to said application should on or before March 22, 1974, file with the Federal Power Commission, Washington D.C. 20426, petitions to intervene or protests in accordance with the requirement of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file

with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3884 Filed 2-15-74; 8:45 am]

[Docket No. E-8615]

#### LOUISIANA POWER & LIGHT CO.

##### Notice of Filing of Tariff Change

FEBRUARY 12, 1974.

Take notice that on February 4, 1974, Louisiana Power & Light Company (Company) tendered for filing proposed changes in its FPC Electric Service Tariff, Rate Schedules to Rural Cooperatives, FPC Rate Schedule Nos. 34, 35, 37 and 42. Company states that the proposed tariff changes would increase revenues from jurisdictional sales and service by \$3,911,156 based on the 12-month period ending April 1, 1974.

Company alleges that at present it is earning a rate of return of only 2.01 percent on wholesale service to rural cooperatives (based on book figures for the 12 months ending June 30, 1973) and that it estimates that this rate of return will decrease to 0.93 percent without rate relief. According to Company, the proposed changes modify the fuel adjustment clause to permit the Company to recover its increased cost of fuel and also revise other charges to reflect accurately the costs of service.

Company further states that the proposed rate schedules will supersede Rate Schedules REA-7 and REA-8 and requests that these new schedules be allowed to become effective April 5, 1974. Company alleges that copies of this filing were served upon all customers served under the above FPC rate schedules.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3885 Filed 2-15-74; 8:45 am]

[Docket No. CP73-29]

#### NORTHERN NATURAL GAS CO.

##### Notice of Petition To Amend

FEBRUARY 11, 1974.

Take notice that on January 31, 1974, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP



73-29 a petition to amend the order of the Commission issued in said docket on December 13, 1972, as amended October 9, 1973, by authorizing a one-year extension of a leased storage arrangement between Petitioner and Michigan Wisconsin Pipeline Company (Mich Wisc) and a similar extension of a natural gas exchange arrangement between Petitioner and Great Lakes Transmission Company (Great Lakes), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued December 13, 1972, Petitioner was authorized, among other things, to enter into a one-year leased storage arrangement with Mich Wisc and a one-year natural gas exchange arrangement with Great Lakes. Under the former arrangement Petitioner delivered during off-peak periods in April through October 1972 a total of 2.8 million Mcf of natural gas to Mich Wisc for storage and subsequent redelivery by Mich Wisc to Petitioner during the period of November 1972 through February 1973. Under the exchange arrangement between Petitioner and Great Lakes, dated July 15, 1972, Great Lakes delivers not less than 25,000 Mcf of gas per day to Petitioner at Carlton and Grand Rapids, Minnesota, in exchange for delivery by Petitioner of equivalent volumes of gas to Great Lakes at Wakefield, Michigan, or to Mich Wisc for the account of Great Lakes at Janesville, Wisconsin.

Petitioner states that as a result of the additional delivery capability and operational flexibility afforded Northern by these two arrangements Petitioner was able to provide an additional 44,807 Mcf per day of winter period service to its utility customers for the 1972-73 heating season. The petition states that during the 1973-74 heating season these arrangements were used to provide approximately 65,000 of the 105,000 Mcf per day of peaking service demand to its utility customers.<sup>1</sup>

Petitioner requests authorization to continue for an additional one-year period both the exchange arrangement and the leased storage service. The petition states that continuation of the leased storage arrangements for one year, will have the effect of conserving 2.8 million Mcf of gas produced during off-peak periods for wintertime high priority use by Petitioner's customers. Petitioner states further that this extension of leased storage when combined with a one-year extension of the exchange arrangement with Great Lakes which provides operational flexibility to Petitioner's system

<sup>1</sup> An amendatory order was issued in the instant docket on October 9, 1973, authorizing, among other things, a one-year extension of the subject exchange and leased storage arrangements. By Commission order in Docket No. CP74-1, also issued on October 9, 1973, Petitioner was authorized, among other things, to increase its peak daily reliance on these two arrangements thereby increasing the temporary winter period service available for sale to its utility customers from 45,000 Mcf to 65,000 Mcf of gas per day.

will assist Petitioner in meeting its existing requirements for the 1974-75 heating season.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3886 Filed 2-15-74;8:45 am]

[Docket No. E-8613]

#### PACIFIC POWER & LIGHT CO.

##### Notice of Application

FEBRUARY 11, 1974.

Take notice that on January 31, 1974, Pacific Power & Light Company (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of 2,500,000 shares of its authorized but unissued Common Stock of the par value of \$3.25 per share.

Proceeds from the issuance and sale of the Common Stock will be used to retire short-term notes and to finance, in part, Applicant's 1974 construction program, presently estimated at \$259,-589,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before March 6, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3887 Filed 2-15-74;8:45 am]

[Docket No. CP73-318]

#### SOUTHERN NATURAL GAS CO.

##### Notice of Petition for Modification

FEBRUARY 12, 1974.

Take notice that on February 4, 1974, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP73-318 a petition for modification of the Commission's order issued October 24, 1973, in said docket pursuant to section 7(c) of the Natural Gas Act so as to waive the provisions of § 157.7(b)(4) of the regulations under the Natural Gas Act (18 CFR 157.7(b)(4)), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The order of October 24, 1973, granted Southern gas-purchase budget authorization pursuant to § 157.7(b) of the Commission's regulations. The order stated that gas-purchase facilities mean those facilities, subject to the Commission's jurisdiction, necessary to connect Applicant's system with the facilities of the authorized seller of gas and that the authorization granted is limited to facilities to connect Southern's system only. On November 19, 1973, Southern filed a petition to clarify the order of October 24, 1973, to make clear that Southern may construct gas-purchase facilities under the subject budget-type authorization in cases where these facilities are constructed by Southern to connect production purchased by Southern to the system of Sea Robin Pipeline Company (Sea Robin), with Sea Robin then transporting all the gas purchased by Southern to Southern's pipeline system. On January 3, 1974, the Commission issued an order in the instant docket stating that the existing Regulations do not permit such an arrangement.

Southern states that Sea Robin is an unincorporated joint venture in which Southern owns a 50 percent interest through a wholly-owned subsidiary, Southern Deepwater Pipeline Company (Southern Deepwater), and that the Sea Robin joint venture was established under an agreement between Southern Deepwater and a wholly-owned subsidiary of United Gas Pipe Line Company (United) for the purpose of purchasing natural gas supplies in certain areas located offshore Louisiana and constructing and operating a pipeline to deliver the natural gas from that area to Southern and United. The petition indicates that, presently, in addition to selling gas to Southern and United, Sea Robin transports gas for Southern under transportation arrangements and that Sea Robin is obligated to do so under the terms of the Sea Robin joint venture.

Because of this close affiliation with Sea Robin and the operation of its system, Southern requests that the Commission amend the certificate issued in the instant docket and waive § 157.7(b)(4) of the regulations as being an unreasonably burdensome requirement on Southern's ability to act with dispatch under its budget-type authorization. Southern states that Sea Robin is in

close proximity to the major source of new gas supplies becoming available to Southern and that utilization of the Sea Robin system for transportation purposes of gas purchased by Southern is vital in Southern's gas supply program. Further, Southern states that the delay inherent in requiring the filing for separate certificate authority for each and every minor gas purchase facility which Southern proposes to construct and attach to Sea Robin's system could possibly impair Southern's ability to attach rapidly and efficiently new gas supplies to its system.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3888 Filed 2-15-74;8:45 am]

[Docket No. RP74-37-9]

#### UNITED GAS PIPE LINE CO.

##### Notice of Petition for Extraordinary Relief

FEBRUARY 11, 1974.

Take notice that on January 21, 1974, Norco Gas & Fuel Company, Inc. (Norco), a city gate customer of United Gas Pipe Line Company (United), filed a petition for extraordinary relief seeking to use 1971 as the year upon which base requirements should be set for its one industrial customer, Bunge Corporation's (Bunge) Destrehan, Louisiana plant. This Bunge plant processes soybean oil and meal for exportation to several countries and is the only one of 28 major grain elevators owned by Bunge that is able to so process soybeans. It, thus, is a vital link in the entire Bunge soybean operation.

Norco states that the Bunge Destrehan plant's base requirement of 500 Mcf/d is based on the year 1972 when that plant was shutdown for 8 months due to a major explosion. The plant is designed to operate on 1,500 Mcf/d with a minimum standard for continued operation set at 1,000 Mcf/d. The plant has alternate capability to burn fuel oil on an emergency basis, but has been unable to obtain such fuel.

Norco further states that it has requested United to use 1971 as the base year in that it is more representative of Bunge's operations. The request was denied.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should on or before February 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-3889 Filed 2-15-74;8:45 am]

#### FEDERAL RESERVE SYSTEM

##### APLINGTON INSURANCE, INC.

##### Acquisition of Bank

Aplington Insurance, Inc., Aplington, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 4 percent of the voting shares of State Savings Bank, Aplington, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Aplington Insurance, Inc., is also engaged in the nonbank activity of being a general insurance agency. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 11, 1974.

Board of Governors of the Federal Reserve System, February 11, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.

[FR Doc.74-3831 Filed 2-15-74;8:45 am]

#### LANDMARK BANKING CORPORATION OF FLORIDA

##### Order Approving Acquisition of Bank

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more

of the voting shares of First National Bank of Sunrise, Sunrise, Florida ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls thirteen banks with aggregate deposits of \$616 million, representing approximately 3 per cent of the total deposits in commercial banks in Florida and is the eighth largest bank holding company in the State.<sup>1</sup>

Bank will be located in the North Broward County banking market<sup>2</sup> in which 22 banking organizations control a total of 43 banks. Applicant ranks as the largest banking organization in the market, controlling five subsidiary banks with aggregate deposits of \$318.6 million representing approximately 23 per cent of market commercial bank deposits (as of December 31, 1972). Since the proposed acquisition involves the establishment of a de novo bank, no existing or potential competition between any of Applicant's existing subsidiary banks and Bank would be eliminated nor would concentration of banking resources be increased in the relevant market. The Board concludes that consummation of the proposed acquisition will not have an adverse effect on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory and consistent with approval of the application. Bank as a proposed new bank, has no financial or operating history but its prospects under Applicant's management appear favorable. Therefore, banking factors are consistent with approval of the application. Although there is no evidence that the banking needs of the communities to be served are not being adequately met, Bank would serve as an additional competitive source of banking services. Accordingly, considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) First

<sup>1</sup> Unless otherwise noted, banking data are as of June 30, 1973 adjusted to reflect bank holding company formations and acquisitions approved by the Board through November 5, 1973.

<sup>2</sup> The North Broward banking market is approximated by that portion of Broward County north of Fort Lauderdale, to and including Deerfield Beach, Florida.



National Bank of Sunrise, Sunrise, Florida, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,\* effective February 11, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc. 74-3832 Filed 2-15-74; 8:45 am]

#### NORTHWEST OHIO BANCSHARES, INC.

##### Order Approving Acquisition of Bank

Northwest Ohio Bancshares, Inc., Toledo, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares (less directors' qualifying shares) of The Cygnet Savings Bank Company, Cygnet, Ohio ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourteenth largest banking organization in Ohio, controls one banking subsidiary, located in Toledo, Ohio, with deposits of approximately \$443 million, representing 1.7 per cent of commercial bank deposits in the State.<sup>1</sup> Acquisition of Bank would increase Applicant's share of State deposits by 0.1 per cent and would not result in a significant increase in the concentration of banking resources in Ohio.

Applicant controls approximately 32.7 per cent of deposits in the Toledo market<sup>2</sup> and ranks as the largest banking organization in that market. Based on the facts of record, the Board is of the view that Bank (\$16 million in deposits), headquartered in Cygnet, a small farming community about 25 miles south of Toledo, operates in a local banking market on the southern fringe of the Toledo market. In addition, the Board notes that the office of Applicant's subsidiary bank which is closest to Bank is separated by twelve miles and eight offices of competing banks. It does not appear that consummation of the proposed acquisition would eliminate any significant amount of existing competition between Bank and Applicant's subsidiary bank. Applicant's banking subsidiary can branch only into two communities (Northwood

and Rossford) on the northern border of Wood County (the county in which Bank is located), both of which are approximately 25 miles north of Cygnet and 15 miles north of Bank's closest office. Bank can branch into Lucas County (the county in which Applicant's banking subsidiary is located) if it transfers its main office to one of the same two communities. However, in view of Bank's size and the number of banking offices operating in the two communities, we believe this is unlikely. Accordingly, it does not appear likely that consummation of the proposed transaction would have a significant adverse effect on the development of future competition in view of Ohio's restrictive branching law and the presence of numerous intervening banks. It is the Board's judgment that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its present subsidiary bank are regarded as satisfactory; those of Bank are regarded as generally satisfactory and are expected to become more favorable through affiliation with Applicant. Banking factors lend some weight toward approval of the application. Although there is no evidence in the record to indicate that the banking needs of the area are not currently being met, the proposed affiliation is likely to facilitate Bank's participation in larger loans, and make trust services and investment services available to the community through Bank. Considerations relating to the convenience and needs of the community to be served, therefore, lend some weight toward approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,\* effective February 11, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc. 74-3833 Filed 2-15-74; 8:45 am]

#### TEXAS COMMERCE BANCSHARES, INC.

##### Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Union Bank of Fort Worth, Fort Worth, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 4, 1974.

\*Market data are as of June 30, 1973.

\*Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governor Daane.

<sup>1</sup>All banking data, unless otherwise indicated, are as of June 30, 1973.

U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Guaranty National Bank and Trust of Corpus Christi, Corpus Christi, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 6, 1974.

Board of Governors of the Federal Reserve System, February 11, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.

[FR Doc. 74-3834 Filed 2-15-74; 8:45 am]

#### TEXAS COMMERCE BANCSHARES, INC.

##### Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all the voting shares (less directors' qualifying shares) of the successor by merger to Arlington Bank and Trust, Arlington, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 7, 1974.

Board of Governors of the Federal Reserve System, February 11, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.

[FR Doc. 74-3835 Filed 2-15-74; 8:45 am]

#### TEXAS COMMERCE BANCSHARES, INC.

##### Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Union Bank of Fort Worth, Fort Worth, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 11, 1974.

Washington, D.C. 20551, to be received not later than March 4, 1974.

Board of Governors of the Federal Reserve System, February 12, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.

[FR Doc. 74-3836 Filed 2-15-74; 8:45 am]

#### TEXAS COMMERCE BANCSHARES, INC.

##### Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Hurst, Hurst, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 1, 1974.

Board of Governors of the Federal Reserve System, February 12, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.

[FR Doc. 74-3837 Filed 2-15-74; 8:45 am]

#### UST CORP.

##### Acquisition of Bank

UST Corp., Boston, Massachusetts, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 95 per cent of the voting shares of Milton Bank and Trust Company, Milton, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

UST Corp. is also engaged in the following nonbank activities: factoring, equipment leasing, and corporate financial planning. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 11, 1974.

Board of Governors of the Federal Reserve System, February 11, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.

[FR Doc. 74-3838 Filed 2-15-74; 8:45 am]

#### NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR GENETIC BIOLOGY

##### Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Genetic Biology to be held at 9 a.m. on March 11 and 12, 1974, in Room 321 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information concerning this Panel, contact Dr. Rose M. Litman, Program Director, Genetic Biology Program, Room 326, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,  
Assistant Director  
for Administration.

FEBRUARY 8, 1974.

[FR Doc. 74-3907 Filed 2-15-74; 8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

[812-3556]

#### AMERICAN GENERAL LIFE INSURANCE COMPANY OF DELAWARE AND AMERICAN GENERAL LIFE INSURANCE COMPANY OF DELAWARE SEPARATE ACCOUNT D

##### Notice of Application for Exemptions

FEBRUARY 8, 1974.

In the matter of American General Life Insurance Company of Delaware and American General Life Insurance Company of Delaware Separate Account D, 2727 Allen Parkway, Houston, Texas 77019.

Notice is hereby given that American General Life Insurance Company of Delaware Separate Account D ("Separate Account D"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), and American General Life Insurance Company of Delaware (the "Company") (hereinafter collectively referred to as "Applicants"), have filed an application pursuant to Section 6(c) of the Act for an order of the Commission exempting Applicants, to the extent noted below, from the provisions of Sections 22(d), 26(a), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Company, a wholly-owned subsidiary of the American General Insurance Company (the "Parent"), is a stock life insurance company incorporated

under Delaware law. Separate Account D is a separate account of the Company established on November 19, 1973, pursuant to Delaware law, as the facility for issuing single and periodic payment deferred and single payment immediate variable annuity contracts (the "Contracts"). Amounts allocated to Separate Account D pursuant to the Contracts will be applied to purchase shares of American General Growth Fund, Inc. ("Fund"), a diversified, open-end management investment company registered under the Act. American General Management Company, Inc., a wholly-owned subsidiary of the Parent, is the investment adviser for the Fund. Persons who are registered representatives of Channing Company, Inc., another wholly-owned subsidiary of the Parent and a registered broker-dealer under the Securities Exchange Act of 1934, will sell the Contracts.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a current offering price described in the prospectus.

Applicants offer annuity contracts under which purchase payments may be accumulated on either a fixed or a variable basis or a combination of both. Deductions for sales and administrative expenses are made from each payment as described in the prospectus. Applicants request exemptions from section 22(d) of the Act to permit sales of Contracts without sales and administrative charges when (i) accumulated purchase payments are transferred from a fixed to a variable basis, before the annuity payment period begins, with a \$5.00 charge for each transfer; (ii) surrender values or death benefits under a life insurance policy issued by the Company are applied to the purchase of a Contract; (iii) proceeds payable on the death of an annuitant, under an annuity contract offered by Applicants, either before or after annuity payments have begun, and whether on a fixed or variable annuity basis, are applied to the purchase of a Contract for the beneficiary of such contract; and (iv) accumulated values of contracts are applied at the end of the accumulation periods of such contracts to the purchase of single payment deferred Contracts then being offered by the Company.

Applicants state that the sales and administrative charges imposed upon payments accumulated on a fixed or variable basis are identical and that the sales and administrative charges imposed under the Company's life insurance policies are often greater than those levied under the Contracts. Applicants assert that the assessment of additional sales and administrative expense charges for the transfer or application of accumulated values or amounts payable under existing policies or annuity contracts for the purchase of Contracts would result in double or even greater fees being imposed upon the purchasers of such Contracts. Therefore, Applicants contend that no discrimination would result from the elimination of such charges because no purchaser would be relieved of the duty to pay some sales and



administrative charge whether under an annuity contract or life insurance policy; all that is avoided is the discrimination that results from the double payment of charges by persons wishing to change the manner in which payments are determined and not change the right to receive such payments. Applicants represent that the elimination of sales and administrative charges will not result in disruptive distribution patterns for the Contracts. Applicants assert that a secondary market in Contracts cannot develop because such Contracts represent rights of specific individuals to payments which are guaranteed by the Company or dependent upon the investment performance of the Fund.

Applicants further request an exemption from section 22(d) of the Act to permit the imposition of a fixed administrative charge of \$.50 on each periodic payment and of \$25.00 on each single payment made to purchase a Contract. Such fixed charges, if expressed in terms of a percentage of the purchase payment, would vary with the size of the payment. Applicants state that the cost of administering each payment, whether periodic or single, remains the same irrespective of the size of the purchase payment. Therefore, Applicants contend that, by permitting the fixed administrative charges, Contract holders will enjoy the savings in expense that would have been retained by the Company if a percentage fee were charged.

Sections 26(a) and 27(c)(2). Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust, and any depositor and principal underwriter for the trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments other than sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Such indenture or agreement must provide (1) that the trustee or custodian be a bank of a designated size, (2) that the assets be held in trust and proscribes the charges which may and may not be charged against such assets, (3) that the trustee or custodian may only resign in a specified fashion and (4) that certain records be kept of and certain notices be given to security holders.

Applicants request an exemption from sections 26(a) and 27(c)(2) to permit the Applicants to sell Contracts without need of an independent trustee or custodian. In support of such request, Applicants state that the net purchase payments under the Contracts will be invested in the shares of the Fund whose assets will be held in the custody of a custodian meeting the requirements of section 26(a) of the Act. The ownership of Fund shares by Separate Account D will be held in an open account so that such ownership will only be indicated on the books of the Fund and Separate Account D and will not be evidenced by transferable stock certificates. The Company is subject to extensive supervision and control by the

Delaware Commissioner of Insurance, the National Association of Securities Commissioners, and the insurance commissioners of each state in which the Contracts will be sold. Under Delaware law and the terms of the Contracts, the assets of Separate Account D are not chargeable with liabilities arising out of any other business conducted by the Company. Obligations arising under the Contracts as general obligations of the Company, cannot be abrogated without violating the Delaware insurance law. Therefore, Applicants assert that such existing regulation of the Company affords substantially the same protection contemplated by the provisions of sections 26(a) and 27(c)(2) of the Act.

Applicants have consented that the requested exemption from sections 26(a) and 27(c)(2) be subject to the following conditions: (1) that the deductions for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, the Commission reserving jurisdiction for such purpose, and (2) that the payment of sums and charges out of the assets of Separate Account D shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be deemed to be concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) of the Act authorizes the Commission, upon application, to exempt any person from any provision or provisions of the Act conditionally or unconditionally, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 6, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated

under the Act, an order disposing of the application will be issued as of course following March 6, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-3856 Filed 2-15-74; 8:45 am]

[File No. 500-1]

BBI, INC.

Notice of Suspension of Trading

FEBRUARY 7, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from February 8, 1974 through February 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-3862 Filed 2-15-74; 8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

FEBRUARY 8, 1974.

The common stock of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the

Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from February 11, 1974 through February 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-3857 Filed 2-15-74; 8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

FEBRUARY 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 11, 1974 through February 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-3858 Filed 2-15-74; 8:45 am]

[812-3579]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Exemption

FEBRUARY 7, 1974.

In the matter of National Aviation Corporation, 630 Fifth Avenue, New York, New York 10020.

Notice is hereby given that National Aviation Corporation ("Applicant"), a non-diversified, closed-end management investment company registered under the Investment Company Act of 1940 (the "Act"), has filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that G. Keith Funston ("Funston"), a director of Applicant, shall not be considered an "interested person" of Applicant within the meaning of section 2(a)(19) of the Act solely by reason of his status as a director of the Metropolitan Life In-

surance Company ("Metropolitan"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant is a New York corporation, registered under the Act as a non-diversified, closed-end management investment company.

Funston, one of nine directors of applicant, is also a director of Metropolitan, a New York mutual life insurance company, principally engaged in the sale of life, accident, and health insurance, and annuities, including variable annuities. Metropolitan is registered as a broker-dealer under the Securities Exchange Act of 1934 solely because it sells variable annuities. Metropolitan engages in securities transactions as a broker-dealer only with respect to its sales of variable annuities. Metropolitan has never engaged in securities transactions on behalf of Applicant.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company as any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include any director or employee of such other person. Consequently, Funston, an affiliated person of a registered broker-dealer, is an "interested person" of Applicant within the meaning of section 2(a)(19) of the Act.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person from any provisions of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and with the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that the legislative history of section 2(a)(19) indicates that the Congress contemplated that the Commission would exempt from the definition of "interested person" those persons who were, in fact, in a position to act independently on behalf of the investment company and its share holders in dealing with the company's investment adviser or principal underwriter.

Applicant states that Funston has no relationship with Applicant other than as a director and shareholder. Applicant represents and warrants that so long as Funston remains one of its directors, Applicant will not knowingly purchase any securities from or through, or sell any securities to or through, Metropolitan or any subsidiary of Metropolitan.

Applicant contends that Funston's affiliation with Metropolitan will not impair his independence in acting on behalf of Applicant and its shareholders.

Notice is further given that any interested person may, not later than March 4, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the

issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the application will be issued as of course following March 4, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 74-3863 Filed 2-15-74; 8:45 am]

[File No. 500-1]

PATTERSON CORP.

Notice of Suspension of Trading

FEBRUARY 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Patterson Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 9, 1974 through February 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-3859 Filed 2-15-74; 8:45 am]

[File No. 500-1]

REPUBLIC NATIONAL LIFE INSURANCE CO.

Notice of Suspension of Trading

FEBRUARY 7, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Republic National Life Insurance Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of



1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:00 a.m. (EDT) February 7, 1974 through February 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-3864 Filed 2-15-74;8:45 am]

[File No. 500-1]

#### WESTGATE CALIFORNIA CORP.

##### Notice of Suspension of Trading

FEBRUARY 7, 1974.

The common stock of U.S. Financial Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from February 8, 1974 through February 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-3860 Filed 2-15-74;8:45 am]

[File No. 500-1]

#### WESTGATE CALIFORNIA CORP.

##### Notice of Suspension of Trading

FEBRUARY 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 9, 1974 through February 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-3861 Filed 2-15-74;8:45 am]

#### INVESTMENT ADVISERS Notice of Intention To Cancel Registration of Certain Investment Advisers

FEBRUARY 8, 1974.

Notice is hereby given that the Division of Investment Management Regulation has requested that the Securities & Exchange Commission issue an order pursuant to section 203(l) of the Investment Advisers Act of 1940 (the "Act") cancelling the registrations of those investment advisers whose names appear in the attached Appendix.

The registrants named in the Appendix have not paid to the Commission the \$100 annual assessment for calendar year 1972 imposed by Rule 203-3(b) under the Act. All communications addressed to these registrants, including five mailings during 1973 concerning the annual assessment, have been returned by the Postal Service as undeliverable. This indicated a failure to comply with Rule 204-1(b) under the Act, which provides that if the information contained in any application for registration as an investment adviser, or in any amendment thereto, becomes inaccurate for any reason, the investment adviser shall promptly file an amendment on Form ADV correcting such information.

Since the registrants named in the Appendix have not paid the annual assessment for 1972 as required by Rule 203-3(b), and have failed to notify the Commission of any change in address as required by Rule 204-1(b), the staff of the Division of Investment Management Regulation believes that reasonable grounds exist to support a finding that these registrants are no longer in existence or are not engaged in business as investment advisers.

Notice is further given that any interested person may, not later than March 5, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order cancelling any or all of these registrations upon the basis of the information stated herein unless an order for hearing on said cancellation shall be issued upon request. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

#### APPENDIX

##### ATLANTA REGION

Grans L. M. Investment Adviser 801-7062  
McGrath John Barrington 801-3878  
Ursus-Taurus Co. 801-8522

##### BOSTON REGION

National Institute of Scientific Professionals 801-778  
Robbins Planning Co. 801-2332

##### CHICAGO REGION

ASI Financial Corp. 801-4693  
Fry Phillip S. and Associates 801-8397  
Investment Planning 801-837  
Monterey Market Letter 801-3034  
Siegler Edward N. & Co. 801-3832

##### DENVER REGION

Young & Co., Inc., 801-4468

##### FOREIGN

Crimmins Edwin Joseph 801-7573

##### FORT WORTH REGION

Johnson Herbert Winston 801-5129

##### LOS ANGELES REGION

Balanced Computer Planning Corp. 801-8364  
Charter Counseling Corp. 801-5193  
E. S. N. Management Co. 801-5986  
Hilliard R. W. Investment Adviser 801-4803  
East J. T. & Co. 801-4089  
Market Watchdog, the 801-5467  
Quigley H. H. & Co., Inc., 801-6158  
Reynolds Management & Research Co. 801-8060  
Sanders & Sanders 801-5143  
Walden Management Group, Inc., 801-7771  
Weston Daniel D. 801-1221  
William Neal Bryant 801-4109  
Clemens & Co. 801-3647  
Henry Hartman 801-8967  
Heath & Co. 801-3927  
Innovative Enterprises, Inc., 801-5584  
Investors Charting Service 801-7786  
Janus Management Corp. 801-5937  
The Key Common Stocks Super Trading Situations 801-6745  
Thomas Joseph Koukis 801-8790  
The Lally Managed Stock Selection System 801-8737  
Dave Las & Associates 801-8402  
The MWB Report 801-8844  
Rueppel Management Co. 801-7934  
Securities Research Systems 801-4268  
Synergetic Sciences, Inc., 801-6764  
Gerald Nelson Tutill 801-4256  
Value-plus 801-8565

##### NEW YORK REGION

Allina Joseph O. 801-3470  
Alphadex Corp. 801-7263  
Aubert Management, Inc., 801-8478  
Cartamerica Equity Studies 801-6847  
Ceter Letter, Inc., The 801-4891  
Centrys Momentum Studies 801-7569  
The Shelton Study 801-4944  
Grand Central Advisory Corp. 801-8542  
Kane Richard A. 801-5892  
Macrovest, Inc., 801-5472  
Meredith James Howard 801-7293  
PMCS Advisers, Inc., 801-8515  
Scientific Systems Services 801-8756  
Siko Co. 801-6055  
Social Dimensions Management Corp. 801-8270  
Tecton Investors Advisory Service 801-6614

##### SEATTLE REGION

Currier Edward Farnsworth 801-8016  
Dumke Investment Services 801-6559  
Hicks Investment Advisory Service 801-8197

#### WASHINGTON REGION

Breedlove Kendall Harold 801-7645  
Cannon & Company, Inc., 801-7928  
Phillips John Joseph, Jr., 801-4689

[FR Doc.74-3855 Filed 2-15-74;8:45 am]

#### SUSQUEHANNA RIVER BASIN COMMISSION

##### MANAGEMENT AND DEVELOPMENT OF WATER RESOURCES OF THE SUSQUEHANNA RIVER BASIN

##### Notice of Adoption of Comprehensive Plan

The Susquehanna River Basin Commission unanimously adopted a Comprehensive Plan to guide the management and development of the water resources of the Susquehanna River Basin on December 13, 1973.

The Susquehanna River Basin Compact, Public Law 91-575, requires that the Commission formulate such a Plan and that the Commission act to coordinate, guide and regulate to the extent practical and necessary, the many aspects of water resources management.

The adopted Plan sets forth broad objectives and goals and outlines program initiatives dealing with flood plain management and protection; water supply; water quality; recreation, fish and wildlife; cultural, visual and other amenities. It also establishes guidelines and criteria that the Commission will use as a basis for the consideration of proposed projects and programs affecting the water resources of the basin.

The Plan provides a broad framework for the conservation, management, development, and use of the Basin's water and related natural resources to be followed by private and governmental organizations within the Basin.

Copies of the Plan are available upon request from:

Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pennsylvania 17055.

ROBERT J. BIELO,  
Executive Director.

[FR Doc.74-3841 Filed 2-15-74;8:45 am]

#### DEPARTMENT OF LABOR

##### Occupational Safety and Health Administration

[V-74-12]

#### CONTINENTAL CAN CO., INC.

##### Application for Variance

I. Notice of Application. Notice is hereby given that Continental Can Company, Inc., Mill Operations Division, Post Office Box 1425, Augusta, Georgia 30903, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.261(b) (4) pertaining to lockouts for power sources.

The address of the place of employment that will be affected by the application is as follows:

Continental Can Company, Inc.  
Post Office Box 1425  
Mill Operations Division  
Augusta, Georgia 30903

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.261(b) (4) which specifies locking out the source of power at the main disconnect switch before performing any work which requires close contact with the machinery or equipment.

The applicant states that much of its equipment is designed so it cannot be locked out. Rather than have more than one system, the applicant contends that it is safer to use a single tag-out system.

The system which has been developed involves placing the hold tag of each employee who will be working on the machine on the disconnect switch. The tag can only be removed by the shift or day electrician at the personal request of the employee. In situations where the tag-out is impossible, a man is stationed at the disconnect switch.

The applicant further states that at the time this procedure was implemented all employees received a copy of the procedure and training instruction. Training in the tag-out procedure is part of the orientation program for all new employees.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, 1726 M St. NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor  
Occupational Safety and Health Administration  
1375 Peachtree Street, N.E.  
Suite 587  
Atlanta, Georgia 30309

U.S. Department of Labor  
Occupational Safety and Health Administration  
1371 Peachtree Street, N.E.  
Suite 723  
Atlanta, Georgia 30309

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than March 21, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than March 21, 1974, in conformity with the requirements of 29 CFR 1905.15.

Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

Signed at Washington, D.C., this 13th day of February 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.74-3892 Filed 2-15-74;8:45 am]

#### COST OF LIVING COUNCIL

##### FOOD INDUSTRY WAGE AND SALARY COMMITTEE

##### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of Economic Stabilization Act, as amended, section 4(a) (iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on Wednesday, February 20, 1974. The meeting will be open to the public on a first-come, first-served basis at 10 a.m., in Conference Room 8202, 2025 M Street NW., Washington, D.C.

The agenda will consist of a discussion of policy questions involving food industry wage matters, and, if circumstances permit, of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C., on February 15, 1974.

HENRY H. FERRITT, Jr.,  
Executive Secretary,  
Cost of Living Council.

[FR Doc.74-4049 Filed 2-15-74;11:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 447]

##### ASSIGNMENT OF HEARINGS

FEBRUARY 13, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 19, 1974.



MC 217 Sub-16, Point Transfer, Inc.; MC 8600 Sub-31, Werner Continental, Inc.; MC 13569 Sub-27, The Lake Shore Motor Freight Co.; MC 14552 Sub-50, J. V. Mc-Nicholas Transfer Company, and MC 138286 Sub-2, John F. Scott Company, now assigned March 4, 1974, at Pittsburgh, Pa., is cancelled and reassigned to April 16, 1974 (2 weeks), at Pittsburgh, Pa., in a hearing room to be later designated. MC 33919 Sub 7, Fairchild General Freight, Inc., now assigned March 25, 1974, and MC 107456 Sub 22, Harry L. Young and Sons, Inc., now assigned March 27, 1974, at Portland, Oregon, will be held in Room 103, Pioneer Courthouse, 555 S.W. Yamhill Street.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-3903 Filed 2-15-74;8:45 am]

[Notice No. 448]

#### ASSIGNMENT OF HEARINGS

FEBRUARY 13, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 19, 1974.

#### CORRECTION

MC-139822, Leggett Leasing Corporation, now being assigned hearing March 11, 1974 (2 days), in Room 5A15-17 New Federal Bldg., 1100 Commerce Street, Dallas, Tex., instead of March 13, 1974 (3 days). MC-116077 (Sub-No. 349), Robertson Tank Lines, Inc., now being assigned hearing March 13, 1974 (3 days), in Room 5A15-17 New Federal Bldg., 1100 Commerce Street, Dallas, Tex., instead of March 11, 1974 (2 days).

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-3902 Filed 2-15-74;8:45 am]

[No. AB 1 (Sub-No. 22)]

#### CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Gowrie and Harcourt, Iowa

Present: Kenneth H. Tuggle, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does

not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefore:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Webster County, Iowa, within 15 days of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C. 20423, and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 12th day of February, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,  
Secretary.

#### INTERSTATE COMMERCE COMMISSION NOTICE

[No. AB 1 (Sub-No. 22)]

Chicago and North Western  
Transportation Company  
Abandonment Between Gowrie and Harcourt, Iowa

The Interstate Commerce Commission hereby gives notice that by order dated February 12, 1974, it has been determined that the proposed abandonment of the line of Chicago and North Western Transportation Company (C&NW) between Gowrie and Harcourt, Iowa, a distance of approximately 5.4 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of the NEPA.

Approval of the abandonment will facilitate the sale of the westernmost 2.5 miles of track to the Consolidated Cooperative of Gowrie, which will operate its own railroad over said track between its new half million bushel grain elevator and the C&NW's main line at Gowrie. Furthermore, the abandonment will not substantially affect the area's total transportation scheme due to the availability of nearby rail service and the lack of traffic over the subject line in recent years.

The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 6, 1974.

[FR Doc.74-3898 Filed 2-15-74;8:45 am]

[Notice No. 24]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 412(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 11, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74870. By order of February 11, 1974, the Motor Carrier Board approved the transfer to Nystrom's Moving & Storage, Inc., P.O. Box 276, Iron Mountain, Mich., of the operating rights in Certificate No. MC-106847 issued February 26, 1969 to Kenneth G. Estes, doing business as Trudell Transfer, 218 Roseland St., Kingsford, Mich., authorizing the transportation of general commodities, with exceptions, from Iron Mountain, Mich. to points in Marinette, Florence, and Forest Counties, Wis.

No. MC-FC-74883. By order of February 7, 1974, the Motor Carrier Board approved the transfer to R-G-M, a corporation, doing business as Interlines, Inc., Hawthorne, Calif., of Certificate No. MC-13651 (Sub-No. 1) issued April 16, 1962, to Peoples Transfer, Inc., Yuma, Ariz., authorizing the transportation of general commodities, with the usual exceptions, between points in the Los Angeles Harbor, Calif., Commercial Zone, and the Los Angeles, Calif., Commercial Zone; and between points in the Los Angeles Harbor, Calif., Commercial Zone. Mr. Milton W. Flack, attorney at Law, 4311 Wilshire Boulevard, Los Angeles, Calif. 90010.

No. MC-FC-74961. By order of February 12, 1974, the Motor Carrier Board approved the transfer to Burlingame Truck Line, Inc., Scranton, Kans., of Certificates No. MC 50866 and MC 50866 (Sub No. 4) issued to J. W. Kline and E. L. Seastrom, dba K & S Truck Line,

Burlingame, Kans., authorizing the transportation of: General commodities, usual exceptions, and numerous specified commodities, between specified points and areas in Kansas and Missouri. Clyde N. Christey, attorney, 641 Harrison St., Topeka, Kans. 66603.

No. MC-FC-74965. By order entered February 11, 1974, the Motor Carrier Board approved the transfer to Perkins Motor Transport, Inc., Mankato, Minn., of the operating rights set forth in Permit No. MQ-136411 (Sub-No. 1), issued March 22, 1973, to Daryl Perkins, Neil Perkins, and Dennis Perkins, doing business as Perkins Motor Transport, Mankato, Minn., authorizing the transportation of pre-stressed concrete hollow core slabs used for structural floor or wall paneling, from Savage, Minn., to points in Illinois, Indiana, Iowa, North Dakota, South Dakota, and Wisconsin, restricted to a transportation service to be performed under a continuing contract, or contracts, with Fabcon, Inc. James H. Malecki, State and Center Streets, New Ulm, Minn. 56073, attorney for applicants.

No. MC-FC-74968. By order of February 11, 1974, the Motor Carrier Board approved the transfer to Joseph L. Edelstein, Inc., Peabody, Mass., of Certificate of Registration No. MC-57211 (Sub No. 1), evidencing a right to engage in interstate or foreign commerce in the transportation of general commodities, solely within the State of Massachusetts. Richard L. Reynolds, attorney, 480 Lincoln Ave., Saugus, Mass. 01906.

No. MC-FC-74969. By order of February 12, 1974, the Motor Carrier Board approved the transfer to Val-Co Corp., Justice, Ill., of a portion of the operating rights in Certificate No. MC-136147 (Sub-No. 1) issued July 18, 1973 to Valley Transit Corp., Justice, Ill., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers between Chicago, Ill. and Joliet, Ill., over regular routes. James R. Madler, 1255 N. Sandburg Terr., Chicago, Ill. 60610, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-3901 Filed 2-15-74;8:45 am]

[Notice No. 23]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965.

These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before March 6, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 30887 (Sub-No. 201 TA), filed February 4, 1974. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Reisterstown, Md. 21136. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Molten liquid polypropylene, in bulk, in tank vehicles, from Crowley, La., to Doswell, Va., for 180 days. SUPPORTING SHIPPER: Mr. E. F. Townsend, District Traffic Manager, Hercules Incorporated, 900 Life of Georgia Tower, Atlanta, Ga. 30308. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 30887 (Sub-No. 202 TA), filed February 4, 1974. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Reisterstown, Md. 21136. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry plastic granules, in bulk, in tank vehicles, from Baltimore, Md., to Lampeter, Pa., on traffic having a prior movement by rail, for 180 days. SUPPORTING SHIPPER: Mr. Charles J. Helton, Senior Analyst, Exxon Chemical Company USA, 1333 W. Loop South, Houston, Tex. 77027. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 51146 (Sub-No. 357 TA), filed February 4, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Waste paper, from points in Ohio, Indiana, Illinois, St. Louis, Mo., and Louisville, Ky., to Battle Creek, Mich., for 180 days. SUPPORTING SHIPPER: Michigan Carton Company, 79 E. Fountain Street, Battle Creek, Mich. 49016 (Wen-

dell D. Chichester, Traffic Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 82841 (Sub-No. 134 TA) (CORRECTION), filed January 22, 1974, published in the FEDERAL REGISTER issue of February 5, 1974, and republished as corrected this issue. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Marshall D. Becker, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Hay handling and processing equipment, and attachments, from Lincoln, Nebr., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: McKee Bros. Limited, George A. Rode, Traffic Manager, #54 Oriole Pkwy., Elmira, Ontario, Canada. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

NOTE: The purpose of this republication is to add Hay as part of the original commodity, which was omitted in error.

No. MC 11075 (Sub-No. 118TA), filed January 30, 1974. Applicant: TRANSPORT, INC., 1215 Center Avenue, P.O. Box 396, Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger, P.O. Box 398, Moorhead, Minn. 56560. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, from Mankato, Minn., to points in South Dakota, Nebraska, and Iowa, for 180 days. SUPPORTING SHIPPER: Midwest Oil of South Dakota, 615 East 8th, Sioux Falls, S. Dak. 57100. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 104654 (Sub-No. 154TA), filed February 4, 1974. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: Liquid fertilizer solutions in bulk, in tank vehicles, (1) From Dublin and Jordan, Ind., to points in Illinois, Kentucky, Michigan, and Ohio; and (2) From Breese, Ill., to points in Indiana and Kentucky, for 180 days. SUPPORTING SHIPPER: J. J. Stefanec, Manager of Transportation Legislation, Agrico Chemical Company, P.O. Box 3168, Tulsa, Okla. 74101. SEND PROTESTS TO: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Lealand Office Building, 527 East Capitol



Avenue, Room 414, Springfield, Ill. 62701.

No. MC 107010 (Sub-No. 51TA), filed February 1, 1974. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, Nebr. 68305. Applicant's representative: Patrick E. Quinn, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the Mapco Pipeline terminal at or near Clay Center, Kans., to points in Iowa, Missouri, and Nebraska, for 180 days. SUPPORTING SHIPPER: Charles D. Rosas, Farmland Industries, Inc., Box 7305, Kansas City, Mo. 64116. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 107403 (Sub-No. 880TA), filed January 29, 1974. Applicant: MATTLECK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Activated carbon, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to Pittsburgh, Pa., for 180 days. SUPPORTING SHIPPER: Calgon Corporation, P.O. Box 1346, Pittsburgh, Pa. 15230. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 107403 (Sub-No. 881TA), filed February 5, 1974. Applicant: MATTLECK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: No. 4 fuel oil, in bulk, in tank vehicles, from Columbus, Ohio, to Decatur, Ill., for 180 days. SUPPORTING SHIPPER: C. M. Thomas, Owner, Ray Oil Company, 120 E. Ogden Avenue, Hinsdale, Ill. 60521. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 416TA), filed February 4, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Business papers, records, audit and accounting media of all kinds, and advertising material of all kinds, related thereto, (1) Between Chicago, Ill., and points in Missouri (except St. Louis County, Mo.); (2) Between Oak Brook, Ill., and Lansing, Mich.; and (3) Between Richmond, Va., and Greenville, S.C., for 90 days. SUPPORTING SHIPPERS: Sears Roebuck & Company, 925 S. Ho-

man, Chicago, Ill.; Prudential Property and Casualty Insurance Company, 2111 Enco Drive, Oak Brook, Ill.; and The C. F. Sauer Company, 2000 W. Broad Street, Richmond, Va. SEND PROTESTS TO: Anthony D. Gialmo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114239 (Sub-No. 31 TA) (Correction), filed January 17, 1974, published in the FEDERAL REGISTER Notice No. 22, dated February 7, 1974, and republished as corrected this issue. Applicant: FARRIS TRUCK LINE, Faucett, Mo. 64448. Mail: 3209 S. Highway 169, St. Joseph, Mo. 64503. Applicant's representative: Tom B. Kretsinger, Suite 910, Fairfax Building, 101 Eleventh Street, Kansas City, Kans. 64105.

NOTE.—The purpose of this partial republication is to show the correct Sub number as No. MC 114239 (Sub-No. 31 TA), in lieu of MC 114239 (Sub-No. 3 TA), which was published in the FEDERAL REGISTER in error. The rest of the publication will remain the same.

No. MC 114725 (Sub-No. 55 TA), filed January 31, 1974. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: J. Max Harding, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Distillers solubles, from Atchison, Kans., to Omaha, Nebr., for 180 days. SUPPORTING SHIPPER: Allied Chemical Corporation, James T. Helm, Area Manager, 801 Abbott Drive, Omaha, Nebr. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14 St., Omaha, Nebr. 68102.

No. MC 116077 (Sub-No. 351TA), filed February 1, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid caustic potash, in bulk, in tank vehicles, from Corpus Christi, Tex., to Billings, Mont., for 180 days. SUPPORTING SHIPPER: PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. SEND PROTESTS TO: District Supervisor John Mensing, Interstate Commerce Commission, Bureau of Operations, 8810 Federal Building, 515 Rusk Avenue, Houston, Tex. 77002.

No. MC 116273 (Sub-No. 168TA), filed January 31, 1974. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Ave., Cicero, Ill. 60650. Applicant's representative: Charles T. Jensen (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry plastics, in bulk, in tank vehicles, from Henry, Ill., to Pauline, Kans., and Faribault, Minn., for 180 days. SUPPORTING SHIPPER: B. F. Good-

rich Chemical Company, 6100 Oak Tree Blvd., Cleveland, Ohio 44131. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 123048 (Sub-No. 290 TA), filed January 30, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lawn mowers, lawn and garden tractors, edger-trimmers, tillers, shredders and baggers, and snow throwers and parts, attachments and accessories for the above named commodities when shipped in mixed loads with the above named commodities, from the plant and warehouse sites of MTD Products, Inc., a Division of Modern Tool & Die Company, located in the Township of Liverpool, Ohio, to Palm Springs and Tulare, Calif.; points in Colorado; and points in the United States east of the western boundary line of the States of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPERS: Western Auto Supply Company, 2107 Grand Avenue, Kansas City, Mo. 64108 (Raymond F. Schaefer, Transportation Manager), and White Farm Equipment Company, a Division of White Motor Corporation, 2625 Butterfield Road, Oak Brook, Ill. 60521 (Richard D. Jones, Parts Administration Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53103.

No. MC 124236 (Sub-No. 65TA), filed February 4, 1974. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, Phinney, Hallman, Pulley & Coke, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cement, in bulk, in tank vehicles, from Dallas, Tex., to Mobile, Ala., for 180 days. SUPPORTING SHIPPER: Trinity Division, General Portland Inc., P.O. Box 47424, Dallas, Tex. 75247. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 127115 (Sub-No. 6TA), filed January 30, 1974. Applicant: MILLER'S TRANSPORT, INC., 510 West 4th North, Hyrum, Utah 84319. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Rubber foam and cellular expanded plastics, from Orange and Anaheim, Calif., to points in Utah

and Idaho, for 180 days. SUPPORTING SHIPPER: General Tire & Rubber Co., No. 1 General Street, Akron, Ohio 44309 (Joseph S. Vatalaro, Corporate Director of Traffic). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 128141 (Sub-No. 7TA), filed February 1, 1974. Applicant: TRI-STATE TRANSPORT, INC., P.O. Box 4109, Davenport, Iowa 52808. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Liquid nitrogen solutions, in bulk, in tank vehicles, from, at, or near Buffalo, Iowa, to points in Illinois, Minnesota, Missouri, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Twin State Engineering Company, 3732 West River Drive, Davenport, Iowa 52802. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 135248 (Sub-No. 10TA), filed February 4, 1974. Applicant: WILLIAM H. DEES, doing business as DEES TRANSPORTATION, P.O. Box 446, Worland, Wyo. 82401. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages and advertising materials when moving with malt beverages, (1) from Omaha, Nebr., to Cheyenne, Casper, Rawlins, and Basin, Wyo.; (2) from Los Angeles, Calif., to Basin, Rawlins, Rock Springs, and Worland, Wyo.; and (3) from Fairfield, Calif., to Basin, Cheyenne, Casper, Rawlins, and Rock Springs, Wyo., for 180 days. SUPPORTING SHIPPERS: Teton Distributors, Inc., P.O. Box 18, Worland, Wyo. 82401; Orrison Frontier and Distributing, Inc., Box 3282, Cheyenne, Wyo. 82001; Western Wyoming Beverages, Inc., P.O. Box 1336, Rock Springs, Wyo. 82901; and Kenny, Inc., Hammond Bldg., R.R. Avenue, Basin, Wyo. 82410. SEND PROTESTS TO: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Building & Post Office, 100 East B Street, Casper, Wyo. 82601.

No. MC 136247 (Sub-No. 9TA), filed February 1, 1974. Applicant: WRIGHT TRUCKING, INC., 409 17th Street SW.,

P.O. Box 346, Jamestown, N. Dak. 58401. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wine, brandy, and champagne (except in bulk in tank vehicles), from Guild Winery at or near Lodi, Calif.; Paul Masson Winery at or near Saratoga, Calif.; Gallo Winery at or near Modesto, Calif.; and Christian Bros. Wineries at or near Reedley and St. Helena, Calif., to Minot and Fargo, N. Dak., for 180 days. SUPPORTING SHIPPERS: Congress, Inc., 6th Avenue and 15th Street North, Fargo, N. Dak. 58102; and Dakota Beverage Company, Box 128, Minot, N. Dak. 58701. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 139276 (Sub-No. 1 TA), filed January 30, 1974. Applicant: ALOHA FREIGHTWAYS, INC., 225 West Higgins Road, Des Plaines, Ill. 60018. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Iron or steel, plate or sheet and skids and racks, from the plants and warehouses of Pre Finish Metals, Inc., at Elk Grove Village, Ill., to Niles, Sturgis, and White Pigeon, Mich., for 180 days. SUPPORTING SHIPPER: Roger W. Trimble, General Warehouse Manager, Pre Finish Metals, Inc., 2111 East Pratt Blvd., Elk Grove Village, Ill. 60007. SEND PROTESTS TO: William J. Gray, Jr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 139473 TA, filed January 29, 1974. Applicant: RED, WHITE & BLUE, INC., Star Route 1, Box 81, Seabeck, Wash. 98030. Applicant's representative: George R. La Bissoniere, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Scrap iron and steel for recycling purposes only, (A) between Chehalis and Seattle, Wash., on the one hand, and Portland, Ore., and the United States-Canada Port of Entry at Blaine, Wash., on the other hand, and (B) between Ephrata, Wash., and Portland, Ore., for 180 days. SUPPORTING SHIPPER: Purdy Company of Washington, 1200 112th Avenue NE, Suite 250, Bellevue, Wash. 98004. SEND PRO-

TESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 139474 TA, filed January 30, 1974. Applicant: MARLIN REESE, doing business as REESE LUMBER COMPANY, Route 3, Cabool, Mo. 65689. Applicant's representative: Turner White, 910 Plaza Towers, Springfield, Mo. 65804. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wooden pallets, treated posts, and finished lumber, from points in Douglas County, Mo., to Chicago, Canton, Rock Island, Joliet, Elgin, and Kankakee, Ill.; Oklahoma City, Enid, and Tulsa, Okla.; Grand Island and Omaha, Nebr.; Indianapolis, Fort Wayne, Hammond, and Gary, Ind.; and their commercial zones, for 180 days. SUPPORTING SHIPPERS: Reese Wood-treating Co., Vanzant, Mo.; J. E. Post Co., Vanzant, Mo. 65768; and Upham & Walsh Lumber, 2720 Des Plaines Avenue, Des Plaines, Ill. 60018. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-3899 Filed 2-15-74; 8:45 am]

[Notice No. 25]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 13, 1974.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74980. By application filed February 11, 1974. NYLANTIC FREIGHT LINES, INC., 1415 Boston Post Rd., Larchmont, NY 10538, seeks temporary authority to lease a portion of the operating rights of EXPRESS/S.D.Z., IRVING KLEIN, Trustee in Bankruptcy, 280 Broadway, NY 10007, under section 210a(b). The transfer to NYLANTIC FREIGHT LINES, INC., of the operating rights of EXPRESS/S.D.Z., IRVING KLEIN, Trustee in Bankruptcy, is presently pending.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-3900 Filed 2-15-74; 8:45 am]



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federal register

TUESDAY, FEBRUARY 19, 1974  
WASHINGTON, D.C.

Volume 39 ■ Number 34  
PART II



DEPARTMENT OF  
THE INTERIOR

NATIONAL PARK SERVICE

NATIONAL REGISTER OF  
HISTORIC PLACES

Advisory Council on  
Historic Preservation

Protection of Properties  
on the National Register;  
Procedures for Compliance



**DEPARTMENT OF THE INTERIOR**  
**National Park Service**  
**NATIONAL REGISTER OF HISTORIC PLACES**

Pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470) the National Park Service, Department of the Interior has undertaken steps to implement the purposes of that act through: (1) Expansion of the National Register of Historic Places, (2) initiating a program of grants-in-aid for historic preservation, and (3) adoption of procedures and criteria for furthering the Nation's historic preservation program.

It is the purpose of this notice, through publication of information and materials included herein, to apprise the public, as well as governmental agencies, associations, and all other organizations and individuals interested in historic preservation of the implementing actions that have been taken in order that there will be a greater awareness of the means by which properties of State and local historical significance may be nominated for placement in the National Register and of the criteria used in evaluating the properties. The notice includes a list of the properties included in the National Register of Historic Places through January 1, 1974.

RUSSELL E. DICKENSON,  
 Deputy Director,  
 National Park Service.

**THE NATIONAL HISTORIC PRESERVATION ACT**  
**THE NATIONAL REGISTER OF HISTORIC PLACES AND PROCEDURES FOR REGISTRATION**

**A. Introduction.** In the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470, the Congress found and declared:

(a) That the spirit and direction of the Nation are founded upon and reflected in its historic past;

(b) That the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people.

(c) That, in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation; and

(d) That, although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

In order to accomplish these purposes, the National Historic Preservation Act

provided for three significant innovations: An expanded National Register of Historic Places, a program of grants-in-aid for historic preservation, and an Advisory Council on Historic Preservation empowered to comment upon all undertakings licensed, assisted, or carried out by the Federal Government that have an effect upon properties in the National Register.

Official notice is hereby given to the public and government agencies of the opportunities and restrictions provided by the National Historic Preservation Act. Detailed administrative procedures for the program may be found in the manuals, "Policies and Procedures for Historic Preservation Grants-in-Aid," and "How to Complete National Register Forms" September 1972 (U.S. Department 16 U.S.C. 470) the National Park Service, Washington, D.C.).

**B. Expanding the National Register of Historic Places.** The Act authorizes the Secretary of the Interior to expand and maintain a National Register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. Previously, the National Register included only nationally significant properties that are historical or archeological units of the National Park System or that have been declared eligible for designation as National Historic Landmarks. Because they must meet exacting criteria of national significance, such properties are few in number. The National Historic Preservation Act of 1966 provides a means for States to nominate properties of State and local significance for placement in the National Register.

The following officials have been designated by their Governors to act as State Liaison Officers responsible for State activities under the National Historic Preservation Act:

**STATE LIAISON OFFICERS**

**ALABAMA**

Chairman, Alabama Historical Commission, State Department of Archives and History, 305 South Lawrence Street, Montgomery, Ala. 36104.

**ALASKA**

Director, Division of Parks, Department of Natural Resources, 323 East Fourth Avenue, Anchorage, Alaska 99501.

**ARIZONA**

Director, State Parks Board, 1688 West Adams, Phoenix, Ariz. 85007.

**ARKANSAS**

Director, Arkansas Department of Parks and Tourism, State Capitol, Room 149, Little Rock, Ark. 72201.

**CALIFORNIA**

Director, Department of Parks and Recreation, State Resources Agency, Post Office Box 2390, Sacramento, Calif. 95811.

**COLORADO**

State Liaison Officer, State Historical Society, Colorado State Museum, 200 14th Avenue, Denver, Colo. 80203.

**CONNECTICUT**

Chairman, Connecticut Historical Commission, 59 South Prospect Street, Hartford, Conn. 06103.

**DELAWARE**

Director, Division of Historical and Cultural Affairs, Department of State, Dover, Del. 19901.

**FLORIDA**

Director, Division of Archives, History, and Records Management, Department of State, 401 East Gaines Street, Tallahassee, Fla. 32304.

**GEORGIA**

Chief, Historic Preservation Section, Department of Natural Resources, 703-C10 Trinity-Washington Building, 270 Washington Street SW., Atlanta, Ga. 30334.

**HAWAII**

Chairman, Department of Land and Natural Resources, State of Hawaii, Post Office Box 621, Honolulu, Hawaii 96809.

**IDaho**

Director, Idaho Historical Society, 610 North Julia Davis Drive, Boise, Idaho 83706.

**ILLINOIS**

Director, Department of Conservation, 102 State Office Building, 400 South Spring Street, Springfield, Ill. 62706.

**INDIANA**

Director, Department of Natural Resources, State of Indiana, 615 State Office Building, Indianapolis, Ind. 46204.

**IOWA**

State Conservation Commission, B-13, McLean Hall, Iowa City, Iowa 52242.

**KANSAS**

Executive Director, Kansas State Historical Society, 120 West 10th, Topeka, Kans. 66612.

**KENTUCKY**

Executive Director, Kentucky Heritage Commission, 401 Wapping Street, Frankfort, Ky. 40601.

**LOUISIANA**

Director, Department of Art, Historical and Cultural Preservation, Old State Capitol, Baton Rouge, La. 70801.

**MAINE**

Director, Maine Historic Preservation Commission, 31 Western Avenue, Augusta, Maine 04330.

**MARYLAND**

Director, Maryland Historical Trust, 2525 Riva Road, Annapolis, Md. 21401.

**MASSACHUSETTS**

Secretary of the Commonwealth, Chairman, Massachusetts Historical Commission, 40 Beacon Street, Boston, Mass. 02133.

**MICHIGAN**

Acting Deputy Director, Recreation, Department of Natural Resources, Stevens T. Mason Building, Lansing, Mich. 48926.

**MINNESOTA**

Director, Minnesota Historical Society, 600 Cedar Street, St. Paul, Minn. 55101.

**MISSISSIPPI**

Director, State of Mississippi, Department of Archives and History, Post Office Box 571, Jackson, Miss. 39205.

**MISSOURI**

Director, Missouri State Park Board, Post Office Box 176, 1204 Jefferson Building, Jefferson City, Mo. 65101.

**MONTANA**

Chief of Recreation and Parks Division, Department of Fish and Game, State of Montana, Mitchell Building, Helena, Mont. 59601.

**NEBRASKA**

Director, The Nebraska State Historical Society, 1500 R Street, Lincoln, Nebr. 68508.

**NEVADA**

Administrator, Division of State Parks, 201 South Fall Street, Room 221, Nye Building, Carson City, Nev. 89701.

**NEW HAMPSHIRE**

Commissioner, Department of Resources and Economic Development, 856 State House Annex, Concord, N.H. 03301.

**NEW JERSEY**

Commissioner, Department of Environmental Protection, Post Office Box 1420, Trenton, N.J. 08625.

**NEW MEXICO**

Acting State Planning Officer, State Capitol, 403 Capitol Building, Santa Fe, N. Mex. 87501.

**NEW YORK**

Commissioner of Parks and Recreation, Room 303, South Swan Street Building, Albany, N.Y. 12226.

**NORTH CAROLINA**

State Historian and Administrator, Office of Archives and History, Department of Art, Culture and History, 109 East Jones Street, Raleigh, N.C. 27602.

**NORTH DAKOTA**

Superintendent, State Historical Society of North Dakota, Liberty Memorial Building, Bismarck, N. Dak. 58501.

**OHIO**

Director, The Ohio Historical Society, Columbus, Ohio 43211.

**OKLAHOMA**

President, Oklahoma Historical Society, 1108 Colcord Building, Oklahoma City, Okla. 73102.

**OREGON**

Administrator, State Park Superintendent, 300 State Highway Building, Salem, Oreg. 97310.

**PENNSYLVANIA**

Deputy Executive Director, Pennsylvania Historical and Museum Commission, William Penn Memorial Museum and Archives Building, Box 1026, Harrisburg, Pa. 17108.

**RHODE ISLAND**

Director, Rhode Island Department of Community Affairs, 150 Washington Street, Providence, R.I. 02903.

**SOUTH CAROLINA**

Director, State Archives Department, 1430 Senate Street, Columbia, S.C. 29211.

**SOUTH DAKOTA**

Director, Cultural Preservation Officer, Department of Education and Cultural Affairs, Office of Cultural Preservation, State Capitol, Pierre, S. Dak. 57501.

**TENNESSEE**

Executive Director, Tennessee Historical Commission, State Library and Archives Building, Nashville, Tenn. 37219.

**TEXAS**

Executive Director, Texas State Historical Survey Committee, Post Office Box 12276, Capitol Station, Austin, Tex. 78701.

**UTAH**

Director, Department of Development Services, 312 State Capitol Building, Salt Lake City, Utah 84102.

**VERMONT**

Director, Vermont Division of Historic Sites, Pavilion Building, Montpelier, Vt. 05602.

**VIRGINIA**

Executive Director, Virginia Historic Landmarks Commission, 221 Governor Street, Richmond, Va. 23219.

**WASHINGTON**

Director, Washington State Parks and Recreation Commission, Post Office Box 1128, Olympia, Wash. 98504.

**WEST VIRGINIA**

State Historic Preservation Officer, West Virginia Antiquities Commission, Old Mountaineer, West Virginia University, Morgantown, W. Va. 26506.

**WISCONSIN**

Director, State Historical Society of Wisconsin, 816 State Street, Madison, Wis. 53706.

**WYOMING**

Director, Wyoming Recreation Commission, 604 East 25th Street, Box 309, Cheyenne, Wyo. 82001.

**DISTRICT OF COLUMBIA**

Deputy Mayor, District of Columbia Government, Washington, D.C. 20004.

**COMMONWEALTH OF PUERTO RICO**

Executive Director, Institute of Puerto Rican Culture, Apartado 4184, San Juan, P.R. 00905.

**GUAM**

Acting Director, Department of Commerce, Government of Guam, Post Office Box 682, Agaña, Guam 96910.

**VIRGIN ISLANDS**

Planning Director, Virgin Islands Planning Board, Charlotte Amalie, St. Thomas, V.I. 00810.

**SAMOA**

Executive Secretary, Environment Quality Commission, Office of the Governor, Pago Pago, American Samoa 96920.

The State Liaison Officer supervises a professional survey staff in conducting a statewide historic sites survey. From the survey findings a comprehensive statewide historic preservation plan is prepared. The plan must be reviewed and approved by a high-level professional review committee. The State Liaison Officer, in accordance with the plan, may then nominate properties for inclusion in the National Register. The nominated properties which are approved by the National Park Service are entered in the National Register of Historic Places by the Director, Office of Archeology and Historic Preservation, National Park Service.

The following criteria shall be used by the States in evaluating properties for nomination to the National Register of Historic Places and by the National Park Service in reviewing State nominations.

**National Register Criteria of Evaluation**

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or

2. That are associated with the lives of persons significant in our past; or

3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. That have yielded, or may be likely to yield, information important in prehistory or history.

**Criteria considerations.** Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(a) A religious property depriving primary significance from architectural or artistic distinction or historical importance.

(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event.

(c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.

(d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.

(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived.

(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance.

(g) A property achieving significance within the past 50 years if it is of exceptional importance.

**C. Grants for historic preservation.** The National Historic Preservation Act also authorizes a program of grants-in-



aid to States for comprehensive statewide historic site surveys and preservation plans. Grants are also authorized to States, local governments, private organizations, and individuals for preservation projects in accordance with an approved statewide plan. All grants are made through the States. The State Liaison Officer may then distribute the funds to other approved public and private recipients. Funds may be used for acquisition, protection, rehabilitation, restoration, and reconstruction of properties included in the National Register of Historic Places.

#### ADVISORY COUNCIL ON HISTORIC PRESERVATION

##### Procedures For The Protection of Historic and Cultural Properties

Properties included in, or eligible for, inclusion in the National Register are afforded protection under the National Historic Preservation Act of 1966 and Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment." The Advisory Council on Historic Preservation has prescribed procedures for Federal agencies to follow. In accordance with these authorities these "Procedures for Protection of Historic and Cultural Properties" were published in the FEDERAL REGISTER of January 25, 1974 (39 FR 3366), and had been codified in 36 CFR Part 800. These procedures are set forth below:

Procedures for the Protection of Historic and Cultural Properties in Accordance With Section 106 of the National Historic Preservation Act and Sections 1(3) and 2(b) of Executive Order 11593

**800.1 Purpose and authorities.** The National Historic Preservation Act of 1966 created the Advisory Council on Historic Preservation, an independent agency of the Executive branch of the Federal Government, to advise the President and Congress on matters involving historic preservation. Its members are the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the Secretary of Transportation, the Secretary of Agriculture, the Administrator of the General Services Administration, the Secretary of the Smithsonian Institution, the Chairman of the National Trust for Historic Preservation, and 10 citizen members appointed by the President on the basis of their outstanding service in the field of historic preservation.

The Council reviews Federal, federally assisted, and federally licensed undertakings affecting cultural properties as defined herein, in accordance with the following authorities:

(a) *Section 106 of the National Historic Preservation Act.* Section 106 requires that Federal, federally assisted, and federally licensed undertakings affecting properties included in the National Register of Historic Places be submitted to the Council for review and

comment prior to the approval of any such undertaking by the Federal agency.

(b) *Section 1(3) of Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment."* Section 1(3) requires that Federal agencies, in consultation with the Council, establish procedures regarding the preservation and enhancement of nonfederally owned historic and cultural properties in the execution of their plans and programs. After soliciting consultation with the Federal agencies, the Advisory Council has adopted procedures, set forth in 36 CFR 800.3 through 800.10, to achieve this objective and Federal agencies should fulfill their responsibilities under section 1(3) by following these procedures. The Council further recommends that Federal agencies use these procedures as a guide in the development, in consultation with the Council, of their required internal procedures.

(c) *Section 2(b) of Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment."* Federal agencies are required, by section 2(a) of the Executive Order, to locate, inventory, and nominate properties under their jurisdiction or control to the National Register. Until such processes are complete, Federal agencies must submit proposals for the transfer, sale, demolition, or substantial alteration of federally owned properties eligible for inclusion in the National Register to the Council for review and comment. Federal agencies must continue to comply with section 2(b) review requirements, even after the initial inventory is complete, when they obtain jurisdiction or control over additional properties that are eligible for inclusion in the National Register or when properties under their jurisdiction or control are found to be eligible for inclusion in the National Register subsequent to the initial inventory.

**800.2 Coordination with agency requirements under the National Environmental Policy Act.** Section 101(b) (4) of the National Environmental Policy Act (NEPA) declares that one objective of the national environmental policy is to "preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment which supports diversity and variety of individual choice." In order to meet this objective, the Advisory Council instructs Federal agencies to coordinate NEPA compliance with the separate responsibilities of the National Historic Preservation Act and Executive Order 11593 to ensure that historic and cultural resources are given proper consideration in the preparation of environmental impact statements. Agency obligations pursuant to the National Historic Preservation Act and Executive Order 11593 are independent from NEPA and must be complied with even when an environmental impact statement is not required. However, where both NEPA and the National Historic Preservation Act or Executive Order 11593 are applicable, the Council on Environmental Quality, in its Guidelines for the Preparation of Environmental

Impact Statements (40 CFR 1500), directs that compliance with section 102 (2)(C) of NEPA should, to the extent possible, be combined with other statutory obligations—such as the National Historic Preservation Act and Executive Order 11593—to yield a single document which meets all applicable requirements. To achieve this objective, Federal agencies should undertake, to the fullest extent possible, compliance with the procedures set forth below whenever properties included in or eligible for inclusion in the National Register are involved in a project to ensure that obligations under the National Historic Preservation Act and Executive Order 11593 are fulfilled during the preparation of a draft environmental impact statement required under section 102(2)(C) of NEPA. The Advisory Council recommends that compliance with these procedures be undertaken at the earliest stages of the environmental impact statement process to expedite review of the statement. Statements on projects affecting properties included in or eligible for inclusion in the National Register should be sent directly to the Advisory Council for review. All statements involving historic, architectural, archaeological, or cultural resources, whether or not included in or eligible for inclusion in the National Register, should be submitted to the Department of Interior for review.

**800.3 Definitions.** As used in these procedures:

(a) "National Historic Preservation Act" means Public Law 89-665, approved October 15, 1966, an "Act to establish a program for the preservation of additional historic properties throughout the Nation and for other purposes," 80 Stat. 915, 16 U.S.C. 470, as amended, 84 Stat. 204 (1970) and 87 Stat. 139 (1973) hereinafter referred to as "the Act."

(b) "Executive Order" means Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment," 36 FR 8921, 16 U.S.C. 470.

(c) "Undertaking" means any Federal action, activity, or program, or the approval, sanction, assistance, or support of any other action, activity or program, including but not limited to:

(1) Recommendations or favorable reports relating to legislation, including requests for appropriations. The requirement for following these procedures applies to both: Agency recommendations on their own proposals for legislation and agency reports on legislation initiated elsewhere. In the latter case only the agency which has primary responsibility for the subject matter involved will comply with these procedures.

(2) New and continuing projects and program activities: directly undertaken by Federal agencies; or supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; or involving a Federal lease, permit, license, certificate, or other entitlement for use.

(3) The making, modification, or establishment of regulations, rules, procedures, and policy.

(d) "National Register" means the National Register of Historic Places, which is a register of districts, sites, buildings, structures, and objects, significant in American history, architecture, archeology, and culture, maintained by the Secretary of the Interior under authority of section 2(b) of the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461) and section 101(a) (1) of the National Historic Preservation Act. The National Register is published in its entirety in the FEDERAL REGISTER each year in February. Addenda are published on the first Tuesday of each month.

(e) "National Register property" means a district, site building, structure, or object included in the National Register.

(f) "Property eligible for inclusion in the National Register" means any district, site, building, structure, or object which the Secretary of the Interior determines is likely to meet the National Register Criteria. As these determinations are made, a listing is published in the FEDERAL REGISTER on the first Tuesday of each month, as a supplement to the National Register.

(g) "Decision" means the exercise of agency authority at any stage of an undertaking where alterations might be made in the undertaking to modify its impact upon historic and cultural properties.

(h) "Agency Official" means the head of the Federal agency having responsibility for the undertaking or a subordinate employee of the Federal agency to whom such authority has been delegated.

(i) "Chairman" means the Chairman of the Advisory Council on Historic Preservation, or such member designated to act in his stead.

(j) "Executive Director" means the Executive Director of the Advisory Council on Historic Preservation established by Section 205 of the Act, or his designated representative.

(k) "State Historic Preservation Officer" means the official within each State, authorized by the State at the request of the Secretary of the Interior, to act as liaison for purposes of implementing the Act, or his designated representative.

(l) "Secretary" means the Secretary of the Interior, or his designee authorized to carry out the responsibilities of the Secretary of the Interior under Executive Order 11593.

**800.4 Agency procedures.** At the earliest stage of planning or consideration of a proposed undertaking, including comprehensive or area-wide planning in which provision may be made for an undertaking or an undertaking may be proposed, the Agency Official shall take the following steps to comply with the requirements of section 106 of the National Historic Preservation Act and sections 1(3) and 2(b) of Executive Order 11593.

(a) *Identification of resources.* As early as possible and in all cases prior to agency decision concerning an undertaking, the Agency Official shall identify properties located within the area of the undertaking's potential environmental

impact that are included in or eligible for inclusion in the National Register.

(1) To identify properties included in the National Register, the Agency Official shall consult the National Register, including monthly supplements.

(2) To identify properties eligible for inclusion in the National Register, the Agency Official shall, in consultation with the appropriate State Historic Preservation Officer, apply the National Register Criteria, set forth in 36 CFR 800.10, to all properties possessing historical, architectural, archeological, or cultural value located within the area of the undertaking's potential environmental impact. If the Agency Official determines that a property appears to meet the Criteria, or if it is questionable whether the Criteria are met, the Agency Official shall request, in writing, an opinion from the Secretary of the Interior respecting the property's eligibility for inclusion in the National Register. The Secretary of the Interior's opinion respecting the eligibility of a property for inclusion in the National Register shall be conclusive for the purposes of these procedures.

(b) *Determination of effect.* For each property included in or eligible for inclusion in the National Register that is located within the area of the undertaking's potential environmental impact, the Agency Official, in consultation with the State Historic Preservation Officer, shall apply the Criteria of Effect, set forth in 36 CFR 800.8, to determine whether the undertaking has an effect upon the property. Upon applying the Criteria and finding no effect, the undertaking may proceed. The Agency Official shall keep adequate documentation of a determination of no effect.

(c) *Effect established.* Upon finding that the undertaking will have any effect upon a property included in or eligible for inclusion in the National Register, the Agency Official, in consultation with the State Historic Preservation Officer, shall apply the Criteria of Adverse Effect, set forth in 36 CFR 800.9, to determine whether the effect of the undertaking is adverse.

(d) *Finding of no adverse effect.* Upon finding the effect not to be adverse, the Agency Official shall forward adequate documentation of the determination, including evidence of the views of the State Historic Preservation Officer, to the Executive Director for review. Unless the Executive Director notes an objection to the determination within 45 days after receipt of adequate documentation, the Agency Official may proceed with the undertaking.

(e) *Finding of adverse effect.* Upon finding the effect to be adverse or upon notification that the Executive Director does not accept a determination of no adverse effect, the Agency Official shall:

(1) Request, in writing, the comments of the Advisory Council; (2) notify the State Historic Preservation Officer of this request; (3) prepare a preliminary case report; and (4) proceed with the consultation process set forth in 36 CFR 800.5.

(f) *Preliminary case report.* Upon requesting the comments of the Advisory Council, the Agency Official shall provide

the Executive Director and the State Historic Preservation Officer with a preliminary case report, containing all relevant information concerning the undertaking. The Agency Official shall obtain such information and material from any applicant, grants or other beneficiary involved in the undertaking as may be required for the proper evaluation of the undertaking, its effects, and alternate courses of action.

**800.5 Consultation process.**—(a) *Response to request for comments.* Upon receipt of a request for Advisory Council comments pursuant to 36 CFR 800.4(e), the Executive Director shall acknowledge the request and shall initiate the consultation process.

(b) *On-site inspection.* At the request of the Agency Official, the State Historic Preservation Officer, or the Executive Director, the Agency Official shall conduct an on-site inspection with the Executive Director, the State Historic Preservation Officer and such other representatives of national, State, or local units of government and public and private organizations that the consulting parties deem appropriate.

(c) *Public information meeting.* At the request of the Agency Official, the State Historic Preservation Officer, or the Executive Director, the Executive Director shall conduct a meeting open to the public, where representatives of national, State, or local units of government, representatives of public or private organizations, and interested citizens can receive information and express their views on the undertaking, its effects on historic and cultural properties, and alternate courses of action. The Agency Official shall provide adequate facilities for the meeting and shall afford appropriate notice to the public in advance of the meeting.

(d) *Consideration of alternatives.* Upon review of the pending case and subsequent to any on-site inspection and any public information meeting, the Executive Director shall consult with the Agency Official and State Historic Preservation Officer to determine whether there is a feasible and prudent alternative to avoid or satisfactorily mitigate any adverse effect.

(e) *Avoidance of adverse effect.* If the Agency Official, the State Historic Preservation Officer, and the Executive Director select and unanimously agree upon a feasible and prudent alternative to avoid the adverse effect of the undertaking, they shall execute a Memorandum of Agreement acknowledging avoidance of adverse effect. This document shall be forwarded to the Chairman for review pursuant to 36 CFR 800.6(a).

(f) *Mitigation of adverse effect.* If the consulting parties are unable to unanimously agree upon a feasible and prudent alternative to avoid any adverse effect, the Executive Director shall consult with the Agency Official and the State Historic Preservation Officer to determine whether there is a feasible and prudent alternative to satisfactorily mitigate the adverse effect of the undertaking. Upon finding and unanimously



agreeing to such an alternative, they shall execute a Memorandum of Agreement acknowledging satisfactory mitigation of adverse effect. This document shall be forwarded to the Chairman for review pursuant to 36 CFR 800.6(a).

(g) *Memorandum of Agreement.* It shall be the responsibility of the Executive Director to prepare each Memorandum of Agreement required under these procedures. In preparation of such a document the Executive Director may request the Agency Official to prepare a proposal for inclusion in the Memorandum, detailing actions to be taken to avoid or mitigate the adverse effect.

(h) *Failure to avoid or mitigate adverse effect.* Upon the failure of consulting parties to find and unanimously agree upon a feasible and prudent alternative to avoid or satisfactorily mitigate the adverse effect, the Executive Director shall request the Chairman to schedule the undertaking for consideration at the next Council meeting and notify the Agency Official of the request. Upon notification of the request, the Agency Official shall delay further processing of the undertaking until the Council has transmitted its comments or the Chairman has given notice that the undertaking will not be considered at a Council meeting.

800.6 *Council procedures.*—(a) *Review of Memorandum of Agreement.* Upon receipt of a Memorandum of Agreement acknowledging avoidance of adverse effect or satisfactory mitigation of adverse effect, the Chairman shall institute a 30-day review period. Unless the Chairman shall notify the Agency Official that the matter has been placed on the agenda for consideration at a Council meeting, the memorandum shall become final: (1) Upon the expiration of the 30-day review period with no action taken; or (2) when signed by the Chairman. Memoranda duly executed in accordance with these procedures shall constitute the comments of the Advisory Council. Notice of executed Memoranda of Agreement shall be published in the FEDERAL REGISTER monthly.

(b) *Response to request for consideration at Council meeting.* Upon receipt of a request from the Executive Director for consideration of the proposed undertaking at a Council meeting, the Chairman shall determine whether or not the undertaking will be considered and notify the Agency Official of his decision. To assist the Chairman in this determination, the Agency Official and the State Historic Preservation Officer shall provide such reports and information as may be required. If the Chairman decides against consideration at a Council meeting, he will submit a written summary of the undertaking and his decision to each member of the Council. If any member of the Council notes an objection to the decision within 15 days of the Chairman's decision, the undertaking will be scheduled for consideration at a Council meeting. If the Council members have no objection, the Chairman shall notify the Agency Official at the end of the 15-day period that the undertaking may proceed.

(c) *Decision to consider the undertaking.* Upon determination that the Council will consider an undertaking, the Chairman shall: (1) Schedule the matter for consideration at a regular meeting no less than 60 days from the date the request was received, or in exceptional cases, schedule the matter for consideration in an unassembled or special meeting; (2) notify the Agency Official and the State Historic Preservation Officer of the date on which comments will be considered; and (3) authorize the Executive Director to prepare a case report.

(d) *Content of the case report.* For purposes of arriving at comments, the Advisory Council prescribes that certain reports be made available to it and accepts reports and statements from other interested parties. Specific informational requirements are enumerated below. Generally, the requirements represent an explication or elaboration of principles contained in the Criteria of Effect and in the Criteria of Adverse Effect. The Council notes, however, that the Act recognizes historical and cultural resources should be preserved "as a living part of our community life and development." Consequently, in arriving at final comments, the Council considers those elements in an undertaking that have relevance beyond historical and cultural concerns. To assist it in weighing the public interest, the Council welcomes information not only bearing upon physical, sensory, or esthetic effects but also information concerning economic, social, and other benefits or detriments that will result from the undertaking.

(e) *Elements of the case report.* The report on which the Council relies for comment shall consist of:

(1) A report from the Executive Director to include a verification of the legal and historical status of the property; an assessment of the historical, architectural, archeological, or cultural significance of the property; a statement indicating the special value of features to be most affected by the undertaking; an evaluation of the total effect of the undertaking upon the property; a critical review of any known feasible and prudent alternatives; and recommendations to remove or mitigate the adverse effect;

(2) A report from the Agency Official requesting comment to include a general discussion and chronology of the proposed undertaking; when appropriate, an account of the steps taken to comply with section 102(2)(A) of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321): an evaluation of the effect of the undertaking upon the property, with particular reference to the impact on the historic, architectural, archeological and cultural values; steps taken or proposed by the agency to take into account, avoid, or mitigate adverse effects of the undertaking; a thorough discussion of alternate courses of action; and, if applicable and available, a copy of the draft environmental statement prepared in compliance with section 102(2)(C) of the National Environmental Policy Act of 1969;

(3) A report from any other Federal agency having under consideration an undertaking that will concurrently or ultimately affect the property, including a general description and chronology of that undertaking and discussion of the relation between that undertaking and the undertaking being considered by the Council;

(4) A report from the State Historic Preservation Officer to include an assessment of the significance of the property; an identification of features of special value; and evaluation of the effect of the undertaking upon the property and its specific components; an evaluation of known alternate courses of action; a discussion of present or proposed participation of State and local agencies or organizations in preserving or assisting in preserving the property; an indication of the support or opposition of units of government and public and private agencies and organizations within the State; and the recommendations of his office;

(5) A report by an applicant or potential recipient when the Council considers comments upon an application for a contract, grant, subsidy, loan, or other form of funding assistance, or an application for a Federal lease, permit, license, certificate, or other entitlement for use. Arrangements for the submission and presentation of reports by applicants or potential recipients shall be made through the Agency Official having jurisdiction in the matter; and

(6) Other pertinent reports, statements, correspondence, transcripts, minutes, and documents received by the Council from any and all parties, public or private. Reports submitted pursuant to this section should be received by the Council at least two weeks prior to a Council meeting.

(f) *Coordination of case reports and statements.* In considerations involving more than one Federal department, either directly or indirectly, the Agency Official requesting comment shall act as a coordinator in arranging for a full assessment and discussion of all interdepartmental facets of the problem and prepare a record of such coordination to be made available to the Council. At the request of the Council, the State Historic Preservation Officer shall notify appropriate governmental units and public and private organizations within the State of the pending consideration of the undertaking by the Council, and coordinate the presentation of written statements to the Council.

(g) *Council meetings.* The Council does not hold formal hearings to consider comments under these procedures. Two weeks notice shall be given, by publication in the FEDERAL REGISTER, of all meetings involving Council review of Federal undertakings in accordance with these procedures. Reports and statements will be presented to the Council in open session in accordance with a prearranged agenda. Regular meetings of the Council generally occur on the first Wednesday and Thursday of February, May, August, and November.

(h) *Oral statements to the Council.* A schedule shall provide for oral state-

ments from the Executive Director; the referring Agency Official presently or potentially involved; the applicant or potential recipient, when appropriate; the State Historic Preservation Officer; and representatives of national, State, or local units of government and public and private organizations. Parties wishing to make oral remarks shall submit written statements of position in advance to the Executive Director.

(i) *Comments by the Council.* The comments of the Council, issued after consideration of an undertaking at a Council meeting, shall take the form of a three-part statement, including an introduction, findings, and a conclusion. The statement shall include notice to the Agency Official of the report required under 36 CFR 800.6(j) of these procedures. Comments shall be made to the head of the Federal Agency requesting comment or having responsibility for the undertaking. Immediately thereafter, the comments of the Council will be forwarded to the President and the Congress as a special report under authority of section 202(b) of the Act and published as soon as possible in the FEDERAL REGISTER. Comments shall be available to the public upon receipt of the comments by the head of the Federal agency.

(j) *Report of agency action in response to Council comments.* When a final decision on the undertaking is reached by the Federal Agency, the Agency Official shall submit a written report to the Council containing a description of actions taken by the Federal Agency subsequent to the Council's comments; a description of actions taken by other parties pursuant to the actions of the Federal Agency; and the ultimate effect of such actions on the property involved. The Council may request supplementary reports if the nature of the undertaking requires them.

(k) *Record of the Council.* The records of the Council shall consist of a record of the proceedings at each meeting, the case report prepared by the Executive Director, and all other reports, statements, transcripts, correspondence, and documents received.

(l) *Continuing review jurisdiction.* When the Council has commented upon an undertaking pursuant to 36 CFR 800.6 such as a comprehensive or area-wide plan that by its nature requires subsequent action by the Federal Agency, the Council will consider its comments or approval to extend only to the undertaking as reviewed. The Agency Official shall ensure that subsequent action related to the undertaking is submitted to the Council for review in accordance with 36 CFR 800.4(e) of these procedures when that action is found to have an adverse effect on a property included in or eligible for inclusion in the National Register.

800.7 *Other powers of the Council.*—(a) *Comment or report upon non-Federal undertaking.* The Council will exercise the broader advisory powers, vested by section 202(a)(1) of the Act, to recommend measures concerning a

non-Federal undertaking that will adversely affect a property included in or eligible for inclusion in the National Register; (1) Upon request from the President of the United States, the President of the U.S. Senate, or the Speaker of the House of Representatives, or (2) when agreed upon by a majority vote of the members of the Council.

(b) *Comment or report upon Federal undertaking in special circumstances.* The Council will exercise its authority to comment to Federal agencies in certain special situations even written notice that an undertaking will have an effect has not been received. For example, the Council may choose to comment in situations where an objection is made to a Federal agency finding of "no effect."

800.8 *Criteria of effect.* A Federal, federally assisted, or federally licensed undertaking shall be considered to have an effect on a National Register property or property eligible for inclusion in the National Register (districts, sites, buildings, structures, and objects, including their settings) when any condition of the undertaking causes or may cause any change, beneficial or adverse, in the quality of the historical, architectural, archeological, or cultural character that qualifies the property under the National Register Criteria.

800.9 *Criteria of adverse effect.* Generally, adverse effects occur under conditions which include but are not limited to:

(a) Destruction or alteration of all or part of a property;

(b) Isolation from or alteration of its surrounding environment;

(c) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;

(d) Transfer or sale of a federally owned property without adequate conditions or restrictions regarding preservation, maintenance, or use; and

(e) Neglect of a property resulting in its deterioration or destruction.

800.10 *National Register Criteria.* (a) "National Register Criteria" means the following criteria established by the Secretary of the Interior for use in evaluating and determining the eligibility of properties for listing in the National Register:

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling and association and:

(1) That are associated with events that have made a significant contribution to the broad patterns of our history; or

(2) That are associated with the lives of persons significant in our past; or

(3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant

and distinguishable entity whose components may lack individual distinction; or

(4) That have yielded, or may be likely to yield, information important in prehistory or history.

(b) *Criteria considerations.* Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(1) A religious property deriving primary significance from architectural or artistic distinction or historical importance;

(2) A building or structure removed from its original location but which is the surviving structure most importantly associated with a historic person or event;

(3) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life;

(4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;

(5) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;

(6) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

(7) A property achieving significance within the past 50 years if it is of exceptional importance.

The following properties were listed on the National Register as of February 1, 1973. Those which are marked by an asterisk have been designated National Historic Landmarks by the Secretary of the Interior.

#### NATIONAL REGISTER ENTRIES

##### Alabama

##### Baldwin County

Gasque vicinity, \*Fort Morgan, western terminus of Alabama 180.

Tensaw vicinity, Fort Mims Site, sec. 46 R. 2 E., T. 3 N.

##### Barbour County

Eufaula, Bray-Barron Home, North Eufaula Avenue.

Eufaula, Cato House, 823 West Barbour Street.

Eufaula, Drennon-Mitchell-Moorer House, 640 North Eufaula Avenue.

Eufaula, Fendall Hall, Barbour Street.

Eufaula, Kendall Manor, 834 West Broad Street.

Eufaula, Kiels-McNab-Doughtie House, Barbour Street.



## NOTICES

Eufaula, *Lore Historic District*, bounded by Barbour Street on the south, Eufaula Avenue on the west, Browder Street on the north and Livingston Street on the east (12-12-73).

Eufaula, *McNab Bank Building*, Broad Street.  
Eufaula, *Sheppard Cottage*, East Barbour Street.  
Eufaula, *Shorter Mansion*, 340 North Eufaula Avenue.  
Eufaula, *Sparks, Governor, House (H. O. Hart House)*, 267 Broad Street.  
Eufaula, *The Tavern (River Tavern)*, 105 Riverside Drive.  
Eufaula, *Wellborn (Welborn) House*, Livingston Avenue.

## Bibb County

Brierfield, *Montebrier*.

## Blount County

Oneonta vicinity, *Horton Mill Covered Bridge*, 5 miles north of Oneonta on Route 3.

## Calhoun County

Anniston, *Anniston Inn Kitchen*, 130 west 15th Street.  
Coldwater, *Coldwater Creek Covered Bridge*, spans Coldwater Creek 0.5 mile from I-20 (also in Talladega County).  
Jacksonville, *Francis, Dr. J. C., Office*, 100 Gayle Street.

## Cherokee County

Cedar Bluff vicinity, *Cornwall Furnace*, 2 miles north of Cedar Bluff.

## Clay County

Ashland, *Black, Hugo, House*, South Second Street East (Ala. 77) (10-9-73).

## Coffee County

Elba, *Coffee County Courthouse*, Courthouse Square.  
Enterprise, *Boll Weevil Monument*, intersection of Main and College Streets.

## Colbert County

Florence vicinity, *\*Wilson Dam*, Tennessee River, on Alabama 133 (also in Lauderdale County).  
Tuscumbia, *Colbert County Courthouse Square Historic District*.  
Tuscumbia, *Ivy Green (Helen Keller Birthplace)*, 300 West North Common.

## Covington County

Opp, *Shepard, William T., House*, Poley Road (8-14-73).  
Selma, *Morgan, John Tyler, House*, 719 Tremont.  
Selman, *Sturdivant Hall (Watts-Parkman-Gillman House)*, 713 Mabry Street.  
Selma, *Water Avenue Historic District*, Water Avenue.

## Dallas County

Selma vicinity, *Cahaba*, 11 miles southwest of Selma, at junction of Cahaba and Alabama Rivers.

## De Kalb County

Fort Payne, *Fort Payne Opera House*, 510 road Passenger Depot, Northeast Fifth Street.  
Fort Payne, *Fort Payne Opera House*, 510 Gault Avenue, North.

## Elmore County

Wetumpka, *First United Methodist Church (Methodist Episcopal Church)*, 308 Tuskeena Street.

Wetumpka vicinity, *Alabama State Penitentiary*, northeast of Wetumpka on U.S. 231.  
Wetumpka vicinity, *\*Fort Toulouse*, 4 miles southwest of Wetumpka at confluence of the Coosa and Tallapoosa Rivers.

## Franklin County

Hodges vicinity, *Overton Farm*, about 4 miles northwest of Hodges (10-3-73).

## Greene County

Eutaw, *Coleman-Banks House*, 430 Springfield Road.  
Eutaw, *Greene County Courthouse*, Courthouse Square.  
Forkland vicinity, *Rosemount*, 1 mile northwest of Forkland.

## Hale County

Greensboro vicinity, *Tanglewood (Page Harris House)*, about 11 miles north of Greensboro off Alabama 23.  
Moundville vicinity, *\*Moundville Site*, 1 mile west of Moundville on County Route 21.

## Jackson County

Bridgeport vicinity, *Russell Cave National Monument*, 8 miles west of Bridgeport via U.S. 72 and County Routes 91 and 75.

## Jefferson County

Bessemer, *Southern Railway Terminal Station*, 1905 Alabama Avenue.  
Bessemer, *The McAdory House*, 214 Eastern Valley Road.  
Birmingham, *Arlington (Mudd-Munger Home)*, 331 Cotton Avenue SW.  
Birmingham, *Morris Avenue Historic District*, 2000 through 2400 blocks of Morris Avenue.  
Birmingham, *Sloss Blast Furnace Site*, First Avenue at 32d Street.  
McCalla vicinity, *Five Mile Creek Bridge*, 1 mile northeast of McCalla off U.S. 11.

## Lauderdale County

Florence, *Karsner-Carroll House*, 303 North Pine Street.  
\*Wilson Dam (see Colbert County).

## Lee County

Auburn, *Auburn Players Treater*, College Avenue at Thach Street.  
Auburn vicinity, *Noble Hall (Frazier-Brown House)*, Shelton Mill Road, 3 miles north of Auburn.  
Loachapoka, *Loachapoka Historic District*.  
Opelika, *Lee County Courthouse*, South Ninth Street between Avenue A and Avenue B (7-23-73).

## Limestone County

Athens, *Donnell, Robert, House*, 601 South Clinton Street (9-19-73).  
Belle Mina vicinity, *Belle Mina*, south of Belle Mina on the Mooresville-Elkton Road.  
Elkmont vicinity, *Sulphur Trestle Fort Site*, 1 mile south of Elkmont.  
Mooresville, *Mooresville*.

## Lowndes County

Haynesville, *Lowndes County Courthouse*, Washington Street.  
Lowndesboro, *Lowndesboro*, north of U.S. 80 (12-12-73).

## Macon County

Tuskegee vicinity, *\*Tuskegee Institute*, 1 mile northwest of Tuskegee on U.S. 80.

## Madison County

Normal, *Domestic Science Building*, Alabama A. & M. University campus.  
Huntsville, *Southern Railway System Depot*, 330 Church Street.  
Huntsville, *Twickenham Historic District*.

## Marion County

Dayton vicinity, *Half-Chance Bridge*.  
Demopolis, *Bluff Hall*, 405 North Commissioners Avenue.

Demopolis, *Gaineswood*, 805 South Cedar Street.

Demopolis, *White Bluff*, Arch Street.

## Mobile County

Bucks vicinity, *Ellisott Stone*, about 1 mile south of Bucks off U.S. 48.  
Dauphin Island, *Indian Mound Park* (8-14-73).  
Mobile, *Barton Academy*, 504 Government Street.  
Mobile, *Bishop Porter Home*, 307 Conti Street.  
Mobile, *Bragg-Mitchell House*, 1906 Springhill Avenue.  
Mobile, *Brisk & Jacobson Store*, 51 Dauphin Street.  
Mobile (Spring Hill), *Carolina Hall (Yesterhouse, Dawson-Purdue House)*, 70 South McGregor.

Mobile, *Church Street East Historic District*.  
Mobile, *City Hall*, 111 South Royal Street.  
Mobile, *De Tonti Square Historic District*.  
Mobile, *Fort Condé-Charlotte*, within an area bounded roughly by Emanuel, Theater, Royal, and Church Streets, and extending slightly north of Church Street.

Mobile, *Georgia Cottage*, 2564 Springhill Avenue.  
Mobile, *Horst, Martin, House*, 407 Conti Street.

Mobile, *Kirkbride House (Fort Condé-Charlotte House)*, 104 Theater Street (12-12-73).

Mobile, *Oakleigh*, 3500 Oakleigh Street.  
Mobile, *Old City Hospital*, 900-950 St. Anthony Street.

Mobile, *Protestant Children's Home*, 911 Dauphin Street.  
Mobile, *Semmes, Raphael, Home*, 804 Government Street.

Mobile, *Spring Hill College Quadrangle*, 4307 Old Shell Road (8-17-73).  
Mobile, *Washington Square Historic District (Oakleigh Garden Historic District)*.

## Monroe County

Monroeville, *Old Monroe County Courthouse*, Courthouse Square.

## Montgomery County

Montgomery, *\*Alabama State Capitol (First Confederate Capitol)*, Goat Hill, east end of Dexter Avenue.

Montgomery, *Edgewood (Thomas House)*, 3175 Thomas Avenue.  
Montgomery, *Governor's Mansion*, 1142 South Perry Street.

Montgomery, *The Murphy House*, 22 Bibb Street.

Montgomery, *Ordeman-Shaw Historic District*, bounded on the west by a line midway between McDonough and Hull Streets; on the north by Randolph Street; on the east by a line midway between Hull and Decatur Streets (to Jefferson Street) and by Decatur Street; and on the south by Madison Avenue.

Montgomery, *Perry Street Historic District*, bounded roughly by McDonough on the east, Sayre on the west, Washington on the north, and Donaldson on the south.

Montgomery, *Powder Magazine*, end of Eugene Street.

Montgomery, *Semple House*, 725 Monroe Street.

Montgomery, *Union Railway Station*, Water Street (7-24-73).

Montgomery, *Winter Building*, 2 Dexter Avenue.

Montgomery vicinity, *Muklassa*, northeast of Montgomery (8-28-73).

## Morgan County

Decatur, *State Bank Building*, Decatur Branch, 925 Bank Street NE.

Somerville, *Somerville Courthouse*.

## Perry County

Marion, *Marion Female Seminary*, 202 Monroe Street (10-4-73).

## Russell County

Fort Mitchell vicinity, *Fort Mitchell Site*, north of Fort Mitchell.  
Holy Trinity vicinity, *\*Apalachicola Fort*, 1.5 miles east of Holy Trinity on Chattahoochee River.

## St. Clair County

Ashville, *Inzer House*, Hartford Avenue (12-4-73).  
Ohatsee vicinity, *Fort Strother*, approximately 3 miles west of Ohatsee on Coosa River.

## Shelby County

Montevallo, *Mansion House*, campus of the University of Montevallo.

## Sumter County

Epes vicinity, *Fort Tombebee*, 0.75 mile northeast of Epes on the Tombigbee River, off U.S. 11 (10-2-73).

Livingston, *Sumter County Courthouse*.

## Talladega County

Coldwater Creek Covered Bridge (see Calhoun County).  
Talladega, *Talladega Court House Square Historic District*.  
Talladega vicinity, *\*Curry, J. L. M., Home*, 3 miles northeast of Talladega on Alabama 21.

## Tallapoosa County

Dadeville vicinity, *Horseshoe Bend National Military Park*, Tallapoosa River, 12 miles north of Dadeville on Alabama 49.

## Tuscaloosa County

Abernant vicinity, *Tannehill Furnace*, sec. 33, R. 5 W., T. 20 S.

Northport, *Shirley, James, House*, 512 Main Avenue.

Tuscaloosa, *Collier-Overby House*, southeast corner of Ninth Street and 21st Avenue.

Tuscaloosa, *Friedman Civic and Cultural Center*, 1010 Greensboro Avenue.

Tuscaloosa, *Gorgas-Manly (University of Alabama) Historic District*, on the University of Alabama campus.

Tuscaloosa, *Guild-Verner House*, 1904 University Avenue (12-4-73).

Tuscaloosa, *Jemison-Vandegraaf House*, 1305 Greensboro Avenue.

Tuscaloosa, *President's Mansion*, University of Alabama campus.

University, *The Old Observatory*, north of University Boulevard.

## Walker County

Cordova vicinity, *Glachrist House*, 12 miles southwest of Cordova on the Pleasantfield-Evansbridge Road.

Jasper, *Bankhead House*, 1400 Seventh Avenue.

## Washington County

St. Stephens vicinity, *Site of Old St. Stephens*, northeast of St. Stephens and bounded on the north by cement excavations, on the east by the Tombigbee River, on the south by woodland, and on the west by woodland and pasture.

## Alaska

## Interior District

Eagle, *Eagle Historic District*, left bank of the Yukon River at the mouth of Mission Creek.

Fairbanks, *George C. Thomas Memorial Library*, 901 First Avenue.

Fairbanks, *Nemana (steamer)*, Alaskaland, Flaxman Island, *Leffingwell Camp*, Arctic coast, 88 miles west of Barter Island.

## NOTICES

Paxson vicinity (also in South Central District), *Tangle Lakes Archeological District*, Denali Highway, western boundary is 40 miles west of Paxson.

## Northwestern District

Barrow vicinity, *\*Birtnirk Site*, 5 miles northeast of Barrow.  
Cape Denbigh Peninsula, *\*Iyatayet Site*, Norton Sound.  
Cape Prince of Wales vicinity, *\*Wales Sites*, adjacent to Cape Prince of Wales on Seward Peninsula.  
Klana vicinity, *Onion Portage Archeological District*, east of Klana on the Kobuk River.  
Nome vicinity, *\*Anvil Creek Gold Discovery Site*, 4.25 miles north of Nome on Seward Peninsula at Anvil Creek.  
Point Hope Peninsula, *\*Iputak Site*, tip of Point Hope.  
St. Lawrence Island, *\*Gambell Sites*, Northwest Cape.

## South Central District

Chitina vicinity, *Copper River and Northwestern Railway*, southwest of Chitina along Copper River.

Dutch Harbor, Unalaska Island, *\*Church of the Holy Ascension*, Unalaska.

Hope, *Hope Historic District*.  
Kenai, *\*Church of the Assumption of the Virgin Mary*, east shore of Cook Inlet.

Kodiak, Kodiak Island, *\*Erskine House (Baranov Warehouse)*, Main Street and Mission Street.

Kodiak Island, *Three Saints Bay Archeological Site*, north of Cape Kasiak.

Kodiak vicinity, *Fort Abercrombie State Historic Site*, Kodiak Island.

Nikolski vicinity, *\*Chaluka Site*, Umnak Island, Aleutian Islands.

Pribilof Islands, St. Paul Island, *\*Fur Seal Rookeries*.

Rip Rock vicinity, Hawkins Island, *\*Palugvik Site*, 3.75 miles east of Rip Rock on Prince William Sound.

Tangle Lakes Archeological District (see Interior District).

Wasilla vicinity, *Knik Site*, about 15 miles southwest of Wasilla on Knik Road (7-24-73).

Yukon Island, *\*Yukon Island Main Site*, Kachemak Bay, Cook Inlet.

## Southeastern District

Haines, *Fort William H. Seward*, Port Chilkoot.

Juneau, *St. Nicholas Russian Orthodox Church*, 326 Fifth Street (9-19-73).

Ketchikan, *Alaska Totems*, between Park and Deermont Avenues.

Ketchikan vicinity, *Toten Right State Historic Site*, west coast of Revillagigedo Island.

Metlakatla, *Duncan, Father William, House*, Fifth Avenue and Atkinson Street.

Sitka, *Alaska Native Brotherhood Hall*, Sitka Camp No. 1; *Katleen Street*.

Sitka, *\*American Flag Raising Site*, Castle Hill.

Sitka, *Russian Mission Orphanage*, Lincoln and Monastery Streets.

Sitka, *\*St. Michael's Cathedral*, Lincoln and Maksoutoff Streets.

Sitka, *Sheldon Jackson Museum*, Lincoln Street.

Sitka, *Baranof Island, Sitka National Monument*.

Sitka vicinity, *\*Old Sitka Site*, 6 miles north of Sitka on Starrigavan Bay.

Skagway vicinity, *Pleasant Camp*, Haines Highway on Canadian/Alaska border.

Skagway and vicinity, *\*Skagway Historic District and White Pass*, head of Taiya Inlet on Lynn Canal.

Wrangell, *Chief Shakes State Historic Site*, Shakes Island.

Yakutat vicinity, *New Russia Archeological Site*, southwest of Yakutat on Phipps Peninsula.

## Southwestern District

Aleutians, *Ananiliak Island Archeological District*.  
Eklutna, *Old St. Nicholas Russian Orthodox Church*, Eklutna Village Road.

## American Samoa

## Tutuila Island—Eastern District

Fagotoga, *Navy Building 38*.  
Fagotoga, *Navy Building 43*.  
Pago Pago, *Government House*, Togotoga Ridge.  
Pago Pago Harbor, *Blunts Point Naval Gun*, Matautu Ridge at Tulutulu Point.

## Western District

Aasu, at Massacre Bay.  
Afao Village vicinity, *Atauloma Girls School*.  
Leone Village vicinity, *Fagalele Boys School*.

## Arizona

## Apache County

Chinle, *Canyon de Chelly National Monument*, east side of Chinle.  
Ganado, *Hubbell Trading Post National Historic Site*, west side of Ganado.  
Springerville vicinity, *\*Casa Malpais Site*, 2 miles north of Springerville.

## Cochise County

Bisbee, *Phelps Dodge General Office Building*, Cooper Queen Plaza, intersection of Main Street and Brewery Gulch.

Bisbee vicinity, *Coronado National Memorial*, 30 miles southwest of Bisbee via Arizona 92 and secondary road.

Bisbee vicinity, *\*Lehner Mammoth-Kill Site*, 10 miles west of Bisbee.

Bowie vicinity, *Fort Bowie National Historic Site*, 13 miles south of Bowie.

Douglas vicinity, *\*Double Adobe Site*, 12 miles northwest of Douglas on the west bank of Whitewater Creek.

Douglas vicinity, *\*San Bernardino Ranch*, 17 miles east of Douglas on the international boundary.

Fairbank vicinity, *Quiburi*, north of Fairbank.

Tombstone, *St. Paul's Episcopal Church*, Safford and Third Streets.

Tombstone, *Tombstone City Hall*, 315 East Fremont Street.

Tombstone, *Tombstone Courthouse (Cochise County Courthouse)*, 219 East Toughnut.

Tombstone, *\*Tombstone Historic District*.

## Coconino County

Flagstaff vicinity, *\*Lowell Observatory*, 1 mile west of Flagstaff on Mars Hill.

Flagstaff vicinity, *\*Merriam C. Hart, Base Camp Site*, 20 miles northwest of Flagstaff, at Little Springs private enclave in Coconino National Forest.

Flagstaff vicinity, *Walnut Canyon National Monument*, 8 miles east of Flagstaff on U.S. 66.

Flagstaff vicinity, *Wupatki National Monument*, 30 miles north of Flagstaff off U.S. 89.

Winona vicinity, *\*Winona Site*, 5 miles northeast of Winona on U.S. 66, Coconino National Forest.

## Gila County

Globe vicinity, *\*Roosevelt Dam*, Salt River, 31 miles northwest of Globe on Arizona 88 (also in Maricopa County).

Globe vicinity, *Tonto National Monument*, 28 miles northwest of Globe on Arizona 88.

Whiteriver vicinity, *\*Kinishba Ruins*, 15 miles west of Whiteriver via Arizona 73 and secondary road.



## Graham County

Bonita vicinity, \*Sierra Bonita Ranch, southwest of Bonita.  
Morenci vicinity, \*Point of Pines, 30 miles northwest of Morenci, San Carlos Indian Reservation.

## Maricopa County

Gila Bend vicinity, Fortaleza, Gila Bend Indian Reservation.  
Gila Bend vicinity, \*Gallin Site, 3 miles north of Gila Bend.  
Phoenix, \*Hohokam-Pima Irrigation sites, Park of the Four Waters.  
Phoenix, \*Pueblo Grande Ruin, Washington Avenue, Pueblo Grande City Park.  
Phoenix, Reason, Dr. Ronald, House, 139 North Sixth Street.  
\*Roosevelt Dam (see Gila County).  
Tempe, Farmer-Goodwin House, 820 Farmer Avenue.

## Mohave County

Fredonia vicinity, Pipe Spring National Monument, 15 miles southwest of Fredonia.

## Navajo County

Kayenta vicinity, Navajo National Monument, 30 miles southwest of Kayenta.  
Keams Canyon vicinity, \*Awatovi Ruins, 3 miles south of Keams Canyon, Hopi Indian Reservation.  
Oraibi vicinity, \*Old Oraibi, 3 miles west of Oraibi on Arizona 264, Hopi Indian Reservation.  
Snowflake, Flake, James M., Home, southwest corner of Stinson and Hunt Streets.  
Snowflake, Smith, Jesse N., Home (Pioneer Memorial Home), 203 West Smith Avenue.

## Pima County

Santa Rosa vicinity, \*Ventana Cave, 11 miles west of Santa Rosa, Papago Indian Reservation.  
Tucson, Cordova House, 173-177 North Meyer Avenue.  
Tucson, El Tiradito (Wishing Shrine), 221 South Main.  
Tucson, Fremont House, 145-153 South Main Street.  
Tucson, The Old Adobe Patio (Charles O. Brown House), 40 West Broadway.  
Tucson, Old Main, University of Arizona campus.  
Tucson vicinity, \*Desert Laboratory, west of Tucson off West Anklam Road.  
Tucson vicinity, \*San Xavier del Bac, 9 miles south of Tucson via Mission Road.

## Pinal County

Chandler vicinity, \*Snaketown, 12 miles southwest of Chandler, Gila River Indian Reservation.  
Coolidge vicinity, Casa Grande Ruins National Monument, 2 miles north of Coolidge on Arizona 87.  
Florence vicinity, Adamsville Ruin, 3.5 miles southwest of Florence on Arizona 287.

## Santa Cruz County

Nogales vicinity, Calabasas, north of Nogales on the east bank of the Santa Cruz River.  
Nogales vicinity, Guevari Mission Ruins, approximately 6 miles above the international boundary.  
Nogales vicinity, Tumacacori National Monument, 18 miles north of Nogales on Interstate 19.  
Tubac, Old Tubac Schoolhouse.  
Tubac, Tubac Presido, Broadway and River Road.

## Yavapai County

Camp Verde, Fort Verde District, bounded by Hance Street on the north, Coppinger Street on the east, and Woods Street on the west.

Clarkdale vicinity, Tuzigoot National Monument, 2 miles east of Clarkdale.  
Flagstaff vicinity, Montezuma Castle National Monument, 40 miles south of Flagstaff on Interstate 17.  
Jerome, \*Jerome Historic District.  
Prescott, Old Governor's Mansion, 400 block of West Gurley.

## Yuma County

Ehrenberg vicinity, Old La Paz (Laguna de La Paz), northeast of Ehrenberg on the Colorado River Indian Tribes Reservation.  
Parker vicinity, Old Presbyterian Church (Mojave Indian Presbyterian Mission Church), southwest of Parker on Second Avenue.  
Yuma, \*Yuma Crossing and Associated Sites, banks of the Colorado River (also in Imperial County, Calif.).

## Arkansas

## Arkansas County

Gillett vicinity, Arkansas Post National Memorial, 8 miles southeast of Gillett on Arkansas 1 and 169.

## Baxter County

Norfolk, Wolf, Jacob, House, on Arkansas 5, west of fork of the White and North Fork Rivers.

## Benton County

Pea Ridge, Pea Ridge National Military Park.

## Carroll County

Eureka Springs, Eureka Springs Historic District.

## Clark County

Arkadelphia, Magnolia Manor, on Arkansas 51.

## Cleveland County

Fordyce vicinity, Mark's Mill Battlefield Park, intersection of Arkansas 8 and 97.

## Columbia County

Bussey vicinity, Frog Level.

## Craighead County

Jonesboro, Frierson House, 1112 South Main Street.

## Crawford County

Van Buren, Drennen-Scott House, Drennen Reserve, North Third Street.

## Cross County

Parkin vicinity, \*Parkin Indian Mound, north edge of Parkin.

## Drew County

Selma, Selma Methodist Church.

## Grant County

Leola vicinity, Jenkin's Ferry Battleground State Park, northeast of Leola on Arkansas 46.

## Hempstead County

Washington, Confederate State Capitol (The Hempstead County Courthouse).  
Washington, Royston, Grandison D., House, Alexander Street.  
Washington, Washington Historic District, boundaries correspond to original 1824 plat of Washington.

## Independence County

Batesville, Garrett House (Case-Mazfield House), 561 East Main Street.  
Batesville, Morrow Hall, Seventh and Boswell Streets.

## Jackson County

Jacksonport, Jacksonport State Park, located between Avenue Main, and Dillard Streets, and the White River.

## Jefferson County

Pine Bluff, Du Bocage, 1115 West Fourth Street.  
Pine Bluff, Hudson-Grace-Borreson House, 716 West Barraque.

## Lawrence County

Powhatan, Powhatan Courthouse.

## Lee County

Blackton vicinity, Louisiana Purchase Survey Marker, southeast of Blackton at the corner of the three counties (also in Monroe and Phillips Counties.)

## Lonoke County

Scott vicinity, Toltec Indian Mounds (Knapp Mounds).

## Mississippi County

Wilson, \*Nodena Site, south edge of Wilson.

## Monroe County

Louisiana Purchase Survey Marker (see Lee County).

## Ouchita County

Camden, McCollum-Chidester House, 926 Washington Street NW.  
Camden, Tate's Barn, 902 Tate Street.  
Chidester vicinity, Poison Spring State Park.

## Phillips County

Louisiana Purchase Survey Marker (see Lee County).  
Helena, Allin House, 515 Columbia Street.  
Helena, Moore-Horner Shouse, 323 Beech Street.  
Helena, Pillow, Jerome Bonaparte, House (Pillow-Thompson House), 718 Perry Street.  
Helena, Tappan, James C., House, 717 Poplar Street.

## Pike County

Murfreesboro vicinity, Crater of Diamonds State Park, south of Murfreesboro on the Little Missouri River.

## Pope County

Postville, Potts' Inn, Main and Center Streets.

## Pulaski County

Little Rock, Fowler, Absalom, House, 502 East Seventh Street.  
Little Rock, The Little Rock, on the south bank of the Arkansas River at the foot of Rock Street.

Little Rock, Mount Holly Cemetery, 12th Street and Broadway.  
Little Rock, Old Post Office Building and Customhouse, Second and Spring Streets.  
Little Rock, Old Statehouse, 300 West Markham Street.

Little Rock, Pike-Fletcher-Terry House, 411 East Seventh Street.

Little Rock, The Tavern, Arkansas Territorial Restoration, 214 East Third Street.

Little Rock, Trapnall Hall, 423 East Capitol Avenue.

Little Rock, U.S. Arsenal Building, MacArthur Park, Ninth and Commerce Streets.

Little Rock, Villa Marie (Angelo Marie House), 1321 Scott Street.

Mabelvale vicinity, Ten Mile House (Stage coach House), north of Mabelvale on Arkansas 5.

## Randolph County

Pocahontas, Old Randolph County Courthouse, Broadway and Vance.

## Sebastian County

Fort Smith, Bonneville House, 318 North Seventh Street.  
Fort Smith, Clayton, W. H. H., Home, 514 North Sixth Street.

Fort Smith, Commercial Hotel, 123 North First Street.  
Fort Smith, Fort S. it's Belle Grove Historic District (7-16-73).  
Fort Smith, Fort Smith National Historic Site.  
Fort Smith, Joseph Knobler's Brewery, North Third and E Streets.  
Fort Smith, Sparks, James, House, 201 North 14th Street.

## Washington County

Fayetteville, Headquarters House (Tebbetts House), 116 East Dickson Street.  
Fayetteville, Old Main, University of Arkansas, Arkansas Avenue.  
Fayetteville, Ridge House, The, 230 West Center Street.  
Fayetteville, Stone House, 207 Center Street.  
Fayetteville, Washington County Courthouse, College Avenue and East Center Street.  
Prairie Grove, Prairie Grove Battlefield Park, within a triangle formed by North Road on the northwest and U.S. 62 on the south.

## California

## Alameda County

Berkeley, \*Room 307 Gilman Hall, University of California, University of California campus.  
Fremont, California Nursey Co. Guest House (Jose de Jesus Vallejo Adobe), California Nursey Co., Niles Boulevard at Nursery Avenue.  
Fremont (Mission San Jose District), Mission San Jose, Mission Boulevard at Washington Boulevard.  
Hayward, Meek Mansion and Carriage House, 240 Hampton Road.  
Oakland, The Abbey (Joaquin Miller House), Joaquin Miller Road and Sanborn Drive.  
Oakland, Cohen, Alfred H., House, 1440 29th Avenue.  
Oakland, Dunsmuir House, Peralta Oaks Court.  
Oakland, \*Lake Merritt Wild Duck Refuge, Lakeside Park, Grand Avenue.  
Oakland, Mills Hall, Mills College campus.  
Oakland, Old Oakland Public Museum (Cameron-Stanford House), 1426 Lakeside Drive.  
Oakland, Paramount Theatre, 2025 Broadway (6-14-73).

## Amador County

Jackson, Amador County Hospital Building, 810 Court Street.  
Volcano vicinity, Indian Grinding Rock (Chaw'se).

## Butte County

Chico, Bidwell Mansion, Sowilleno Avenue.  
Paradise vicinity, Centerville Schoolhouse, 2 miles northwest of Paradise on Humboldt Road.  
Chico vicinity, Mud Creek Canyon, north of Chico (8-14-73).  
Chico vicinity, Patrick Rancheria.  
Chico vicinity, Patrick, William G., Home, 3 miles southeast of Chico off U.S. 99 E.

## Calaveras County

Angels Camp, Angels Hotel, Main Street at Birds Way.  
Douglas Flat, Douglas Flat School, on California 4.  
Murphys, Murphys Grammar School, Jones Street.  
Murphys, Murphys Hotel (Mitchler Hotel), Main and Algiers Streets.  
San Andreas, Calaveras County Courthouse, Main Street.  
San Andreas, Thorn House, 87 East St. Charles Street.

## Colusa County

Grimes vicinity, Nowi Rancheria.

## Contra Costa County

Byron vicinity, Marsh, John, Home, Marsh Creek Road, approximately 6 miles west of Byron.  
Danville vicinity, \*O'Neill, Eugene, House (Tao House), 1.5 miles west of Danville.  
Martinez, John Muir National Historic Site, 4440 Alhambra Avenue.  
Orinda, Moraga Adobe, 24 Adobe Lane.  
Pinole, Fernandez, Bernardo, House, 100 Tennant Avenue.  
Richmond vicinity, East Brother Island Light Station, on the East Brother Island west of Point San Pablo.

## Del Norte County

Fort Dick vicinity, Yontocket Historical District, northwest of Fort Dick off U.S. 101 (12-18-73).

## El Dorado County

Homewood vicinity, Sugar Pine Point State Park (Phipps-Hellman-Ehrman Estate), 3 miles south of Homewood on California 89.  
Placerville vicinity, \*Coloma, 7 miles north-west of Placerville on California 49.

## Fresno County

Fresno, Old Fresno Water Tower, 2444 Fresno Street.

## Humboldt County

Eureka, Janssen, E., Building, 422 First Street (7-16-73).  
Eureka, Tsahpek, 3431 Fort Avenue.  
Eureka vicinity, \*Gunther Island Site 67 (Tolowot).

## Imperial County

Anza-Borrego Desert State Park Fages-De Anza Trail—Southern Emigrant Route (also in San Diego County).  
Winterhaven, \*Yuma Crossing and Associated Sites (see Yuma County, Ariz.).

## Inyo County

China Lake vicinity, \*Big and Little Petroglyph Canyons.

## Kern County

Bakersfield, \*Walker Pass.  
Johannesburg vicinity, Last Chance Canyon.  
Lebec vicinity, Fort Tejon, 3 miles northwest of Lebec on U.S. 99.

## Kings County

Hanford, Taoist Temple, No. 12 China Alley.  
Kettleman City vicinity, Witt Site.

## Lake County

Clearlake Oaks vicinity, Patwin Indian Site.  
Lakeport, Lake County Courthouse, 255 North Main Street.

## Los Angeles County

Aqua Dulce, Vasquez Rocks.  
Encino, Rancho El Encino (Los Encinos State Historic Park), 16756 Moorpark Street.  
Industry, Rowland, John A., House, 16021 East Gale Avenue (7-16-73).  
Long Beach, \*Los Cerritos Ranch House, 4600 Virginia Road.  
Los Angeles, Barnsdall Park, 4600 Hollywood Boulevard.  
Los Angeles, Bradbury Building, 304 South Broadway.  
Los Angeles, Catholic-Protestant Chapels, Eisenhower Avenue near Bonsall Avenue.  
Los Angeles, Ennis House, 2607 Glendower Avenue.  
Los Angeles, Freeman, Samuel, House, 1962 Glencoe Way.  
Los Angeles, Hale House, 3800 North Homer Street.  
Los Angeles, Los Angeles Central Library, 630 West Fifth Street.

Los Angeles, Los Angeles Plaza Historic District, generally bounded by Spring Street, Macy Street, Alameda Street, and Arcadia Street.

Los Angeles, Lovell House, 4616 Dundee Drive.

Los Angeles, Lummis Home, 200 E Avenue 43.

Los Angeles, Schindler House, 833 North Kings Road.

Los Angeles, Sowden, John, House, 5121 Franklin Avenue.

Los Angeles, Storer House, 8161 Hollywood Boulevard.

Los Angeles, Streetcar Depot (Building No. 66), Pershing and Dewey Avenues.

Los Angeles, Will Rogers State Historic Park (Will Rogers House), 14253 Sunset Boulevard.

Mission Hills, Pico-Romulo Adobe, 10940 Sepulveda Boulevard.

Montrovia, \*Sinclair, Upton, House, 464 North Myrtle Avenue.

Pasadena, Gamble House (Greene and Greene Library), 4 Westmoreland Place.

Pasadena (San Marino), Old Mill (El Molino Viejo), 1120 Old Mill Road.

Pomona, Palomares Adobe, corner of Arrow Highway and Orange Grove Avenue.

San Dimas, San Dimas Hotel, 121 North San Dimas Avenue.

San Fernando, Lopez Adobe, 1100 Pico Street.

San Fernando vicinity, \*Well No. 4, Pico Canyon Oil Field, 9.6 miles north of San Fernando and west of U.S. 99.

San Gabriel, San Gabriel Mission, Junipero Street and West Mission Drive.

San Pedro, Point Fermin Lighthouse, 805 Paseo Del Mar.

South Pasadena, Adobe Flores, 1804 Foothill Street.

South Pasadena, Garfield House, 10001 Buena Vista Street.

South Pasadena, Millmore House, 1301 South Cheiten Way.

South Pasadena, Oaklawn Bridge and Waiting Station, between Oaklawn and Fair Oaks Avenues (7-16-73).

South Pasadena, Wynate, 851 Lyndon Street.

Tujunga, Bolton Hall (Tufunga City Hall), 10116 Commerce Avenue.

Whittier, Pio Pico Casa, 6003 Pioneer Boulevard.

Wilmington, Banning Home, 401 East M Street.

Wilmington, Drum Barracks, 1053 Carey Street.

## Madera County

Madera, Madera County Courthouse, 210 West Yosemite Avenue.

## Marin County

Novato vicinity, Rancho Olompali (Coast Miwok Indian Village), 8901 Redwood Highway (U.S. 101), 3.5 miles north of Novato.

San Rafael, The Dixie Schoolhouse, 2255 Las Gallinas Avenue.

San Rafael, Doller, Robert, Estate, 1408 Mission Avenue.

San Rafael, Miller Creek School Indian Mound.

Sausalito vicinity, Forts Baker, Barry and Cronkhite, south of Sausalito off U.S. 101 (12-12-73).

Tiburon vicinity, Angel Island, southeast of Tiburon in San Francisco Bay.

## Mariposa County

Yosemite National Park, Yosemite Valley Chapel, off California 140 (12-12-73).

## Mendocino County

Mendocino, Mendocino and Headlands Historic District, bounded approximately by the Pacific Ocean on the west and south, Little Lake Street on the north, and U.S. 1 on the east.

Pine Grove vicinity, Point Cabrillo Site.



## Merced County

Los Banos vicinity, *San Luis Gonzaga Archeological District*.

## Mono County

Bridgeport vicinity, *\*Bodie Historic District*, 7 miles south of Bridgeport on U.S. 395, then 12 miles east on secondary road.

## Monterey County

Carmel, *\*Carmel Mission*, Rio Road.  
 Jolon vicinity, *Dutton Hotel, Stagecoach Station*, King City-Jolon Road.  
 Monterey, *El Castillo*, on Presidio Headlands facing Lighthouse Avenue.  
 Monterey, *\*Larkin House*, 464 Calle Principal.  
 Monterey, *\*Monterey Old Town Historic District*. Two districts. The southern one bounded by Dutra Street on the west, Madison Street on the east, Polk Street on the south, and Jefferson Street on the north; northern district bounded by Pacific Street on the west, Scott Street on the south, by Alvarado Street on the east, and Decatur Street on the north.  
 Monterey, *\*Royal Presidio Chapel*, 550 Church Street.  
 Monterey, *Stevenson House (Monterey State Historic Park)*, Houston Street between Pearl and Webster.  
 Monterey, *\*U.S. Customhouse (Old Customhouse)*, Calle Principal at Decatur Street.  
 Salinas vicinity, *Baronda*, José Eusebio Adobe, west of Salinas on Baronda Road at West Laurel Drive.

## Napa County

Napa, *Behlow Building*, Second and Brown Streets (10-25-73).  
 Napa, *Napa Opera House*, 1018-1030 Main Street (10-25-73).  
 St. Helena, *Pope Street Bridge*, Pope Street, over the Napa River.  
 St. Helena, *Rhine House*, 2000 Main Street.  
 St. Helena vicinity, *Bale Mill*, 3 miles northwest of Saint Helena off California 128.

## Nevada County

French Corral vicinity, *Bridgeport Covered Bridge*, across the South Fork of the Yuba River on the road between French Corral and Smartville.  
 French Lake vicinity, *Meadow Lake Petroglyphs*, east of French Lake.  
 Nevada City, *Marsh, Martin Luther, House*, 254 Boulder Street.  
 Nevada City, *National Exchange Hotel (Bicknell's Block)*, 211 Broad Street (10-25-73).  
 Nevada City, *Nevada Theatre (Cedar Theatre)*, Broad and Bridge Streets.  
 North Bloomfield, *Malakoff Diggins-North Bloomfield Historic District*, Graniteville Star Route.  
 Truckee vicinity, *\*Donner Camp*, 2.5 miles west of Truckee on U.S. 40.

## Orange County

Costa Mesa, *Fairview Indian Site*.  
 Modjeska, *Modjeska House*, Modjeska Canyon Road.  
 San Juan Capistrano, *Mission San Juan Capistrano*, Camino Capistrano and Ortega Highway.  
 Yorba Linda, *Nixon, Richard, Birthplace*, 18061 Yorba Linda Boulevard.

## Placer County

Auburn, *Old Auburn Historic District*, bounded approximately by Interstate 80, Maple Street, and Hamilton Lane on the north, High Street on the south, and including the westerly frontage on Spring Street, the easterly frontage on Lincoln Way and Sacramento Street, and the Traveler's Rest and Winery property at the southeast of the historic district.  
 Dutch Flat, *Dutch Flat Historic District*, Main and Stockton Streets.

Roseville vicinity, *Strap Ravine Nisenan Maidu Indian Site*.  
 Tahoe City, *Outlet Gates and Gatekeeper's Cabin*, at California 89 and Truckee River.

## Plumas County

Blairden vicinity, *Plumas-Eureka Mills Jamison Mines District*, west of Blairden off alternate U.S. 40 in Plumas-Eureka State Park (7-16-73).  
 Gold Lake vicinity, *Lakes Basin Petroglyphs*.

## Riverside County

Palm Springs, *Andreas Canyon*.  
 Palm Springs vicinity, *Tahquitz Canyon*.  
 Riverside, *Heritage House*, 8193 Magnolia Avenue.  
 Riverside, *Mission Inn*, 3640 Seventh Street.  
 Temecula vicinity, *Murrieta Creek Archeological Area*.  
 Torres-Martinez Indian Reservation, *Martinez Historical District*, 2 miles southeast of Highway 86.  
 Valerie vicinity, *Coachella Valley Fish Traps*.

## Sacramento County

Folsom, *Folsom Powerhouse*, off Folsom Boulevard in Folsom Lake State Recreation Area (10-2-73).  
 Locke, *Locke Historic District*, bounded on the west by the Sacramento River, on the north of Locke Road, on the east by Alley Street, and on the south by Levee Street.  
 Locke vicinity, *Delta Meadows Site*.  
 Sacramento, *California Governor's Mansion*, southwest corner of 16th and H Streets.  
 Sacramento, *California State Capitol*, between 10th and 16th Streets and L and N Streets.  
 Sacramento, *Crocker, E. B., Art Gallery*, 216 O Street.  
 Sacramento, *Joe Mound*.  
 Sacramento, *\*Old Sacramento Historic District*, junctions of U.S. 40, 50, 99, and California 16 and 24.  
 Sacramento, *\*Pony Express Terminal (B. F. Hastings Building)*, 1006 Second Street.  
 Sacramento, *Stanford-Lathrop Home*, 800 N Street.  
 Sacramento, *\*Sutter's Fort*, 2701 L Street.  
 Sacramento, *Woodlake Site*.

## San Benito County

San Juan Bautista, *\*Anza House*, Third and Franklin Streets.  
 San Juan Bautista, *\*Castro, Jose, House*, south side of the Plaza.  
 San Juan Bautista, *\*San Juan Bautista Plaza Historic District*.

## San Bernardino County

Cucamonga, *Rains, John, House*, 7889 Vineyard Avenue.  
 Needles vicinity, *Piute Pass Archeological District*, northwest of Needles (8-14-73).  
 Yermo vicinity, *Calico Mountains Archeological District*.

## San Diego County

Pages-De Anza Trail—Southern Emigrant Route (see Imperial County).  
 Camp Joseph H. Pendleton, *\*Las Flores Adobe*, Stuart Mesa Road, about 7 miles north of its junction with Vandegrift Boulevard.  
 Camp Pendleton, *Santa Margarita Ranch House*, off Vandegrift Boulevard.  
 Coronado, *Hotel Del Coronado*, 1500 Orange Avenue.  
 National City, *Brick Row*, A Avenue between 9th and 10th Streets (7-16-73).  
 National City, *St. Matthew's Episcopal Church*, 521 East Eighth Street (10-25-73).  
 Oceanside vicinity, *\*San Luis Rey Mission Church*, 4 miles east of Oceanside on California 76.  
 San Diego, *\*Estudillo House*, 4000 Mason Street.

San Diego, *Ford Building*, Balboa Park, Palisades Area.  
 San Diego, *\*Old Mission Dam*, north side of Mission Street-Gorge Road.  
 San Diego, *Old Town San Diego Historic District*, approximately from the easterly line of Wallace and Washington Streets to the westerly line of Twiggs Street, and from the northerly line of Congress Street to the southerly line of Juan Street.  
 San Diego, *\*San Diego Presidio*, Presidio Park.  
 San Diego, *Santa Fe Depot (Union Station)*, 1050 Kettner.  
 San Diego, *\*Star of India*, San Diego Embarcadero.  
 San Diego, *Villa Montezuma (Jesse Shepard House)*, 1925 K Street.  
 San Diego vicinity, *Cabrillo National Monument*, 10 miles from San Diego off U.S. 101, near the southern tip of Point Loma.  
 San Diego vicinity, *\*San Diego Mission Church*, 5 miles east of Old Town San Diego on Friars Road.  
 Spring Valley, *\*Bancroft, Hubert H., Ranch House*, Bancroft Drive off California 94.  
 Vista vicinity, *\*Guajome Ranch House*, 2.5 miles northeast of Vista.  
 Warner Springs vicinity, *\*Oak Grove Butterfield Stage Station*, 13 miles northwest of Warner Springs on California 79.  
 Warner Springs vicinity, *\*Warner's Ranch*, 4 miles south of Warner Springs on secondary road.

## San Francisco County

San Francisco, *\*C. A. Thayer*, San Francisco Maritime State Historic Park.  
 San Francisco, *Eureka (ferryboat)*, 2905 Hyde Street in San Francisco Maritime State Historic Park.  
 San Francisco, *Feusier Octagon House*, 1067 Green Street.  
 San Francisco, *\*Flood, James C., Mansion*, California and Mason Streets.  
 San Francisco, *Fort Mason Historic District*, northeast corner of Fort Mason, north and east of Franklin Street and McArthur Avenue.  
 San Francisco, *Fort Point National Historic Site*, northern tip of San Francisco Peninsula on U.S. 101 and Interstate 480.  
 San Francisco, *Golden Gate Park Conservatory*, Mount Lick, north of John F. Kennedy Drive, at the east end of Golden Gate Park.  
 San Francisco, *Haas-Lienthal House*, 2007 Franklin Street.  
 San Francisco, *Hallidie Building*, 130 Sutter Street.  
 San Francisco, *House at 216-20 Elm Street*.  
 San Francisco, *House at 736-38 Franklin Street*.  
 San Francisco, *House at 848 Octavia Street*.  
 San Francisco, *House at 1624 Post Street*.  
 San Francisco, *House at 1356-62 Scott Street*.  
 San Francisco, *House at 743 Turk Street*.  
 San Francisco, *House at 751 Turk Street*.  
 San Francisco, *House at 770 Turk Street*.  
 San Francisco, *House at 773 Turk Street*.  
 San Francisco, *Jackson Square Historic District*, bounded roughly by Sansome Street on the east; Washington Street on the south; Columbus Avenue and Kearny Street on the west; and an irregular line midway between Pacific Avenue and Broadway on the north.  
 San Francisco, *McElroy Octagon House*, 2645 Gough Street.  
 San Francisco, *Mission Dolores*, 320 Dolores Street.  
 San Francisco, *\*Old United States Mint*, Fifth and Mission Streets.  
 San Francisco, *Phelps, Abner, House*, 329 Divisadero Street.  
 San Francisco, *The Presidio*, northern tip of San Francisco peninsula on U.S. 101 and I-480.  
 San Francisco, *\*San Francisco Cable Cars*.

San Francisco, *U.S. Post Office and Court-house*, northeast corner of Seventh and Mission Streets.  
 San Francisco, *Wapama (schooner)*, 2905 Hyde Street in San Francisco Maritime State Historic Park.

## San Joaquin County

Lockeford, *Locke Home and Barn*, 19960 West Elliott Road.  
 Stockton, *Old Weber School*, 65 West Flora Street (7-16-73).

## San Luis Obispo County

Nipomo, *Dana Adobe*, southern end of Oak Glen Avenue.  
 San Miguel, *Caledonia Adobe*, 0.5 mile south of 10th Street.  
 San Miguel, *Mission San Miguel*, U.S. 101.  
 San Simeon vicinity, *Hearst San Simeon State Historical Monument*, about 3 miles northeast of San Simeon.

## San Mateo County

Belmont, *\*Rakston, William C., Home*, college of Notre Dame campus.  
 Half Moon Bay vicinity, *Johnston, James, House*, Higgins-Purissima Road.  
 Portola Valley, *Casa de Tableta*, 3915 Alpine Road (8-14-73).  
 Redwood City, *Lathrop House*, 627 Hamilton Street.  
 San Bruno vicinity, *\*San Francisco Bay Discovery Site*, 4 miles west of San Bruno via Skyline Drive and Sneath Lane.

## Santa Barbara County

Lompoc vicinity, *\*La Purisima Mission*, 4 miles east of Lompoc.  
 Los Alamos vicinity, *\*Los Alamos Ranch House*, 3 miles west of Los Alamos on old U.S. 101.  
 Santa Barbara, *\*Gonzales House*, 835 Laguna Street.  
 Santa Barbara, *\*Santa Barbara Mission*, 2201 Laguna Street.  
 Santa Barbara, *Santa Barbara Presidio*, bounded roughly by Carrillo, Garden, De la Guerra, and Anacapa Streets (11-26-73).  
 Santa Barbara vicinity, *Painted Cave*.

## Santa Clara County

Alviso, *Alviso, Port of, Historic District*, bounded roughly by an arm of Alviso Slough on the north, the Alviso Slough and the Guadalupe River on the west, Moffat Street on the south, and Gold Street on the east (10-9-73).  
 Cupertino, *Le Petit Trianon, De Anza College campus*.  
 Gilroy Hot Springs vicinity, *Coyote Creek Archeological District*.  
 Gilroy vicinity, *\*Norris, Frank, Cabin*, 10 miles west of Gilroy via California 152 and secondary roads.  
 Morgan Hill vicinity, *Poverty Flat Site*.  
 Palo Alto, *Downing, T. B., House*, 706 Cowper Street (10-30-73).  
 Palo Alto, *Squire John Adams House*, 900 University Avenue.  
 San Jose, *Civic Art Gallery (Old Post Office)*, 110 Market Street.  
 San Jose, *Peralta, Luis Maria, Adobe*, 184 West St. John Street (10-15-73).  
 San Jose vicinity, *\*New Almaden*, 14 miles south of San Jose on County Route G8.

## Santa Cruz County

Capitola, *Hihn Building (Superintendent's Office)*, 201 Monterey Avenue.  
 Felton, *Felton Covered Bridge*, Covered Bridge Road.  
 Santa Cruz, *McHugh and Bianchi Building*, Pacific Avenue and Mission Street.  
 Santa Cruz, *Octagon Building*, corner of Front and Cooper Streets.

## Shasta County

Cottonwood, *Cottonwood Historic District* (7-16-73).  
 Cottonwood vicinity, *Reading Adobe Site*, Adobe Lane, 5 miles east of the center of Cottonwood.  
 French Gulch, *French Gulch Historic District*.  
 Millville vicinity, *Cow Creek Petroglyphs*.  
 Millville vicinity, *Dersch-Taylor Petroglyphs*, southeast of Millville.  
 Redding vicinity, *Benton Tract Site*.  
 Redding vicinity, *Olsen Petroglyphs*.  
 Shasta, *Shasta State Historic Park*, U.S. 299.  
 Whiskeytown, *Tower House District*, Whiskeytown National Recreation Area.

## Sierra County

Gold Lake vicinity, *Hawley Lake Petroglyphs*.  
 Loyaltown vicinity, *Kyburz Flat Site*.  
 Truckee vicinity, *Sardine Valley Archeological District*.  
 Verdi vicinity, *Stampede Site*.

## Sierra County

Dorris vicinity, *\*Lower Klamath National Wildlife Refuge*, Lower Klamath Lake, east of Dorris (also in Klamath County, Ore.).  
 Tulelake vicinity, *Captain Jack's Stronghold*, south of Tulelake in Lava Beds National Monument (9-20-73).  
 Tulelake vicinity, *Hospital Rock*, south of Tulelake in Lava Beds National Monument (10-2-73).  
 Yreka, *West Miner Street—Third Street Historic District*, 102-402 West Miner Street; 122-419 Third Street.

## Solano County

Benicia, *Benicia Capitol-Courthouse*, First and G Streets.  
 Benicia, *Old Masonic Hall*, 106 West J Street.  
 Collinsville vicinity, *Hastings Adobe*, 0.3 mile north of Collinsville on County Route 68, then east 1.25 miles on County Route 493.  
 Vacaville vicinity, *Pena Adobe*, 2 miles southwest of Vacaville on Interstate 80.  
 Vallejo, *Vallejo Old City Historic District*, bounded by Sonoma Boulevard and Monterey, Carolina, and York Streets.

## Sonoma County

Bodega vicinity, *Bodega Bay* (12-18-73).  
 Bodega Bay vicinity, *The Ranch Site*.  
 Fort Ross vicinity, *\*Fort Ross*, north of Fort Ross on California 1, Fort Ross State Historical Monument.  
 Fort Ross vicinity, *\*Fort Ross Commander's House*, north of Fort Ross on California 1, Fort Ross State Historical Monument.  
 Glen Ellen vicinity, *\*London, Jack, Ranch*, 0.4 mile west of Glen Ellen, Jack London Historical State Park.  
 Jenner vicinity, *Duncans Landing Site*.  
 Petaluma vicinity, *\*Petaluma Adobe*, 4 miles east of Petaluma on Casa Grande Road.  
 Santa Rosa, *\*Burbank, Luther, House and Garden*, 200 block Santa Rosa Avenue.  
 Sonoma, *\*Sonoma*, center of Sonoma.  
 Sonoma, *Vallejo House*, corner of Spain and West Third Street.  
 Stewart's point vicinity, *Salt Point State Park Archeological District*.

## Stanislaus County

La Grange vicinity, *Gold Dredge*, off county road.

## Trinity County

Weaverville, *Weaverville Historic District*, both sides of Main Street.

## Tulare County

Allensworth, *Allensworth Historic District*.

## Tuolumne County

Sonora vicinity, *\*Columbia Historic District*, 4 miles northwest of Sonora on California 49.

## Ventura County

Oxnard, *Oxnard Public Library (Oxnard Chamber of Commerce—Art Club of Oxnard)*, 424 South C Street.  
 Ventura, *Ventura County Courthouse*, 501 Poll Street.

## Yolo County

Broderick, *\*First Pacific Coast Salmon Cannery Site*, on the Sacramento River, opposite the foot of K Street.  
 Brooks vicinity, *Cafon School*, north of Brooks.  
 Rumsey, *Rumsey Town Hall*, California 16 at Manzanita Street.  
 Woodland, *Woodland, Hershey, Opera House*, 320 Second Street.  
 Woodland vicinity, *Nelson Ranch*, California 18C between Routes 113 and 102.

## Colorado

## Arapahoe County

Strasburg vicinity, *Comanche Crossing of the Kansas Pacific Railroad*, on the Union Pacific Railroad tracks east of the Strasburg depot.

## Archuleta County

Antonito vicinity, *Cumbres and Toltec Scenic Railroad (Denver & Rio Grande Western Railroad)*, between Antonito and Chama, N. Mex. (also in Conejos County, Colo., and Rio Arriba County, N. Mex.).  
 Chimney Rock vicinity, *Chimney Rock Archeological Site*, San Juan National Forest, 2 miles east of the Piedra River and 1.5 miles north of Colorado 151.

## Chaffee County

Poncha Springs vicinity, *Hutchinson Ranch*, 2 miles east of Poncha Springs.

## Clear Creek County

Georgetown, *Alpine Hose Company No. 2*, 507 Fifth Street.  
 Georgetown, *Grace Episcopal Church*, Taos Street (between Fourth and Fifth Streets) (8-14-73).

Georgetown, *Hamill House*, Argentine Street and Third.

Georgetown, *Hotel de Paris*, Alpine Street.

Georgetown, *McClellan House*, 919 Taos Street.

Georgetown, *Toll House (Julius G. Pohle House)*, south side of town adjacent to Interstate 70 right-of-way.

Georgetown vicinity, *Ore Processing Mill and Dam*, approximately 1 mile southwest of Georgetown, adjacent to Interstate 70 and Clear Creek.

Georgetown-Silver Plume vicinity, *\*Georgetown-Silver Plume Historic District*.

Silver Plume, *Silver Plume Depot*, Interstate 70.

Silver Plume vicinity, *Lebanon and Everett Mine Tunnels*, northeast of Silver Plume, adjacent to Interstate 70 right-of-way.

## Conejos County

Cumbres and Toltec Scenic Railroad (Denver & Rio Grande Western Railroad) (see Archuleta County).  
 Sanford vicinity, *\*Pike's Stockade*, 4 miles east of Sanford on Colorado 136.

## Costilla County

Fort Garland, *Fort Garland*, on Colorado 160, one block south of U.S. 10-100.



## Denver County

Denver, *Auraria 9th Street Historic District*, both sides of Ninth Street, bounded by Curtis and Champa Streets.  
 Denver, *Brown, Molly, House*, 1340 Pennsylvania Street.  
 Denver, *Brown Palace Hotel*, 17th Street and Tremont Place.  
 Denver, *Byers-Evans Home*, 1310 Bannock Street.  
 Denver, *Constitution Hall (First National Bank Building)*, 1507 Blake Street.  
 Denver, *Croke-Patterson-Campbell Mansion*, 428-430 East 11th Avenue (9-19-73).  
 Denver, *Daniels and Fisher Tower*, 1101 16th Street.  
 Denver, *Denver Mint*, West Colfax Avenue and Delaware Street.  
 Denver, *Emmanuel Shearith Israel Chapel (Emmanuel Episcopal Chapel)*, 1201 10th Street.  
 Denver, *Four Mile House*, 715 South Forest Street.  
 Denver, *Governor's Mansion*, 400 East Eighth Avenue.  
 Denver, *Grant-Humphreys House*, 770 Pennsylvania Street.  
 Denver, *Larimer Square*, 1400 block of Larimer Street.  
 Denver, *Pearce-McAllister Cottage*, 1880 Gaylord Street.  
 Denver, *St. Elizabeth's Church*, 1062 11th Street.  
 Denver, *Tivoli Brewery Co.*, 1320-1348 10th Street.  
 Denver, *Trinity United Methodist Church*, East 18th Avenue and Broadway.  
 Denver, *U.S. Post Office and Federal Building*, 18th and Stout Streets.

## Douglas County

Sedalia vicinity, *The Church of St. Philip-in-the-Field and Bear Canyon Cemetery*, 5 miles south of Sedalia on Colorado 105.

## El Paso County

Colorado Springs, *El Paso County Courthouse*, 215 South Tejon Street.  
 Colorado Springs, *McAllister House*, 423 North Cascade Avenue (8-14-73).  
 Colorado Springs vicinity, *Pikes Peak*, 15 miles west of Colorado Springs, Pike National Forest.  
 Manitou Springs, *Briarhurst (William A. Bell House)*, 404 Manitou Avenue.

## Gilpin County

Central City, *Central City Historic District*.  
 Central City, *Central City Opera House*, Eureka Street.  
 Central City, *Teller House*, Eureka Street.

## Huerfano County

Walsenburg, *Huerfano County Courthouse (and Jail)*, 400 Main Street.

## Jefferson County

Buffalo Creek, *La Hacienda*, on secondary road off U.S. 285 (7-20-73).  
 Golden, *Astor House Hotel*, 822 12th Street.  
 Golden vicinity, *Mount Vernon House (Robert W. Steele House)*, about 1 mile south of the Golden City limits at the junction of Interstate 70, Colorado 26, and Mount Vernon Canyon Road.  
 Wheat Ridge, *Pioneer Sod House*, 4610 Robb Street.

## Lake County

Leadville, *Dexter Cabin*, 912 Harrison Avenue.  
 Leadville, *Healy House*, 912 Harrison Avenue.  
 Leadville, *Leadville Historic District*.

## La Plata County

Durango, *Durango-Silverton Narrow Gauge Railroad*, right-of-way between Durango and Silverton (also in San Juan County).

## NOTICES

Durango vicinity, *Ute Mountain Ute Mancos Canyon Historic District*, that portion of the Ute Mountain Ute Indian Reservation lying north of the Colorado-New Mexico State line and east of Colorado 666 (also in Montezuma County).

## Larimer County

Estes Park vicinity, *Mills, Enos, Homestead Cabin*, south of Estes Park off Colorado 7, in Rocky Mountain National Park.  
 Estes Park vicinity, *White, William Allen, Cabins*, west of Estes Park at Moraine Park Visitor Center in Rocky Mountain National Park (10-25-73).  
 Fort Collins, *Avery House*, 328 West Mountain Avenue.  
 Fort Collins vicinity, *Lindenmeier Site*, 28 miles north of Fort Collins.

## Las Animas County

Trinidad, *Baca House and Outbuilding*, 300 block of Main Street.  
 Trinidad, *Bloom, Frank G., House*, 300 block of Main Street.  
 Trinidad, *Carazon de Trinidad*.  
 Trinidad, *Jaffa Opera House*, 100-116 West Main Street.  
 Trinidad vicinity, *Raton Pass*, U.S. 85-87, Colorado-New Mexico border (see Colfax County, N. Mex.).

## Montezuma County

Cortez vicinity, *Hovenweep National Monument*, northwest of Cortez (also in San Juan County, Utah).  
 Cortez vicinity, *Mesa Verde National Park*, 10 miles east of Cortez on U.S. 160.  
 Cortez vicinity, *Yucca House National Monument*, 12 miles south of Cortez via U.S. 666 and secondary roads.  
 Pleasant View vicinity, *Lowry Ruin*, 30 miles northwest of Cortez via U.S. 160 and secondary road.  
 Ute Mountain Ute Mancos Canyon Historic District (see La Plata County).

## Montrose County

Montrose vicinity, *Ute Memorial Site*, 2 miles south of Montrose on U.S. 560.

## Otero County

La Junta vicinity, *Bent's Old Fort National Historic Site*, 8 miles east of La Junta on Colorado 104.

## Ouray County

Ouray, *Beaumont Hotel* (10-30-73).

## Pitkin County

Aspen, *Wheeler Opera House*, 330 East Hyman Avenue.  
 Ghost Town, *Independence and Independence Mill Site*, on Colorado 82.  
 Redstone vicinity, *Osgood Castle (Cleveland)*, approximately 1 mile south of Redstone on Colorado 133.

## San Juan County

*Durango-Silverton Narrow Gauge Railroad* (see La Plata County).  
 Silverton, *Silverton Historic District*.

## San Miguel County

Telluride, *Telluride Historic District*.

## Teller County

Cripple Creek, *Cripple Creek Historic District*.

## Weld County

Greeley, *Meeker Memorial Museum*, 1324 Ninth Avenue.  
 Platteville vicinity, *Fort Vasquez*, on U.S. 85.

## Connecticut

## Fairfield County

Bridgeport, *Barnum Museum*, 805 Main Street.  
 Bridgeport, *Brooks, Captain John, Senior, House*, 199 Pembroke Street.  
 Danbury, *Octagon House*, 21 Spring Street.  
 Darian, *Mather, Stephen Tyng, Home*, Stephen Mather Road.  
 Fairfield, *Bronson Windmill*, 3015 Bronson Road.  
 Fairfield, *Fairfield Historic District*, all buildings bordering the Old Post Road from its intersection with the Post Road to the intersection with Turney Road (including buildings southeast and northeast of the Town Hall on both sides of Beach Road and the Old Burying Ground).  
 Fairfield, *Southport Historic District*, bound generally by the New York, New Haven & Hartford Railroad on the north; Mill River and Southport harbor on the south; on the west by Old South Road; and on the east by Rose Hill Road.  
 Greenfield Hill, *Greenfield Hill Historic District*, the area comprising the village green and adjacent properties on Meeting House Lane, Hillside Road, and Old Academy Road; extending south on both sides of Bronson Road and Hillside Road to a point beyond the Old Cemetery on the former and to a point beyond Verna Hill Road on the latter.  
 New Canaan, *Rogers, John, Studio*, 10 Cherry Street.  
 Norwalk, *Lockwood-Matthews Mansion*, 295 West Avenue.  
 Redding, *Putnam Memorial State Park*, intersection of Routes 58 (Black Rock Turnpike) and 107 (Park Road).  
 Ridgefield, *Remington, Frederic, House*.  
 Stamford, *Hoyt-Barnum House*, 13 Bedford Street.  
 Stamford, *Old Town Hall*.  
 Stratford, *Judson, Captain David, House*, 967 Academy Hill.

## Hartford County

Avon, *Avon Congregational Church*, at the junction of U.S. 202 and U.S. 44.  
 Bloomfield, *Old Farm School House*, Park Avenue and School Street.  
 Burlington, *Brown Tavern*, George Washington Turnpike.  
 East Granby, *Old Newgate Prison*, Newgate Road.  
 East Granby, *Viets' Tavern*, Newgate Road.  
 Farmington, *Farmington Historic District*.  
 Farmington, *Stanley-Whitman House*, 37 High Street.  
 Glastonbury, *Hollister, John, House*, 14 Tryon Street.  
 Glastonbury, *Welles, Gideon, House*, 37 Hebron Avenue.  
 Hartford, *Armsmear (Samuel Colt Home)*, 80 Wethersfield Avenue.  
 Hartford, *Barnard, Henry, House*, 118 Main Street.  
 Hartford, *Bull, Amos, House*, 59 South Prospect Street.  
 Hartford, *Bushnell Park*, bounded by Elm, Jewell, and Trinity Streets.  
 Hartford, *Butler-McCook Homestead*, 396 Main Street.  
 Hartford, *Cheney Building (G. Fox Building)*, 942 Main Street.  
 Hartford, *Connecticut State Capitol*, Capitol Avenue.  
 Hartford, *Connecticut Statehouse (Old Statehouse)*, Main Street at Central Row.  
 Hartford, *Day House*, 77 Forest Street.  
 Hartford, *First Church of Christ and the Ancient Burying Ground*, 60 Gold Street.  
 Hartford, *Stowe, Harriet Beecher, House*, 73 Forest Street.  
 Hartford, *Twain, Mark, House*, 351 Farmington Avenue.

Hartford, *Wadsworth Athenaeum*, 25 Atheneum Square North.  
 New Britain, *City Hall—Monument District*, 13-35 West Main Street and Central Park.  
 Simsbury, *Phelps, Captain Elisha, House*, 800 Hopmeadow Street.  
 West Hartford, *Webster, Noah, Birthplace*, 227 South Main Street.  
 Wethersfield, *Buttolph-Williams House*, 249 Broad Street.  
 Wethersfield, *Deane, Silas, House*, 203 Main Street.  
 Wethersfield, *Old Wethersfield Historic District*, bounded on the north and west by the New York, New Haven & Hartford Railroad tracks, on the east by Interstate 91, and also on the north by Wethersfield Cove.  
 Wethersfield, *Webb, Joseph, House*, 211 Main Street.  
 Windsor, *Chaffee, Ezekiah, House*, Meadow Lane, off Falsado Green.  
 Windsor, *Ellsworth, Oliver, Homestead (Elmwood)*, 778 Falsado Avenue.  
 Windsor, *Farmington River Railroad Bridge*, west of Falsado Avenue.

## Litchfield County

Colebrook, *Phelps, Arah, Inn*, east side of Connecticut 183 at its junction with Prock Hill Road.  
 Cornwall, *Cornwall Bridge Railroad Station*, at the junction of Poppleswamp Brook Road and Kent Road.  
 Kent vicinity, *Bull's Bridge*, approximately 3 miles southwest of Kent on Bull's Bridge Road over the Housatonic River.  
 Litchfield, *Litchfield Historic District*, east and west sides of North and South Streets (to rear property lines), Prospect Street to Gallows Lane, village green between East and West Streets, and structures on north-east side of the green.  
 Litchfield, *Reeve, Tapping, House and Law School*, South Street.  
 Litchfield, *Wolcott, Oliver, House*, South Street.  
 North Canaan, *Union Depot*, U.S. 44.  
 Thomaston, *Thomaston Opera House*, Main Street.  
 Woodbury, *Bacon, Jabez, House*, north side of Hollow Road just above the intersection with U.S. 6.  
 Woodbury, *Glebe House*, south side of Hollow Road at the head of Hollow Road No. 2.  
 Woodbury, *Woodbury Historic District No. 1*, both sides of Main Street (U.S. 6) for a distance of 2 miles.  
 Woodbury, *Woodbury Historic District No. 2*, both sides of Main Street from the Woodbury-Southbury town line to Middle Quarter.

## Middlesex County

Chester, *Old Town Hall (Second Congregational Meetinghouse)*, on the green between Liberty Street and Goose Hill Road.  
 Chester, *Pratt, Dr., House*, Pratt Street.  
 East Haddam, *Day, Amasa, House*, Plains Road.  
 East Haddam, *The Goodspeed Opera House*, Norwich Road.  
 Middletown, *Alsop House (Davison Art Center)*, 301 High Street.  
 Middletown, *Russell House*, corner of Washington and High Streets.  
 Middletown, *Wetmore, Seth, House (Oak Hill)*, northwest corner of Route 66 and Camp Road.  
 Old Saybrook, *Eliot, Samuel, House*, 500 Main Street.  
 Old Saybrook, *Hart, General William, House*, 350 Main Street.  
 Old Saybrook, *Pratt, Humphrey, Tavern*, 287 Main Street.

## New Haven County

Ansonia, *Humphreys, General David, House*, 37 Elm Street.  
 Ansonia, *Mansfield, Richard, House*, 35 Jewett Street.

## NOTICES

Branford, *Stick Style House at Stoney Creek*, 34 Prospect Hill.  
 Cheshire, *Farmington Canal Lock*, 487 North Brooksville Road.  
 Derby, *The Sterling Opera House*, northwest corner of Fourth and Elizabeth Streets.  
 Guilford, *Whitfield, Henry, House*, Old Whitfield Street.  
 New Haven, *Connecticut Agricultural Experiment Station*, 123 Huntington Street.  
 New Haven, *Connecticut Hall, Yale University*, bounded by High, Chapel, Elm, and College Streets.  
 New Haven, *Dana, James Dwight, House*, 24 Hillhouse Avenue.  
 New Haven, *Fort Nathan Hale*, at the southern end of Woodward Avenue.  
 New Haven, *Marsh Othniel C., House*, 380 Prospect Street.  
 New Haven, *Morris House*, 325 Lighthouse Road.  
 New Haven, *New Haven Green Historic District*, bounded by Chapel, College, Elm, and Church Streets.  
 New Haven, *Wooster Square Historic District*, includes Wooster Square.  
 Northford, *Williams, Warham, House*, intersection of Old Post Road with Connecticut 17 and 22.  
 Southbury, *Bullet Hill School*, west side of Main Street at the intersection of Seymour Road.  
 Southbury, *Southbury Historic District No. 1*, Main Street from Woodbury town line to Old Waterbury Road.

## New London County

Colchester, *Champion, Henry, House*, Westchester Road.  
 Colchester, *Hayward House*, 9 Haywood Avenue.  
 East Lyme, *Lee, Thomas, House*, southeast corner of Connecticut 156 and Giant's Neck Road.  
 Groton, *Fort Griswold*, bounded by Baker Avenue, Smith Street, Park Avenue, Monument Avenue, and the Thames River.  
 Lebanon, *Trumbull, John, Birthplace (Governor Jonathan Trumbull House)*, The Common.  
 Lebanon, *War Office (Captain Joseph Trumble Store and Office)*, West Town Street.  
 Lebanon, *Williams, William House*, southeast corner of junction of Connecticut 207 and 87.  
 Ledyard, *Lester, Nathan, House*, Vinegar Hill Road.  
 Ledyard, *Main Sawmill*, Iron Street.  
 Mystic, *Charles W. Morgan, Mystic Seaport*.  
 New London, *Deshon-Allyn House*, 613 Williams Street.  
 New London, *Fort Trumbull*, Fort Neck.  
 New London, *Hempsted, Nathaniel, House (Old Huguenot House)*, corner of Jay, Hempsted, Colt, and Truman Streets.  
 New London, *Hempsted, Joshua, House*, 11 Hempsted Street.  
 New London, *Monte Cristo Cottage (Eugene O'Neill House)*, 325 Pequot Avenue.  
 New London, *New London County Courthouse (State Courthouse)*, 70 Huntington Street.  
 New London, *New London Customhouse*, 150 Bank Street.  
 New London, *New London Public Library*, 63 Huntington Street.  
 New London, *New London Railroad Station*, at the foot of State Street.  
 New London, *Shaw Mansion*, 11 Blinman Street.  
 New London, *Whale Oil Row*, 105-119 Huntington Street.  
 Norwich, *Backus, Nathaniel, House*, 44 Rockwell Street.  
 Norwich, *Converse House and Barn*, 185 Washington Street.  
 Norwich, *East District School*, 365 Washington Street.

Norwich, *Huntington, Colonel Joshua, House*, 11 Huntington Lane.  
 Norwich, *Little Plain Historic District*.  
 Norwich, *Norwichtown Historic District*.  
 Norwich, *Yantic Falls Historic District*, Yantic Street.  
 Norwichtown, *Bradford-Huntington House*, 18 Huntington Lane.  
 Norwichtown, *Carpenter House (Red House)*, 55 East Town Street.  
 Norwichtown, *Carpenter, Joseph, Silversmith Shop*, 71 East Town Street.  
 Norwichtown, *Charlton, Captain Richard, House*, 12 Mediterranean Lane.  
 Norwichtown, *Huntington, General Jedediah, House*, 23 East Town Street.  
 Norwichtown, *Huntington, Governor Samuel, House*, 34 East Town Street.  
 Norwichtown, *Lathrop, Dr. Daniel, School*, 69 East Town Street.  
 Norwichtown, *Lathrop, Dr. Joshua, House*, 377 Washington Street.  
 Norwichtown, *Leffingwell Inn*, 348 Washington Street.  
 Norwichtown, *Turner, Dr. Philip, House*, 29 West Town Street.  
 Old Lyme, *Old Lyme Historic District*, along Lyme Street from Shore Road to Sill Lane along the Old Boston Post Road from Sill Lane to Rose Lane.

## Tolland County

Coventry, *Hale, Nathan, Homestead (Deacon Richard Hale House)*, South Street.  
 Mansfield, *Mansfield Center Historic District*, Storrs Road.  
 Mansfield Center, *Williams, Eleazer, House*, east side of Storrs Road just south of the intersection with Dobbs Road.

## Windham County

Brooklyn, *Trinity Church*, east side of Church Street.  
 Brooklyn, *Unitarian Meeting House*, at the junction of Routes 169 and 6.  
 Canterbury, *Clark, Captain John, House (Dyer-Clark House)*, east side of Route 169.  
 Canterbury, *Payne, Elisha, House (Prudence Grandle House)*, southwest corner of the intersection of Connecticut 14 and 169.  
 Chaplin, *Witter House*, Chaplin Street.  
 Scotland, *Huntington, Samuel, Birthplace*, on Highway 14, 2 miles west of junction with Connecticut 97.  
 Willimantic, *Jilson, William, Stone House*, 561 Main Street.  
 Windham Center, *Hunt, Dr. Chester, Office*, Windham Center Road.

## Delaware

## Kent County

Camden, *Camden Friends Meetinghouse*, Commerce Street.  
 Clayton vicinity, *Jones, Enoch, House*, southwest of Clayton, off Delaware 300.  
 Cowgill's Corners vicinity, *Octagonal Schoolhouse*, east of Cowgill's Corners off Delaware 9.  
 Dover, *Bradford-Lookerman House*, 419 South State Street.  
 Dover, *Christ Church*, southeast corner of South State and Water Streets.  
 Dover, *Delaware State Museum Buildings (Old Presbyterian Church Complex)*, 316 South Governors Avenue.  
 Dover, *Eden Hall*, west end of Water Street.  
 Dover, *Governor's House*, The Kings Highway.  
 Dover, *Greenwood (Manlove Hayes House)*, 625 South State Street.  
 Dover, *Lookerman Hall*, Delaware State College campus.  
 Dover, *Old Statehouse*, The Green.  
 Dover, *Town Point, Kitts Hummock Road*.  
 Dover vicinity, *Dickinson, John, Mansion*, 5 miles southeast of Dover and 3 miles east of U.S. 13 on Kitts Hummock Road.



Dover vicinity, *Great Geneva*, about 3 miles south of Dover on Delaware 356.  
 Dover vicinity, *Tyn Head Court (Wethered Court)*, east of Dover on South Little Creek Road.  
 Dutch Neck Crossroads vicinity, *Allee House*, Dutch Neck Road east of Delaware 9.  
 Farmington vicinity, *Tharp House*, east of Farmington on U.S. 13.  
 Frederica vicinity, *Barratt Hall*, South of Frederica off Delaware 372.  
 Frederica vicinity, *Barratt's Chapel*, north of Frederica on U.S. 113.  
 Frederica vicinity, *Bonwell House*, about 4 miles west of Frederica on Delaware 380 at Andrews Lake.  
 Frederica vicinity, *Mordington*, south of Frederica on Canterbury Road.  
 Kenton, *Cooper House*, on Delaware 300.  
 Kenton vicinity, *Aspendale*, c. 1 mile west of Kenton on Delaware 300.  
 Leipsic, *Ruth Mansion House*, Main Street.  
 Leipsic vicinity *Snowland*, northwest of Leipsic on Delaware 42.  
 Leipsic vicinity, *Wheel of Fortune*, south of Leipsic off Delaware 9.  
 Little Creek, *Old Stone Tavern*, Main Street.  
 Little Heaven, *Reed, Jehu, House*, U.S. 113 and Delaware 18.  
 Magnolia, *Lindale House*, 24 Walnut Street.  
 Magnolia, *Lowber, Mathew, House*, east of Main Street, north of the intersection.  
 Milford, *Christ Church, Milford*, Third and Church Streets.  
 Milford, *Parson Thorne Mansion*, 501 Northwest Front Street.  
 Smyrna, *Belmont Hall*, 1 mile south of Smyrna on U.S. 13.  
 Smyrna vicinity, *Bannister Hall and the Baynard House*, south of Smyrna off Delaware 300.  
 Smyrna vicinity, *Duck Creek Village*, Delaware 65, between Duck Creek and Green's Branch.  
 Smyrna vicinity, *Ivy Dale Farm*, south of Smyrna off Delaware 9.  
 South Bowers vicinity, *Island Field Site*, 0.5 mile southeast of Bowers Beach.  
 Woodland Beach vicinity, *Sutton, Thomas, House*, Delaware 79, Woodland Beach Wildlife area.

#### New Castle County

Ashland, *Ashland Bridge*, south of Delaware 82 over Red Clay Creek.  
 Blackbird vicinity, *Old Union Methodist Church*, 1.5 miles north of Blackbird on U.S. 13.  
 Centerville, *Center Meeting and Schoolhouse*, Centermeeting Road.  
 Claymont, *Blockhouse and Robinson House*, Naaman's Corner.  
 Claymont, *Darley House*, Darley Road and Philadelphia Pike.  
 Claymont, *Robinson House (Naaman's)*, Naaman's Corner.  
 Delaware City, *Fort Delaware on Pea Patch Island*, Pea Patch Island in the Delaware River.  
 Hockessin, *Hockessin Friends Meeting House*, at Routes 275 and 254 nad Meeting House Road.  
 Hockessin vicinity, *Coffee Run Mission Site*, southeast of Hockessin off Delaware 48.  
 Kirkwood vicinity, *Lum's Mill House*, on Delaware 71 in Lums Pond State Park.  
 Kirkwood vicinity, *McCoy House*, 1.5 miles east of Kirkwood at Kirkwood and McCoy Roads.  
 Marshallton, *Greenbank Historic Area*, off Delaware 41, north of Delaware 2.  
 Middletown, *Greenlawn*, North Broad Street.  
 Middletown, *Middletown Academy (Town Hall)*, 218 North Broad Street.  
 Middletown vicinity, *Cochran Grange*, west of Middletown on Delaware 4.  
 Middletown vicinity, *Hedgelawn*, 1.2 miles west of Middletown on Delaware 4.

Middletown vicinity, *Naudain, Arnold S. House*, south of Middletown off Delaware 71.  
 Middletown vicinity, *Nozontown*, south of Middletown off Delaware 896.  
 Middletown vicinity, *Old St. Anne's Church*, south of Middletown off Delaware 71.  
 Montchanin vicinity, *Strand Millas and Rock Spring*, between Montchanin and Rockland (7-16-73).  
 New Castle, *Glebe House*, Delaware 9.  
 New Castle, *The Hermitage*, on Delaware 273.  
 New Castle, *Lesley-Travers Mansion*, 112 West Sixth Street.  
 New Castle, *New Castle Historic District*, bordered by Harmony Street, The Strand, Third Street, and Delaware Street.  
 New Castle, *Old Courthouse (Old Colony and State House)*, Delaware Street between Second and Third Streets.  
 New Castle Hundred, *Buena Vista*, on U.S. 13, 1.5 miles south of its junction with U.S. 40.  
 Newark, *England House (Red Mill Farm)*, 81 Red Mill Road.  
 Newark, *Fisher, Andrew House*, 725 Art Lane.  
 Newark, *Old College Historic District (Delaware College)*, Main and College Streets.  
 Newark, *Rotheram Mill House*, 318 Harmony Road.  
 Newark, *Welsh-Tract Baptist Church*, Welsh Tract Road.  
 Newark vicinity, *Cooch's Bridge Historic District*, north of Newark off Delaware 896.  
 Newark vicinity, *Mermad Tavern*, northeast of Newark on Delaware 7 (12-18-73).  
 Newark vicinity, *Mill Creek Friends Meeting-house*, 6 miles north of Newark on Landenburg Road.  
 Newark vicinity, *White Clay Creek Presbyterian Church*, about 2 miles northeast of Newark on Delaware 2 at Delaware 324.  
 Newport, *Red Clay Creek Presbyterian Church*, corner of Mill Creek and McKennan's Church Roads.  
 Odessa, *Appoquinimink Friends Meeting House*, Main Street.  
 Odessa, *Corbit-Sharp House*, southwest corner of Main and Second Streets.  
 Odessa, *Odessa Historic District*, bounded by Appoquinimink Creek on the southeast; by the rear property lines of properties fronting on High Street on the northeast; on the northwest by Fourth Street; and on the southwest by the rear lines of properties fronting on Main Street.  
 Odessa vicinity, *Beard, Duncan, Site*, south of Odessa off U.S. 13 at Mathews Corners (12-18-73).  
 Odessa vicinity, *Old Drawyers Church (Drawyers Church)*, 1 mile north of Odessa on U.S. 13.  
 Odessa vicinity, *Shallcross, Sereck, House*, west of Odessa off U.S. 13.  
 Odessa vicinity, *Williams House (Woodlawn)*, 1.2 miles northwest of Odessa on Marl Pit Road.  
 Port Penn vicinity, *Augustine Beach Hotel*, south of Port Penn on Delaware 9.  
 Port Penn vicinity, *Dilworth House*, off Delaware 9 (11-27-73).  
 Porter vicinity, *New Castle and Frenchtown Railroad Right-of-way*, off U.S. 40 between Porter, Del., and Frenchtown, Md. (also in Cecil County, Md.)  
 Rockland, *Rockland*, intersection of Rockland and Mount Lebanon roads, Brandywine, and Routes 232 and 235.  
 St. Georges, *Sutton House*, Broad and Delaware Streets.  
 Smyrna vicinity, *Clearwater Farm*, north of Smyrna on Delaware 9.  
 Smyrna vicinity, *Old Brick Store*, northeast of Smyrna off U.S. 13 (8-14-73).  
 Stanton vicinity, *Hale-Byrnes House*, south of Stanton at corner of Routes 7 and 4.  
 Stanton vicinity, *St. James Church*, west of Stanton on St. James Church Road.

Taylor's Bridge vicinity, *Hart House*, east of Taylor's Bridge on Delaware 453.  
 Taylor's Bridge vicinity, *Huguenot House*, west of Taylor's Bridge on Delaware 9.  
 Taylor's Bridge vicinity, *Liston House*, east of Taylor's Bridge on Delaware 453.  
 Wilmington, *Brandywine Village Historic District*, bounded roughly by Tatnall Street, 22d Street, Vandever Avenue, Mabel Street, and Brandywine Creek.  
 Wilmington, *Breck's Mill Area (Henry Clay Village)*, Breck's Lane and Creek Road.  
 Wilmington, *Continental Army Encampment Site*, Lovering Avenue near Broom Street (12-18-73).  
 Wilmington, *Dingee, Jacob, House*, 105 East Seventh Street.  
 Wilmington, *Dingee, Obadiah, House*, 107 East Seventh Street.  
 Wilmington, *Ferris, Zachariah, House*, 414 West Second Street.  
 Wilmington, *Fort Christina*, East Seventh Street and the Christina River, Port Christina State Park.  
 Wilmington, *Holy Trinity (Old Swedes) Church*, Seventh and Church Streets.  
 Wilmington, *Lombardy Hall*, U.S. 202.  
 Wilmington, *Louviers (Upper Louviers and Black Gates)*, 10 Black Gates Road.  
 Wilmington, *Lower Louviers and Chicken Alley*, 1 Black Gates Road.  
 Wilmington, *McLane, Louis, House*, 606 Market Street.  
 Wilmington, *Masonic Hall and Grand Theater*, The, 818 North Market Street.  
 Wilmington, *Mendenhall, Captain Thomas, House*, 205 East Front Street.  
 Wilmington, *Old First Presbyterian Church of Wilmington*, West Street on the Brandywine Park Drive.  
 Wilmington, *Starr House*, 1310 King Street.  
 Wilmington, *Walker's Mill and Walker's Banks*, east bank of Brandywine at Rising Sun Lane Bridge.  
 Wilmington, *Woodstock*, 102 Middleboro Road (9-7-73).  
 Wilmington vicinity, *Village of Adren*, 6 miles north of Wilmington.  
 Wilmington vicinity, *Brandywine Manufacturers Sunday School*, north of Wilmington on Hagley Road.  
 Wilmington vicinity, *Eleutherian Mills*, north of Wilmington on Delaware 141 at Brandywine Creek Bridge.  
 Wilmington vicinity, *Lobdell Estate (Minquadales Home)*, off U.S. 13.  
 Wilmington vicinity, *The Winterthur Museum and Gardens*, 6 miles northwest of Wilmington on Delaware 52.  
 Wooddale, *Wooddale Bridge*, over Red Clay Creek off Delaware 48.

#### Sussex County

Cool Spring vicinity, *Fisher House*, southeast of Cool Spring, Broadkill Hundred.  
 Dagsboro vicinity, *Prince George's Chapel*, east of Dagsboro on Delaware 26.  
 Delmar, *Highball Signal*, City Park, near Penn-Central Railroad.  
 Georgetown, *Old Sussex County Courthouse*, South Bedford Street.  
 Georgetown, *Sussex County Courthouse and The Circle*, The Circle.  
 Laurel vicinity, *Old Christ Church*, on the south side of Chipman's Pond at the junction of County Routes 465 and 465A.  
 Lewes, *DeVries Fallsade*, Pilotown Road at DeVries Monument.  
 Lewes, *Fisher's Paradise*, 624 Pilotown Road.  
 Lewes, *Mauil House*, 542 Pilotown Road.  
 Milford vicinity, *Abbott's Mill*, southwest of Milford on Delaware 442.  
 Lewes vicinity, *Pagan Creek Dike*, west of Lewes on Pagan Creek near New Road.  
 Lewes vicinity, *St. George's Chapel*, 9 miles southwest of Lewes on Delaware 5.  
 Millsboro vicinity, *Carey's Camp Meeting Ground*, off Delaware 24 west of Millsboro.

Milton, *Draper-Adkins House*, 204 Federal Street.  
 Milton, *Hazzard House*, 327 Union Street.  
 Milton, *Ponder, Governor James, House*, 416 Federal Street.  
 Woodland, *Cannon's (Woodland) Ferry*, across the Nanticoke River.

#### District of Columbia Washington

Adams Memorial, Webster Street and Rock Creek Church Road NW.  
 Adas Israel Synagogue, Third and G Streets NW.  
 Administration Building, Carnegie Institution of Washington, 1530 P Street NW.  
 American National Red Cross, 17th and D Streets NW.  
 American Security and Trust Company, 15th and Pennsylvania Avenue NW. (7-16-73).  
 Anderson, *Larz, House*, 2118 Massachusetts Avenue NW.  
 Army Medical Museum (Medical Museum), Armed Forces Institute of Pathology Building, Walter Reed Army Medical Center, 13th Street and Fern Place NW.  
 Arts Club of Washington, 2017 I Street NW.  
 Arts and Industries Building, Smithsonian Institution, 900 Jefferson Drive SW.  
 Bank of Columbia, 3210 M Street NW.  
 Battleground National Cemetery, 6825 Georgia Avenue NW.  
 Bayly, *Mountjoy/Johnson, Hiram, House*, 122 Maryland Avenue NE. (7-20-73).  
 Bearle, *Joseph, House*, 2301 Massachusetts Avenue NW.  
 Belmont, *Perry, House (International Eastern Star Temple)*, 1613 New Hampshire Avenue NW.  
 Canadian Embassy, 1746 Massachusetts Avenue NW.  
 Central Public Library, Mount Vernon Square, Eighth and E Streets NW.  
 Chapel Hill, *Gallaudet College*, Florida Avenue and Seventh Street NE.  
 Chesapeake and Ohio Canal National Historical Park (see Allegany County, Md.).  
 Christ Church, 620 G Street SE.  
 Christ Church, 3116 O Street NW.  
 Church of the Epiphany, 1317 G Street NW.  
 City Hall (District Courthouse), Fourth and E Streets NW.  
 Commandant's Office, Washington Navy Yard, Montgomery square and Dahlgren Avenue (8-14-73).  
 Conduitt Road Schoolhouse, 4954 MacArthur Boulevard NW. (11-30-73).  
 Congressional Cemetery, 1801 E Street SE.  
 Corcoran Gallery of Art, 17th Street at New York Avenue NW.  
 Cosmos Club, 2121 Massachusetts Avenue NW.  
 Customhouse and Post Office, 1221 31st Street NW.  
 Decatur House, 748 Jackson Place NW.  
 District Building, southeast corner of 14th and E Streets NW.  
 Dumbarton Bridge (Q Street Bridge), Q Street, over Rock Creek Park at 23d Street NW. (7-16-73).  
 Duncanson-Cranch House, 468-470 N Street SW. (7-26-73).  
 East and West Potomac Parks, bounded by Constitution Avenue, 17th Street, Independence Avenue, Washington Channel, Potomac River, and Rock Creek Park (11-30-73).  
 Eastern Market, Seventh and C Streets SE.  
 Evermay, 1623 28th Street NW.  
 Executive Office Building, southeast corner, Pennsylvania Avenue and 17th Street NW.  
 Folger Shakespeare Library, 201 East Capitol Street SE.  
 Ford's Theatre National Historic Site, 10th Street NW. between E and F Streets.

Forrest-Marbury House, 3350 M Street NW.  
 Franklin School, 13th and K Streets NW.  
 Frederick Douglass Home, 1411 W Street SE.  
 Freer Gallery of Art, 12th Street and Jefferson Drive SW.  
 Friendship House (The Maples), 619 D Street SE.  
 Georgetown Historic District.  
 Georgetown Market, 3276 M Street NW.  
 Georgetown University Astronomical Observatory, 37th and O Streets NW.  
 Godey Lime Kilns, Rock Creek and Potomac Parkway at 27th and L Streets NW. (11-2-73).  
 Grace Protestant Episcopal Church, 1041 Wisconsin Avenue NW.  
 Halcyon House, 3400 Prospect Street NW.  
 Haw, *John Stoddert, House*, 2808 N Street NW. (7-16-73).  
 Healy Building, Georgetown University, Georgetown University campus.  
 Heinrich (Christian) Mansion, 1307 New Hampshire Avenue NW.  
 The Highlands (Siddell Friends School), 3825 Wisconsin Avenue NW.  
 Holt House, Adams Mill Road, in National Zoological Park.  
 Hughes, *Charles Evans, House*, 2223 R Street NW.  
 Indonesian Embassy (Walsh-McLean House), 2020 Massachusetts Avenue NW.  
 Japanese Embassy, 2520 Massachusetts Avenue NW.  
 Jefferson Memorial, south bank of the Tidal Basin.  
 Lafayette Square Historic District, includes those buildings fronting on H Street, Jackson Place, Madison Place, and Pennsylvania Avenue.  
 Law, *Thomas, House*, 1252 Sixth Street SW. (8-14-73).  
 Lenthall Houses, 612-614 19th Street NW.  
 Lewis, *Edward Simon, House*, 456 N Street SW. (7-23-73).  
 Lincoln Memorial, West Potomac Park.  
 The Lindsens, 2401 Kalorama Road NW.  
 Lockkeeper's House, C&O Canal Extension, southwest corner of 17th Street and Constitution Avenue NW. (11-30-73).  
 Logan Circle Historic District.  
 Luther Place Memorial Church, 1226 Vermont Avenue NW. (7-16-73).  
 McCormick Apartments, 1785 Massachusetts Avenue NW.  
 Main Gate, Washington Navy Yard, Eighth and M Streets SE. (8-14-73).  
 Marine Corps Commandant's House, 801 G Street SE.  
 Memorial Continental Hall, 17th Street, between C and D Streets NW.  
 Meridan House, 1630 Crescent Place NW.  
 Metropolitan African Methodist Episcopal Church, 1518 M Street NW. (7-26-73).  
 The National Archives, Constitution Avenue between Seventh and Ninth Streets NW.  
 National Savings and Trust Company, New York Avenue and 15th Street NW.  
 National War College, P Street between Third and Fourth Streets SW, Port Leslie J. McNair.  
 National Zoological Park, 3000 block of Connecticut Avenue NW.  
 Oak Hill Cemetery Chapel, R Street at 29th Street NW.  
 Octagon House, 1789 New York Avenue NW.  
 Old Naval Observatory, 23d and E Streets NW.  
 Old Patent Office, F Street between Seventh and Ninth Streets NW.  
 Old Post Office and Clock Tower, Pennsylvania Avenue and 12th Street NW.  
 Old Stone House, 3051 M Street NW. (11-30-73).  
 Owens, *Isaac, House (Gannit-Williams House)*, 2806 N Street NW.  
 Pan American Union, 17th Street between C Street and Constitution Avenue NW.

Pennsylvania Avenue National Historic Site, Pension Building, F and G Streets between Fourth and Fifth Streets NW.  
 Philadelphia (grudelo), Smithsonian Institution, Museum of History and Technology, 14th Street and Constitution Avenue NW.  
 Phillips, *Duncan, House (The Phillips Collection)*, 1600-1614 21st Street NW. (8-14-73).  
 Pierce Mill, Rock Creek Park, northwest corner of Tilden Street and Beach Drive NW.  
 Pierce Springhouse and Barn, 2400 block of Tilden Street NW. (10-25-73).  
 Pierce-Kingle Mansion, 3545 Williamsburg Lane Northwest (10-10-73).  
 Prospect House, 3508 Prospect Street NW.  
 Quality Hill (Mason, John Thomas, House), 3425 Prospect Street NW.  
 Quarters A, Washington Navy Yard, East of the Main Gate and South of M Street SE. (8-14-73).  
 Quarters B, Washington Navy Yard, Charles Morris Avenue (8-14-73).  
 Renwick Museum, northeast corner of Pennsylvania Avenue and 17th Street NW.  
 Rhodes Tavern (Hotel), 601-3 15th Street and 1431 F Street NW.  
 Richards, *Salmon, House*, 1301 Corcoran Street NW.  
 Riggs National Bank (Washington Loan and Trust Co. Branch), southwest corner of Ninth and F Streets NW.  
 Riggs National Bank, 1503-05 Pennsylvania Avenue NW. (7-16-73).  
 Ringgold-Carroll House, 1801 F Street NW. (7-26-73).  
 Rosedale, 3501 Newark Street NW.  
 St. Aloysius Catholic Church, North Capitol and I Streets NW. (7-26-73).  
 St. John's Church, 16th and H Streets NW.  
 St. Mark's Church, Capitol Hill, Third and A Streets SE.  
 St. Mary's Episcopal Church, 730 23d Street NW.  
 St. Paul's Episcopal Church, Rock Creek Church Road and Webster Street NW.  
 Sewall-Belmont House, 144 Constitution Avenue NE.  
 Smithsonian Building, Jefferson Drive at 10th Street SW.  
 Sulgrave Club, 1801 Massachusetts Avenue NW.  
 Tariff Commission Building, E and F Streets between Seventh and Eighth Streets, NW.  
 Tucker House and Myers House, 2310-2320 S Street NW. (8-14-73).  
 Tudor Place, 1644 31st Street NW.  
 Union Station, Massachusetts and Delaware Avenues NW.  
 U.S. Capitol Gatehouses and Gateposts, on Constitution Avenue, Seventh and 17th Streets (11-30-73).  
 U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW.  
 U.S. Marine Barracks Buildings, Eighth and I Streets SE.  
 U.S. National Arboretum, 24th and R Streets NE.  
 Vigilant Firehouse, 1066 Wisconsin Avenue NW.  
 Volta Bureau, 3414 Volta Place NW.  
 Warder-Totten House, 2633 16th Street NW.  
 Washington Club, 15 Dupont Circle NW.  
 Washington Monument, The Mall between 14th and 17th Street.  
 Washington Navy Yard Historic District, bounded by Isaac Hull Avenue, M and Ninth Streets and the Anacostia River.  
 Wheat Row, 1315-1321 Fourth Street SW. (7-23-73).  
 Whittemore House (Woman's National Democratic Club), 1526 New Hampshire Avenue NW. (7-16-73).  
 Wilson, *Woodrow, House*, 2340 S Street NW.  
 Winder Building, 604 17th Street (northwest corner 17th and F Streets).



## Florida

## Alachua County

Cross Creek, Rawlings, Majorie Kinnan, House, Florida 325, 0.25 mile south of the creek.

Gainesville, Bailey, Major James B., House, 1121 Northwest Sixth Street.

Gainesville, Epworth Hall, 419 Northeast First Street (7-25-73).

Gainesville, Hotel Thomas, bounded by Northeast Second and Fifth Streets and Northeast Sixth and Seventh Avenues (7-16-73).

Gainesville, Matheson House, 528 Southeast First Avenue.

Windsor vicinity, Neilson House, North of Windsor off S.R. 325.

Rochelle, Rochelle School, off Florida 234.

Sanderson vicinity, Burned Blockhouse, North of Sanderson off Jacksonville Road.

## Brevard County

Titusville, St. Gabriel's Episcopal Church, 414 Palm Avenue.

Titusville vicinity, Launch Complex 39, Kennedy Space Center.

## Broward County

Fort Lauderdale, New River Inn (City Hall Annex), 229 Southwest Second Avenue.

Fort Lauderdale, Stranahan House, 335 Southeast Sixth Avenue (10-2-73).

Olustee vicinity, Olustee Battlefield, 2 miles east of Olustee on U.S. 90.

## Clay County

Hibernia vicinity, St. Margaret's Episcopal Church, Old Church Road.

## Citrus County

Crystal River vicinity, Crystal River Indian Mounds, 2 miles northwest of Crystal River on U.S. 19-98.

Homosassa, Yulee Sugar Mill Ruins, Florida 490 off U.S. 119.

Inverness vicinity, Fort Cooper, 3 miles northeast of Inverness on U.S. 41 on the west bank of Fort Cooper Lake.

## Columbia County

Lake City, Henderson, T. G., House, 207 South Marion Street (7-24-73).

## Dade County

Cape Florida, Cape Florida Lighthouse, southeastern tip of Key Biscayne off U.S. 1.

Coconut Grove, Ransom School Pagoda, 3575 Main Highway (7-25-73).

Coral Gables, Douglas Entrance (La Puerta del Sol), intersection of Douglas Road and Eighth Street SW.

Coral Gables, Merrick Manor, 907 Coral Way, Miami (Coconut Grove), Munroe, Ralph M., House, 3485 Main Highway.

Coral Gables, Miami-Biltmore Hotel (VA Hospital), 1210 Anastasia Avenue.

Florida City, Florida Pioneer Museum, 0.5 mile south of Lucy Street on S.R. 27 (Krome Avenue) (3-14-73).

Miami, Vizcaya (James Deering Estate), 3251 South Miami Avenue.

North Miami Beach, Old Spanish Monastery, 16711 West Dixie Highway.

## Duval County

Jacksonville, Broward, Napoleon Bonaparte, House, 9953 Heckshire Drive.

Jacksonville, Catherine Street Fire Station, 14 Catherine Street.

Jacksonville, Epping Forest, Christopher Point, off San Jose Boulevard.

Jacksonville, Kingsley Plantation, Florida AIA.

Jacksonville, Old St. Luke's Hospital, 314 Palmetto.

Jacksonville, Red Banks Plantation, 1290 Greenridge Road.

Jacksonville, Riverside Baptist Church, 2650 Park Street.

Jacksonville vicinity, Fort Caroline National Memorial, 10 miles east of Jacksonville.

Jacksonville vicinity, Yellow Bluff Fort, South of Florida 105 on New Berlin Road.

## Escambia County

Pensacola, Buccaneer (schooner), Municipal Wharf.

Pensacola, \*Fort San Carlos de Barrancas, U.S. Naval Air Station.

Pensacola, L. & N. Marine Terminal Building, Commendencia Street Wharf.

Pensacola, Lavalie House, 203 East Church Street.

Pensacola, Pensacola Historic District.

Pensacola, \*Plaza Ferdinand VIII, Palafox Street between Government and Zarzagoza Streets.

Pensacola Beach vicinity, Fort Pickens, U.S. 98 west of Pensacola Beach.

## Flagler County

Bunnell vicinity, Bulow Plantation Ruins, southeast of Bunnell off Florida S-5A.

## Franklin County

Apalachicola, Raney, David G., House, southwest corner of Market Street and Avenue F.

Apalachicola, Trinity Episcopal Church, Avenue D and Sixth Street.

St. Teresa vicinity, Yent Mound, east of St. Teresa off U.S. 98.

Sumatra vicinity, Fort Gadsden Historic Memorial, 6 miles southwest of Sumatra.

## Gadsden County

Chattahoochee, U.S. Arsenal Officers Quarters, U.S. 90.

Quincy, Methodist Parsonage, 212 North Madison Street.

## Hillsborough County

Ruskin vicinity, Cockroach Key, west of Ruskin about 3 miles south of the mouth of Little Manatee River (12-4-73).

Tampa, Circulo Cubano de Tampa (Cuban Club), 10th Avenue and 14th Street.

Tampa, El Pasaje, 14th Street.

Tampa, Tampa Bay Hotel, 401 West Kennedy Boulevard.

Tampa, Ybor Factory Building, Seventh Avenue between 12th and 13th Streets.

Zephyrhills vicinity, Fort Foster, c. 9 miles south of Zephyrhills.

## Indian River County

Sebastian vicinity, \*Pelican Island National Wildlife Refuge, east of Sebastian in the Indian River.

Sebastian vicinity, Site of Salvors Camp for Spanish Wrecks (1715), between the town of Sebastian and Sebastian Inlet on the Atlantic Ocean.

## Jackson County

Greenwood, Great Oaks, Greenwood Highway (Florida 71).

Marianna, Ely-Criglar House, 242 West Lafayette Street.

Marianna, West, Theophilus, House, 403 Putnam Street.

Marianna vicinity, Waddells Mill Pond, about 7 miles northwest of Marianna.

## Jefferson County

Capps vicinity, May, Asa, House, on U.S. 19, about 0.5 mile north of its intersection with U.S. 27.

Lloyd vicinity, San Joseph de Ocuja Site, about 17 miles east of Tallahassee.

Monticello, Perkins Opera House, Washington Street and Courthouse Square.

Monticello, Wrick-Simmons House, southeast corner of Jefferson and Pearl Streets.

Monticello vicinity, Lyndhurst Plantation, 15 miles northeast of Monticello, off Ashville Road.

Tallahassee vicinity, San Juan de Aspalaga Site, about 16 miles east of Tallahassee.

## Lee County

Fort Myers Beach vicinity, Mound Key, south of Fort Myers Beach in Koreshan State Park, on Estero Bay.

Pine Island vicinity, Demere Key (8L131), off western shore of Pine Island, in Pine Island Sound.

Pineland, Pineland Site, on Pine Island (11-27-73).

## Leon County

Tallahassee, Bellevue, southwest of Tallahassee, on Big Bend Pioneer Farm.

Tallahassee, Brokaw-McDougall House, 329 North Meridian (7-24-72).

Tallahassee, Call, Governor Richard Keith, House (The Grove), Adams and First Avenue.

Tallahassee, Cascades Park, bounded roughly by Apalachee Parkway and East Bloxham Street on the north, Suwanee Street on the east, the State property line on the south and South Monroe and Meridian Streets on the west.

Tallahassee, The Columns (Benjamin Chaires House), corner of Adams Street and Park Avenue.

Tallahassee, Florida State Capitol, South Monroe Street.

Tallahassee, Goodwood (Old Groom Mansion), 1500 Miccosukee Road.

Tallahassee, Tallahassee Historic District, zones I and II.

Tallahassee, Union Bank, 106 South Adams Street.

Tallahassee vicinity, Escambi (San Cosmo y San Damias de Escambi), 3 miles northwest of Tallahassee, adjacent to and north of Interstate 10, 0.5 mile west of Old Bainbridge Road.

Tallahassee vicinity, Lake Jackson Mounds, 4.5 miles north of Tallahassee via U.S. 27, on the south shore of Lake Jackson.

Tallahassee vicinity, \*San Luis de Apalache, 2 miles west of Tallahassee on U.S. 90.

Tallahassee vicinity, San Pedro y San Pablo de Patole, about 8 miles east of Tallahassee on Buck Lake Road.

Woodville vicinity, Natural Bridge Battlefield, 6 miles east of Woodville on U.S. 319.

## Liberty County

Bristol vicinity, Torreya State Park, 13 miles northeast of Bristol on Florida 12.

## Madison County

Madison, Dial, William M., House, 105 North-east Marion Street (7-24-73).

Madison, Wardlaw-Smith House, 103 North Washington Street.

## Manatee County

Bradenton vicinity, De Soto National Memorial, 5 miles west of Bradenton.

Ellenton, Gamble, Robert, House (Judah P. Benjamin Memorial), on U.S. 301.

Terra Ceia Island, Madira Bickel Mound, U.S. 19.

## Monroe County

Dry Tortugas Island, Fort Jefferson National Monument, 68 miles west of Key West in the Gulf of Mexico.

Key Largo vicinity, John Pennnekamp Coral Reef State Park and Reserve, U.S. 1.

Key West, The Armory, 600 White Street.

Key West, East Martello Tower, South Roosevelt Boulevard.

Key West, Fort Zachary Taylor, U.S. Naval Station.

Key West, Gato Eduardo H., House, 1209 Virginia Street.

Key West, \*Hemingway, Ernest, House, 907 Whitehead Street.

Key West, Key West Historic District.

Key West, Old Post Office and Customs House, Front Street (9-20-73).

Key West, Porter, Dr. Joseph Y., House, 429 Caroline Street.

Key West, U.S. Coast Guard Headquarters, Key West Station, northwest corner of Front and Whitehead Streets.

Key West vicinity, Sand Key Lighthouse, 7 miles southwest of Key West on Sand Key.

Miami vicinity, Indian Key, 75 miles south of Miami between upper and lower Matecumbe Key.

## Nassau County

Fernandina Beach, Bailey House, northeast corner of Seventh and Ash Streets.

Fernandina Beach, Fairbanks House, 227 South Seventh Street.

Fernandina Beach, Fernandina Beach Historic District (7-20-73).

Fernandina Beach, The Tabby House, (C. W. Lewis House), northwest corner of Seventh and Ash Streets.

Fernandina Beach vicinity, Fort Clinch, 3 miles north of Fernandina Beach on Florida A1A.

## Okaloosa County

Fort Walton Beach, Fort Walton Mound, U.S. 98.

## Okeechobee County

Okeechobee vicinity, \*Okeechobee Battlefield, 4 miles southeast of Okeechobee on U.S. 441.

## Orange County

Winter Park, The Parsonage, Fairbanks Avenue at Chase Avenue (10-2-73).

## Palm Beach County

Canal Point vicinity, Big Mound City, about 10 miles east of Canal Point.

Jupiter, Jupiter Inlet Lighthouse, at the juncture of Lozahatchee River and Jupiter Sound (10-15-73).

Palm Beach, Bingham-Blossom House, 1250 South Ocean Boulevard.

Palm Beach, Breakers Hotel Complex, South County Road (6-14-73).

Palm Beach, Paramount Theatre Building, 145 North County Road (12-2-73).

Palm Beach, Whitehall (Henry Morrison Flager House), Whitehall Way.

West Palm Beach, Seaboard Coast Line Railroad Passenger Station, Tamarind Avenue and Datura Street.

## Pinellas County

Dunedin, Andrews Memorial Chapel, corner of Buena Vista and San Mateo.

Safety Harbor vicinity, \*Safety Harbor Site, Philippe Park, 1 mile northeast of Safety Harbor.

St. Petersburg, Weedon (Weedon) Island Site, Weedon Island Road, 1 mile south of Gandy Boulevard at Tampa Bay.

Tarpon Springs, Tarpon Springs Sponge Exchange, Dodecanese Street.

## Polk County

Bartow, South Florida Military College, 1100 South Broadway.

Lake Wales vicinity, Bok Mountain Lake Sanctuary and Singing Tower, 2 miles north of Lake Wales.

## Putnam County

Crescent City, Hubbard House, 600 North Park Street (8-14-73).

Palatka, Bronson-Mulholland House, Madison Street between First and Second Streets.

Palatka, St. Marks Episcopal Church, Main and Second Streets.

Welaka vicinity, Mount Royal, about 3 miles south of Welaka.

## Georgia

## Baldwin County

Milledgeville, Atkinson Hall, Georgia College, Georgia College campus.

Milledgeville, Milledgeville Historic District, bounded by Irwin, Thomas, and Warren Streets, and Fishing Creek.

Milledgeville, Old Governor's Mansion, 120 South Clark Street.

Milledgeville, Old State Capitol, Greene Street.

## Barrow County

Winder vicinity, Fort Yargo, Fort Yargo State Park, Georgia 81.

## Bartow County

Cartersville, Roselawn (Sam Jones House), 244 Cherokee Avenue.

Cartersville vicinity, \*Etowah Mounds, 3 miles south of Cartersville on Georgia 61.

## Bibb County

Macon, Anderson, Captain R. J. House, 1730 West End Avenue.

Macon, Anderson, Judge Clifford, House, 642 Orange Street.

Macon, Baber, Ambrose, House, 577-587 Walnut Street (8-14-73).

Macon, Burke, Thomas C., House, 1085 Georgia Avenue.

Macon, Cannonball House (Judge Asa Holt House), 856 Mulberry Street.

Macon, Central City Park Bandstand, Central City Park.

Macon, Christ Episcopal Church, 538-566 Walnut Street.

Macon, Coules, Jerry, Cottage, 4569 Rivoli Drive.

Macon, Coules House (Stratford Academy), 88 Bond Street.

Macon, Dasher-Stevens House, 904 Orange Terrace.

Macon, Davis-Guttenberger-Rankin House, 134 Buford Place (11-30-73).

Macon, Domingos House, 1261 Jefferson Terrace.

Macon, Emerson-Holmes Building, 566 Mulberry Street.

Macon, Findlay House, 785 Second Street.

Macon, First Presbyterian Church, 690 Mulberry Street.

Macon, Goodall House, 618 Orange Street.

Macon, Grand Opera House Academy of Music, 651 Mulberry Street.

Macon, Green-Poe House, 841-845 Poplar Street.

Macon, Hatcher-Groover-Schwartz House, 1144-1146 Georgia Avenue.

Macon, Holt House, 1129, Georgia Avenue.

Macon, Johnston-Hay House, 934 Georgia Avenue.

Macon, Lanier Sidney, Cottage, 935 High Street.

Macon, Lassiter House, 315 College Street.

Macon, Militia Headquarters Building, 552-564 Mulberry Street.

Macon, Lee, W. G., Alumni House (Bartlett House), 1270 Ash (Coleman) Street.

Macon, Mercer University Administration Building, Coleman Avenue.

Macon, Monroe Street Apartments, 641-661 Monroe Street.

Macon, Monroe-Dunlap-Snow House, 920 High Street.

Macon, Municipal Auditorium, 415-435 First Street.

Macon, Munroe-Goolsby House, 159 Rogers Avenue.

Macon, Napier, Leroy, Home, 2215 Napier Avenue.

Macon, Ocmulgee National Monument.

Macon, Old Macon Library, 652-62 Mulberry Street (11-26-73).

Macon, Old U.S. Post Office and Federal Building, 475 Mulberry Street.

Macon, Raines-Carmichael House, 1183 Georgia Avenue.



Macon, *Randolph-Whittle House*, 1231 Jefferson Terrace.  
 Macon, *Rogers, Rock, Home*, 337 College Street.  
 Macon, *Rose Hill Cemetery, Riverside Drive* (10-9-73).  
 Macon, *St. Joseph's Catholic Church*, 812 Poplar Street (533 New Street).  
 Macon, *Small House (Napier-Small House)*, 156 Rogers Avenue.  
 Macon, *Solomon-Curd House*, 776 Mulberry Street.  
 Macon, *Solomon-Smith-Martin House*, 2619 Vineville Avenue.  
 Macon, *Willingham-Hill-O'Neal Cottage*, 535 College Street.

#### Bryan County

Seven Mile Bend (Bryan's Neck).  
 Richmond Hill vicinity, *Fort McAllister*, 10 miles east of U.S. 17 on Georgia 87.

#### Butts County

Indian Springs, *McIntosh Inn*, on Georgia 42.

#### Camden County

St. Marys, *Orange Hall*, 311 Osborne Street.

#### Carroll County

Carrollton, *Bonner-Sharp-Gunn House*, West Georgia College campus.

#### Catoosa County

Chattanooga, Tenn., vicinity, *Chickamauga and Chattanooga National Military Park*, 9 miles south of Chattanooga on U.S. 27 (also in Hamilton County, Tenn.).

#### Chatham County

Savannah, *Central of Georgia Railway Company Shop Property*, between West Jones Street and Louisville Road.  
 Savannah, *Davenport, Isaiah, House*, 324 East State Street.  
 Savannah, *Low, Juliette Gordon, Birthplace*, 10 Oglethorpe Avenue East.  
 Savannah, *Savannah Historic District*, bounded by East Broad, Gwinnett, West Broad Streets, and the Savannah River.  
 Savannah, *Scarborough, William House*, 41 West Broad Street.  
 Savannah, *Sturges, Oliver, House*, 27 Abercorn Street.  
 Savannah vicinity, *Bethesda Home for Boys*, about 10 miles south of Savannah at Ferguson Avenue and Bethesda Road (9-12-73).  
 Savannah vicinity, *Fort Jackson, Islands Expressway*, 3 miles east of Savannah on the Savannah River.  
 Savannah vicinity, *Fort Pulaski National Monument*, 17 miles east of Savannah, Cockspear Island.  
 Savannah vicinity, *Wormsloe Plantation*, Isle of Hope and Long Island.

#### Chatahoocchee County

Fort Benning, *Riverside (Quarters No. 1)*, 100 Vibbert Avenue.

#### Clarke County

Athens, *Old North Campus, University of Georgia*, University of Georgia campus.  
 Athens, *Bishop House*, Jackson Street, University of Georgia campus.  
 Athens, *Garden Club of Georgia Museum-Headquarters House*, Lumpkin Street, University of Georgia campus.  
 Athens, *Lucy Cobb Institute Campus*, University of Georgia.  
 Athens, *President's House*, 570 Prince Street.  
 Athens, *Upson House*, 1022 Prince Avenue (11-15-73).  
 Athens, *Wilkins House*, 387 South Milledge Avenue.  
 Athens, *Lumpkin House*, University of Georgia campus.

#### Clayton County

Jonesboro, *Jonesboro Historic District*.  
 Jonesboro, *Stately Oaks, Tara Boulevard*.

#### Cobb County

Kennesaw, *The General*, Big Shanty Museum, Cherokee Street.  
 Mableton vicinity, *Johnston's Line*, southeast of Mableton off U.S. 78 at the Chattahoochee River.  
 Marietta vicinity, *Kennesaw Mountain National Battlefield Park*, 2 miles west of Marietta.  
 Marietta vicinity, *Sope Creek Ruins*, east of Marietta on Paper Mill Road.

#### Columbia County

Augusta vicinity, *Stallings Island*, 8 miles northwest of Augusta in the Savannah River.

#### Coweta County

Newnan vicinity, *Gordon-Banks House*, U.S. 29 south of Newnan.

#### Decatur County

Bainbridge vicinity, *Curry Hill Plantation*, 6 miles east of Bainbridge on U.S. 84.

#### De Kalb County

Atlanta, *Callanwolde*, 980 Briarcliff Road NE.  
 Atlanta vicinity, *Soapstone Ridge*, southeast of Atlanta off River Road.  
 Decatur, *Old De Kalb County Courthouse (Civic Center)*, Court Square.

#### Early County

Blakely vicinity, *Kolomoki Mounds*, 8 miles north of Blakely on U.S. 27, Kolomoki Mounds State Park.

#### Floyd County

Rome, *Chieftains*, 80 Chatillon Road.

#### Fulton County

Atlanta, *Cyclorama of the Battle of Atlanta*, Cherokee Avenue, Grant Park.  
 Atlanta, *Harris, Joel Chandler, House*, 1050 Gordon Street SW.  
 Atlanta, *Inman Park (7-23-73)*.  
 Atlanta, *Peters, Edward C., House*, 179 Ponce de Leon Avenue.  
 Atlanta, *Smith, Tullie, House*, 3099 Andrews Drive NW.  
 Atlanta, *State Capitol*, Capitol Square.  
 Atlanta, *The Texas, Cyclorama Building*, Grant Park.  
 Roswell, *Barrington Hall*, 60 Marietta Street.  
 Roswell, *Bullock Hall*, Bulloch Avenue.

#### Glynn County

Brunswick vicinity, *Fort Frederica National Monument*, 12 miles north of Brunswick.  
 Jekyll Island, *Faith Chapel*, Old Plantation Road.

Jekyll Island, *Horton-duBignon House*, Brewery Ruins, duBignon Cemetery, River-view Drive.  
 Jekyll Island, *Jekyll Island Club*, between Riverview and Old Village Boulevard.  
 Jekyll Island, *Rockefeller Cottage*, 331 Riverview Drive.

Saint Simons Island, *Saint Simons Light-house Keeper's Building*, 600 Beachview Drive.

#### Gordon County

Calhoun vicinity, *New Echota*, north of Calhoun on Georgia 225.

#### Grady County

Beachton vicinity, *Susina Plantation (Cedar Grove)*, 1.5 miles west of Beachton on Meridian Road.

#### Gwinnett County

Lawrenceville, *Old Seminary Building (Lawrence Female Seminary Building)*, Perry Street.

#### Hall County

Buford vicinity, *Bowman-Pirkle House*, northeast of Buford off U.S. 23 on Friendship Road (8-14-73).

#### Hancock County

Jewell vicinity, *Shivers-Simpson House (Rock Mill)*, Mayfield Road, on the Ogeechee River.

#### Jenkins County

Milien vicinity, *Birdsville Plantation*, west of Milien on Route 2.

#### Jones County

East Juliette vicinity, *Jarrell Plantation*, about 6 miles east of East Juliette off Dames Ferry Road.

#### Liberty County

Midway, *Midway Historic District*.  
 Midway vicinity, *Fort Morris*, about 10 miles east of Midway off Georgia 38 near the old town of Sunbury.  
 Riceboro vicinity, *Woodmanston Site (Le Conte Plantation)*, south of Riceboro.  
 South Newport vicinity, *St. Catherine's Island*, 10 miles off the Georgia coast between St. Catherine's Sound and Sapelo Sound.

#### Lumpkin County

Dahlonega, *Dahlonega Courthouse Gold Museum*, U.S. 19.  
 Dahlonega, *Price Memorial Hall*, College Avenue.

#### McDuffie County

Thomson vicinity, *The Old Rock House*, about 3 miles northwest of Thomson on Old Rock House Road.

#### McIntosh County

Cox vicinity, *Fort Barrington*.  
 Darien vicinity, *Fort King George*, east of U.S. 17.

#### Macon County

Andersonville vicinity, *Andersonville National Historic Site*, 1 mile east of Andersonville on Georgia 49 (also in Sumter County).

#### Meriwether County

Alvaton vicinity, *White Oak Creek Covered Bridge*, 3 miles southeast of Alvaton on Covered Bridge Road.  
 Greenville, *Meriwether County Courthouse*, Court Square.  
 Greenville, *Meriwether County Jail*, Gresham Street and Georgia 27A.  
 Greenville vicinity, *Harman-Watson-Matthews House*, 7 miles southwest of Greenville on Odessadale-Durand Community Road.  
 Greenville vicinity, *Mark Hall*, southwest of Greenville on Ogletree Road off Georgia 18.

#### Monroe County

Bolingbroke vicinity, *Great Hill Place*, west of Bolingbroke on U.S. 23/41 (7-24-73).

#### Morgan County

Madison, *Bonar Hall*, Dixie Avenue.  
 Madison vicinity, *Cedar Lane Farm*, off Georgia 83 north of Madison.

#### Murray County

Chatsworth vicinity, *Fort Mountain*, Fort Mountain State Park, U.S. 76.

Spring Place, *Vann House*, intersection of U.S. 76 and Georgia 225.

#### Muscogee County

Columbus, *The Cedars*, 2039 13th Street.  
 Columbus, *Columbus Historic District*, roughly bounded by Ninth Street on the north, Fourth Street on the south, Second on the east, and Broadway on the west.

Columbus, *Columbus Iron Works*, 901 Front Avenue.  
 Columbus, *Dinglewood*, 1429 Dinglewood.  
 Columbus, *Goethius-Wellborn House*, 405 Broadway.  
 Columbus, *Gunboats Muscogee and Chattahoochee*, Fourth Street, west of U.S. 27.  
 Columbus, *Hilton*, 2505 Macon Road.  
 Columbus, *Ilges House*, 1428 Second Avenue.  
 Columbus, *Joseph House*, 828 Broadway.  
 Columbus, *The Lion House*, 1316 Third Avenue.  
 Columbus, *McGehee-Woodall House*, 1584 Second Avenue.  
 Columbus, *Octagon House*, 527 First Avenue.  
 Columbus, *Peabody-Warner House*, 1445 Second Street.  
 Columbus, *The Pemberton House*, 11 Seventh Street.  
 Columbus, *Rankin House*, 1440 Second Avenue.  
 Columbus, *St. Elmo*, 2810 St. Elmo Drive.  
 Columbus, *Springer Opera House*, 105 10th Street.  
 Columbus, *Swift-Kyle House*, 303 12th Street.  
 Columbus, *Walker-Peters-Langdon House*, 716 Broadway.  
 Columbus, *Wells-Bagley House*, 22 Sixth Street.  
 Columbus, *The Wynn House*, 1230 Wynnnton Road.  
 Columbus, *Wynnnton Academy*, 2303 Wynnnton Road.  
 Columbus, *Wynnwood*, 1846 Buena Vista Road.

#### Newton County

Oxford, *Orna Villa (Alexander Means House)*, 1008 North Emory Street.

#### Oconee County

Watkinsville, *Eagle Tavern*, intersection of U.S. 129 and 441.

#### Paulding County

Dallas vicinity, *Pickett's Mill Battlefield Site*, northeast of Dallas off Georgia 92.

#### Pulaski County

Hawkinsville, *Hawkinsville City Hall—Auditorium*, corner of Lumpkin and Broad Streets.

#### Richmond County

Augusta, *Academy of Richmond County*, 540 Telfair Street.  
 Augusta, *The Augusta Canal*, beginning at the Augusta City Lock and Dam and flowing southeasterly parallel to the Savannah River; continuing through downtown Augusta to a point just east of the intersection of Walton Way and 13th Street; thence flowing north to a point south of Telfair and 12th Streets; then turning northwest to the point where the canal rejoins the Savannah River at Hawk's Gulch.  
 Augusta, *Brahe House*, 456 Telfair Street.  
 Augusta, *First Baptist Church of Augusta*, southwest corner of Greene and Eighth Streets.  
 Augusta, *Gertrude Herbert Art Institute (Nicholas Ware House)*, 506 Telfair Street.  
 Augusta, *Mackay House*, 1822 Broad Street.  
 Augusta, *Old Medical College Building*, corner of Telfair and Sixth Streets.  
 Augusta, *President's Home, Augusta College (Old Commandant's House, Augusta Arsenal)*, 2500 Walton Way.  
 Augusta, *Sacred Heart Catholic Church*, northwest corner of Greene and 13th Streets.  
 Augusta, *St. Paul's Episcopal Church*, Sixth and Reynolds Streets.  
 Augusta vicinity, *College Hill (Walton-Harper House)*, 2216 Wrightsboro Road.

#### Spalding County

Griffin, *Bailey, Sam, Building*, East Poplar and Fourth Streets.

Griffin, *Bailey-Teabault House*, 633 Meriwether Street.  
 Griffin, *Hawkes Library*, 210 South Sixth Street.  
 Griffin, *Hill-Kurtz House*, 570 South Hill Street.  
 Griffin, *Hunt House*, 232 South Eighth Street.  
 Griffin, *Mull House*, 406 North Hill Street.  
 Griffin, *Old Medical College Historical Area*, 223-233 East Broadway Street.  
 Griffin, *Pritchard-Moore-Goedrich House*, 441 North Hill Street.  
 Griffin vicinity, *Double Cabins (Mitchell-Walker-Holberg House)*, northeast of Griffin on Georgia 16.  
 Williamson vicinity, *Old Gassert Homeplace (Mary Brook Farm)*, northeast off Williamson on Georgia 362.

#### Stephens County

Toccoa vicinity, *Traveler's Rest*, 6 miles east of Toccoa on U.S. 123.

#### Stewart County

Lumpkin, *Beddingfield Inn*, Cotton Street.

#### Sumter County

\*Andersonville National Historic Site (see Macon County).

#### Talbot County

Talbotton, *Towns, George Washington Bonaparte, House*, on Georgia 208.

#### Taliaferro County

Crawfordville, *Liberty Hall*, Alexander Stephens Memorial Park, U.S. 278.

#### Thomas County

Thomasville, *Brand, Dr. David, House (Hayes House)*, 329 North Broad Street.  
 Thomasville, *Bryan, Hardy, House (Cater House)*, 312 North Broad Street.  
 Thomasville, *Jeffries House (Augustine Hansell House)*, 429 South Hansell Street.  
 Thomasville, *Mitchell House (Munro House)*, 737 Remington Avenue.  
 Thomasville, *Park Front (Frances Stone House)*, 711 South Hansell Street.  
 Thomasville, *Ponder, Ephraim, House*, 324 North Dawson Street.  
 Thomasville, *Scarborough House (C. W. Lapham House)*, 626 North Dawson Street.  
 Thomasville, *Thomas County Courthouse*, North Broad Street.  
 Thomasville, *Wright House*, 415, Fletcher Street.

#### Troup County

La Grange, *Bellevue*, 204 Ben Hill Street.  
 La Grange vicinity, *Reid-Glanton House (Hutchinson House)*, intersection of Georgia 109 and Pattillo Road, east of La Grange.

#### Walker County

Rossville vicinity, *Ashland Farm*, southwest of Rossville off Georgia 193 (10-18-73).

#### Walton County

Monroe, *Davis-Edwards House*, 238 North Broad Street (8-14-73).

#### White County

Cleveland, *Old White County Courthouse*.

#### Wilkes County

Washington, *Campbell-Jordan House*, 208 Liberty Street.  
 Washington, *The Cedars*, 210 Sims Street.  
 Washington, *East Robert Toombs District*.  
 Washington, *Gilbert-Alexander House (Fairfield Plantation)*, 118 Alexander Drive.  
 Washington, *Holly Court (Picklen-Lyndon-Johnson House)*, 301 South Alexander Street.  
 Washington, *Mary Willis Library*, corner of East Liberty and South Jefferson Streets.

#### Wilkes County

Washington, *North Washington District*.  
 Washington, *Peacewood*, 120 Tignall Road.  
 Washington, *Poplar Corner*, 210 West Liberty Street.  
 Washington, *Toombs, Robert, House*, East Robert Toombs Avenue.  
 Washington, *Tupper-Barnett House*, 101 West Robert Toombs Avenue.  
 Washington, *Washington Presbyterian Church*, 305 East Robert Toombs Avenue.  
 Washington, *Washington-Wilkes Historical Museum*, intersection of U.S. 78 and 378.  
 Washington, *West Robert Toombs District*.  
 Washington vicinity, *Arnold-Callaway Plantation*, 4 miles northwest of Washington on U.S. 78.

#### Hawaii

##### Hawaii County

Captain Cook vicinity, *Kealahakua Bay Historical District*, southwest of Captain Cook off Hawaii 11 (12-12-73).  
 Hawi vicinity, *Heiau in Kukuipahu*, southwest of Hawi.  
 Hawi vicinity, *\*Mookini Heiau*, northern tip of Hawaii, 1 mile west of Upolu Point Airport.  
 Hilo vicinity, *\*Mauna Kea Adz Quarry*, 25 miles northwest of Hilo via mountain trail.  
 Kailua-Kona, *Hulhee Palace*, Alii Drive.  
 Kailua-Kona, *\*Kamakohou, Residence of King Kamehameha I*, on the northwest edge of Kailua Bay, north and west of Kailua Wharf.  
 Kailua-Kona vicinity, *City of Refuge National Historical Park*, 20 miles south of Kailua-Kona.  
 Kailua-Kona vicinity, *\*Honokohau Settlement*, Honokohau Bay, just north of Kailua-Kona.  
 Kawaihae vicinity, *\*Puukohola Heiau National Historic Site*, north end of Hawaii off Hawaii 26, about 1 mile southeast of Kawaihae.  
 Keauhou, *\*Keauhou Holua Slide*, east of Hawaii 18.  
 Mahukona, *Lapakahi Complex*, 0.5 mile south of Mahukona.  
 Milolihi vicinity, *Ahole Holua Complex*, south of Milolihi on Ahole Bay (11-26-73).  
 Naalehu vicinity, *\*South Point Complex*, South Cape southern tip of Hawaii, Ka'u District.  
 Waiohinu vicinity, *Manuka Bay Petroglyphs* west of Waiohinu at Manuka Bay (9-19-73).

##### Honolulu County

Aiea, *Keolu Heiau*, Aiea Heights Drive.  
 Haleiwa vicinity, *\*Pu'u o Mahuka Heiau*, 4 miles northeast of Haleiwa on Hawaii 83, overlooking Waimea Bay.  
 Honolulu, *Aliiolani Hale*, King Street.  
 Honolulu, *Chinatown Historic District*, bounded roughly by Beretania Street on the northeast, Nuuanu Stream on the north, Nuuanu Avenue on the southeast, and a line running north and south 50 feet west of the longest pier in Honolulu Harbor.  
 Honolulu, *Falls of Clyde*, Pier 5, Honolulu Harbor.  
 Honolulu, *Honolulu Academy of Arts*, 900 South Beretania Street.  
 Honolulu, *\*Iolani Palace*, 364 South King Street.  
 Honolulu, *Kamehameha V Post Office*, corner of Merchant and Bethel Streets.  
 Honolulu, *Kapuwai Building*, 426 Queen Street.  
 Honolulu, *\*Kawaiahae Church and Mission Houses*, 557 Punchbowl Street and 558 South King Street.  
 Honolulu, *Merchant Street Historic District*.  
 Honolulu, *Moana Hotel*, 2308 Kalia Avenue.



Honolulu, *Nuuanu Petroglyph Complex*, south of the intersection of Nuuanu Avenue and Pali Highway.

Honolulu, *Our Lady of Peace Cathedral*, 1183 Fort Street.

Honolulu, *Punahou School Campus*, 1801 Punahou Street.

Honolulu, *Queen Emma's Summer Home*, 2913 Pali Highway.

Honolulu, *Royal Brewery, The*, 553 South Queen Street.

Honolulu, *The Royal Mausoleum*, 2281 Nuuanu Avenue.

Honolulu, *St. Andrew's Cathedral*, Beretania Street (Queen Emma Square).

Honolulu, *Thomas Square*, bounded by King Street, Ward Avenue, South Beretania, and Victoria Streets.

Honolulu, *U.S. Immigration Office*, 595 Ala Moana Boulevard (8-14-73).

Honolulu, *Walker, H. Alexander, Residence*, 2816 Pali Highway.

Honolulu, *Washington Place*, Beretania and Miller Streets.

Honolulu vicinity, *Pohaku ka luahe*, north of Honolulu near center of Moanalua Valley (7-23-73).

Haleiwa vicinity, *Kupopolo Heiau*, south of Waimea Bay on Kamehameha Hwy.

Kaawawa vicinity, *Small Heiau*, about 1 mile south of Kaawawa off Kaawawa Valley Road.

Kahalaui, *Kahalaui Fish Pond*, northeast of Laenani Street off Kamehameha Highway.

Kahalaui, *Kahalaui Taro Lo'i*, west of west end of Hui Kulu Street.

Kahuku vicinity, *Burial Platform*, northwest of Kahuku off Kamehameha Highway (8-14-73).

Kahuku vicinity, *Kahuku Habitation Area*, north of Kahuku and 0.3 mile northeast of Kahuku Airport Road.

Kailua, *Ula Po Heiau*, off Kailua Road.

Kailua vicinity, *Pahukini Heiau*, southeast of Kailua near Kapapa Quarry.

Kaneohe, *Kawaiaue Heiau*, at rear of 45-162 Namoku Street.

Kaneohe, *Leleahina Heiau*, South of Haiku Plantation Drive.

Kaneohe, *Mokapu Burial Area*, off Moffet Road in the northeast section of Kaneohe Marine Corps Air Station.

Kaneohe vicinity, *Huihua Fishpond*, on Kahana Bay, 13 miles north of Kaneohe on Hawaii 83, adjacent to Kahana Bay State Park.

Kaneohe vicinity, *Molii Fish Pond*, Southeast of Kamehameha Highway between Kualoa and Johnson Road.

Kaneohe, *Heeia Fish Pond*, off Kamehameha Highway, adjacent to Heeia Point.

Kapapa Island, *Kapapa Island Complex*, in Kaneohe Bay.

Pearl City vicinity, *U.S. Naval Base, Pearl Harbor*, 3 miles south of Pearl City on Hawaii 73.

Pearl Harbor, *Okikilepe Pond*, northwest of Iroquois Point at Pearl Harbor Entrance.

Wahiawa vicinity, *Kukaniloko Birthstones*, northwest of Wahiawa, off Hawaii 80.

Waikane vicinity, *Waikane Tara Flats*, 1 mile northwest of Waikane in Upper Waikane Valley.

Waimanalo vicinity, *Bellows Field Archeological Area*, southeast of Waimanalo (8-14-73).

**Kauai County**

Hanalei, *Waioli Mission*, off Hawaii 56 (10-3-73).

Koloa, *Old Sugar Mill of Koloa*.

Lihue vicinity, *Menehune Fish Pond*, south of Lihue on the Nuea River.

Wailua vicinity, *Wailua Complex of Heiaus*, east coast of Kauai at the mouth of the Wailua River, Lihue District.

Waimea, *Cook Landing Site*, 2 miles southwest of Hawaii 50.

Waimea vicinity, *Russian Fort*, on Hawaii 50, 200 yards southwest of the bridge over the Waimea River.

**Maui County**

Hana vicinity, *Piianihale Heiau*, 4 miles north of Hana, at the mouth of Honomalee Gulch near Kalahu Point.

Kaupo vicinity, *Loaloa Heiau*, southeast coast of Maui on Hawaii 31, about 0.25 mile north of Kaupo.

Lahaina, *Lahaina Historic District*, west side of Maui on Hawaii 30.

Lanai City vicinity, *Kaunolu Village Site*, on Kaunolu Bay, on the southwest cape of the Island of Lanai.

Ualapue vicinity, *Hokukano-Ualapue Complex*, along Hawaii 45.

Walluku, *Old Bailey House*, Iao Valley Road.

**Idaho**

**Ada County**

Boise, *Alexander House*, 304 State Street.

Boise, *Assay Office*, 210 Main Street.

Boise, *Congregation Beth Israel Synagogue*, 1102 State Street.

Boise, *Fort Boise*.

Boise, *Jacobs, Cyrus, House*, 607 Grove Street.

Boise, *Logan, Thomas E., House*, 602 North Julia Davis Drive.

Boise vicinity, *Oregon Trail*, about 8 miles southeast of Boise.

**Bannock County**

Fort Hall vicinity, *Fort Hall*, 11 miles west of Fort Hall, Fort Hall Indian Reservation.

Pocatello, *Pocatello Carnegie Library*, 105 South Garfield Avenue.

Pocatello, *Stanrod House*, 648 North Garfield Avenue.

**Bear Lake County**

Montpelier, *MacIntosh-Driver House*, Washington Street, between Eighth and Ninth Streets.

Paris, *Bear Lake Stake Tabernacle*, Main Street.

**Boise County**

Boise vicinity, *Arrowrock Dam*, east of Boise.

**Bonner County**

Sandpoint, *Sandpoint Burlington Northern Railway Station*, Cedar Street at Sand Creek.

**Bonneville County**

Idaho Falls, *Eagle Rock Street Historic District*, 353, 357, 361, and 375 Eagle Rock Street.

Iona, *Iona Meetinghouse (Stanger Memorial Gallery)*.

**Butte County**

Arco vicinity, *Experimental Breeder Reactor No. 1, National Reactor Testing Station*.

**Canyon County**

Middleton, *Middleton Sub-station*, on Idaho 44.

Nampa, *Nampa Depot*, 12th Avenue and Front Street.

**Cassia County**

Almo vicinity, *City of Rocks, City of Rocks State Park*.

Burley vicinity, *Granite Pass*, southwest of Burley.

**Clearwater County**

Lolo Hot Springs vicinity, *Lolo Trail*, parallel to U.S. 12 on ridges of Bitterroot Mountains, from Lolo Pass to Weippe (also in Idaho County and in Missoula County, Mont.).

Pierce, *Pierce Courthouse*, sec. 2, T. 28 N., R. 6 E.

Spalding (park headquarters), *Nez Perce National Historical Park*, within an area 40 miles south and 150 miles east of Spalding (also in Idaho, Lewis, and Nez Perce counties).

Weippe vicinity, *Weippe Prairie*, south of Weippe and Idaho 11.

**Franklin County**

Franklin, *Hatch, L. H., House*.

Preston vicinity, *Bear River Battleground*, Northwest of Preston off U.S. 91.

**Idaho County**

Lolo Trail (see Clearwater County).

Nez Perce National Historical Park (see Clearwater County).

Warrens vicinity, *Burgdorf*, about 15 miles west of Warrens.

**Jerome County**

Murtaugh vicinity, *Caldron Linn*, 2 miles east of Murtaugh.

**Kootenai County**

Cataldo, *Cataldo Mission*, off U.S. 10.

**Latah County**

Moscow, *Moscow Post Office and Courthouse*, Washington and Third Streets.

**Lemhi County**

Charcoal Kilns, 8 miles west of Idaho 28, about midway between Salmon and Idaho Falls.

Salmon vicinity, *Fort Lemhi (Salmon River Mission)*, about 18 miles southeast of Salmon.

Tendoy vicinity, *Lemhi Pass*, 12 miles east of Tendoy off Idaho 28 (also in Beaverhead County, Mont.).

**Lewis County**

Nez Perce National Historical Park (see Clearwater County).

**Nez Perce County**

Nez Perce National Historical Park (see Clearwater County).

Lewiston, *Lewiston Depot*, 13th and Main Street.

**Owyhee County**

Reynolds vicinity, *Camp Lyon Site*, west of Reynolds, off U.S. 95.

Silver City vicinity, *Camp Three Forks*, South of Silver City.

Silver City vicinity, *Silver City Historic District*, on Jordan Creek.

**Power County**

American Falls vicinity, *Oregon Trail Historic District (Register Rock Area)*, southwest of American Falls along U.S. 30N.

**Illinois**

**Adams County**

Quincy, *Wood, John, Mansion*, 425 South 10th Street.

**Alexander County**

Carro, *Magnolia Manor*, 2700 Washington Avenue.

Carro, *Old Custom House*, Washington and 15th Streets (7-24-73).

Thebes, *Thebes Courthouse*.

**Bureau County**

Princeton, *Lovejoy, Owen, Homestead*, Peru Street (U.S. 6).

Sheffield, *Old Danish Church*, southeast corner of Cook and Washington Streets (10-2-73).

**Carroll County**

Mount Carroll, *Carroll County Courthouse*, Courthouse Square (11-28-73).

**Champaign County**

Urbana, *Altgeld Hall, University of Illinois*, University of Illinois campus, Wright and John Streets.

Urbana, *Morrow Plots, University of Illinois*, Gregory Drive at Matthew Avenue.

**Clinton County**

Carlyle vicinity, *Dean, General, Suspension Bridge*, east of Carlyle across the Kaskaskia River.

**Cook County**

Chicago, *Alta Vista Terrace Historic District*, block bounded by West Byron, West Grace, North Kenmore, and North Seminary Streets.

Chicago, *Auditorium Building, Roosevelt University*, Michigan Avenue at Congress Street.

Chicago, *Carson, Pirie, Scott & Co.*, 1 South State Street.

Chicago, *Charnley, James, House*, 1385 North Astor Street.

Chicago, *Chicago Public Library, Central Building*, 78 East Washington Street.

Chicago, *Clarke, Henry B., House*, 4626 South Wabash Avenue.

Chicago, *Deves, Francis J., House*, 503 West Wrightwood (8-14-73).

Chicago, *Site of First Self-sustaining Nuclear Reaction, The University of Chicago*, South Ellis Avenue between East 56th and 57th Streets.

Chicago, *Francisco Terrace Apartments*, 253-261 North Francisco Avenue.

Chicago, *Glessner, John J., House*, 1800 South Prairie Avenue.

Chicago, *Halsted, Ann, House*, 440 Belden (8-17-73).

Chicago, *Heller, Isadore H., House*, 5132 South Woodlawn Avenue.

Chicago, *Hull House, The University of Illinois*, Chicago Circle, 800 South Halsted Street.

Chicago, *Jackson Park Historic Landscape District and Midway Plaisance*.

Chicago, *Kehillah Anshe Ma'ariv Synagogue (Pilgrim Baptist Church)*, 3301 South Indiana Avenue.

Chicago, *Kimball, William W., House*, 1801 South Prairie Avenue.

Chicago, *McClurg Building*, 218 South Wabash Avenue.

Chicago, *Maddler, Albert F., House*, 4 West Burton.

Chicago, *Marquette Building*, 140 South Dearborn Street (8-17-73).

Chicago, *Monadnock Building*, 53 West Jackson Boulevard.

Chicago, *Old Stonegate of Chicago Union Stockyards, Exchange Avenue*.

Chicago, *Prairie Avenue District*, bounded roughly by 18th Street on the north, Calumet and Erie on the east, midway between 18th and Cullerton on the south, and Indiana on the west.

Chicago, *Pullman Historic District*, bounded on the north by 103d Street, on the east by C.S.S. and S.B. Railroad spur tracks, on the south by 115th Street, and on the west by Cottage Grove Avenue.

Chicago, *Reliance Building*, 32 North State Street.

Chicago, *Robie, Frederick C., House, The University of Chicago*, 5757 South Woodlawn Avenue.

Chicago, *Rookery Building*, 209 South La Salle Street.

Chicago, *Room 405 George Herbert Jones Laboratory, The University of Chicago*, S. Ellis Avenue between East 57th and 58th Streets.

Chicago, *Scoville Building*, 619-631 West Washington (7-31-73).

Chicago, *Taft, Lorado, Midway Studios, The University of Chicago*, 6016 South Ingleside Avenue.

Chicago, *U.S.S. Silverides (S.S. 236)*, Naval Armory at the foot of Lake Street.

Evanston, *Willard, Frances, House*, 1730 Chicago Avenue.

Forest View, *Chicago Portage National Historic Site, Forest Preserve District*, northwest corner of South Harlem Avenue at the Chicago Sanitary and Ship Canal.

Glenview, *Kennicott's Grove*, near Milwaukee and Lake Avenues (8-18-73).

Oak Park, *Frank Lloyd Wright-Prairie School of Architecture Historic District*, bounded roughly by Harlem Avenue, Division, Clyde, and Lake Streets (12-4-73).

Oak Park, *Gale, Mrs. Thomas H., House*, 6 Elizabeth Court.

Oak Park, *Gale, Walter, House*, 1031 West Chicago Avenue (8-17-73).

Oak Park, *Pleasant Home (Mills House)*, 217 Home Avenue.

Oak Park, *Thomas, Frank, House*, 210 Forest Avenue.

Oak Park, *Unity Temple*, 875 Lake Street.

Oak Park, *Wright, Frank Lloyd, Home and Studio*, 428 Forest Avenue (home), 951 Chicago Avenue (studio).

River Forest, *Drummond, William E., House*, 559 Edgewood Place.

River Forest, *Winslow, William H., House and Stable*, 515 Auvergne Place.

Riverside, *Cooney, Avery, House*, 300 Scottswood Road.

Riverside, *Riverside Landscape Architecture District*, bounded on the north by 26th Street, on the east by Harlem Avenue, on the south by Ogden Avenue and the south bank of the Des Plaines River, and on the west by Forbes Road.

Winnetka, *Lloyd, Henry Demarest, Home (The Wayside)*, 830 Sheridan Road.

**De Kalb County**

De Kalb, *Glidden House*, 917 West Lincoln Highway (10-25-73).

**Fayette County**

Vandalia, *Little Brick House*, 621 St. Clair.

**Fulton County**

Canton, *Orendorf, Ulysses G., House*, 345 West Elm Street.

Lewistown vicinity, *Dickson Mounds*, southeast of Lewistown.

Lewistown vicinity, *Ogden-Fettie Site*, southeast of Lewistown, off Route 78.

**Gallatin County**

Equality vicinity, *Saltine Springs*, 3.5 miles southeast of Equality.

Old Shawneetown, *Marshall, John, House*.

Old Shawneetown, *State Bank (Bank of Illinois)*, corner of Main Street and Illinois 13.

**Greene County**

Eldred vicinity, *The Koster Site*, c. 3 miles south of Eldred.

**Hancock County**

Carthage, *Carthage Jail*, corner of Walnut and North Fayette Streets.

Nauvoo, *Nauvoo Historic District*.

**Hardin County**

Elizabethtown, *Rose Hotel*, South Main Street.

Rosiclare vicinity, *Illinois Iron Furnace*.

**Henry County**

Bishop Hill, *Bishop Hill Historic District*.

**Jefferson County**

Mount Vernon, *Appellate Court*, 14th and Main Streets.

**Jersey County**

Eliah, *Eliah Historic District* (7-27-73).

**Jo Daviess County**

Galena, *Galena Historic District*, that part of the city of Galena recorded as the city limits on March 23, 1838, and all subdivisions added to the city prior to December 31, 1859.

Galena, *Grant (Ulysses S.) Home*, 511 Bouthillier Street.

Galena, *Old Market House*, Market Square-Commerce Street (7-18-73).

Galena, *Washburne, Elie Benjamin, House*, 908 Third Street.

**Kane County**

Carpentersville, *Library Hall*, 21 North Washington Street (8-14-73).

**Knox County**

Galesburg, *Old Main, Knox College*, Knox College campus.

**La Salle County**

Ottawa, *Hossack, John, House*, 210 West Prospect Street.

Ottawa, *Washington Park Historic District*, bounded by Jackson, La Salle, Lafayette, and Columbus Streets.

Ottawa vicinity, *Old Kaskaskia Village*, 4 miles west of Ottawa on U.S. 6.

Ottawa vicinity, *Starved Rock*, 6 miles from Ottawa on Illinois 71, Starved Rock State Park.

**Logan County**

Lincoln, *University Hall*, 300 Keokuk Street.

**McDonough County**

Macomb, *McDonough County Courthouse*, Public Square.

**McLean County**

Bloomington, *Clover Lawn (David Davis Mansion)*, 1000 East Monroe.

Bloomington, *McLean County Courthouse*, block bounded by Main, Washington, Center, and Jefferson Streets.

**Macoupin County**

Mount Olive, *Union Miners Cemetery*, 0.5 mile north of city park.

**Madison County**

Collinsville vicinity, *Cahokia Mounds*, 7850 Collinsville Road, Cahokia Mounds State Park.

**Massac County**

Brookport vicinity, *Kincaid Site*, east of Brookport on the Ohio River (also in Pope County).

Metropolis vicinity, *Fort Massac*, southeast of Metropolis on the Ohio River.

**Menard County**

Petersburg vicinity, *Lincoln's New Salem Village*, south of Petersburg, New Salem State Park.

**Monroe County**

Columbia vicinity, *Lunsford-Pulcher Archeological Site*, northwest of Columbia (also in St. Clair County) (7-23-73).

**Morgan County**

Jacksonville, *Duncan Mansion (Elm Grove)*, 4 Duncan Place.

**Ogle County**

Grand Detour, *Deere, John, Home and Shop*.

Rochelle, *Flagg Township Public Library*, Northeast corner of Seventh Street and Fourth Avenue (10-25-73).

Rochelle, *Holcomb, William H., House*, 526 North Seventh Street (10-25-73).



## Peoria County

Kickapoo vicinity, *Jubilee College*, on U.S. 150 and Interstate 74, northwest of Kickapoo.  
Peoria, *Peoria City Hall*, 419 Fulton Street.

## Pike County

Pittsfield, *Pittsfield East School*, 400 East Jefferson.

## Pope County

Glendale vicinity, *Millstone Bluff*, northwest of Glendale off Illinois 145 in Shawnee National Forest (10-15-73).  
\*Kincaid Site (see Massac County).

## Randolph County

Ellis Grove vicinity, \*Menard, Pierre, House, Port Kaskaskia State Park.  
Modoc vicinity, \*Modoc Rockshelter, 2 miles north of Modoc.  
Prairie du Rocher, *Creole House*, Market Street.  
Prairie du Rocher vicinity, \*Fort de Chartres, terminus of Illinois 155, west of Prairie du Rocher, Fort Chartres State Park.

## Rock Island County

Rock Island, *Denkmann-Hauberg House*, 1300 24th Street.  
Rock Island, *Rock Island Arsenal*, Island of Rock Island.

## St. Clair County

Cahokia, \*Church of the Holy Family, East First Street.  
Cahokia, *Old Cahokia Courthouse*, corner of West First and Elm Streets.  
Collinsville vicinity, \*Cahokia Mounds, 7850 Collinsville Road, Cahokia Mounds State Park.  
East St. Louis, \*Eads Bridge, spanning the Mississippi River (see St. Louis, Mo.).  
Lebanon vicinity, *Emerald Mound*, and *Village Site*, 3.5 miles northeast of Lebanon.  
Lunsford-Pulcher Archeological Site (see Monroe County).

## Sangamon County

Pleasant Plains vicinity, *Clayville Tavern*, 0.5 mile southeast of Pleasant Plains on Illinois 125.  
Springfield, *Edwards Place*, 700 North Fourth Street.  
Springfield, *Lincoln Home National Historic Site*, Eighth and Jackson Streets.  
Springfield, \*Lincoln Tomb, Oak Ridge Cemetery.  
Springfield, \*Lindsay, Vachel, House, 603 South Fifth Street.  
Springfield, \*Old State Capitol, bounded by Fifth, Sixth, Adams, and Washington Streets.

## White County

Carmi, *Ratcliff Inn*, 214 East Main Street.  
Carmi, *Robinson-Stewart House*, 110 South Main Cross Street (8-17-73).

## Will County

Joliet vicinity, \*Illinois and Michigan Canal, 7 miles southwest of Joliet on U.S. 6, Channahon State Park.  
Lockport, *Will County Historical Society Headquarters* (Illinois and Michigan Canal Office Building), 803 South State Street.

## Winnebago County

Rockford, *Tinker Swiss Cottage*, 411 Kent Street.

## Indiana

## Allen County

Fort Wayne, *Fort Wayne City Hall*, 308 East Berry Street.  
Fort Wayne, *Johnny Appleseed Memorial Park*, about 0.4 mile south of Coliseum Boulevard (U.S. 30 Bypass) on the east side of Parnell Avenue (3800 block).

## Brown County

Nashville vicinity, *Steele, Theodore Clement, House and Studio*, southwest of Nashville, off Indiana 46 in Yellowwood State Forest (10-2-73).

## Clark County

Borden, *Borden Institute*, West Street.  
Jeffersonville, *Howard Home*, 1101 East Market Street.

## Dearborn County

Aurora, *Hillforest (Forest Hill)*, 213 Fifth Street.  
Aurora vicinity, *Veraestau*, about 1 mile south of Aurora on Indiana 56.

## Decatur County

Greensburg, *Decatur County Courthouse*, Courthouse Square.

## DeKalb County

Auburn vicinity, *Cornell, William, Homestead*, southwest of Auburn off Indiana 427, on Cedar Chapel Road (CR 68) (8-14-73).

## Fayette County

Connersville, *Canal House*, 111 East Fourth Street (7-16-73).

## Franklin County

Metamora, *Whitewater Canal Historic District*, from Laurel Feeder Dam to Brookville.

## Harrison County

Corydon, *Corydon Historic District* (8-28-73).

## Howard County

Kokomo, *Seiberling Mansion*, 1200 West Sycamore Street.  
Indianapolis, *Schmidt, John W., House*, 1410 North Delaware Street.

## Jasper County

Rensselaer vicinity, *St. Joseph's Indian Normal School*, St. Joseph's College campus off U.S. 231.

## Jefferson County

Madison, *Jefferson County Jail*, corner of Main and Walnut Streets.  
Madison, *Madison Historic District*.

## Knox County

Vincennes, *George Rogers Clark National Historical Park*.  
Vincennes, \*Harrison, William Henry, Home, (Grouseland), 3 West Scott Street.  
Vincennes, *Territorial Capitol of Former Indiana Territory*, bounded by Harrison, First, Scott, and Park Streets.

## Lake County

Crown Point, *Lake County Courthouse*, Public Square.

## Madison County

Anderson vicinity, *Mounds State Park*, 3 miles east of Anderson on State Road 32.

## Marion County

Indianapolis, *Allison Mansion*, 3200 Cold Spring Road.  
Indianapolis, *The Athenaeum*, 401 East Michigan Street.

Indianapolis, *Ayres, L. S., Annex Warehouse (14-22 Elliott's Block)*, Maryland Street.  
Indianapolis, *Benton House*, 312 South Downey Avenue.

Indianapolis, *Christ Church Cathedral*, 131 Monument Circle.

Indianapolis, *Crown Hill Cemetery*, 4302 Boulevard Place.

Indianapolis, \*Harrison, Benjamin, Home, 1204 North Delaware Street.

Indianapolis, *Lockerbie Square Historic District*.

Indianapolis, *Military Park*, bounded on the west by Blackford Street, on the north by New York Street, on the east by West Street, and on the south by the canal.  
Indianapolis, *Morris-Butler House*, 1204 North Park Avenue.

Indianapolis, *Old Pathology Building*, 3000 West Washington Street, Central State Hospital.

Indianapolis, *Propylaeum, The*, 1410 North Delaware Street.

Indianapolis, \*Riley, James Whitcomb, House, 528 Lockerbie Street.

Indianapolis, *State Soldiers and Sailors Monument*, Monument Circle.

Indianapolis, *Woodruff Place*, 1700-2000 East Michigan and East 10th Streets (500-1000 North).

## Marshall County

Plymouth, *Marshall County Jail*, 801 North Center Street (10-25-73).

## Monroe County

Bloomington vicinity, *Stout, Daniel, House*, northwest of Bloomington off Indiana 46 on Maple Grove Road (11-30-73).

## Porter County

Porter vicinity, \*Bally, Joseph, Homestead, 0.5 mile west of Porter on U.S. 20.

## Posey County

New Harmony, \*New Harmony Historic District, Main Street between Granary and Church Streets.

## Rush County

Rushville, *Melodeon Hall*, 210 North Morgan Street (11-15-73).

## St. Joseph County

Mishawaka, *Beiger House*, 317 Lincolnway East (8-28-73).

South Bend, *Cliver, Joseph D., Residence*, 603 West Washington Avenue (8-28-73).

South Bend, *Old Courthouse (Second St. Joseph County Courthouse)*, 112 South Lafayette Road.

South Bend, *Tippecanoe Place (Studebaker House)*, 620 West Washington Avenue.

## Spencer County

Lincoln City, *Lincoln Boyhood National Memorial*.

Rockport, *Brown-Kercheval House*, 315 South Second Street (9-20-73).

## Switzerland County

Vevay, *Eggleston, Edward and George Cary, House*, 306 West Main Street (10-15-73).

## Tippecanoe County

Lafayette, *Fowler, Moses, House*, corner of 10th and South Streets.

Lafayette, *Tippecanoe County Courthouse*, Public Square.

Lafayette vicinity, *Fort Ouiatenon*.

Lafayette vicinity, \*Tippecanoe Battlefield, 7 miles northeast of Lafayette on Indiana 225.

## Union County

Brownsville, *Brownsville Covered Bridge*, spans east fork of Whitewater River off Indiana 44 (10-15-73).

## Vanderburgh County

Evansville, *Evansville Post Office*, 100 block northwest Second Street.

Evansville, *Former Vanderburgh County Sheriff's Residence*, Fourth Street between Vine and Court Streets.

Evansville, *Old Vanderburgh County Courthouse*, entire block bounded by Vine, Fourth, Court, and Fifth Streets.

Evansville, *Reitz, John Augustus, House*, 224 Southeast First Street (10-15-73).

Evansville, *Willard Library*, 21 First Avenue.

Evansville vicinity, \*Angel Mounds, east of Evansville, Angel Mounds State Memorial.

## Vigo County

Terre Haute, *Condit House*, 620 Mulberry Street, Indiana State University campus.  
Terre Haute, \*Debs, Eugene V., Home, 461 North Eighth Street.

Terre Haute, *Dresser, Paul, Birthplace*, northwest corner of First and Farrington Streets in Fairbanks Park.

Terre Haute, *Sage-Robinson-Nagel House*, 1411 South Sixth Street.

Terre Haute, *State Bank of Indiana, Branch of (Memorial Hall)*, 219 Ohio Street (10-25-73).

## Washington County

Salem, *Hay-Morrison House*, 106 South College Avenue.

## Wayne County

Centerville, *Centerville Historic District*, bounded on the north by the corporation line, on the east by Third Street, on the south by South Street, and on the west by Willow Grove Road.

Foundain City, \*Coffin Levi, House, 115 North Main Street.

## Iowa

## Allamakee County

Lansing, *Lansing Stone School*, southwest corner of Center and Fifth (12-18-73).

Marquette vicinity, *Effigy Mounds National Monument*, 3 miles north of Marquette on Iowa 13 (also in Clayton County).

## Black Hawk County

Waterloo, *Russell, Rensselaer, House*, 520 West Third Street.

## Cedar County

West Branch, *Herbert Hoover National Historic Site*.

## Cerro Gordo County

Mason City, *Adams Building (Mason City National Bank)*, 4 South Federal Avenue.

Mason City, *Park Inn Hotel*, 15 West State Street.

## Cherokee County

Cherokee vicinity, \*Phipps Site, 3 miles north of Cherokee.

## Clayton County

Effigy Mounds National Monument (see Allamakee County).

## Crawford County

Dow City vicinity, *The Dow House*, just outside edge of town on the south end of Prince Street.

## Dallas County

Adel, *Dallas County Courthouse*, Town Square (11-28-73).

## Dickinson County

Arnolds Park, *Spirit Lake Massacre Log Cabin*, in Arnolds Park, west of Estherville on U.S. 71.

## Dubuque County

Dubuque, *Dubuque City Hall*, 50 West 13th Street.

Dubuque, *Dubuque County Courthouse*, 720 Central Avenue.

Dubuque, *Dubuque County Jail*, 36 East Eighth Street.

Dubuque, *Orpheum Theatre and Site*, 405 Main Street.

## Fayette County

Clermont vicinity, *Montauk*, 1 mile northeast of Clermont on U.S. 18.

## Henry County

Mount Pleasant, *Harlan-Lincoln House*, 101 West Broad.

Mount Pleasant, *Old Main*, on Iowa Wesleyan College campus, Broad Street between Main and Broadway.

## Iowa County

Middle Amana, \*Amana Villages, northeastern Iowa County.

## Johnson County

Iowa City, *College Block Building*, 125 East College Street (7-23-73).

Iowa City, *Congregational Church of Iowa City*, 30 North Clinton Street.

Iowa City, *First Presbyterian Church*, 26 East Market Street (8-28-73).

Iowa City, *Plum Grove (Robert Lucas House)*, 1030 Carroll Avenue.

Iowa City, *Old Capitol*, University of Iowa campus, bounded by Washington, Madison, Jefferson, and Clinton Streets.

Iowa City, *South Summit Street District*, 301-818 South Summit Street (10-9-73).

## Keokuk County

What Cheer, *What Cheer Opera House, Inc.*, 201 Barnes Street.

## Lee County

Kokuk, *Brown, Dr. Frank, House*, 318 North Fifth Street.

Fort Madison, *Old Fort Madison Site*, 315-335 Avenue H.

## Louisa County

Columbus Junction, *Community Building*, 122 E. Maple Street (8-14-73).

Toolesboro vicinity, \*Toolesboro Mound Group, north of Toolesboro.

## Lyon County

Sioux Falls vicinity, \*Blood Run Site, south of Sioux Falls at the junction of Blood Run Creek and the Big Sioux River (also in Lincoln County, S. Dak.).

## Marshall County

Marshalltown, *Marshall County Courthouse*, bordered by Center, Main, and Church Streets, and First Avenue.

## Mills County

Glenwood vicinity, *Pony Creek Park*, northeast of Glenwood on Pony Creek.

## Montgomery County

Red Oak, *Chautauqua Park*, Oak Street.

## O'Brien County

Sutherland vicinity, \*Indian Village Site (Witrock Area), 3 miles east of Sutherland.

## Page County

Clarinda, *Hepburn, Colonel William Peters, House*, 321 West Lincoln.

## Polk County

Des Moines, *Flynn Farm, Mansion and Barn*, 2600 111th Street (11-30-73).

West Des Moines, *Jordan House*, 2251 Fuller Road (12-10-73).

Des Moines, *Terrace Hill (Hubbell Mansion)*, 2300 Grand Avenue.

## Pottawattamie County

Council Bluffs, \*Dodge, Grenville M., House, 606 South Third Street.

Council Bluffs, *Pottawattamie County Jail*, 228 Pearl Street.

## Story County

Ames, \*Knapp-Wilson House, The Farm House, Iowa State University campus.

## Union County

Creston, *Creston Railroad Depot*, 200 West Adams Street (8-15-73).

## Van Buren County

Keosauqua, *Hotel Manning*, River Street and Van Buren.

Keosauqua vicinity, *Bentonsport*, east of Keosauqua on the Des Moines River.

## Washington County

Washington, *Blair House*, East Washington Street and South Second Avenue.

Washington, *Young Alexander, Cabin*, West Madison Street between G and H Avenues (8-14-73).

## Webster County

Fort Dodge, *Vincent House*, 624 Third Avenue South.

## Woodbury County

Sioux City, \*Sergeant Floyd Monument, Glenn Avenue and Lewis Road.

Sioux City, *Sioux City Central High School*, 1212 Nebraska Street (7-23-73).

Sioux City, *Woodbury County Courthouse*, Seventh and Douglas (12-18-73).

## Kansas

## Allen County

Iola, *Allen County Jail*, 204 North Jefferson Street.

Iola vicinity, *Funston Home*, 4 miles north of Iola on U.S. 69.

## Anderson County

Garnett, *Anderson County Courthouse*, Fourth and Oak Streets.

## Atchison County

Atchison, *Atchison Post Office*, 621 Kansas Street.

Atchison, *Earhart, Amelia, Birthplace*, 223 North Terrace.

Atchison, *House, Edgar W., House*, 1117 North Third Street.

Atchison, *Mount Saint Scholastica Convent*, 801 South Eighth Street.

Atchison, *Price Villa*, 801 South Eighth Street.

## Barber County

Medicine Lodge, *Nation, Carry, Home*, 211 West Fowler Avenue.

Medicine Lodge vicinity, \*Medicine Lodge Peace Treaty Site, just south and east of Medicine Lodge.

## Barton County

Great Bend vicinity, *Walnut Creek Crossing*, east of Great Bend, off U.S. 56.

Pawnee Rock vicinity, *Pawnee Rock*, 0.2 mile north of Pawnee Rock of U.S. 56.

## Bourbon County

Fort Scott, *Fort Scott, Historic Area and other Kansas Historic Areas*.

Fort Scott, *Union Block*, 24 South Main Street.

## Butler County

Augusta, *James, C. N., Cabin (Augusta Historical Museum)*, 305 State Street.

## Chase County

Cottonwood Falls, *Chase County Courthouse*, on the square at the south end of Broadway.

Cottonwood Falls vicinity, *Wood, S. N., House*, 0.5 miles east of Cottonwood Falls.

Strong City vicinity, *Springhill Farm and Stock Ranch House*, 3 miles north of Strong City on Kansas 177.

## Clark County

Ashland, *First National Bank*, northwest corner of Eighth and Main Streets.

## Clay County

Clay Center, *Clay County Courthouse*, Fifth and Court Streets.



**Cloud County**

Concordia, *Brown Grand Opera House*, 310 West 6th Street (7-26-73).  
Concordia, *Nazareth Convent and Academy*, 13th and Washington Streets.

**Cowley County**

Winfield, *Hackney, W. P., House*, 417 East 10th Street.  
Winfield vicinity, *Magnolia Ranch*, 10.5 miles southeast of Winfield.

**Dickinson County**

Abilene, *Eisenhower Home*, 201 Southeast Fourth Street.  
Abilene, *Lebold, C. H., House*, 106 North Vine Street.  
Solomon, *Union Pacific Railroad Depot*, Third Street between Walnut and Pine Streets.

**Doniphan County**

Fanning vicinity, *Fanning Archeological Site*, c. 1 mile north of Fanning.  
Highland, *Irvin Hall, Highland Community Junior College*, Highland Community Junior College campus.  
Highland vicinity, *Iowa, Sac, and Fox Presbyterian Mission (Highland Presbyterian Mission)*, 1.5 miles east of Highland on U.S. 36 and 0.2 mile north of K-136.  
White Cloud, *Poulet House*, Poplar Street between First and Second Streets.  
White Cloud, *White Cloud School*, southwest corner of Fifth and Main Streets.

**Douglas County**

Baldwin, *Old Castle Hall*, 513 Fifth Street.  
Lawrence, *Blood, Colonel James, House*, 1015 Tennessee.  
Lawrence, *Haskell Institute*.  
Lawrence, *Ludington House*, 1613 Tennessee Street.  
Lawrence, *Old Lawrence City Hall (Watkins National Bank)*, 1047 Massachusetts Street.  
Lawrence, *Old West Lawrence Historic District*, bounded approximately by Tennessee, Eighth, Indiana, and Sixth.  
Lecompton, *Constitution Hall*, Elmore Street between Woodson and Third Streets.  
Lecompton, *Lane University*.

**Ellis County**

Ellis, *Chrysler, Walter P., House*, 104 West 10th Street.  
Hays, *First Presbyterian Church*, 100 West Seventh Street.  
Hays, *Fort Hays, Frontier Historical Park*.  
Victoria, *St. Fidelis Catholic Church*, southeast corner of St. Anthony and Delaware Streets.  
Victoria vicinity, *Grant, George, Villa*, 7 miles southeast of Victoria.

**Ellsworth County**

Ellsworth, *Hodgden House*, 104 West Main Street.  
Kanopolis, *Fort Harker Guardhouse*, corner of Wyoming and Ohio Streets.

**Finney County**

Gordon City, *Windsor Hotel*, 421 North Main Street.

**Ford County**

Dodge City, *Mueller-Schmidt House*, 112 East Vine.  
Dodge City vicinity, *Santa Fe Trail Remains*, 9 miles west of Dodge City on U.S. 50.

**Franklin County**

Ottawa, *Dietrich Cabin*, Main and Fifth Streets.  
Ottawa, *Old Santa Fe Railroad Depot*, 135 West Tecumseh Street.  
Ottawa, *Downtown Ottawa Historic District*, east side of the 200 block of South Main Street, plus 135 South Main Street.

Ottawa, *Franklin County Courthouse*, Court-house Square on Main Street, between Third and Fourth Streets.  
Ottawa vicinity, *Jones Tany, House*, c. 3 miles northeast of Ottawa.  
Williamsburg vicinity, *Silkville*, 2.5 miles southwest of Williamsburg on U.S. 50.

**Geary County**

Junction City vicinity, *Bogan Archeological Site*, Milford Reservoir.  
Junction City vicinity, *First Territorial Capitol*, on K-18 in Fort Riley Military Reservation.  
Junction City vicinity, *Wetzel, Christian, Cabin*, about 2 miles east of Junction City at the junction of I-70 and Kansas 57 (10-15-73).

**Grant County**

Ulysses vicinity, *Wagon Bed Springs*, 12 miles south of Ulysses on U.S. 270.

**Harper County**

Harper, *Old Runnymede Church (St. Patrick's Episcopal Church)*, northeast corner of 11th and Pine Streets.

**Harvey County**

Newton, *Warkentin House*, 211 East First Street.  
Newton, *Warkentin Mill*, Third and Main Streets.  
North Newton, *Bethel College Administration Building*, Bethel College Campus.

**Hodgeman County**

Jetmore, *Haun, Thompson S., House*, Main Street.

**Jefferson County**

Oskaloosa, *Union Block*, southwest corner of Delaware and Jefferson.

**Johnson County**

Fairway, *Shawnee Mission*, 53d Street at Mission Road.  
Leawood, *Majors, Alexander, House*, 8145 State Line Road. (Also in Jackson County, Mo.)

**Kingman County**

Kinkman, *Kingman City Building*, northeast corner of Main Street and Avenue C.

**Kiowa County**

Greensburg, *Greensburg Well*, Sycamore Street.

**Leavenworth County**

Fort Leavenworth, *Quarry Creek Archeological Site (14LV401)*.  
Lansing vicinity, *Lansing Man Archeological Site*, southeast of Lansing.  
Leavenworth, *Aza Building (Epsenscheid Building)*, 205 South Fifth Street.  
Leavenworth, *Breuer, David J., House*, 403 Fifth Avenue.  
Leavenworth, *Fort Leavenworth*.  
Leavenworth, *Harvey, Fred, House*, 624 Olive.

**Linn County**

Pleasanton vicinity, *Battle of Mine Creek Site*, 2.5 miles southwest of Pleasanton off U.S. 69 (12-12-73).  
Trading Post vicinity, *Marais des Cygnes Massacre Site*, 5 miles northeast of Trading Post.

**Logan County**

Russell Springs, *Old Logan County Courthouse*, Main Street.

**Lyon County**

Emporia, *White, William Allen, House*, 927 Exchange Street.  
Hartford, *Hartford Collegiate Institute*, southwest corner of Plumb and College Avenues.

**McPherson County**

Lindsborg, *Smoky Valley Roller Mill*, Mill Street.  
Lindsborg, *Swedish Pavilion*, Mill Street.  
Lindsborg vicinity, *Point Creek Archeological Site*, c. 5 miles southwest of Lindsborg.  
Lindsborg vicinity, *Sharps Creek (Swenson) Archeological Site*.  
McPherson, *McPherson Opera House*, 221 South Main Street.

**Marion County**

Florence, *Harvey House*, 204 West Third Street (8-14-73).  
Hillsboro, *Pioneer Adobe House (Peter Loewen Adobe House)*, U.S. 56 and south Ash Street.  
Peabody, *Old Peabody Library*, East Division and Walnut Street.

**Marshall County**

Blue Rapids, *Blue Rapids Library*, east side of the public square.  
Blue Rapids vicinity, *Alcove Springs*, 4 miles north of Blue Rapids on secondary roads.  
Frankfort, *Frankfort School*, 400 Locust Street.  
Frankfort vicinity, *Barrett Schoolhouse*, about 4 miles southwest of Frankfort off Kansas 99.  
Marysville, *Marysville Pony Express Barn*, 108 South Eighth Street.  
Marysville vicinity, *Hutchinson, Perry, House*, 0.5 mile northwest of Marysville on U.S. 77.  
Waterville, *Powell, Samuel, House*, 108 West Commercial.

**Miami County**

Cawatomie, *Brown, John, Cabin (Samuel Adair Cabin)*, John Brown Memorial Park.  
Paola, *Miami County Courthouse*, east of the intersection of Miami and Silver Streets.

**Mitchell County**

Beloit, *Hart, F. H., House*, 304 East Main Street.  
Cawker City, *Old Cawker City Library*, Seventh and Lake Streets.

**Montgomery County**

Coffeyville, *Condon National Bank*, 811 Walnut Street.  
Independence vicinity, *Infinity Archeological Site*, 8 miles west of Independence on U.S. 160, 1.5 miles north and 1.5 miles east on a secondary road.

**Morris County**

Council Grove, *Council Grove Historic District*.  
Council Grove, *Farmers and Drovers Bank*, 201 West Main Street.  
Council Grove, *Last Chance Store*, 500 West Main Street.  
Council Grove, *Old Kaw Mission*, 500 North Mission Street.  
Council Grove vicinity, *William Young Archeological Site*, 4.5 miles north of Council Grove.

**Nemaha County**

Sebeta vicinity, *Old Albany Schoolhouse*, 2.7 miles north of Sebeta on Sixth Street.

**Ness County**

Ness City, *Ness County Bank*, Main Street and Pennsylvania Avenue.

**Osborne County**

Osborne vicinity, *Geodetic Center of the U.S.*, about 17 miles southeast of Osborne off U.S. 281 (10-9-73).

**Ottawa County**

Minneapolis vicinity, *Minneapolis Archeological Site (14OT5)*, c. 2 miles south of Minneapolis.

**Pawnee County**

Larned vicinity, *Fort Larned National Historic Site*, 5 miles west of Larned.

**Pottawatomie County**

St. Marys, *Pottawatomie Indian Pay Station*, off of U.S. 24-40 on Mission Street.  
Wamego, *Old Dutch Mill (Schonoff Mill)*, Wamego City Park.

**Pratt County**

Pratt vicinity, *Pratt Archeological Site*, west of Pratt.

**Republic County**

Republic vicinity, *Pawnee Indian Village Site*, on Kansas 266, 8 miles north of U.S. 36, on the Republican River.

**Rice County**

Geneseo vicinity, *Tobias-Thompson Complex*, 4 miles southeast of Geneseo.  
Lyons vicinity, *Malone Archeological Site*.

**Riley County**

Manhattan, *Goodnow House*, 2301 Claflin Road.

**Rush County**

La Crosse, *Rush County Courthouse*, 715 Elm Street.

**Saline County**

Brookville, *Brookville Hotel*, Perry Street.  
Salina, *Schwartz, A. J., House*, 536 East Iron Street.  
Salina vicinity, *Whiteford, Price, Site*, 3 miles east of Salina.

**Scott County**

Scott City vicinity, *El Cuartelejo*, 12 miles north of Scott City, Scott County State Park.

**Sedgewick County**

Wichita, *Allen, Henry J., House (Arthur W. Kincaid House)*, North 225 Roosevelt.  
Wichita, *Campbell, B. H., House*, 1155 North River Boulevard.  
Wichita, *The Carey House (Eaton Hotel)*, 525 East Douglas Avenue.  
Wichita, *Old Sedgewick County Courthouse*, 504 North Main Street.  
Wichita, *Rock Island Depot*, 729 East Douglas Street.  
Wichita, *Scottish Rite Temple*, northwest corner of First Street and Topeka.  
Wichita, *University Hall, Friends University*, 2100 University Avenue.  
Wichita, *Wichita City Hall*, 204 South Main Street.

**Shawnee County**

Topeka, *Curtis, Charles, House*, 1101 Topeka Avenue.  
Topeka, *Kansas State Capitol*, bounded by Eighth and 10th Avenues and Jackson and Harrison Streets.  
Topeka, *Pottawatomie Baptist Mission Building*, off West Sixth Street, 0.5 mile west of Wanamaker Road.  
Topeka, *St. Joseph's Catholic Church*, 235 Van Buren Street.  
Topeka vicinity, *Pottawatomie Baptist Mission Site*, west of Topeka.

**Smith County**

Smith Center vicinity, *"Home on the Range" Cabin*, about 11 miles northwest of Smith Center off Kansas 8.

**Sumner County**

Argonia, *Salter Home*, 220 West Garfield Street.  
Caldwell vicinity, *Buresh Archeological Site*, northwest of Caldwell on F.A.S. 299.

**Wabaunsee County**

Wabaunsee, *Beecher Bible and Rifle Church*, southeast corner of Chapel and Elm Streets.

**Wallace County**

Wallace vicinity, *Pond Creek Station*, just east of Wallace on the north side of U.S. 40.

**Washington County**

Hanover vicinity, *Hollenberg (Cottonwood) Pony Express Station*, 1.5 miles east of Hanover on a secondary road.

**Wyandotte County**

Kansas City, *Huron Cemetery*, Minnesota Avenue between Sixth and Seventh Streets.  
Kansas City, *St. Augustine Hall (Mather Hall)*, 3301 Parallel Avenue.  
Kansas City, *Trowbridge Archeological Site*, between 61st and 63d Streets north of May Lane and Leavenworth Street.  
Muncie, *Grinter Place*, 1420 South 78th Street.

**Kentucky****Anderson County**

Lawrenceburg, *Kavanaugh Academy*, 241 East Woodford Street (9-19-73).  
Lawrenceburg vicinity, *McBrayer-Clark House*, north of Lawrenceburg on Ky. 326 (9-19-73).

**Bell County**

Middlesboro vicinity, *Cumberland Gap National Historical Park* (also in Claiborne County, Tenn., and Lee County, Va.).

**Boone County**

Union vicinity, *Big Bone Lick*, 8 miles west of Union on Kentucky 338.

**Bourbon County**

Paris, *Duncan Tavern*, 323 High Street (U.S. 68).  
Paris, *Eades Tavern (Robert Trimble House)*, 421 High Street (10-2-73).  
Paris, *Paris Railroad Depot*, between 10th Street and Winchester Pike.  
Paris vicinity, *The Grange*, 4 miles north of Paris on U.S. 68.

**Boyd County**

Ashland, *First Presbyterian Church*, 1600 Winchester Avenue.  
Cattlettsburg, *Cattlett House (Beechmoor)*, 25th and Walnut Streets.  
Cattlettsburg, *Cattlettsburg National Bank*, 110 26th Street.

**Boyle County**

Danville, *Boyle County Courthouse-Jail Complex*, northeast corner of Main and Fourth Streets.  
Danville, *Jacobs Hall, Kentucky School for the Deaf*, South Third Street.  
Danville, *McClure-Barbee House*, 304 South Fourth Street.  
Danville, *McDowell (Dr. Ephraim) House*, 125-27 South Second Street.  
Danville, *Old Centre, Centre College*, West Walnut Street.  
Perryville, *Perryville Historic District* (10-25-73).  
Perryville vicinity, *Perryville Battlefield*, west of Perryville on U.S. 150A.

**Caldwell County**

Princeton, *Adsmore*, 304 North Jefferson Street (10-25-73).

**Daviess County**

Owensboro, *Old Trinity Episcopal Church*, 403 West Fifth Street.

**Estill County**

Irvine vicinity, *Cottage Iron Furnace*, 7 miles northeast of Irvine in Daniel Boone National Forest (9-20-73).

**Fayette County**

Lexington, *Ashland (Henry Clay Home)*, 2 miles southeast of Lexington on Richmond Road.  
Lexington, *Botherum*, 341 Madison Place.  
Lexington, *Clay, Henry, Law Office*, 178 North Mill Street.  
Lexington, *Gatz Park Historic District*, bounded by Second Street, the Byway, Third Street, and Bark Alley.  
Lexington, *Kennedy House*, 216 North Lime-stone Street.  
Lexington, *Lincoln, Mary Todd, House*, 574 West Main Street.  
Lexington, *Loudoun House*, corner of Bryan Avenue and Castlewood Drive.  
Lexington, *McAdams and Morford Building*, 200-210 West Main Street (10-25-73).  
Lexington, *Old Morrison, Transylvania College*, West Third Street between Upper Street and Broadway.  
Lexington, *Ridgely House*, 190 Market Street.  
Lexington, *West High Street Historic District*, now consists only of the Rev. Adam Rankin House (215 West High Street), William Bowman House (125 West High Street), Dr. John C. and Samuel B. Richardson House (129 West High Street), and the John Leiby House (133 West High Street).  
Lexington vicinity, *Walnut Hill Presbyterian Church*, east of Lexington off U.S. 25/421.  
Lexington vicinity, *Waveland*, 5 miles south of Lexington off U.S. 27.

**Franklin County**

Frankfort, *Corner in Celebrities Historic District*, bounded roughly by the Kentucky River on the west, by Main Street on the north with extensions northward along Wilkinson and Washington Streets; by Madison and St. Clair Streets on the east; and by Wapping Street on the south with extensions southward to the river.  
Frankfort, *Glen Willis, Leestown Pike*.  
Frankfort, *Jackson Hall*, East Main Street (U.S. 50).  
Frankfort, *Kentucky Governor's Mansion*, Capital Avenue.  
Frankfort, *Kentucky State Arsenal*, Main Street and Capital Avenue (Arsenal Hill).  
Frankfort, *Kentucky State Capitol Building*, terminus of Capital Avenue.  
Frankfort, *Liberty Hall*, 218 Wilkluson Street.  
Frankfort, *Old Governor's Mansion*, 420 High Street.  
Frankfort, *Old Statehouse*, Broadway between Lewis and Madison Streets.

**Green County**

Greensburg, *The Old Courthouse*, Public Square.

**Hardin County**

Elizabethtown vicinity, *Lincoln Heritage House (Hardin Thomas House)*, north of Elizabethtown on Freeman Lake.

**Hickman County**

Columbus, *Columbus-Belmont Battlefield State Park*, on U.S. 80.

**Hopkins County**

Dawson Springs, *Hamby Well Building*, 120 South Main Street.

**Jefferson County**

Louisville, *Steamer Belle of Louisville*, Carrie Gaubert Cox Park, 3700 Upper River Road.  
Louisville, *Christ Church Cathedral*, 421 South Second Street (8-14-73).  
Louisville, *Farmington*, 3033 Bardstown Road.  
Louisville, *Jefferson County Courthouse*, 527 West Jefferson Street.  
Louisville, *Jefferson County Jail*, 514 West Liberty Street (7-16-73).



Louisville, Kentucky Air National Guard Archeological Site, Standiford Field, at the north end of Grade Lane.  
 Louisville, Landward House, 1385-1387 South Fourth Street (9-20-73).  
 Louisville, Louisville Board of Trade Building, 301 West Main Street (8-14-73).  
 Louisville, \*Louisville Water Company Pumping Station, Zorn Avenue.  
 Louisville, Ridgeway, 4095 Massie Avenue.  
 Louisville, St. James-Belgravia Historic District, bounded by Wilson Avenue on the north, South Fourth Street on the east, Hill Street on the south, and South Sixth Street on the west.  
 Louisville, \*Southern National Bank (Old Bank of Louisville), 320 West Main Street.  
 Louisville, \*Taylor, Zachary, House, Springfield, 5808 Apache Road.  
 Louisville, Trade Mart Building, 131 West Main Street.  
 Louisville, Tyler Block, 319 West Jefferson Street (10-15-73).  
 Louisville vicinity, Locust Grove, northeast of Louisville, 561 Blankenbaker Lane.

#### Kenton County

Covington, \*Beard, Daniel Carter, Boyhood Home, 322 East Third Street.  
 Covington, Cathedral Basilica of the Assumption, 1130 Madison Avenue (7-20-73).  
 Covington, Kenton County Library, Carnegie Library and Auditorium Building, 1028 Scott Street.  
 Covington, Mother of God Roman Catholic Church, 119 West 6th Street (7-26-73).  
 Covington, Riverside Drive Historic District, bounded on the north by Riverside Drive, on the south by Fourth Street, on the east by the Licking River, and on the west by the alley between Greenup and Garrard streets.  
 Ludlow, Carneal, Thomas, House (Elmwood Hall), 244-246 Forrest Avenue.

#### Larue County

Hodgenville vicinity, Abraham Lincoln Birthplace National Historic Site, 3 miles south of Hodgenville.

#### Lincoln County

Crab Orchard vicinity, Whitley, William, House State Shrine, 2 miles west of Crab Orchard off U.S. 150.

#### Livingston County

Smithland, Grouver House, Water Street.

#### Logan County

Adairville vicinity, Savage Cave Archeological Site, about 1 mile east of Adairville on Kentucky 591.  
 Russellville, Forst, William, House, southeast corner of Fourth and Winter Streets.

#### Lyon County

Kuttawa vicinity, Kelly's Suwanee Furnace Office, 1.4 miles west of Kuttawa.

#### McCracken County

Paducah, Market House, south Second Street between Broadway and Kentucky Avenue.  
 Paducah, Yeiser, Mayor David A., House (Alben W. Barkley Museum), 533 Madison Street.

#### Madison County

Big Hill vicinity, Merritt Jones Tavern, 1 mile south of Big Hill on U.S. 421.  
 Richmond, Old Central University, University Drive.

Richmond vicinity, White Hall, Clay Lane, off U.S. 25, 7 miles north of Richmond.

#### Mason County

Washington, Washington Historic District, corporate limits of the city of Washington in 1969.

## NOTICES

#### Mercer County

Harrodsburg, Morgan Row, 222, 230, 232 South Chiles.  
 Harrodsburg vicinity, Dutch Reform Church (Old Mud Meeting House), 3 miles southwest of Harrodsburg, on Dry Branch Road.  
 Shakertown, \*Shakertown at Pleasant Hill, U.S. 68.

#### Monroe County

Tompkinsville vicinity, Old Mulkey Meetinghouse, south of Tompkinsville on Kentucky 1446.

#### Nelson County

Bardstown, Old Talbott Tavern, Court Square (10-30-73).  
 Bardstown vicinity, Wickland, 0.5 mile east of Bardstown on U.S. 62.  
 Bardstown, Spalding Hall, north Sixth Street, on St. Joseph's College campus.  
 Bardstown vicinity, Federal Hill (My Old Kentucky Home), 1 mile east of Bardstown on U.S. 150.

#### Nicholas County

Carlisle vicinity, Forest Retreat Farm and Tavern, northwest of Carlisle at junction of U.S. 68 and Kentucky 32 (10-2-73).

#### Ohio County

Paradise vicinity, \*Indian Knoll, 0.5 mile upstream from Paradise ferry landing on the Green River.  
 Hartford, Hartford Seminary, 224 East Center Street.  
 Hartford, Pendleton House, 403 East Union Street.

#### Pike County

Pikeville, Pikeville College Academy Building, College Street.

#### Scott County

Georgetown, Branham House, 208 South Broadway.  
 Georgetown, Cantrill House, 324 East Jackson Street.  
 Georgetown, Giddings Hall, Giddings Drive between Jackson and College Streets.  
 Georgetown, Holy Trinity Episcopal Church, South Broadway and West Clinton Street (10-30-73).  
 Georgetown, Johnston-Jacobs House, 205 North Hamilton Street (10-2-73).  
 Georgetown, McFarland House, 510 Fountain Avenue (10-15-73).  
 Georgetown, Royal Spring Park, west of Water Street and Broadway, between Clinton and Jefferson.  
 Georgetown, Scott County Courthouse, East Main and Broadway.  
 Georgetown, Showalter House (McHatton House), 316 North Hamilton Street.  
 Georgetown, Shropshire House, 355 East Main Street.

Georgetown vicinity, Allenhurst, west of Georgetown on Cane Run Pike south of U.S. 460.  
 Georgetown vicinity, Audubon, southwest of Georgetown off U.S. 62 on Moore's Mill Pike (12-4-73).  
 Georgetown vicinity, Bradford, Fielding, House, north of Georgetown off U.S. 25 on Long Lick Pike (12-4-73).  
 Georgetown vicinity, Buford-Duke House, southeast of Georgetown off U.S. 75.  
 Georgetown vicinity, Choctaw Indian Academy, 4.5 miles west of Georgetown off U.S. 227.  
 Georgetown vicinity, Longview, about 4 miles west of Georgetown off U.S. 460 (10-26-73).  
 Georgetown vicinity, Osburn House, 4 miles north of Georgetown on U.S. 25.  
 Georgetown vicinity, St. Francis Mission at White Sulphur, 7 miles west of Georgetown on U.S. 460.

Georgetown vicinity, Sanders, Robert, House, about 2 miles south of Georgetown on U.S. 25 (10-15-73).  
 Georgetown vicinity, Smith, Nelson and Clifton Rodes, House, northeast of Georgetown off the Leesburg Pike (10-3-73).  
 Georgetown vicinity, Ward Hall, about 15 miles west of Georgetown on U.S. 460.

#### Shelby County

Simpsonville, Young, Whitney M. Jr., Birthplace, southwest of Simpsonville, off U.S. 60.

#### Todd County

Fairview, Davis Jefferson, Monument, on Kentucky 115 near junction with U.S. 68.

#### Warren County

Bowling Green, Moore, Maria, House, 801 State Street.  
 Bowling Green, Riverview (Hobson House), Hobson Grove Park-Main Street.  
 Bowling Green vicinity, Ironwood, north of Bowling Green on Old Richardsville Road.

#### Washington County

Springfield vicinity, Lincoln, Mordecai, House, 5.9 miles north of Springfield on Kentucky 528.

#### Wayne County

Mill Springs, Mill Spring Mill, off Kentucky 90.

#### Woodford County

Versailles vicinity, Crittenden, John Jordan, Birthplace Cabin, 2 miles east of Versailles off U.S. 60.  
 Versailles vicinity, Jouett, Captain Jack, House, 5 miles southwest of Versailles on Craig's Mill Pike.

#### Louisiana

##### Ascension Parish

Darrow vicinity, The Hermitage, 1.75 miles east of Darrow on Louisiana 942.

##### Assumption Parish

Napoleonville vicinity, Madewood, east of Napoleonville on Louisiana 308 (10-3-73).

##### Avoyelles Parish

Marksville vicinity, \*Marksville Prehistoric Indian Site, Marksville Prehistoric Indian Park State Monument.

##### Caddo Parish

Shreveport, Lindsay, Colonel Robert H., House (Symphony House), 2803 Woodlawn Avenue.

##### De Soto Parish

Mansfield vicinity, Mansfield Battle Park, 4 miles southeast of Mansfield on Louisiana 175.  
 Stonewall vicinity, Land's End Plantation, 7 miles southeast of Stonewall on Red Bluff Road.

##### East Baton Rouge Parish

Baton Rouge, Baton Rouge Water Works Company Standpipe, 131 Lafayette Street (12-4-73).  
 Baton Rouge, Magnolia Mound Plantation House, 1261 Nicholson Drive.  
 Baton Rouge, Old Louisiana State Capitol (State House), North Boulevard and St. Philip Street.  
 Baton Rouge, Pentagon Barracks (U.S. Barracks), North Riverside Mall (7-26-73).  
 Baton Rouge, Potts House, 831 North Street.  
 Baton Rouge, Powder Magazine, State Capitol Drive.  
 Baton Rouge, Stewart-Dougherty House, 741 North Street.

##### East Feliciana Parish

Clinton, Brame-Bennett House, 227 South Baton Rouge Street.

Clinton, East Feliciana Parish Courthouse, bounded by St. Helena, Woodville, Liberty, and Bank Streets.  
 Clinton, The Marston House, Bank Street.  
 Jackson vicinity, Asphodel Plantation and Cemetery, south of Jackson on Louisiana 74.

##### Iberia Parish

Delcambre vicinity, Jefferson, Joseph, House (Bob Acres Plantation), north of Delcambre at Jefferson Island.  
 New Iberia, The Shadows-on-the-Teche, East Main Street.  
 New Iberia vicinity, Darby Plantation, north of New Iberia on Darby Lane.

##### Iberville Parish

Plaquemine Lock, confluence of Bayou Plaquemine with the Mississippi River.  
 Iberville Parish, St. Gabriel, St. Gabriel Roman Catholic Church, 0.25 mile south of Louisiana 74 between the Illinois Central Railroad tracks and Louisiana 75.

##### Natchitoches Parish

Melrose, Melrose Plantation, Louisiana 119.  
 Natchitoches vicinity, Cherokee Plantation, southeast of Natchitoches on Cane River Road (8-14-73).

##### Orleans Parish

New Orleans, Bank of Louisiana, 334 Royal Street.  
 New Orleans, Big Oak-Little Oak Islands, northeast part of New Orleans; Big Oak is on the east side of Roger's Lagoon, 1.7 miles east of Little Woods; Little Oak is 2.6 miles east of Little Woods.  
 New Orleans, \*The Cabildo, Jackson Square, Chartres Street, and St. Peter Street.  
 New Orleans, \*Cable, George Washington House, 1313 Eighth Street.  
 New Orleans, French Market-Old Meat Market, 800 Decatur Street.  
 New Orleans, French Market-Old Vegetable Market, 1000 Decatur Street.  
 New Orleans, The Garden District, bounded by properties fronting on Carondelet Street on the north, Josephine Street on the east, Magazine Street on the south, and Louisiana Avenue on the west.  
 New Orleans, \*Girod Nicholas House, 500 Chartres Street.  
 New Orleans, Hermann-Grima House, 818-820 St. Louis Street.  
 New Orleans, \*Jackson Square (Place d'Armes), bounded by Decatur, St. Peter, St. Ann, and Chartres Streets.  
 New Orleans, Lafayette Cemetery No. 1, 1400 Washington Avenue.  
 New Orleans, \*Lafitte's Blacksmith Shop, 941 Bourbon Street.  
 New Orleans, Lower Garden District.  
 New Orleans, \*Madame John's Legacy, 632 Dumaine Street.  
 New Orleans, Merieult House, 533 Royal Street.  
 New Orleans, \*Old Ursuline Convent, 1114 Chartres Street.  
 New Orleans, Old U.S. Mint, New Orleans, 420 Esplanade Avenue (6-5-73).  
 New Orleans, Perseverance Hall, 901 St. Claude Avenue (10-2-73).  
 New Orleans, Pilot House (Ducayet House), 1440 Moss Street.  
 New Orleans, \*The Presbytere, 713 Chartres Street.  
 New Orleans, St. Alphonsus Church (Roman Catholic), 2029 Constance Street.  
 New Orleans, St. Charles Line (Streetcar), St. Charles and Carrollton avenues route.  
 New Orleans, St. Mary's Assumption Church, 2030 Constance Street.  
 New Orleans, Turpin-Koster-Buja House, 2319 Magazine Street.  
 New Orleans, \*Vieux Carré Historic District, bounded by the Mississippi River, Rampart Street, Canal Street, and Esplanade Avenue.

## NOTICES

New Orleans vicinity, Fort Pike, north of New Orleans off U.S. 90.

##### Plaquemines Parish

Phoenix vicinity, \*Fort de la Boulaye Site, near Phoenix on the Mississippi River, near Louisiana, 50.  
 Triumph vicinity, \*Fort Jackson, 2.5 miles southeast of Triumph on Louisiana 23, on the west bank of the Mississippi River.  
 Triumph vicinity, \*Fort St. Philip, 2.5 miles southeast of Triumph on Louisiana 23, on the east bank of the Mississippi River.

##### Pointe Coupee Parish

Mix vicinity, \*Parlange Plantation House, at junction of Louisiana 1 and 78.

##### Rapides Parish

Alexandria vicinity, Kent Plantation House, west of Alexandria on Bayou Rapides.  
 Pineville vicinity, Old SLU Site, north of Pineville at 2500 Shreveport Highway in Kisatchie National Forest (8-14-73).

##### Sabine Parish

Many vicinity, \*Fort Jesup, 7 miles northeast of Many on Louisiana 6, Fort Jesup State Monument.

##### St. Bernard Parish

New Orleans vicinity, Chalmette National Historical Park, 6 miles south of New Orleans.

##### St. Charles Parish

Destrehan, Destrehan Plantation, on River Road (Louisiana 48).  
 Hahnville vicinity, \*Homeplace Plantation House, 0.5 mile south of Hahnville Post Office on Louisiana 18.

##### St. Martin Parish

St. Martinville, Acadian House, Longfellow Evangeline State Park on Louisiana 31.  
 St. Martinville, St. Martin of Tours Catholic Church, 133 South Main Street.  
 St. Martinville, Acadian House, Longfellow St. Martinville, U.S. Post Office, corner of Main and Port Streets.

##### St. Mary Parish

Franklin vicinity, Oaklawn Manor, about 2 miles northeast of Franklin on Irish Bend Road.

##### Tangipahoa Parish

Hammond, Grace Memorial Episcopal Church, 100 West Church Street.

##### West Carroll Parish

Delhi vicinity, \*Poverty Point, 12 miles north of Delhi on Bayou Macon.

##### West Feliciana Parish

St. Francisville, Propinquity, corner of Royal and Johnson Streets.  
 St. Francisville vicinity, Oakley Plantation House, 4.5 miles east of St. Francisville, off Louisiana 965, in Audubon Memorial State Park.  
 Wyanoke vicinity, Rosebank Plantation House, southeast of Wyanoke off Louisiana 66.

##### Maine

##### Androscoggin County

Lewiston, Hathorn Hall, Bates College, Bates College campus.  
 Lisbon Falls, Worumbo Mill, on the bank of the Androscoggin River (10-15-73).  
 Livermore, The Norlands, The Norlands Road.  
 New Gloucester, Shaker Village, on Route 26.

##### Aroostook County

Fort Kent vicinity, Fort Kent Memorial, c. 0.75 mile southwest of Fort Kent off Maine 11.

Grand Isle, Our Lady of Mount Carmel Catholic Church, U.S. 1 (10-15-73).  
 Houlton, First National Bank of Houlton, Market Square (9-20-73).  
 Littleton vicinity, Watson Settlement Bridge, across the Meduxnekeag Stream, 1 mile west of United States-Canadian border.  
 Madawaska vicinity, Acadian Landing Site, East of Madawaska on the St. John River, off U.S. 1 (9-20-73).  
 Madawaska vicinity, St. David Catholic Church, east of Madawaska on U.S. 1 (10-2-73).  
 New Sweden vicinity, Timmerhuset, W of New Sweden on Me. 161 (8-23-73).

##### Cumberland County

Brunswick, First Parish Church, 207 Maine Street.  
 Brunswick, Massachusetts Hall, Bowdoin College, Bowdoin College campus.  
 Brunswick, \*Stowe, Harriet Beecher, House, 63 Federal Street.  
 Cape Elizabeth, Portland Headlight, Portland Head, off Shore Road.  
 Cape Elizabeth, Spurwink Congregational Church (South Meetinghouse), Spurwink Avenue.  
 Falmouth, Skeleton, Thomas, House, 124 U.S. 1.  
 Freeport, Pettengill House and Farm, south of Bow Street.  
 Freeport, Pote, Captain Greenfield, House (Pettengill House) Wolf Neck Road (10-6-70).  
 Gorham, Academy Building (Gorham Academy, Gorham Seminary), Gorham School Street (Route 114).  
 Gorham, Art Gallery, College Avenue, University of Maine campus.  
 Gorham, McLellan House, Gorham School Street.  
 Harpswell Center, \*Harpswell Meetinghouse.  
 Harpswell vicinity, Peary, Robert E., Home, Eagle Island.  
 Naples vicinity, Songo Lock (Cumberland-Oxford Canal), 1 mile off Maine 114 south of Naples.  
 Portland, Baxter, Percival P., House, 61 Deering Street.  
 Portland, Clapp, Charles Q., House, 97 Spring Street.  
 Portland, Dow, General Neal, House, 714 Congress Street.  
 Portland, Eastern Cemetery, Congress Street at the corner of Mountfort Street (12-12-73).  
 Portland, First Parish Church, 425 Congress Street.  
 Portland, The Gothic House (John J. Brown House), 86 Spring Street.  
 Portland, Green Memorial A.M.E. Zion Church (Abyssinian Congregational Church and Society), 48 Sheridan Street.  
 Portland, How, Daniel, House, 23 Danforth Street.  
 Portland, Ingraham, Joseph Holt, House, 51 State Street (7-16-73).  
 Portland, \*McClellan-Sweet Mansion, 111 High Street.  
 Portland, Mariner's Church, 368-374 Fore Street.  
 Portland, Mechanics' Hall, 519 Congress Street (10-3-73).  
 Portland, \*Morse-Libby Mansion, 109 Danforth Street.  
 Portland, Park Street Row, 88-114 Park Street.  
 Portland, Portland City Hall, 389 Congress Street.  
 Portland, Portland Club (Hunnewell-Shepley House), 158 State Street.  
 Portland, Portland Observatory, 138 Congress Street.  
 Portland, Rackleff Building, 127, 129, 131, 133 Middle Street.  
 Portland, Reed, Thomas Brackett, House, 30-32 Deering Street.  
 Portland, Spring Street Historic District.



Portland, Stevens, John Calvin, House, 52 Bowdoin Street (7-16-73).  
 Portland, Stroudwater Historic District.  
 Portland, \*Tate House, 1270 Westbrook Street.  
 Portland, Thompson Block, 117-125 Middle Street.  
 Portland, U.S. Custom House, 312 Fore Street.  
 Portland, \*Wadsworth-Longfellow House, 487 Congress Street.  
 Portland, Woodman Building, 133-141 Middle Street.  
 Portland vicinity, Fort Gorges, E of Portland on Hog Island, Portland Harbor (8-28-73).  
 Scarborough, \*Homer, Winslow, Studio, Winslow Homer Road, Prout's Neck.  
 Shaker Village (see Androscoggin County).  
 South Casco, Hawthorne, Nathaniel, Boyhood Home, Hawthorne and Raymond Cape Roads.  
 South Portland, Portland Breakwater Light, northeast end of Portland Breakwater, Portland Harbor.  
 South Windham vicinity, Smith, Parson, House, Southeast of South Windham on River Road (7-16-73).

## Franklin County

Farlington, Abbott, Jacob House, Main Street (Maine 27) (11-28-73).  
 Farlington, Cutler Memorial Library, corner of Academy and High Street (11-2-73).  
 Farlington, Free Will Baptist Meetinghouse, Main Street (3-28-73).  
 Farlington, Ramsdell, Hiram, House, corner of High and Perham streets (12-4-73).  
 Farlington vicinity, Nordica Homestead, Holly Road, 0.5 miles from Route 27.  
 Farlington Falls, Union Baptist Church, U.S. 2 (10-30-73).  
 North Jay, Holmes-Crafts Homestead, on Maine 4 at Old North Jay Road.  
 Popham Beach vicinity, to Coburn Gore, Arnold, Trail to Quebec, along Kennebec River, through Wyman Lake and Flagstaff Lake, along Deal River and Chain of Ponds to Quebec, Canada (also in Kennebec, Sagadahoc, and Somerset counties).  
 West Farlington vicinity, Little Red Schoolhouse, south of West Farlington on Wilton Road.

## Hancock County

Blue Hill, Jonathan Fisher Memorial, outer Main Street (Route 15).  
 Castine, Castine Historic District.  
 Castine, Cate House, corner of Court and Pleasant Streets.  
 Castine, Fort George Memorial.  
 Castine, Perkins, John, House, Perkins Street.  
 East Sullivan vicinity, \*Wickup (Admiral Richard E. Byrd Estate), 8 miles northeast of East Sullivan.  
 Ellsworth, Black Mansion, West Maine Street on Route 172.  
 Ellsworth, Ellsworth Congregational Church, State Street.  
 Ellsworth vicinity, Stanwood Homestead (Birdsacre Sanctuary), 1 mile south of Ellsworth on Maine 3.  
 Northeast Harbor, \*Gliman, Daniel Colt, Summer Home (Over Edge).  
 Sedgwick, First Baptist Church, off Maine 172.

## Kennebec County

Arnold Trail to Quebec (see Franklin County).  
 Augusta, \*Blaine, James G., House, Capitol and State Streets.  
 Augusta, Fort Western, Bowman Street.  
 Augusta, Kennebec Arsenal, Arsenal Street.  
 Augusta, Maine State House, Capitol Street.  
 Gardiner, Christ Episcopal Church, 1 Dresden Avenue (7-24-73).  
 Gardiner, Oaklands, South end of Dresden Street (7-27-73).

Gardiner, \*Robinson, Edwin Arlington, House, 67 Lincoln Avenue.  
 Hallowell, Elm Hill Farm (Merrick Cottage), Litchfield Road.  
 Hallowell, Hallowell Historic District.  
 Hallowell, Row House (The Gage Block), 106-114 Second Street.  
 Hallowell, Vaughn Homestead, Middle Street off Litchfield Road.  
 Monmouth, Cumston Hall, Main Street (8-14-73).  
 Waterville-Winslow, Two Cent Bridge, spans the Kennebec River at Temple Street (9-20-73).  
 Winslow, \*Fort Halifax.

## Knox County

Camden, The Conway House, Conway Road.  
 Camden vicinity, Curtis Island Light, 0.8 mile southeast of Camden Harbor on Curtis Island.  
 Rockland, Farnsworth Homestead, 21 Elm Street.  
 Rockport, Rockport Historic Kln Area, on Rockport harbor at the mouth of the Goose River.  
 Vicinity of Warren, Union, Appleton, and Seasmont, Georges River Canal, Upper Falls, Georges River in Warren to Union town line, extending to Quantabacook Pond in Seasmont (also in Waldo County).  
 Vinalhaven, The Vinalhaven Galamander, Bandstand Park.

## Lincoln County

Alna Center, Alna Meetinghouse, Maine 218.  
 Damariscotta, Chapman-Hall House, Main and Vine Streets.  
 Damariscotta vicinity, Damariscotta Oyster Shell Heaps, Damariscotta River north of Damariscotta.  
 Dresden, Botman-Carney House, 0.5 mile north of Maine 197 and west of Maine 128.  
 Dresden, Pownalborough Courthouse, Cedar Grove Road.  
 Edgecomb, Fort Edgecomb Memorial, on Davis Island in the Sheepscot River.  
 New Castle, St. Patrick's Catholic Church, Academy Road.  
 Pemaquid vicinity, Harrington Meetinghouse, northwest of Pemaquid on Old Harrington Road.  
 Pemaquid Beach vicinity, Fort William Henry, northwest of Pemaquid Beach.  
 Pemaquid Beach vicinity, Pemaquid Restoration and Museum, Pemaquid Point.  
 Waldoboro vicinity, German Church and Cemetery, Maine 32, 1 mile south of Waldoboro.  
 Wiscasset, \*Nickels-Sortwell House, northeast corner of Main and Federal Streets.  
 Wiscasset, Scott, George, House (Octagon House), Federal Street.  
 Wiscasset, U.S. Customhouse (Old Customhouse) and Post Office, Water Street.  
 Wiscasset, Wiscasset Historic District.  
 Wiscasset, Wiscasset Jail and Museum, Maine 218.

## Oxford County

Bethel, Mason, Dr. Moses, House (Ada Durrell House), Broad Street.  
 Fryeburg Center vicinity, Hemlock Bridge, Across the Old Course Saco River, northeast of Fryeburg Center.  
 Newry vicinity, Sunday River Bridge, across the Sunday River west of Newry.  
 Paris Hill, Paris Hill Historic District.  
 Porter vicinity, Porter Old Meetinghouse, north of Porter off Maine 25.  
 Porter vicinity, Porter-Parsonfield Bridge, 0.5 mile south of Porter (also in York County).  
 South Andover, Lovejoy Bridge, across the Ellis River.  
 Wilsons Mills vicinity, Bennett Bridge, across the Magalloway River 1.5 miles south of Wilsons Mills.

## Penobscot County

Bangor, Bangor House, 174 Main Street.  
 Bangor, Blake House, 107 Court Street.  
 Bangor, Broadway Historic District.  
 Bangor, Godfrey-Kellogg House, 212 Kennebec Avenue.  
 Bangor, Grand Army Memorial Home, 159 Union Street.  
 Bangor, Jonas Cutting-Edward Kent House, 45-50 Penobscot Street.  
 Bangor, Low, Joseph W., House, 51 Highland Street (12-4-73).  
 Bangor, Morse Bridge, Valley Avenue, across Kenduskeag Stream.  
 Bangor, Symphony House, 166 Union Street.  
 Bangor, Morse & Co. Office Building, Harlow Street.  
 Bangor-Brewer, Site of Penobscot Expedition, Penobscot River between Bangor and Brewer, at the mouth of the Kenduskeag Stream.  
 Bangor, St. John's Catholic Church, York Street.  
 East Corinth vicinity, Skinner Settlement, Corinth Village, 3.5 miles west of East Corinth on Kenduskeag-Exeter Mills Road.  
 Old Town, St. Anne's Church and Mission Site, on Indian Island off Maine 43 (11-26-73).  
 Orono, Colburn, William, House, 91 Bennoch Road.  
 Orono, Treat, Nathaniel, House, 114 Main Street (9-20-73).  
 Orono, Washburn, Governor Israel, House, 120 Main Street.  
 Robyville, Robyville Bridge, across the Kenduskeag Stream.

## Piscataquis County

Brownville Junction vicinity, Katahdin Iron Works, 5 miles north of Brownville Junction on Route 11, follow gravel road for 6 miles.  
 Chesuncook, Chesuncook Village, northwest shore, Chesuncook Lake.  
 Guilford vicinity, Low's Bridge, across the Piscataquis River between Guilford and Bangerville.  
 Millinocket vicinity, Ambajefus Boom House, about 11 miles northwest of Millinocket on the Ambajefus Lake.

## Sagadahoc County

Arnold Trail to Quebec (see Franklin County).  
 Bath, Bath Historic District.  
 Bath, Percy and Small Shipyard, 451 Washington Street.  
 Bath, Seguin (tugboat), Bath Marine Museum.  
 Bath, U.S. Customhouse and Post Office, 25 Front Street.  
 Bath, Winter Street Church, corner of Washington and Winter Streets.  
 Popham Beach vicinity, Fort Popham Memorial, north of Popham Beach on Hunnewell Point.  
 Popham Beach vicinity, Popham Colony Site, northeast of Sabino Head at the end of Maine 209.  
 Richmond, Richmond Historic District, bounded roughly by the Kennebec River, South, Hight, and Main Streets (11-12-73).  
 Richmond, Southard Block, 25 Front Street.

## Somerset County

Arnold Trail to Quebec (see Franklin County).  
 Madison vicinity, Old Point and Sebastian Hale Monument, south of Madison off Alternate U.S. 201.  
 New Portland vicinity, New Portland Wire Bridge, Wire Bridge Road, over the Carrabassett River.

## Waldo County

Georges River Canal (see Knox County).  
 Belfast, Belfast National Bank, Main and Beaver Streets.  
 Belfast, Masonic Temple, High Street (U.S. 1).  
 Belfast, Primrose Hill Historic District, High and Anderson Streets (10-3-73).  
 Belfast, White, James P., House, 1 Church Street.  
 Liberty, Old Post Office, Main Street (Route 173).  
 Prospect vicinity, \*Fort Knox State Park.  
 Searsport, Penobscot Marine Museum, Church Street.  
 Stockton Springs vicinity, Fort Pownall Memorial, southeast of Stockton Springs on Fort Point.  
 Winterport, Winterport Congregational Church, Alternate U.S. 1.

## Washington County

Columbia Falls, Ruggles House, Main Street.  
 East Machias, East Machias Historic District, High, Water, and Bridge Streets.  
 East Machias vicinity, "The Rim" and Site of Fort Foster, South of East Machias off U.S. 1 (7-23-73).  
 Eastport, Fort Sullivan, Moose Island; Barracks, 74 Washington Street.  
 Machias, Burnham Tavern, Main Street.  
 Machiasport vicinity, Fort O'Brien (Fort Machias), south of Machiasport on secondary road.  
 Robbinston vicinity, Mansion House (General John Brewer House), north of Robbinston on U.S. 1.  
 St. Croix Junction vicinity, St. Croix Island National Monument, on the international boundary, in the St. Croix River.

## York County

Biddeford, Biddeford City Hall, 205 Main Street.  
 Biddeford, First Parish Meetinghouse, Old Pool Road.  
 Biddeford, U.S. Post Office, 35 Washington Street.  
 Eliot vicinity, Frost Garrison and House, Frost's Hill.  
 Kennebunk, Lord Mansion (Clark Mansion), 20 Summer Street.  
 Kennebunkport, Lord Captain Nathaniel, Mansion, corner of Pleasant and Green Streets (9-20-73).  
 Kennebunkport, Perkins Tide Mill, Mill Lane (9-7-73).  
 Kittery Point, \*Lady Pepperrell House, Maine 103.  
 Kittery Point, Pepperrell, William, House, Pepperrell Cove on Maine 103 (8-14-73).  
 Kittery Point vicinity, Fort McClary, off Maine 103 near Fort McClary State Park.  
 Porter vicinity, Porter-Parsonfield Bridge (see Oxford County).  
 South Berwick, \*Hamilton, Jonathan, House, Vaughan's Lane and Old South Road.  
 South Berwick, Jewett, Sarah Orne, House, Junction of Maine 4 and 236.  
 York, Hancock, John, Warehouse, Lindsay Road.  
 York, Old Schoolhouse, York Street (on the Village Green).  
 York, \*Old York Gaol, 4 Lindsay Road.  
 York, York Historic District (7-16-73).  
 York vicinity, \*McIntire Garrison House, 5 miles west of York on Maine 91.

## Maryland

## Allegany County

Chesapeake and Ohio Canal National Historical Park (also in Frederick, Montgomery, and Washington Counties, Md.; in D.C.; and Morgan County, W. Va.).  
 Cumberland, Bell Tower Building (Allegany County League for Crippled Children), southwest corner of Bedford and Liberty Streets.

Cumberland, City Hall, North Center Street between Frederick and Bedford Streets.  
 Cumberland, Old Post Office, southwest corner of Frederick and Liberty Streets.  
 Cumberland, Washington Street Historic District, east bank of Wills Creek to mid-600 block of Washington Street and Prospect Square.  
 Cumberland, Western Maryland Railway Station, Canal Street.  
 La Vale, La Vale Tollgate House, U.S. 40.  
 Oldtown, Cresap, Michael, House, north side of Main Street at Green Spring Road.  
 Lonaconing, Lonaconing Furnace, behind the Central Elementary School on East Main Street.

## Anne Arundel County

Annapolis, Artisan's House, 43 Pinkney Street.  
 Annapolis, \*Brice House, 42 East Street.  
 Annapolis, Callahan, John, House, 164 Conduit Street (10-2-73).  
 Annapolis, \*Chase-Lloyd House, 22 Maryland Avenue.  
 Annapolis, \*Colonial Annapolis Historic District, district boundaries approximate those of the city plan of 1895.  
 Annapolis, Creagh, Patrick, House, 160 Prince George Street.  
 Annapolis, \*Hammond-Harwood House, Maryland Avenue and King George Street.  
 Annapolis, \*Maryland Statehouse, State Circle.  
 Annapolis, Mount Moriah A.M.E. Church, 84 Franklin Street.  
 Annapolis, Old City Hall & Engine House, 211-213 Main Street.  
 Annapolis, \*Pace House and Garden, 186 Prince George Street.  
 Annapolis, \*U.S. Naval Academy, Maryland Avenue and Hanover Street.  
 Annapolis, \*Whitehall, off St. Margaret's Road.  
 Bristol vicinity, St. James Church, 3 miles east of Bristol on Maryland 2.  
 Crownsville, St. Paul's Chapel, Maryland 178 at Crownsville Road.  
 Crownsville vicinity, Belvoir, approximately 0.5 mile east of Crownsville on Maryland 178.  
 Davidsonville, Mount Airy, on Mount Airy Road off Maryland 424.  
 Davidsonville vicinity, All Hallows' Church, intersection of Maryland 2, All Hallows' Church Road, and South Elver Club Road.  
 Deale vicinity, Sudley, north of Deale off Maryland 468 on Old Sudley Road.  
 Friendship vicinity, Holly Hill, Maryland 261, 1.5 miles east of Solomon's Island Road.  
 Galesville vicinity, Cedar Park, 4.4 miles south of intersection of Maryland 214 and 468 and 1.5 miles north of intersection of Maryland 255 and 468.  
 Galesville vicinity, \*Tulip Hill, c. 2.5 miles west of Galesville on Owensville Road.  
 Harwood vicinity, Larkin's Hill Farm, off Maryland 2 on Mill Swamp Road.  
 Harwood vicinity, Larkin's Hundred, on Mill Swamp Road, 1 mile east of Maryland 2 and 0.9 mile west of Maryland 468.  
 Harwood vicinity, Mary's Mount, 0.5 mile east of Maryland 2 and south of Mill Swamp Road.  
 Harwood vicinity, Obligation, west side of Maryland 2, 0.2 mile south of intersection of Maryland 2 and Mill Swamp Road.  
 Iglehart, Iglehart, west side of Maryland 178.  
 Lothian vicinity, Burroughs End, Nutwell Road off Maryland 2.  
 Old Town Friends' Meeting House, 1201 East Fayette Street.  
 Owensville, Christ Church, Owensville Road (Md. 255).  
 Owensville vicinity, Evergreen, Sudley Road, 2 miles southeast of Maryland 255.  
 Sandy Point, Sandy Point Farm House, Sandy Point State Park.

South River vicinity, The South River Club, South River Club Road, 1 mile east of Maryland 2 and 0.4 mile west of Maryland 468.  
 St. Luke's Church, 217 North Carey Street.  
 St. Paul's Church Rectory, 24 West Saratoga Street.  
 St. Paul's Protestant Episcopal Church, 233 North Charles Street.  
 Woodland Beach vicinity, \*London Town Public House, south bank of the South River, c. 0.5 mile northeast of Woodland Beach.

## Baltimore (Independent city)

American Brewery (Wiessner Brewery), 1701 North Gay Street.  
 Baltimore City Hall, 100 North Holliday Street.  
 \*Baltimore and Ohio Transportation Museum and Mount Clare Station, Pratt and Poppleton Streets.  
 Battle Monument, Center of Calvert Street between Fayette and Lexington Streets.  
 Bolton Hill Historic District, bounded on the north by North Avenue, on the northeast by Mount Royal Avenue, on the east by Cathedral Street, on the south by Dolphin Street, and on the southwest by Madison Avenue.  
 Carroll Mansion, 800 East Lombard Street.  
 \*Carrollton Viaduct, Gwynn's Falls near Carroll Park.  
 Clifton Park Value House, 2801 Harford Road.  
 \*U.S. Frigate Constellation, Pier 1, Pratt Street.  
 Cylburn House and Park Historic District, 4915 Green Spring Avenue.  
 Dickeyville Historic District, within the Baltimore city line, north and south of Gwynn's Falls, east and west sides of Forest Park Avenue.  
 Druid Hill Park Historic District.  
 Eastern Female High School, 249 Alisquith Street.  
 Emerson Bromo-Seltzer Tower, 312-318 West Lombard Street.  
 Engine House No. 6, 416 North Gay Street.  
 Federal Hill Historic District, bounded on the north by Hughes Street, on the west by Hanover, on the south by Cross, and on the east by Fiers.  
 Fells Point Historic District, bounded on the north by Aliceanna Street, on the east by Wolfe Street, on the south by the harbor, and on the west by Dallas Street.  
 First Presbyterian Church and Manse, 200-210 West Madison Street.  
 \*First Unitarian Church, 2-12 West Franklin Street.  
 \*The Flag House, 844 East Pratt Street.  
 Fort McHenry National Monument and Historic Shrine, Locust Point, at the eastern end of Fort Avenue.  
 Franklin Street Presbyterian Church and Parsonage, 100 West Franklin Street and 504 Cathedral Street (parsonage).  
 \*Homewood, North Charles and 34th Streets.  
 Howard Street Tunnel, Beneath Howard Street from Mt. Royal Station to Camden Station.  
 Lombard Street Bridge, Lombard Street over Jones Falls Stream.  
 Londontown Manufacturing Company, Inc. (Meadow Mill), 3600 Clipper Mill Road.  
 Lovely Lane Methodist Church, 2200 St. Paul Street.  
 Baltimore (Independent city), McKim's School, 1120 East Baltimore Street.  
 Mother Seton House, 600 North Paca Street.  
 \*Mount Clare, Carroll Park.  
 Mount Royal Station, 1400 Cathedral Street.  
 \*Mount Vernon Place Historic District, Mount Vernon Place and Washington Place.  
 Mount Vernon Place United Methodist Church and Asbury House, 2-10 East Mount Vernon Place.



\*Old Roman Catholic Cathedral (Minor Basilica), 401 Cathedral Street.  
 Otterbein Church, 112 West Conway Street.  
 Pascault Row, 551-555 West Lexington Street.  
 \*Peale's Baltimore Museum (Municipal Museum of the City of Baltimore), 225 North Holliday Street.  
 \*Phoenix Shot Tower, southeast corner of Fayette and Front Streets.  
 \*Poe, Edgar Allan, House, 203 Amity Street.  
 Poole and Hunt Company Buildings, 3500 Clipper Road.  
 St. Alphonsus' Church, Rectory, Convent and Hall, 112-116 and 125-127 Saratoga Street.  
 St. Mary's Seminary Building, 600 North Faca Street.  
 \*St. Mary's Seminary Chapel, 600 North Faca Street.

#### Baltimore County

Brooklandville, Brooklandwood, Falls Road.  
 Brooklandville, Rockland Historic District, both sides of Falls Road (Maryland 25) at intersection of Old Court Road (Maryland 183).  
 Cockeysville vicinity, Stone Hall, north of Cockeysville off Maryland 25 on Cuba Road (7-26-73).  
 Port Howard, Todd Farmhouse, 9000 Old North Point Road (Maryland 20) (10-18-73).  
 Glyndon, Glyndon Historic District (9-20-73).  
 Long Green vicinity, Prospect Hill, northeast of Long Green on Kanes Road (7-26-73).  
 Lutherville, Lutherville Historic District, North of I-695, west of York Road, south of Ridgely Road, and east of Lutherville-Ridgely Drive.  
 Pikesville vicinity, Sudbrook Park, south of Pikesville off U.S. 140 on Greenwood Road (8-19-73).  
 Relay, \*Thomas Viaduct, Baltimore & Ohio Railroad, across the Patapsco River between Relay and Elkridge (also in Howard County).  
 Stevenson vicinity, Fort Garrison, Garrison Farms Court, south of Stevenson.  
 Towson, Baltimore County Courthouse, Washington Avenue between Pennsylvania and Chesapeake Avenues.  
 Towson, Hampton National Historic Site, Hampton Lane, 1 mile north of Interstate 695.  
 Towson, \*Sheppard and Enoch Pratt Hospital, Charles Street Avenue.

#### Calvert County

Adelina vicinity, Taney Place, south of Adelina on Maryland 508.  
 Barstow vicinity, Cedar Hill, about 2 miles west of Barstow on Buena Vista Road.  
 Barstow vicinity, Willow Glenn, Northwest of Barstow off Maryland 507.  
 Cove Point, Cove Point Lighthouse, off Maryland 407.  
 Drum Point, Drum Point Lighthouse, at the confluence of the Patuxent River and Chesapeake Bay.  
 Lower Marlboro, Grahame House, 0.2 mile northeast of Maryland 262 and 523.  
 Lower Marlboro vicinity, All Saints' Church, 3.5 miles east of Lower Marlboro on Maryland 418.  
 Mutual vicinity, La Veille, west of Mutual on Le Veille Road off Maryland 264 (9-20-73).  
 Unlontown, Unlontown Academy, west side of Unlontown Road (8-14-73).  
 Owings vicinity, Maidstone, northwest of Owings on Chesapeake Road.  
 Parran, Cornehill, Parran Road.

#### Caroline County

Greensboro vicinity, Willow Grove, Maryland 457, 2.5 miles southeast of Maryland 213.

#### Carroll County

Union Mills, Union Mills Homestead Historic District, intersection of U.S. 140 and Deep Run Road.

#### Cecil County

Oceliton, Greenfields on U.S. 213.  
 Perryville, Principio Furnace, on Post Road, 1.5 miles east of Perryville.  
 Chesapeake City, \*Old Lock Pump House, Chesapeake and Delaware Canal, U.S. 213.  
 Earleville, Bohemia Farm, 1 mile south of the Bohemia River off U.S. 213.  
 Frenchtown, New Castle and Frenchtown Railroad Right-of-way (see New Castle County, Del.).  
 Perryville, Rogers Tavern, West Main Street.

#### Charles County

Accokeek vicinity, Piscataway Park, Piscataway Park (Incorporating Accokeek Creek Site), across the Potomac River from Mount Vernon (also in Prince Georges County).  
 Port Tobacco, \*Habre-de-Venture (Thomas Stone House), Rose Hill Road.  
 Port Tobacco, Rose Hill, Rose Hill Road.  
 Port Tobacco vicinity, Mt. Carmel Monastery, north of Port Tobacco off Maryland 226 and Mitchell Road (12-4-73).

#### Dorchester County

East New Market, Friendship Hall, off Maryland 14, 0.10 mile east of the intersection with Maryland 16 (10-18-73).  
 El Dorado, Rehoboth, Punkum Road.

#### Frederick County

Catoctin Furnace, Catoctin Furnace Historic District, on U.S. 15, 12 miles northwest of Frederick.  
 Chesapeake and Ohio Canal National Historical Park (see Allegany County).  
 Frederick, Frederick Historic District, two blocks east and three blocks west of Market Street from South Street to Seventh Street (10-18-73).  
 Frederick, Hanson-Thomas Houses, 108 and 110 West Patrick Street.  
 Frederick, Hessian Barracks, 242 South Market Street.  
 Frederick, The Historical Society of Frederick County Building, 24 East Church Street.  
 Frederick, Rose Hill Manor, 1611 North Market Street.  
 Point of Rocks, Point of Rocks Railroad Station, south side of U.S. 15, north side of B. & O. tracks.  
 Urbana vicinity, Amelung House and Glassworks, 4 miles southwest of Urbana off U.S. 240 on secondary road (10-3-73).

#### Garrett County

Grantsville vicinity, \*Casselman's Bridge, National Road, east of Grantsville on U.S. 40.  
 Grantsville vicinity, Fuller-Baker Log House, 0.5 mile west of Grantsville on U.S. 40.  
 Grantsville vicinity, Tomlinson Inn and the Little Meadows, 3 miles east of Grantsville on U.S. 40 (9-20-73).  
 Westernport vicinity, Meyer Site, southwest of Westernport on the north branch of the Potomac River.

#### Harford County

Aberdeen vicinity, Sophia's Dairy, southwest of Aberdeen off U.S. 40 (9-20-73).  
 Bel Air, Hays-Heighe House, 401 Thomas Run Road.  
 Bel Air vicinity, D. H. Springhouse, about 6 miles northeast of Bel Air on Sandy Hook Road.  
 Bel Air vicinity, Tudor Hall, northeast of Bel Air off Maryland 22.  
 Berkley vicinity, Right House, southeast of Berkley off Maryland 623 (8-14-73).

Churchville vicinity, Medical Hall Historic District, west of Churchville off Maryland 154 (8-28-73).  
 Darlington vicinity, Wildfell (Scott House), northwest of Darlington on U.S. 1 (9-20-73).  
 Emmorton vicinity, St. Mary's Church, south of Emmorton on Maryland 24.

#### Howard County

Daniels, Daniels Mill, Alberton Road.  
 Elkridge vicinity, \*Thomas Viaduct, Baltimore & Ohio Railroad (see Baltimore County).  
 Ellicott City, \*Ellicott City Station.  
 Ellicott City vicinity, \*Doughoregan Manor, 3 miles west of Ellicott City on Manor Lane.  
 Savage, Bollman Railroad Truss, Gorman and Savage Roads.

#### Kent County

Chestertown, \*Chestertown Historic District, bounded roughly by the Chester River on the southeast, Cannon Street on the southwest, Cross Street on the northwest, and Maple Avenue on the northeast.  
 Chestertown, Denton House, 107 Water Street.  
 Chestertown, Godlington Manor, Wilkins Lane.  
 Chestertown, Widehall, 101 Water Street.  
 Chestertown vicinity, \*Garvill Hall, 10 miles west of Chestertown.  
 Fairlee vicinity, Fairlee Manor Camp House, 1.5 miles northwest of Fairlee, off Maryland 445.  
 Sassafras, Rich Hill, The Griffith House, on Maryland 299 south of Sassafras.

#### Montgomery County

Chesapeake and Ohio Canal National Historical Park (see Allegany County).  
 Forest Glen, National Park Seminary Historic District, Linden Lane.  
 Glen Echo, \*Barton (Clara) House, 5801 Oxford Road.  
 Glen Echo vicinity, Cabin John Aqueduct, MacArthur Boulevard over Cabin John Creek.  
 Rockville, Beall-Daunson House, 108 West Montgomery Avenue.  
 Sandy Spring, Sandy Spring Friends Meetinghouse, Meeting House Lane.  
 Seneca, Seneca Quarry, Tschiffely Mill Road.  
 Silver Spring, Millmar, 410 Randolph Road.

#### Prince Georges County

\*Accokeek Creek Site (see Charles County).  
 Accokeek vicinity, Piscataway Park, across the Potomac River from Mount Vernon.  
 Bowie, Belair Stables, Belair Drive.  
 Clinton, Surratt House, 9110 Brandywine Road.  
 Croom vicinity, Beelefelds, north side of Dudley Station Road, 0.3 mile south of Croom.  
 Laurel, Laurel Railroad Station, East Main Street.  
 Riverdale, Riverdale (Calvert Mansion), Riverdale Road between 18th and Taylor Streets.  
 Rosaryville vicinity, \*His Lordship's Kindness, 3.5 miles west of Rosaryville.  
 Seat Pleasant, St. Matthew's Church, Addison Road and 62d Place.

Upper Marlboro, Bowieville, 2300 Church Road.  
 Upper Marlboro, Mount Pleasant, Mount Pleasant Road.  
 Washington, D.C., vicinity, Fort Washington, 5.5 miles south of District of Columbia line on Maryland 210, west on Old Fort Road.

#### Queen Annes County

Centreville vicinity, Roadbourne, about 5.4 miles northwest of Centreville.  
 Queenstown, Bloomingdale, Bloomingdale Road and U.S. 50.  
 Queenstown, Bowlingly, off Route 18.

#### St. Marys County

Beauvue vicinity, Mulberry Fields, about 4.5 miles southeast of Beauvue off Maryland 244.  
 Bushwood, Ocean Hall, on Bushwood Road (Maryland 239) at Bushwood Wharf (10-25-73).  
 Chaptico, Bachelor's Hope, off Maryland 238.  
 Compton vicinity, St. Francis Xavier Church and Newtown Manor House, 1.5 miles south of Compton on Maryland 243.  
 Drayden vicinity, Porto Bello, east of Drayden on Maryland 244.  
 Drayden vicinity, \*West St. Mary's Manor, c. 1 mile east of Drayden on the St. Mary's River.  
 Hollywood vicinity, Sotterley (Bowles' Separation), 4 miles east of Hollywood.  
 Leonardtown, Tudor Hall, Tudor Hall Road.  
 Leonardtown vicinity, St. Andrew's Church, 5 miles east of Leonardtown on St. Andrew's Church Road.  
 St. Marys City, \*St. Marys City Historic District, bounded on the west by the St. Marys River, on the south by St. Inigoes Creek and a branch of Broome (Hill) Creek, and on the north by Chancellor's (Fisherman or St. John's) Creek; the eastern boundary extends south and east about 2 miles across the peninsula from Chancellor's Creek to Broome Creek.  
 St. Marys City vicinity, St. George's Protestant Episcopal Church, west of St. Marys City off Maryland 249 (10-3-73).  
 St. Clement's Island Historic District, south of Colton Point in the Potomac River.  
 Valley Lee vicinity, St. George's Protestant Episcopal Church (Poplar Hill), west of Valley Lee off Maryland 249 on Maryland 244 (10-3-73).

#### Somerset County

Manokin vicinity, Sudler's Conclusion, northwest of Manokin off Maryland 361, (8-28-73).  
 Princess Anne vicinity, Beverly, south of Princess Anne on U.S. 13.  
 Princess Anne, Teackle Mansion (Beckford Mansion), Mansion Street.

#### Talbot County

Easton vicinity, St. John's Chapel of St. Michael's Parish, about 3 miles west of Easton on Maryland 370.  
 Easton vicinity, \*Wye House, 6.9 miles northwest of Easton on Miles Neck River.

#### Washington County

Boonsboro vicinity, Washington Monument, east of Boonsboro in Washington Monument State Park.  
 Cavetown vicinity, The Willows, southwest of Cavetown on Maryland 66.  
 Chesapeake and Ohio Canal National Historical Park (see Allegany County).  
 Harpers Ferry National Historical Park (see Jefferson County, W. Va.).  
 Sharpsburg, Antietam National Battlefield Site.  
 Williamsport vicinity, Rose Hill, 0.5 mile south of Williamsport on Maryland 63.

#### Wicomico County

Salisbury, Grills-Grier House, 401 North Division Street.  
 Salisbury, Pemberton Hall, Pemberton Road.  
 Salisbury, Poplar Hill Mansion, 117 Elizabeth Street.

#### Worcester County

Berlin vicinity, Geneser, southeast of Berlin on Maryland 611, 9 miles south of U.S. 50.

#### Massachusetts

##### Barnstable County

Barnstable, Old Jail, Main Street and Old Jail Lane.  
 Chatham, \*Brandeis, Louis, House, Neck Lane, Hyannis Port, \*Kennedy Compound, Irving and Marchant avenues (11-28-72).  
 Orleans, French Cable Station, southeast corner of Cove Road and Route 28.  
 Provincetown, First Universalist Church, 236 Commercial Street.

##### Berkshire County

Florida and Savoy vicinity, Mohawk Trail, along the bank of the Cold River (also in Franklin County).  
 Hancock, Hancock Town Hall, Main Street.  
 Interlaken, Citizens Hall, Stockbridge, off U.S. 90.  
 Lanesborough, St. Luke's Episcopal Church, U.S. 7.  
 Lenox vicinity, \*The Mount (Edith Wharton Estate), south of Lenox on U.S. 7.  
 Lenox, Lenox Library, 18 Main Street.  
 North Adams, Beaver Mill, Beaver Street.  
 North Adams, Freight Yard Historic District, Boston and Maine Freight House Area, Troy and Greenfield Railroad Depot and Freight Area.  
 North Adams, Hoosac Tunnel, from North Adams on the west to the Deerfield River on the east (11-2-73).  
 North Adams, Monument Square-Eagle Street Historic District.  
 North Adams, Windsor Print Works, 121 Union Street.  
 Pittsfield, \*Melville, Herman, House (Arrowhead), Holmes Road.  
 Pittsfield, \*Hancock Shaker Village, west of Pittsfield on U.S. 20.  
 Pittsfield, Old Town Hall, 45 East Street.  
 Pittsfield, vicinity, South Mountain Concert Hall, south of Pittsfield off U.S. 7/20 on New South Mountain Road (8-14-73).  
 South Lee, Merrill Tavern, Massachusetts 102.  
 Stockbridge, \*Mission House, Main Street.  
 Stockbridge vicinity, \*Chesterswood (Daniel Chester French Home and Studio), 2 miles west of Stockbridge.

##### Bristol County

Dighton vicinity, Dighton Rock, across the Taunton River from Dighton in Dighton Rock State Park.  
 Easton, Bay Road, 416-535 Bay Road (Foundry Street to the Norton town line).  
 Easton, North Easton Historic District, bounded roughly by both sides of Lincoln, Main, and Elm Streets; south side of Canton; and west side of Route 138.  
 Easton, North Easton Railroad Station, off Oliver Street on railroad right-of-way.  
 Fairhaven, Fort Phoenix, south of U.S. 6 in Fort Phoenix Park.  
 Fall River, Academy Building, South Main Street.  
 New Bedford, Fort Taber District, on Wharf Road, within Fort Rodman Military Reservation.  
 New Bedford, \*New Bedford Historic District, bounded by Front Street on the east, Elm Street on the north, Acushnet Avenue on the west, and Commercial Street on the south.  
 New Bedford, Old Third District Courthouse, Second and William Streets.  
 New Bedford, \*U.S. Customhouse, southwest corner, Second and Williams Streets.  
 Essex County  
 Amesbury, Rocky Hill Meetinghouse and Parsonage, Portsmouth Road and Elm Street.  
 Amesbury, \*Whittier, John Greenleaf, Home, 86 Friend Street.  
 Beverly, Balch, John, House, 448 Cabot Street.

Beverly, Fish Flake Hill (Front Street) Historic District, north and south sides of Front Street from Cabot to Bartlett Streets (excluding the lot on the northwest corner of Front and Cabot Streets).  
 Beverly, \*Holmes Oliver Wendell, House, 868 Hall Street.  
 Boxford, Boxford Village Historic District, Middleton and Topsfield Roads and Main and Elm Streets.  
 Boxford, Holyoke-French House, Elm Street and Topsfield Road.  
 Boxford vicinity, House Village Historic District, northeast of Boxford on Massachusetts 87.  
 Danvers, \*Derby Summer House, Glen Magna Estate, Ingersoll Street.  
 Gloucester, Gloucester City Hall, Dale Avenue.  
 Gloucester, Hammond Castle, 80 Hesperus Avenue.  
 Gloucester, Lane, Fitz Hugh, House, harbor side of Rogers Street.  
 Hamilton, Hamilton Historic District, Bay Road (Nos. 540-700 and 563-641).  
 Ipswich, Choate Bridge, over the Ipswich River, South Main Street.  
 Ipswich, \*Whipple, John, House, 53 South Main Street.  
 Lawrence, Essex Company Machine Shop, Union Street.  
 Lawrence, Mechanics Block Historic District, 107-139 Garden Street, 6-38 Orchard Street.  
 Marblehead, Gerry, Elbridge House, 44 Washington Street.  
 Marblehead, \*Glover, General John, House, 11 Glover Street.  
 Marblehead, \*Lee Jeremiah, House, Washington Street.  
 Marblehead, St. Michael's Church, 26 Pleasant Street.  
 Newbury, \*Spencer-Pierce-Little House, end of Little's Lane, east of U.S. 1A.  
 Newburyport, Market Square Historic District, Market Square and properties fronting on State, Merrimac, Liberty, and Water Streets.  
 Newburyport, U.S. Customhouse, 25 Water Street.  
 Peabody, Peabody Institute Library, Main Street.  
 Peabody, Peabody City Hall, 24 Lowell Street.  
 Salem, \*Bouditch, Nathaniel, Home, 9 North Street.  
 Salem, Chestnut Street District, bounded roughly by Broad, Flint, Federal, and Summer Streets (8-28-73).  
 Salem, City Hall, 93 Washington Street.  
 Salem, Essex Institute Historic District, 132-134, 128, 126 Essex Street and 13 Washington Square West.  
 Salem, Fort Pickering (Fort William, Fort Anne), southeastern part of Winter Island.  
 Salem, \*Gardner-Pingree House, 128 Essex Street.  
 Salem, \*Hamilton Hall, 9 Cambridge Street.  
 Salem, House of Seven Gables Historic District, Turner, Derby, and Hardy Streets.  
 Salem, Old Town Hall Historic District, 215-231 Essex Street, 121-145 Washington Street, 6-34 Front Street, and Derby Square.  
 Salem, \*Peabody Museum of Salem, 161 Essex Street.  
 Salem, \*Peirce-Nicholas House, 80 Federal Street.  
 Salem, Salem Maritime National Historic Site, Derby Street.  
 Salem, \*Ward, John, House, Essex Institute, 132 Essex Street.  
 Saugus, Saugus Ironwork National Historic Site, off U.S. 1.  
 Saugus, \*Boardman House, Howard Street.  
 Thacher's Island, Twin Lights, 1 mile off the coast, east of Rockport.  
 Topsfield, \*Parson Capen House, Howlett Street.



Wenham, *Clapin-Richards House*, 132 Main Street.  
Wenham, *Wenham Historic District*, both sides of Main Street from Beverly city line to Hamilton city line.

#### Franklin County

Buckland, *Griswold, Major Joseph, House*, Upper Street.  
Charlemont vicinity, *Mohawk Trail* (see Berkshire County).  
Deerfield, *Old Deerfield Village Historic District*.

#### Hampden County

Chicopee Falls, *Bellamy, Edward, House*, 91-93 Church Street.  
Holyoke, *Hadley Falls Company Housing District*, The, center, North Canal, Grover, and Lyman Streets.  
Holyoke, *Wistariahurst*, 238 Cabot Street.  
Springfield, *First Church of Christ*, Congregational, 50 Elm Street.  
Springfield, *Hampden County Courthouse*, Elm Street.  
Springfield, 1767 *Milestones*, between Boston and Springfield along the Old Post Road (also in Suffolk, Norfolk, Middlesex, and Worcester Counties).  
Springfield, *Mills-Stebbins Villa*, 3 Crescent Hill (10-15-73).  
Springfield, *Springfield Armory*, Armory Square.

#### Hampshire County

Amherst, *Dickinson, Emily, Home*, 280 Main Street.  
Cummington vicinity, *Bryant, William Cullen, Homestead*, 2 miles from Cummington on side road.  
Hadley, *Porter-Phelps-Huntington House*, 130 River Drive.  
Pelham, *Pelham Town Hall Historic District*, Amherst Road at the corner of Daniel Shays Highway.

#### Middlesex County

Acton, *Faulkner Homestead*, High Street.  
Acton, *Isaac Davis Trail* (Acton Trail), from Acton, along Hayward Street, Musket Drive, Main Street, Strawberry Hill Road, Barrett's Mill Road, and Barnes Hill Road to Concord.  
Bedford, *Lane, Job, House*, 295 North Road.  
Billerica, *Sabbath Day House*, 20 Andover Road (8-14-73).  
Billerica, *Billerica Town Common District*, bounded by Cummings Street, and Concord and Boston roads (8-14-73).  
Cambridge, *Austin Hall*, Harvard University campus.  
Cambridge, *Brattle, William, House*, 42 Brattle Street.  
Cambridge, *Cambridge Common Historic District*, 0-18 Garden Street; 1-13 Waterhouse Street; 1448, 1511-1553 Massachusetts Avenue; Cambridge and Peabody Streets.  
Cambridge, *Christ Church*, Garden Street.  
Cambridge, *Cooper-Frost-Austin House*, 21 Linnaean Street.  
Cambridge, *Elmwood* (James Russell Lowell Home), Elmwood Avenue.  
Cambridge, *Fuller, Margaret, House*, 71 Cherry Street.  
Cambridge, *Fort Washington*, 95 Waverly Street.  
Cambridge, *Gray, Asa, House*, 88 Garden Street.  
Cambridge, *Hastings, Oliver, House*, 101 Brattle Street.  
Cambridge, *Massachusetts Hall*, Harvard University, Harvard University Yard.  
Cambridge, *Memorial Hall*, Harvard University, Harvard University campus.  
Cambridge, *Old Harvard Yard*, Massachusetts Avenue and Cambridge Street.  
Cambridge, *Pratt, Dexter, House*, 54 Brattle Street.

Cambridge, *Sever Hall*, Harvard University, Harvard University campus.  
Cambridge, *University Hall*, Harvard University, Harvard University campus.  
Cambridge, *Vassall, John, House* (Craigie-Longfellow House), 105 Brattle Street.  
Chelmsford, *Old Chelmsford Garrison House Complex*, 105 Garrison Road.  
Concord, *Alcott, Louisa May, House* (Orchard House), Lexington Road.  
Concord, *Barrett, Colonel James, Farm*, 448 Barrett's Mill Road (11-15-73).  
Concord, *Emerson, Ralph Waldo, Home*, Lexington Road and Cambridge Turnpike.  
Concord, *Minute Man National Historical Park* (also in the towns of Lincoln and Lexington).  
Concord, *Old Manse*, Monument Street.  
Concord, *Alcott, Louisa May, House* (Orchard House), Lexington Road.  
Concord, *Wright's Tavern*, Lexington Road, opposite the Burying Ground.  
Concord vicinity, *Brooks, Daniel, House*, east of Concord off Massachusetts 2 on Brooks Road (10-25-73).  
Concord vicinity, *Walden Pond*, 1.5 miles south of Concord.  
Lexington, *Buckman Tavern*, Hancock Street, on the east side of Lexington Green.  
Lexington, *Hancock-Clarke House*, 35 Hancock Street.  
Lexington, *Lexington Green*, Massachusetts and Hancock Streets.  
Lowell, *Chelmsford Glass Works' Long House*, 139-141 Baldwin Street.  
Lowell, *Middlesex Canal*, runs southeasterly from Lowell to Boston.  
Lincoln vicinity, *Hoar Tavern*, northeast of Lincoln on Massachusetts 2 (7-23-73).  
Medford, *Grace Episcopal Church*, 160 High Street.  
Medford, *Royall, Isaac, House*, 15 George Street.  
Medford, *Tufts, Peter, House*, 350 Riverside Avenue.  
Newton, *Jackson Homestead*, 527 Washington Street.  
Natick, *The Parsonage* (Horatio Alger House), 16 Pleasant Street.  
1767 *Milestones* (see Hampden County).  
Sudbury, *Wayside Inn Historic District*, Old Boston, Post Road.  
Waltham, *Gore Place*, 52 Gore Street.  
Waltham, *The Vale* (Theodore Lyman Estate), Lyman and Beaver Streets.  
Weston, *Golden Ball Tavern*, 662 Boston Post Road.  
Woburn, *Baldwin, Loammi, Mansion*, 12 Elm Street.  
Middleboro vicinity, *Wapanucket Site*, southwest of Middleboro off Massachusetts 25.

#### Nantucket County

Nantucket, *Coffin, Jethro, House*, Sunset Hill.  
Nantucket, *Nantucket Historic District*, Plymouth, Old County Courthouse, corner of Leyden and Market Streets.  
Plymouth, *Pilgrim Hall*, 75 Court Street.  
Plymouth, *Plymouth Rock*, Water Street.

#### Suffolk County

Belmont, *Red Top* (William Dean Howells House), 90 Somerset Street.  
Boston, *African Meetinghouse*, 8 Smith Street.  
Boston, *Alice S. Wentworth* (schooner), pier 4, Northern Avenue.  
Boston, *Arlington Street Church*, corner of Arlington and Boylston Streets.  
Boston, *Armory of the First Corps of Cadets*, 97-105 Arlington Street and 130 Columbus Avenue.  
Boston, *Arnold Arboretum*, 22 Divinity Avenue.  
Boston, *Back Bay Historic District* (8-14-73).  
Chelsea, *Naval Hospital Boston*, 1 Broadway (8-14-73).

Boston, *Beacon Hill Historic District*, bounded roughly by Beacon Street on the south, Embankment Road on the west, Cambridge Street on the north, and Hancock and Bowdoin Streets on the east.  
Boston, *Blackstone Block Historic District*, bounded by Union, Hanover, Blackstone, and North Streets.  
Boston, *Boston Athenaeum*, 10½ Beacon Street.  
Boston, *Boston Common and Public Garden*, Beacon Park, Tremont, Boylston, and Arlington Streets.  
Boston, *Boston Light*, Little Brewster Island, Boston Harbor.  
Boston, *Boston Naval Shipyard*, east of Chelsea Street, Charlestown.  
Boston, *Boston Public Library*, Copley Square.  
Boston, *Bunker Hill Monument*, Breed's Hill.  
Boston, *U.S.S. Constitution*, Boston Naval Shipyard.  
Boston, *Crowninshield House*, 164 Marlborough Street.  
Boston, *Custom House District*.  
Boston, *Cyclorama Building*, 543-547 Tremont Street.  
Boston, *Dorchester Heights National Historic Site*, South Boston.  
Boston, *Eliot, John, Square District*, John Eliot Square.  
Boston, *Ether Dome*, Massachusetts General Hospital, Fruit Street.  
Boston, *Faneuil Hall*, Dock Square.  
Boston, *First Baptist Church* (Brattle Square Church), Commonwealth Avenue and Clarendon Street.  
Boston, *First Harrison Gray Otis House*, 141 Cambridge Street.  
Boston (South), *Fort Independence*, Castle Island.  
Boston, *Fulton-Commercial Streets District*, Fulton, Commercial, Mercantile, Lewis and Richmond Streets.  
Boston, *Harding, Chester, House*, 16 Beacon Street.  
Boston, *Headquarters House*, 55 Beacon Street.  
Boston, *King's Chapel*, Tremont and School Streets.  
Boston, *Long Wharf and Customhouse Block*, foot of State Street.  
Boston, *Loring-Greenough House*, 12 South Street.  
Boston, *Massachusetts General Hospital*, Fruit Street.  
Boston, *Massachusetts Historical Society*, 1154 Boylston Street.  
Boston, *Massachusetts Statehouse*, Beacon Hill.  
Boston, *Old Corner Bookstore*, northwest corner of Washington and School Streets.  
Boston, *Old South Church in Boston*, 645 Boylston Street.  
Boston, *Old City Hall*, School and Providence Streets.  
Boston, *Old North Church*, Christ Church, 193 Salem Street.  
Boston, *Old South Meetinghouse*, Milk and Washington Streets.  
Boston, *Old Statehouse*, Washington and State Streets.  
Boston, *Old West Church*, 131 Cambridge Street.  
Boston, *Olmsted Park System* (see Norfolk County).  
Boston, *Otis*, (Second) Harrison Gray, House, 85 Mount Vernon Street (7-27-73).  
Boston, *Parkman, Francis, House*, 50 Chestnut Street.  
Boston, *Pierce-Highborn House*, 29 North Square.  
Boston, *Quincy Market*, bounded by Clinton, Commercial, and Chatham Streets, and Merchants Row.  
Boston, *Revere, Paul, House*, 19 North Square.

Boston, *Roxbury High Fort*, Beech Glen Street and Fort Avenue.  
Boston, *St. Paul's Church*, 136 Tremont Street.  
Boston, *Sears, David, House* (Somerset Club), 42 Beacon Street.  
Boston, *South End District*.  
Boston, 1767 *Milestones* (see Hampden County).  
Boston (Charlestown), *Town Hill District*.  
Boston, *Tremont Street Subway*, beneath Tremont, Boylston, and Washington Streets.  
Boston, *Trinity Church*, Copley Square.  
Boston, *Trinity Rectory*, northeast corner of Clarendon and Newbury Streets.  
Boston harbor, *Fort Warren*, Georges Island.  
Boston-Milton, *Paul's Bridge*, Neponset Valley Parkway, across the Neponset River.  
Revere, *Slade Spice Mill*, 770 Revere Beach Parkway.  
Roxbury, *Garrison, William Lloyd, House*, 125 Highland Street.  
Boston (Roxbury), *Hale, Edward Everett, House*, 12 Morley Street.  
Boston (Roxbury), *Kittredge, Alban, House*, 12 Linwood Street.  
Roxbury, *Shirley-Eustis House*, 31-37 Shirley Street.  
West Roxbury, *Brook Farm*, 870 Baker Street.

#### Worcester County

Auburn vicinity, *Goddard Rocket Launching Site*, ninth fairway, Pakachoag Golf Course, Pakachoag Road.  
Lancaster, *First Church of Christ*, facing the Common.  
North Uxbridge, *Crown and Eagle Mills*, 123 Hartford Avenue East.  
North Uxbridge, *Rogerson's Village Historic District*, north and south sides of Hartford Avenue.  
Northborough, *Northborough Town Hall*, northeast corner of West Main and Blake Streets.  
Northbridge, *Uxbridge, Blackstone Canal*, east of Route 122, from Northbridge to Uxbridge.  
1767 *Milestones* (see Hampden County).  
Rutland, *Putnam, General Rufus, House*, 344 Main Street.  
West Boylston, *Old Stone Church*, off Massachusetts 140.  
Worcester, *American Antiquarian Society*, 185 Salisbury Street.  
Worcester, *Elm Park*, bounded by Elm, Russell, Highland, and Pleasant Streets, and by private properties on the west and north of Federal and Marmon Places (excludes the property of Worcester High School on Highland Street).  
Worcester, *Massachusetts Avenue Historic District*, between Salisbury Street and Drury Lane.  
Worcester, *Mechanics Hall*, 321 Main Street.

#### Norfolk County

Brookline, *John Fitzgerald Kennedy National Historic Site*, 83 Beale Street.  
Brookline, *Olmsted, Frederick Law, House*, 99 Warren Street.  
Brookline (also in Suffolk County), *Olmsted Park System*, encompassing the Back Bay Fens, Muddy River, Olmsted (Leverett) Park, Jamaica Park, Arborway, and Franklin Park.  
Dedham, *Fairbanks House*, Eastern Avenue and East Street.  
Dedham, *Norfolk County Courthouse*, 650 High Street.  
Milton, *Forbes, Captain Robert B., House*, 215 Adams Street.  
Milton, *Suffolk Resolves House* (Daniel Vose Residence), 1370 Canton Avenue (7-23-73).  
1767 *Milestones* (see Hampden County).  
Quincy, *Adams, John, Birthplace*, 133 Franklin Street.

Quincy, *Adams, John Quincy, Birthplace*, 141 Franklin Street.  
Quincy, *Adams National Historic Site*, 135 Adams Street.  
Quincy, *Moswetuset Hummock*, on Squantum Street, about 1,000 feet northeast of the intersection with Morrissey Boulevard.  
Quincy, *Quincy Granite Railway*, Bunker Hill Lane (10-15-73).  
Quincy, *Quincy Granite Railway Incline*, Mullin Avenue.  
Quincy, *Quincy Homestead*, 34 Butler Road.  
Quincy, *Thomas Crane Public Library*, 40 Washington Street.  
Quincy, *United First Parish Church* (Unitarian) of Quincy, 1266 Hancock Street.

#### Plymouth County

Cohasset vicinity, *Cushing Homestead*, west of Cohasset on Massachusetts 128.  
Hingham, *Lincoln, General Benjamin, House*, 181 North Street.  
Hingham, *Old Ship Meetinghouse*, Main Street.  
Plymouth, *Cole's Hill*, Carver Street.

#### Michigan

##### Alger County

AuTrain vicinity, *Paulson House*, south of AuTrain.  
Christmas vicinity, *Bay Furnace*, northwest of Christmas off Michigan 28.

##### Allegan County

Hacklander Site, northwest Allegan County (7-27-73).

##### Antrim County

Holtz Site, Central Antrim County.

##### Baraga County

Assinins, Assinins, U.S. 41.  
Sand Point Site, northern Baraga County.

##### Barry County

Hastings, *Striker, Daniel, House*, 321 South Jefferson Street.

##### Bay County

Fletcher Site.  
Bay City, *Tromble House*, 114, 118, 118 Webster Street.

##### Benzie County

Benzonia, *Mills Community House*, 891 Michigan Avenue.

##### Berrien County

Benton Harbor, *Shiloh House*, Britain Road.  
Berrien Springs, *Berrien Springs Courthouse*, north side, corner of Union and Cass Streets.  
Harbert, *Sandburg House*, Birchwood Court.  
Niles, *Fort St. Joseph Site*, off south Bond Street.  
Niles, *Lardner, Ring, House*, 519 Bond Street.  
Three Oaks, *Union Meat Market*, 14 South Elm.  
Niles, *Paine Bank*, 1008 Oak Street.

##### Calhoun County

Albion, *Gardner House*, 509 South Superior Street.  
Athena vicinity, *Pine Creek Potawatomi Reservation*, about 1 mile west of Athens.  
Battle Creek, *Battle Creek Post Office*, 67 East Michigan.  
Battle Creek, *Penn Central Railway Station* (New York Central and Michigan Central Railway Station), West Van Buren.  
Marshall, *Brooks, Harold C., House* (Jabez S. Fitch House), 310 North Kalamazoo Avenue.  
Marshall, *Capitol Hill School*, 603 Washington Street.  
Marshall, *Honolulu House* (Abner Pratt House), 107 North Kalamazoo Street.  
Marshall, *Joy House*, 224 North Kalamazoo Avenue.

Marshall, *Pratt, Daniel, House* (Wright-Brooks House), 122 North High Street.  
Marshall, *Stonehall* (Andrew L. Hayes House), 303 North Kalamazoo Street.  
Marshall, *Wagner's Block*, 143 West Michigan.

#### Charlevoix County

O'Neill Site.  
Pewaugoing Quarry.  
Pine River Site.  
Pi-wan-go-ning Prehistoric District, northwestern Charlevoix County (10-3-7).  
Beaver Island, *Protar, Feodor, Cabin*, in Peaine Township on Slop Town Road.  
Charlevoix, *Charlevoix City Park Site*, northwestern Charlevoix County.  
Charlevoix vicinity, *Greensky Hill Mission*, east of Charlevoix at intersection of U.S. 31 and County Road 630.  
St. James, *Mormon Print Shop*, Main and Forest Streets.

#### Cheboygan County

Mackinaw City vicinity, *Mackinac Point Lighthouse*, Michilimackinac State Park.

#### Chippewa County

Naomikong Point Site.  
Drummond Township, *Fort Drummond*, western end of Drummond Island.  
Sault Ste. Marie, *Johnston, John, House*, 415 Park Place.  
Sault Ste. Marie, *New Fort Brady*, Lake Superior State College.  
Sault Ste. Marie, *Old Fort Brady*, bounded by the C.O.E. Service Plaza on the north, by Portage Street on the south, Brady Street on the east, and Bingham Street on the west.  
Sault Ste. Marie, *St. Mary's Falls Canal*, St. Mary's River.  
Sault Ste. Marie, *SS Valley Camp*, Old Union Cabide dock.  
Sheldrake vicinity, *White fish Point Lighthouse*, 5 miles northeast of Sheldrake on Whitefish Road.

#### Clinton County

Ovid, *Main Street Building United Church of Ovid*, 222 Main Street.

#### Delta County

Summer Island Site.  
Fayette, *Fayette State Park*, on a peninsula in Big Bay de Noc, on Michigan 149.  
Fayette vicinity, *Spider Cave*, on Big Bay de Noc between Fayette and Fairport.

#### Dickinson County

Iron Mountain, *Ardis Furnace*, Aragon and Antoine Streets.

#### Eaton County

Charlotte, *Eaton County Courthouse*, West Lawrence Avenue at Cochran and Bostwick Streets.  
Olivet, *Hance House*, 217 Yale Street.  
Vermontville, *First Congregational Church*, 341 South Main Street.  
Vermontville, *Vermontville Chapel and Academy*, North Main Street.

#### Emmet County

Ponshevaing Point Site.  
Wyoamp Creek Site.  
Harbor Springs, *Blackbird, Chief Andrew J., House* (Chief Blackbird Ottawa Indian Museum), 368 East Main Street.  
Harbor Springs, *Shay Complex*, Main and Judd Street.  
Mackinaw City, *Fort Michilimackinac*, near Mackinac Bridge, at the terminus of U.S. 31.  
Petoskey, *Chesapeake and Ohio Railway Station* (Chicago and West Michigan Railway Station, Pere Marquette Railway Station), Pioneer Park, West Lake Street.  
Petoskey, *St. Francis Solanus Mission*, West Lake Street.



Petoskey vicinity, Bay View, northeast of Petoskey on U.S. 131.  
Wallow Lake, \*Hemingway, Ernest, Cottage (Windemere), Lake Grove Road.

#### Genesee County

Linden, Linden Mill, Tickner Street.

#### Gogebic County

Ironwood, Copper Peak, North Black River Valley Parkway.

#### Grand Traverse County

Skegemog Point Site.  
Traverse City, City Opera House, 106-112 Front Street.  
Traverse City, Hannah, Perry, House, 305 Sixth Street.

#### Hillsdale County

Jonesville, Grace Episcopal Church, 360 East Chicago Street.

#### Houghton County

Calumet, Calumet Theatre, 340 Sixth Street.  
Hancock, Old Main, Quincy Street.  
Hancock vicinity, Quincy Mine No. 2 Shaft Hoist House, off U.S. 41.

#### Huron County

Bad Axe, Sleeper, Albert E., House, 302 West Huron.  
Grindstone City, Grindstone City Historic District, on U.S. 25.  
Harbor Beach, Murphy, Frank, Birthplace, 142 South Huron Street.  
Huron City vicinity, Pointe Aux Barques Lighthouse, east of Huron City on Light House Road.  
Port Hope, Stafford House, 4467 Main Street.  
Sebewaing, Indian Mission, The (Luckhard Museum), 590 East Bay Street.

#### Ingham County

East Lansing, Eustace Hall (Horticultural Laboratory Building), Michigan State University campus.  
East Lansing vicinity, St. Katherine's Chapel, 4650 Meridian Road, east of East Lansing.  
Lansing, Dodge Mansion, 106 East North Street.

Lansing, Michigan State Capitol, Capitol Avenue at Michigan Avenue.  
Mason, Ingham County Courthouse, Jefferson and Ash Streets.

#### Ionia County

Ionia, Hall-Fowler Memorial Library (Friedrick Hall House), 126 East Main Street.

#### Jackson County

Clark-Stringham Site, Southern quarter of Jackson County.  
Concord, Mann House, 205 Hanover Street.  
Grass Lake, Smith, Sidney T., House, Michigan Avenue.  
Jackson, Sharp, Ella, House, 3225 Fourth Street.  
Waterloo Township, Siebold Farm/Ruehle (Realy) Farm (Waterloo Farm Museum), 9998 Waterloo Munith Road.

#### Kalamazoo County

Kalamazoo, Kalamazoo State Hospital Water Tower, Oakland Drive.  
Kalamazoo, Ladies Library Association Building, 333 South Park Street.  
Kalamazoo, Stuart, Charles E., House, 427 Stuart Avenue.

#### Kent County

Ada vicinity, Ada Covered Bridge, across the Thornapple River.  
Grand Rapids, Grand Rapids Art Museum (Abram W. Pike House), 230 Fulton Street East.

Grand Rapids, Heritage Hill Historic District, bounded by Michigan Avenue on the north, Pleasant Street on the south, Union Avenue on the east and by Clarendon Place, Jefferson, and Lafayette Avenues on the west.

Grand Rapids, Ladies' Literary Club, 61 Sheldon SE.  
Grand Rapids, St. Cecilia Society Building, 24-30 Ransom Avenue NE.  
Grand Rapids, Turner House (R. C. Allen, Inc., Employees' Clubhouse), 731 Front Street NW.  
Grand Rapids vicinity, \*Norton Mound Group, 2 miles south of Grand Rapids on Indian Mound Drive.  
Lowell, Lowell Library, 323-325 Main Street.  
Lowell vicinity, Fallasburg Covered Bridge, north of Lowell across the Flat River.

#### Keweenaw County

Central, Central Mine Methodist Church, approximately 1 mile north of U.S. 41.  
Copper Harbor, Fort Wilkins, Fort Wilkins State Park.  
Eagle Harbor, Eagle Harbor Schoolhouse.  
Eagle Harbor, Holy Redeemer Church.

#### Lake County

Marlborough and vicinity, Marlborough Historic District, James Road.

#### Lapeer County

Lapeer, Lapeer County Courthouse, Courthouse Square, Neponset Street.

#### Leelanau County

Omena, New Mission Church (Omena Presbyterian Church).

#### Lenawee County

Adrian, Civil War Memorial, Monument Park.  
Adrian, Crosswell, Governor Charles, House, 228 North Broad Street.  
Blissfield, First Presbyterian Church of Blissfield, 306 Franklin Street.  
Cambridge Junction, Walker Tavern (Cambridge State Historical Park), on U.S. 12.  
Tecumseh, Evans, Musgrove, House, 408-411 East Logan Street.

#### Livingston County

Brighton, Bingham House, 13270 Silver Lake Road (10-18-72).  
Howell, Ann Arbor Railway Station, 126 Wetmore Street.  
Rushton vicinity, Olds, Alonzo W., House, 10084 Rushton Road.

#### Mackinac County

Gros Cap vicinity, Gros Cap Cemetery, southeast of Gros Cap on U.S. 2.  
Mackinac Island, Geary, Mathew, House, Market Street.  
Mackinac Island, Grand Hotel, Grand Hotel Avenue.  
Mackinac Island, Indian Dormitory, Huron Street.  
Mackinac Island, \*Mackinac Island, northeast across the Straits of Mackinac from Mackinaw City.  
Mackinac Island, Mission Church, Huron Street.  
Mackinac Island, Mission House, Huron Street.  
Mackinac Island, Stuart, Robert, House (Agency House of the American Fur Co.), Market Street.  
St. Ignace, Lasenen Site, 690 South State Street.  
St. Ignace, \*St. Ignace Mission, State and Marquette Streets, Marquette Park.

#### Macomb County

Holcombe Site.  
Romeo, Romeo Historic District.  
Utica vicinity, Clinton-Kalamazoo Canal (also in Oakland County).

Washington, Washington Octagon House, 5763 Van Dyke.

#### Manistee County

Manistee, Our Saviour's Evangelical Lutheran Church, 300 Walnut Street.  
Manistee, Ramsdell Theatre, 101 Maple Street.

#### Marquette County

Lake Superior, Stannard Rock Lighthouse, off Keweenaw Peninsula.  
Marquette, Call House, 450 East Ridge Street.  
Negaunee vicinity, Jackson Mine, west of Negaunee.

#### Mason County

Not-a-pe-ka-gon Site, southeast Mason County (7-27-73).

#### Midland County

Orbaw Archeological District, eastern Midland County.  
Midland, Bradley House, corner of Cook Road and Main Street.

#### Missaukee County

Aetna Earthworks, Central Missaukee County.  
Boven Earthwork, Southwestern Missaukee County (8-14-73).

#### Monroe County

Monroe, Fix House, Sterling State Park.  
Monroe, McClelland, Governor Robert, House, 47 East Elm.  
Monroe, Nims, Rudolph, House, 206 West Noble Avenue.  
Monroe vicinity, Havarre-Anderson Trading Post, North Custer Road at Raisinville Road.

#### Muskegon County

Spring Creek Site.  
Jackson, Stone Post Office, at the rear of 125 North Jackson Street.  
Muskegon, Hackley, Charles H., House, 484 West Webster Avenue.  
Muskegon, Hume Home, 472 West Webster Avenue.  
Muskegon, Muskegon Historic District.

#### Newaygo County

Toft Lake Village Site.

#### Oakland County

Birmingham, Hunter, John W., House, 556 West Maple Road.  
Bloomfield Hills, Cranbrook, Lone Pine Road.  
Clinton-Kalamazoo Canal (see Macomb County).

Franklin, Village of Franklin Historic District, bounded approximately by the Franklin River and properties fronting on Bowden Street, by Roman Way and Scenic Highway, properties fronting on Franklin Road, and a line extending about 300 feet north of and parallel to Fourteen Mile Road.  
Northville, Yerkes, Robert, House, 535 East Base Line Road (11-30-73).  
Ortonville, Ortonville Mill, 338 Mill Street.  
Pontiac, Myrick-Palmer House, 223 West Huron Street.  
Pontiac, Wisner House (Pine Grove), 405 Oakland Avenue.  
Rochester vicinity, Stony Creek Village Historic District, northeast of Rochester on Washington Road.  
Troy, Brooks Farm, 3521 Big Beaver Road.  
Troy, Caswell House, 60 West Wattle Road.

#### Oceana County

Dumau Creek Site.  
Green Quarry Site.

#### Oscoda County

Mio, Oscoda County Courthouse, Morence Street.

#### Ottawa County

Battle Point Site, Northwest Ottawa County (8-14-73).

Spoonville Site, northwest Ottawa County.  
Coopersville, Grand Rapids, Grand Haven & Muskegon Railway Depot, 363 West Main Street.

Holland, Third Reformed Church, 110 West 12th Street.

#### Presque Isle County

Presque Isle Township, Old Presque Isle Lighthouse, Presque Isle Harbor.

#### Saginaw County

Bridgeport Township, Schmidt Site, Central Saginaw County (7-27-73).

#### Saginaw County

Saginaw, Castle Station Federal Building, South Jefferson at Federal.  
Saginaw, Passolt House, 1106 South Jefferson Avenue.

#### St. Clair County

Marine City, Ward-Holland House, 433 North Main Street.  
Port Huron, Davidson, W. F., House, 1707 Military Street.  
Port Huron, St. Clair River Tunnel, St. Clair River between Port Huron, Mich., and Sarnia, Ontario.

#### St. Joseph County

Colon, Farrand Hall, 451 Farrand Road.  
Constantine, Barry, Governor John S., House, 380 North Washington Street.  
Mendon, Marantette House, Simpson Road.  
Nottawa vicinity, Nottawa Stone School, east of Nottawa, Sturgis Road at Filmore Road.

#### Sanilac County

Minden City vicinity, Sanilac Petroglyphs.  
Port Sanilac, Loop, Joseph M., House, 228 South Ridge Street.

#### Shiawassee County

Durand, Grand Trunk Railway Station, 200 Railroad Street.  
Owosso, Curwood Castle, 224 John Street.

#### Tuscola County

Vassar, McKinley School, 510 Butler Street.  
Vassar, Smith House, 113-115 Prospect Street.

#### Van Buren County

Paw Paw, Paw Paw City Hall, East Michigan Avenue.

#### Washtenaw County

Ann Arbor, Ann Arbor Central Fire Station, corner of Fifth Avenue and Huron Street.  
Ann Arbor, Bennett, Henry, House, 312 South Division Street.  
Ann Arbor, Detroit Observatory, Observatory and Ann Streets (9-20-73).  
Ann Arbor, Frieze, Henry S., House, 1547 Washtenaw Avenue.  
Ann Arbor, Judge Wilson House, 126 North Division Street.  
Ann Arbor, Newberry Hall (Francis W. Kelsey Museum of Archeology), 434 South State Street, University of Michigan campus.  
Ann Arbor, Old West Side Historic District, bounded on the north by West Huron Street, on the east by the Ann Arbor Railroad tracks and South Main Street, on the south by Pauline Boulevard and Madison Street, and on the west by South Seventh Street and Crest Avenue.  
Ann Arbor, President's House, University of Michigan, 815 South University, University of Michigan campus.  
Ann Arbor, Ticknor, Benefah, House, 2781 Packard Road.  
Ann Arbor, White, Orrin, House (Robert Hodges Residence), 2940 Fuller Road.  
Dexter, Gordon Hall (Judge Samuel W. Dexter House), 8347 Island Lake Road.

Dixboro, Dixboro United Methodist Church, 5221 Church Street.

Ypsanti, Davis, William M., House, 218 North Washington Street.

#### Wayne County

Dearborn, Commandant's Quarters, 21950 Michigan Avenue.  
Dearborn, \*Fair Lane (Henry Ford Estate), 4901 Evergreen Road.  
Dearborn, Greenfield Village, Oakwood Boulevard.  
Detroit, Bagley Memorial Fountain, Woodward and Monroe Avenues.  
Detroit, Christ Church, Detroit, 960 East Jefferson Avenue.  
Detroit, Fort Street Presbyterian Church, 631 West Fort Street.  
Detroit, Fort Wayne, 6053 West Jefferson Avenue.  
Detroit, Freer, Charles Lang, House (Merrill-Palmer Institute of Human Development and Family Life), 71 East Ferry Street.  
Detroit, Hecker, Colonel Frank J., House, 5510 Woodward Avenue.  
Detroit, Indian Village Historic District, bounded by Mack, Burns, Jefferson, and Seminole Avenues.  
Detroit, Kahn, Albert, House, 208 Mack Avenue.  
Detroit, Mariners' Church, 170 East Jefferson Avenue.  
Detroit, Moross House, 1460 East Jefferson Avenue.  
Detroit, Orchestra Hall, 3711 Woodward Avenue.  
Detroit, Pewabic Pottery, 10125 East Jefferson Avenue.  
Detroit, St. Joseph's Roman Catholic Church, 1828 Jay Street.  
Detroit, SS. Peter and Paul Church (Roman Catholic), 629 East Jefferson Avenue.  
Detroit, Sibley House, 976 East Jefferson Avenue.  
Detroit, West Canfield Historic District, Canfield Avenue between Second and Third Streets.  
Detroit, Whitney, David, House, 4421 Woodward Avenue.  
Grosse Ile, St. James Episcopal Chapel, 25150 East River Road.  
Grosse Pointe Farms, Dodge Mansion (Rose Terrace), 12 Lakeshore Drive.  
Highland Park, Highland Park Plant, Ford Motor Company, 15050 Woodward Avenue.  
Livonia, Greenmead Farms (Simmons), 38125 Base Line Road.  
Livonia, Wilson Barn, northeast corner of Middlebelt and West Chicago Roads (12-12-7).  
Northville, Northville Historic District.

#### Minnesota

#### Aitkin County

McGregor vicinity, Savanna Portage, Savanna Portage State Park.

#### Benton County

Royalton vicinity, Posch Site, south of Royalton (10-2-73).

#### Blue Earth County

Mankato vicinity, Seppman Mill, west of Mankato off Minnesota 68.

#### Brown County

New Ulm, Federal Post Office Building, Center Street and Broadway.  
New Ulm, Hermann Monument, Hermann Heights Park (10-2-73).  
New Ulm, Klesing House, 220 North Minnesota Street.

#### Carlton County

Duluth vicinity, Grand Portage of the St. Louis River, west of Duluth in Jay Cooke State Park, off Minnesota 210.

#### Cass County

Barrows vicinity, Crow Wing State Park, 2 miles southwest of Barrows on U.S. 371 (also in Crow Wing and Morrison Counties).

Pillager vicinity, Chippewa Agency Historic District, east of Pillager, near confluence of Gull and Crow Wing Rivers.  
Pillager vicinity, Gull Lake Mounds Site, northeast of Pillager.  
Hole-in-the-Day II Cabin Site, north of Pillager on the northeast corner of Hole-in-the-Day Lake.  
Pillager vicinity, Rice Lake Hut Rings, north of Pillager (8-14-73).

#### Chisago County

Taylor Falls, Angel's Hill Historic District.  
Taylor Falls, Munch-Ross House, 360 Bench Street.  
Taylor Falls, Taylor Falls Public Library, 417 Bench Street.

#### Clearwater County

Itasca Bison Site.  
Park Rapids vicinity, Itasca State Park, 21 miles north of Park Rapids off U.S. 71.

#### Cook County

Grand Marais vicinity, Grand Portage National Monument, 38 miles north of Grand Marais.

#### Cottonwood County

Jeffers vicinity, Jeffers Petroglyph Site.  
Mountain Lake vicinity, Mountain Lake Site.

#### Crow Wing County

Crow Wing State Park (see Cass County).  
Pillager vicinity, St. Columba Mission Site, northeast of Pillager on the east shore of Gull Lake (12-18-73).  
Trommald vicinity, Fort Flatmouth Mound Group, SE of Cass Lake (8-14-73).

Chippewa County (also in Lac qui Parle County).

Montevideo vicinity, Lac qui Parle Mission Site, about 10 miles northwest of Montevideo at end of Lac qui Parle Lake.

#### Dakota County

Hastings, Le Duc House, 1629 Vermillion Street.

Mendota, Mendota Historic District.  
Mendota, Sibley House.

St. Paul vicinity, \*Fort Snelling, bounded irregularly by Minnehaha Park and the Mississippi River (north); Government Lot 2 (east); the east-west quarterline of sec. 28, T. 28 N., R. 23 W., and the municipal airport (south); and a line parallel to and 600 feet northeast of Bloomington Road (west) (also in Hennepin County).

#### Fillmore County

Preston vicinity, Forestville Townsite, about 9 miles southwest of Preston in Forestville State Park.

#### Goodhue County

Kenyon vicinity, Gronvold, Dr. Just Christian, Estate, northeast of Kenyon on County Route 8.

Old Frontenac, Old Frontenac Historic District.

Red Wing, Minnesota State Training School, East Seventh Street.

Red Wing vicinity, Barrton Site.  
Welch vicinity, Fort Sweeney Site.

#### Hennepin County

Bloomington, Pond, Gideon H., House, 401 East 104th Street.

Edina, Cahill School, corner of Eden Avenue and Minnesota 100.

Edina, Grange Hall, corner of Eden Avenue and Minnesota 100.



\*Fort Snelling (see Dakota County).  
 Minneapolis, American Swedish Institute (Swen J. Turnblad Residence), 2600 Park Avenue.  
 Minneapolis, Butler Brothers Building, First Avenue North at Sixth Street.  
 Minneapolis, Minnehaha Park Historic District, south of Minnehaha Parkway between Hiawatha Avenue and the Mississippi River (11-25-69).  
 Minneapolis, Pillsbury A Mill, Main Street and Third Avenue SE.  
 Minneapolis, St. Anthony Falls Historic District, the district lies on both sides of the Mississippi River from the Plymouth Avenue Bridge on the northwest to 10th Avenue South (west bank) and Sixth Avenue Southeast (east bank) on the southeast; it extends onto the east river shore as far as University Avenue and onto the west river shore to Second Street South.  
 St. Louis Park, St. Louis Park Station, West 36th Street and Alabama Avenue.

## Houston County

Brownsville, Emmanuel Evangelical Lutheran Church (Methodist Episcopal Church), Main Street.

## Hubbard County

Park Rapids vicinity, Shell River Prehistoric Village and Mound District, 15 miles southeast of Park Rapids near the confluence of the Shell and Crow Wing Rivers.

## Itasca County

Grand Rapids vicinity, White Oak Point Site, west of Grand Rapids on the Mississippi River.

## Koochiching County

Little Fork vicinity, Laurel Mounds.

## Lac qui Parle County

Montevideo vicinity, Camp Release Site (Camp Release State Memorial Wayside), about 2 miles southwest of Montevideo off U.S. 212.  
 Montevideo vicinity, Lac qui Parle Mission Site (see Chippewa County).

## Lake County

Two Harbors vicinity, Split Rock Lighthouse, about 20 miles northeast of Two Harbors on U.S. 61.

## Lake of the Woods County

Angle Inlet vicinity, Northwest Point, northwest of Angle Inlet.

## Le Sueur County

Le Sueur, Mayo, Dr. William W., House, 118 North Main Street.

## Marshall County

Newfolden vicinity, Old Mill, about 9 miles west of Newfolden on the Middle River in Old Mill State Park.

## Mille Lacs County

Vineland vicinity, Cooper Site, on the south bank of Ogechie Lake within Mille Lacs-Kathio State Park.  
 Vineland vicinity, Kathio Site, U.S. 169, Mille Lacs-Kathio State Park.  
 Vineland vicinity, Petaga Point, on the southeast shore of Ogechie Lake in Mille Lacs-Kathio State Park.  
 Vineland vicinity, Saw Mill Site, on the northwest side of Lake Ogechie in Mille Lacs-Kathio State Park.  
 Vineland vicinity, Vineland Bay Site (Kathio School Site), southwest shore of Mille Lacs Lake above the Rum River outlet and within Mille Lacs-Kathio State Park.

## Morrison County

Crow Wing State Park (see Oaas County).  
 Belle Prairie, Ager Mission Site, 0.5 mile north of Belle Prairie off U.S. 371.  
 Camp Ripley, Old Fort Ripley.  
 Little Falls vicinity, Belle Prairie Village Site, north of Little Falls (3-14-73).  
 Little Falls vicinity, Charles A. Lindbergh State Park and Lindbergh House, southwest of Little Falls on the Mississippi River.  
 Little Falls vicinity, Pelkey Lake Site, east of Little Falls (10-2-73).  
 Little Falls vicinity, Rice Lake Peninsula Prehistoric District, southeast of Little Falls (10-2-73).  
 Little Falls vicinity, Swan River Indian Village Site, south of Little Falls (10-2-73).

## Nicollet County

Fairfax, Fort Ridgely.  
 New Ulm vicinity, Harkin, Alexander, Store, about 10 miles west of New Ulm on County Road 21.  
 St. Peter, Cor. E. St. Julien, House, 500 North Washington Avenue.  
 St. Peter vicinity, Traverse des Sioux State Park, 2 miles north of St. Peter, off U.S. 169.

## Olmsted County

Rochester, 1914 and 1928 Mayo Clinic Buildings, 110-115 Second Avenue.  
 Stewartville vicinity, Mayowood, northwest of Stewartville on County Road D.

## Otter Tail County

Battle Lake vicinity, Morrison Mounds, on the south bank of the Otter Tail River.

## Pine County

Hinckley, Hinckley Depot, old Highway No. 61 and First Street, SE.  
 Pine City vicinity, Connor's Fur Post, at Snake River.  
 Pine City vicinity, Stumme Mounds, about 4 miles west of Pine City on the Snake River.

## Pipestone County

Pipestone vicinity, Pipestone National Monument, 1 mile north of Pipestone.

## Ramsey County

St. Paul, Burbank-Livingston-Griggs House, 432 Summit Avenue.  
 St. Paul, Fitzgerald, F. Scott, House (Summit Terrace), 599 Summit Avenue.  
 St. Paul, Hill James J., House, 240 Summit Avenue.  
 St. Paul, Irvine Park Historic District, bounded roughly by Sherman, West Seventh, Chestnut Streets, and the railroad tracks (11-27-73).  
 St. Paul, Minnesota Historical Society Building, 690 Cedar Street.  
 St. Paul, Minnesota State Capitol, Aurora between Cedar and Park.  
 St. Paul, Old Federal Courts Building, 109 West Fifth Street.  
 St. Paul, Ramsey, Alexander, House, 265 South Exchange Street.

## Redwood County

Redwood Falls vicinity, Lower Sioux Agency, 9 miles east of Redwood Falls off County Route N 2.

## Renville County

Morton vicinity, Birch Coulee, 1.5 miles north of Morton off U.S. 71 in Birch Coulee State Park.

## Rice County

Faribault, Faribault, Alexander, House, 12 Northeast First Avenue.  
 Northfield, Nutting House, 217 Union Street.  
 Northfield, Rolvas, O. E., House, 311 Manitou Street.

## St. Louis County

Duluth, Aerial Lift Bridge, Lake Avenue.  
 Duluth, Duluth Central High School, Lake Avenue and Second Street.  
 Duluth, Duluth Union Depot, Fifth Avenue West and Michigan Street.  
 Hibbing vicinity, Hull-Rust-Mahoning Open-Pit Iron Mine, Third Avenue East.  
 Mountain Iron vicinity, Mountain Iron Mine, north of Mountain Iron.  
 Tower vicinity, Soudan Iron Mine, Tower-Soudan State Park.

## Scott County

Shakopee, Atwater, Isaac, House, Shakopee Historic District, Memorial Park.  
 Shakopee, Shakopee Historic District (Minnesota Valley Restoration Project/Memorial Park), Memorial Park.

## Sherburne County

Elk River vicinity, Kelley, Oliver H., Homestead, 2 miles southeast of Elk River on U.S. 10.

## Stearns County

Sauk Centre, Lewis, Sinclair, Boyhood Home, 812 Sinclair Lewis Avenue.

## Steele County

Owatonna, Security Bank and Trust Co. (National Farmers Bank of Owatonna), North Cedar Street and East Broadway.

## Wadena County

Menahga vicinity, Blueberry Lake Village Site, northeast of Menahga (10-2-73).  
 Staples vicinity, Old Wadena Site, north of Staples (10-9-73).

## Washington County

Lakeland, Grout House, Minnesota Street between Green and Prairie Streets.  
 Marine on St. Croix, Marine Mill Site, Mill Reservation, block 47.  
 Scandia, Hay Lake School.  
 Stillwater, Washington County Courthouse, West Pine Street at South Third Street.  
 Stillwater vicinity, St. Croix Boom Site, 3 miles north of Stillwater on St. Croix River.

## Winona County

Homer, Bunnell, Willard, House, U.S. 14.  
 Winona, Winona County Courthouse, Washington Street between Third and Fourth Streets.  
 Winona vicinity, Pickwick Mill, Hamlet of Pickwick.

## Yellow Medicine County

Granite Falls vicinity, Upper Sioux Agency.

## Mississippi

## Adams County

Natchez, Arlington, Main Street (12-12-73).  
 Natchez, D'Evereux, D'Evereux Drive.  
 Natchez, Dunleith, 84 Homochitto Street.  
 Natchez, King's Tavern, 611 Jefferson Street.  
 Natchez, Monmouth, East Franklin Street and Melrose Avenue.  
 Natchez, Natchez Bluffs and Under-the-Hill Historic District.  
 Natchez vicinity, Fatherland Plantation Site, 3 miles southeast of Natchez.  
 Natchez vicinity, Longwood, 1.5 miles southeast of Natchez.  
 Natchez vicinity, Mistletoe, northeast of Natchez on Mississippi 654 (10-10-73).  
 Washington, Jefferson College, North Street.

## Alcorn County

Oprinth, Fort Robinette, Robinette Street.  
 Rensselaer, Jacinto Courthouse, Route 1.

## Benton County

Michigan City, Davis Mills Battle Site, off Mississippi 7 (10-2-73).

## Carroll County

Avalon vicinity, Teoc Creek Site.  
 Carrollton, George, James Z., Law Office, Washington Street, between Lexington and Green Streets.  
 Carrollton, Merrill's Store, corner of Jackson and Lexington Streets.  
 Carrollton vicinity, Malmison Site, northeast of Carrollton.

## Clatsop County

Port Gibson, Van Dorn House, Van Dorn Drive.  
 Port Gibson vicinity, Grand Gulf Military State Park, approximately 6 miles west of Port Gibson.  
 Port Gibson vicinity, Port Gibson Battlefield, 4 miles west of Port Gibson.  
 Port Gibson vicinity, Windsor Ruins, 12 miles southwest of Port Gibson on Mississippi 552.  
 Russum vicinity, Centers Creek Mound, north of Russum (8-14-73).

## Clay County

West Point vicinity, Waverley, 10 miles east of West Point (9-20-73).

## Coahoma County

Yazoo Pass Levee, at Mississippi 1 near Moon Lake.  
 Friars Point vicinity, Perchman Place Site, 5 miles east of Friars Point.

## Copiah County

Wesson, Wesson Hotel, Railroad Avenue and Spring Street.

## Forrest County

Hattiesburg, U.S. District Courthouse, corner of Pine and Forrest Streets (9-18-73).

## Grenada County

Grenada vicinity, Confederate Earthworks, east of Grenada off Mississippi 8 near Grenada Reservoir.

## Hancock County

Pearlington vicinity, Jackson Landing Site, 3 miles southeast of Pearlington (7-27-73).

## Harrison County

Biloxi, Beauvoir, 200 West Beach Boulevard.  
 Biloxi, Biloxi Garden Center (Old Brick House), 410 East Bayview Avenue.  
 Biloxi, Biloxi Lighthouse, on U.S. 90 at Porter Avenue (10-3-73).  
 Biloxi, Gillis House, 806 West Beach Boulevard.  
 Biloxi, Magnolia Hotel, 137 Magnolia Street.  
 Biloxi, Margaret Emilie (schooner), 1036 Fred Halse Boulevard.  
 Gulfport vicinity, Fort Massachusetts, south of Gulfport on Ship Island.

## Hinds County

Bolton vicinity, Champion Hill Battlefield, approximately 4 miles southwest of Bolton.  
 Bovina vicinity, Floyd Mound.  
 Edwards vicinity, Dupree Mound and Village Archeological Site.  
 Jackson, Capitol Green, 100 North State Street.  
 Jackson, City Hall, 203 South President Street.  
 Jackson, Governor's Mansion, 316 East Capitol Street.  
 Jackson, Manship House, 412 East Fortification Street.  
 Jackson, Millsaps-Buie House, 628 North State Street.  
 Jackson, New Capitol, Mississippi Street between North President and North West Streets.

Jackson, The Oaks (Boyd House), 823 North Jefferson Street.  
 Jackson, Old Capitol, 100 North State Street.  
 Focahontas, Pocahontas Mound A.  
 Focahontas, Pocahontas Mound B.  
 Raymond vicinity, Peyton House, north of Raymond on Clinton Road (10-3-73).  
 Raymond vicinity, Raymond Battlefield, 2.5 miles southwest of Raymond on Mississippi 18.  
 Smith's Station vicinity (also in Warren County), Big Black River Battlefield, on both banks of the Big Black River between Smith's Station and Bovina.  
 Terry vicinity, Berry Mound and Village Archeological Site.

## Holmes County

Richland, Eureka Masonic College, on Mississippi 17.

## Humphreys County

Belzoni vicinity, Jaketown Site, 5 miles north of Belzoni.

## Jackson County

Pascagoula, U.S.S. Cairo, Ingalls Shipyard.

## Jefferson County

Fayette vicinity, Springfield Plantation, 8 miles west of Fayette via Mississippi 553.  
 Rodney, Rodney Presbyterian Church.  
 Rodney, Sacred Heart Roman Catholic Church.  
 Rodney vicinity, Laurel Hill Plantation House, 2 miles southeast of Rodney.

## Lafayette County

Oxford, Faulkner, William, House (Rocan Oak), Old Taylor Road.

## Lauderdale County

Meridian, Grand Opera House, 2208 Fifth Street.  
 Meridian, Merrehope, 905 31st Avenue.

## Lawrence County

Monticello, Longino House, Caswell Street.

## Lee County

Baldwyn vicinity, Brices Cross Roads, National Battlefield Site, 6 miles west of Baldwyn on Mississippi 370.  
 Tupelo, Tupelo National Battlefield on Mississippi 6 about a mile west of its intersection with U.S. 45.

## Leflore County

Greenwood vicinity, Fort Pemberton Site, 2 miles southwest of Greenwood off U.S. 49E.

## Lowndes County

Columbus, Lee House (Bleckett-Harrison-Lee House), 314 North Seventh Street.

## Madison County

Mannsdale, Chapel of the Cross, on Mississippi 463, 6 miles northwest of its junction with Interstate 55.

## Marion County

Sandy Hook vicinity, Ford House, south of Sandy Hook on Old Columbia-Covington Road.

## Marshall County

Abbeville vicinity, Civil War Earthworks at Tallahatchie Crossing, off Mississippi 7 (8-14-73).

Holly Springs, Confederate Armory Site.

## Monroe County

Amory vicinity, Cotton Gin Port Site, 3 miles west of Amory.  
 Amory vicinity, Inzer Site, 3 miles west of Amory off U.S. 278.

## Neshoba County

Vernon vicinity, Nanah Waiya Cave Mound, 4 miles south of Vernon.

## Norube County

Macon vicinity, Dancing Rabbit Creek Treaty Site, 13 miles southwest of Macon.

## Pontotoc County

Pontotoc vicinity, Treaty of Pontotoc Site, 7 miles southeast of Pontotoc (7-27-73).

## Tishomingo County

Iuka, Old Tishomingo County Courthouse, northeast corner of Quitman and Liberty Streets.

## Tunica County

Robinsville vicinity, Hollywood Site, about 5 miles southwest of Robinsville.

## Warren County

Bovina vicinity (also in Hinds County), Big Black River Battlefield.  
 Redwood, Snyder's Bluff (Fort Saint Peter-Fort Snyder), on Mississippi 13.  
 Vicksburg, Balfour House, 1002 Crawford Street.  
 Vicksburg, Old Courthouse, Warren County, Court Square.  
 Vicksburg, Pemberton House (Willis-Cowan Home), 1020 Crawford Street.  
 Vicksburg, Planters Hall, 822 Main Street.  
 Vicksburg and vicinity, Vicksburg National Military Park.  
 Vicksburg, Vicksburg Siege Cave, near Vicksburg City Cemetery.  
 Vicksburg vicinity, Chickasaw Bayou Battlefield, north of Vicksburg on U.S. 61.

## Washington County

Footo vicinity, Mount Holly, northwest of Footo off Mississippi 1 (8-14-73).  
 Greenville vicinity, Winterville Site, north of Greenville (8-17-73).  
 Wayside, Belmont, intersection of Routes 1 and 438.

## Winston County

Fearns Springs, Nanah Waiya Mound and Village, southwest of Fearns Springs.

## Yazoo County

Holly Bluff, Holly Bluff Site.  
 Vaughan vicinity, Casey Jones Wreck Site, 1 mile north of Vaughan.

## Missouri

## Adair County

Kirkville, Harris, Captain Thomas C. House, 1308 North Franklin Street (10-15-73).  
 Kirkville vicinity, Thousand Hills State Park Petroglyphs Archeological Site, 2.5 miles west of Kirkville.

## Atchison County

Tarkio, Mule Barn Theatre (David Rankin Mule Barn), 10th and Park Streets.  
 Watson vicinity, The Gibbs Site, 4 miles northeast of Watson.

## Barry County

Cassville vicinity, Natural Bridge Archeological Site, 8 miles north of Cassville.  
 Monett vicinity, Courdin, David W., House, 2.4 miles southeast of Monett on blacktop road.

## Barton County

Lamar, Truman, Harry S., Birthplace Memorial, north corner, 11th Street and Truman Avenue.

## Benton County

Fristoe vicinity, Rodgers Shelter Archeological Site, 5 miles west of Fristoe.



## Boone County

Columbia, Conley, Sanford F., House, 602 Sanford Place (12-18-73).  
Columbia, Francis Quadrangle Historic District (Red Campus), bounded by Conley, Sixth, Ninth, and Elm Streets (12-18-73).  
Columbia, Gordon Tract Archeological Site (Hinkson Creek Site).  
Columbia, \*Sanborn Field and Soil Erosion Plots, University of Missouri Campus.

## Buchanan County

St. Joseph, Buchanan County Courthouse and Jail, Courthouse Square.  
St. Joseph, King's Hill Archeological Site, 5600 South First Street.  
St. Joseph, Market Square Historic District.  
St. Joseph, \*Patee, John, House, 12th and Penn Streets.  
St. Joseph, Pony Express Stables, 914 Penn Street.  
St. Joseph, Robidour Row, 219-225 East Poulton Street.

## Butler County

Naylor vicinity, Koehler Fortified Archeological Site, 1 mile northeast of Naylor.  
Neelyville vicinity, Wilborn-Steinberg Site, 2 miles west of Neelyville.

## Caldwell County

Kingston, Caldwell County Courthouse, Main Street.  
Kingston vicinity, Far West, 5.5 miles west of Kingston via County Routes D and H.

## Callaway County

Fulton, \*Westminster College Gymnasium, Westminster College campus.  
Fulton, Winston Churchill Memorial, Seventh Street and Westminster Avenue.  
Mokane vicinity, Mealy Mounds Archeological Site, 2 miles northeast of Mokane.  
Portland vicinity, \*Research Cave.  
Tebbetts vicinity, Cote Sans Dessein Archeological Site, 3 miles southwest of Tebbetts.

## Cape Girardeau County

Burfordville, Burfordville Mill, Missouri 34.  
Burfordville vicinity, Burfordville Covered Bridge, eastern edge of Burfordville on County Route HH.  
Oriole vicinity, Trail of Tears State Park Archeological Site, north of Oriole on the Mississippi River.

## Carroll County

Miami Station vicinity, Wright II Archeological Site, 1 mile south of Miami Station.

## Cass County

Harrisonville vicinity, Brown, Robert A., House, 0.7 mile north of Harrisonville on U.S. 71 Bypass, 0.5 mile west and north-west on gravel road.

## Chariton County

Keytesville, Chariton County Courthouse, State Street.  
Keytesville, Hill Homestead, 100 West North Street.

## Clark County

Canton vicinity, Boulware Mound Group Archeological Site, 10 miles north of Canton and adjacent to west side of U.S. 61.

## Clay County

Excelsior vicinity, \*Watkins Mill, 6 miles northwest of Excelsior.  
Kearney vicinity, James Brothers' House, 2.25 miles northeast of Kearney on State Route 92.  
Liberty vicinity, Nebo Hill Archeological Site, 3 miles southeast of Liberty.

## Cole County

Jefferson City, Cole County Courthouse and Jail-Sheriff's House, east corner of Monroe and East High Streets.  
Jefferson City, Cole County Historical Society Building, 109 Madison Street.  
Jefferson City, Governor's Mansion, 100 Madison Street.  
Jefferson City, Lohman's Landing Building, west corner, intersection of Jefferson and Water Streets.  
Jefferson City, Missouri State Capitol Building and Grounds, High Street between Broadway and Jefferson Streets.  
Osage City vicinity, Gay Archeological Site, 0.5 mile northeast of Osage City.

## Cooper County

Blackwater vicinity, The Imhoff Archeological Site, 4 miles southeast of Blackwater.  
Boonville, Harley Park Archeological Site.  
Boonville, Lyric Theater, northeast corner Main (Fifth) and Vine Streets.  
Lamine vicinity, Mellor Village and Mounds Archeological Site, 2 miles north of Lamine.  
Wooldridge vicinity, Wooldridge Archeological Site, 0.5 mile northwest of Wooldridge.

## Crawford County

Leasburg vicinity, Scotia Iron Furnace Stack, 6.3 miles southeast of Leasburg on County Route H.

## Dent County

Salem, Dent County Courthouse, Main and Fourth Streets.

## Franklin County

Moselle vicinity, Moselle Iron Furnace Stack, 1 mile southeast of Moselle.  
St. Albans vicinity, Tavern Cave, 2 miles northeast of St. Albans off the Chicago Rock Island & Pacific Railroad.

## Gasconade County

Bem vicinity, Peenie Archeological Petroglyph Site, 3 miles east of Bem.  
Hermann, Hermann Historic District, bounded by West 12th, Geothel, Jefferson Streets, and Iron Road.

## Green County

Ash Grove vicinity, Boone, Nathan, House, 1.75 miles north of Ash Grove on Missouri V.  
Springfield vicinity, Wilson's Creek National Battlefield, 10 miles southwest of Springfield on County Route 22.

## Howard County

Boonsboro vicinity, Boonslick State Park.  
Fayette vicinity, Morrison, Alfred W., House, Lilac Hill, 1 mile southwest of Fayette on Missouri 5.  
Glasgow, Glasgow Public Library, northwest corner, Market and Fourth Streets.  
New Franklin, "Rivercane," R.F.D. 1.

## Iron County

Ironton, St. Paul's Episcopal Church, northwest corner, Knob and Reynolds Streets.  
Pilot Knob vicinity, Fort Davidson, on County Route 21 south of intersection with County Route V.

## Jackson County

Independence, Jackson County Courthouse, bounded by Lexington and Maple Avenues and Liberty and Main Streets.  
Independence, Jackson County Jail and Marshal's House, 217 North Main Street.  
Independence, Temple Site, corner of Lexington Avenue and River Boulevard.  
Independence, \*Truman, Harry S., Historic District, North Delaware Street area.

Independence, Vaile, Harvey M., Mansion, 1500 North Liberty and 1518 North Osage Streets.

Kansas City, Coates House Hotel, 1005 Broadway.

Kansas City, Curtiss, Louis, Studio Building, 1116-1118-1120 McGee Street.

Kansas City, Harris, Colonel John, House, 4000 Baltimore Avenue.

Kansas City, Katz Building (Boley Building), 130 Walnut Street.

Kansas City, Kelly's Westport Inn, Westport Road and Pennsylvania Avenue.

Kansas City, Majors, Alexander, House, 8145 State Line Road.

Kansas City, New York Life Building, 20 West Ninth Street.

Kansas City, Old New England Building, 112 West Ninth Street (10-25-73).

Kansas City, Scarritt Building and Arcade, corner of Ninth and Grand Streets, and 319 Walnut Street.

Kansas City, Union Station, Pershing Road and Main Street.

Kansas City, Wornall House, 146 West 81st Terrace.

Sibley, \*Fort Osage, north edge of Sibley on the Missouri River.

Sibley, Fort Osage Archeological District, Fort Osage Park.

## Jasper County

Carthage, Jasper County Courthouse, Courthouse Square.

Joplin, Connor Hotel, 324 Main Street.

Joplin, Joplin Union Depot, Main Street and Broadway.

## Jefferson County

Hillsboro vicinity, Sandy Creek Covered Bridge, 5 miles north of Hillsboro on U.S. 21, east on Goldman Road, and southwest on Lemay Ferry Road.

## Johnson County

Warrensburg, Johnson County Courthouse (Old Johnson County Courthouse), Old Public Square.

## Lafayette County

Lexington, Anderson House and Lexington Battlefield, bounded on the west by 10th Street, on the northwest by the Missouri Pacific Railroad, on the south by Utah and Wood Streets, and on the east by the continuation of 15th Street.

Lexington, Lafayette County Courthouse, Public Square.

Lexington vicinity, Linwood Lawn, southeast of Lexington off U.S. 24.

## Lawrence County

Mount Vernon vicinity, Old Spanish Fort Archeological Site, 3 miles south of Mount Vernon.

## Lincoln County

Moscow Mills, Old Rock House, Second and Mill Streets.

## Linn County

Laclede, Pershing, General John J., Boyhood Home, State and Worlow Streets.

Laclede vicinity, Locust Creek Covered Bridge, 3 miles west of Laclede on U.S. 36, then north 1 mile and east 0.63 mile on a gravel road.

## Marion County

Hannibal, Osterhout Mound Park (23 MA8), Wauneta Place.

Hannibal, \*Twain, Mark, Boyhood Home, 206-208 Hill Street.

Hannibal vicinity, Sharkey Mound Group, northwest of Hannibal (12-18-73).

Palmyra, Gardner House, 421 South Main Street.

## Mississippi County

Charleston, Missouri Pacific Depot, east of the intersecting branches of the Missouri Pacific Railroad.

Charleston vicinity, Hearn's Site, 3 miles east of Charleston (11-26-73).

Charleston vicinity, Swanik, Jacob, House, west of Charleston off U.S. 60.

Crosno vicinity, Crosno Fortified Village Archeological Site, 1 mile south of Crosno.

East Prairie vicinity, Hoecake Village Archeological Site, 7 miles southeast of East Prairie.

Wolf Island vicinity, Beckwith's Fort Archeological Site.

Wyatt vicinity, O'Bryan Ridge Archeological District, 2 miles south of Wyatt.

## Moniteau County

California, Moniteau County Courthouse Square, Public Square.

Jamestown vicinity, Geiger Archeological Site, 3 miles east of Jamestown.

## Monroe County

Florida vicinity, Crigler Mound Group Archeological Site, 1 mile north of Florida.

Florida vicinity, Twain, Mark, Birthplace Cabin, Mark Twain State Park, 0.25 mile south of Florida on Missouri 107.

Paris vicinity, Union Covered Bridge, about 6 miles southwest of Paris on the Elk Fork of the Salt River.

## Montgomery County

Big Spring vicinity, Pinnacle Lake Rock-shelter, 3 miles northeast of Big Spring.

Mineola vicinity, \*Graham Cave, 0.5 mile north of Mineola.

## New Madrid County

Cañon vicinity, Hurricane Ridge Site, 3 miles northeast of Cañon.

Lilbourn, Lilbourn Fortified Village Archeological Site, within city limits of Lilbourn.

Sikeston vicinity, Sikeston Fortified Village Archeological Site, 2 miles southeast of Sikeston.

## Newton County

Diamond vicinity, George Washington Carver National Monument, 3 miles south of Diamond.

## Oregon County

Riverton vicinity, Pigman Mound Archeological Site, 3 miles southeast of Riverton.

## Osage County

Westphalia, St. Joseph Church, 4 blocks east of U.S. 63 on Main Street.

## Pemiscot County

Caruthersville vicinity, Murphy Mound Archeological Site, both sides of County Route D, 1.5 miles south of intersection of County Routes D and U.

Denton vicinity, Denton Mound and Village Archeological Site, 1 mile northeast of Denton.

Wardell vicinity, Wallace, J. M., Archeological Site (Wardell Mounds), 1 mile southwest of Wardell.

## Perry County

Wittenburg vicinity, Tower Rock, 1 mile south of Wittenburg, east 1 mile from County Route A.

## Phelps County

Newburg vicinity, Gourd Creek Cave Archeological Site, 8 miles south of Newburg.

Newburg vicinity, Ozark Iron Furnace Stack, 2 miles west of Newburg.

St. James vicinity, Maramec Ironworks District, 7 miles south of St. James on Missouri 8.

## Pike County

Boila vicinity, St. John's Episcopal Church, 0.25 mile north of Boila on County Route D, 0.25 mile east on County Route H.

## Platte County

Kansas City, Deister Archeological Site, within Kansas City limits, Line Creek Park.

Riverside vicinity, Renner Village Archeological Site, 0.25 mile southwest of Riverside.

Walden vicinity, Babcock Site, 3 miles north of Walden (11-15-73).

Weston, Weston Historic District.

Weston vicinity, Sugar Creek Site, northwest of Weston 12-12-73).

## Pulaski County

Buckhorn vicinity, Decker Cave Archeological Site, 4 miles southwest of Buckhorn.

## Ralls County

New London, Ralls County Courthouse and Jail/Sheriff's House, Courthouse Square.

## Randolph County

Cairo vicinity, Mitchell Petroglyph Archeological Site, 6 miles east of Cairo.

## St. Charles County

Defiance, Boone, Daniel, House (Nathan Boone House), Highway F.

Defiance vicinity, Hays, Daniel Boone, House (Hays Farm), of Defiance off Highway F.

St. Charles, First Missouri State Capitol Buildings, 208-16 South Main Street.

St. Charles, Newbill-McElhiney House, 625 South Main Street.

St. Charles, St. Charles Historic District.

St. Charles, Stone Row, 314-330 South Main Street.

## St. Genevieve County

St. Genevieve, \*Bouldin, Louis, House, 123 South Main Street.

St. Genevieve, Guibourd, Jacques Dubreuil, House, northwest corner, Fourth and Merchant Streets.

St. Genevieve, \*St. Genevieve Historic District.

St. Genevieve vicinity, Common Field Archeological Site, 3 miles south of St. Genevieve.

St. Genevieve vicinity, The Krellich Archeological Site, 3 miles south of St. Genevieve.

## St. Louis (independent city)

\*Anheuser-Busch Brewery, 721 Pestalozzi Street.

Bissell Street Water Tower, intersection of Bissell Street and Blair Avenue.

Compton Hill Water Tower, in Reservoir Park, at Grand and Russell Boulevards and Lafayette Avenue.

\*Eads Bridge, spanning the Mississippi River at Washington Street (also in St. Clair County, Ill.).

\*Goldenrod Showboat, 400 North Wharf Street.

Grand Avenue Water Tower, intersection of East Grand Avenue and 20th Street.

Jefferson National Expansion Memorial National Historic Site, on the Mississippi River between Washington and Poplar Streets.

Lafayette Square Historic District.

\*Old Post Office (U.S. Custom House and Post Office), Eighth and Olive Streets.

St. John Nepomuk Parish Historic District.

\*St. Louis Union Station, 18th and Market Streets.

Shaw's Garden (Missouri Botanical Garden), bounded by Tower Grove Avenue and Magnolia, Alfred, and Shaw Streets.

Soulard Neighborhood Historic District.

Tower Grove Park, bounded by Magnolia and Arsenal Streets on the north and south and Grand and Kingshighway Boulevards on the east and west.

\*Wainwright Building, 709 Chestnut Street.

Wainwright Tomb, Bellefontaine Cemetery, 4947 West Florissant Avenue.

## St. Louis County

Afton, Benoist, Louis Auguste, House, 7802 Genesta Street.

Chesterfield, Old Stone Church, Conway Road at White Road.

Clayton, Hanley, Martin Franklin, House, 7800 Westmoreland Avenue.

Crescent vicinity, Crescent Quarry Archeological Site, 1 mile east of Crescent.

Florissant, St. Stanislaus Seminary, 700 Howdershell Road.

Hazelwood, Utz-Tesson House, 815 Utz Lane.

St. Louis vicinity, Jefferson Barracks Historic District, 10 miles south of St. Louis on the Mississippi River.

Webster Groves, Hawken House, northeast corner of Southwest Park, Rock Hill Road.

## Saline County

Arrow Rock, \*Arrow Rock, Arrow Rock State Park.

Arrow Rock, Arrow Rock Tavern, Main Street.

Arrow Rock, \*Bingham George Caleb, House, Arrow Rock State Park.

Arrow Rock vicinity, Sappington, William B., House, 3 miles southwest of Arrow Rock on County Route TT.

Malta Bend vicinity, Gumbo Point Archeological Site, 3 miles northwest of Malta Bend.

Marshall vicinity, \*Utz Site, 12 miles north of Marshall, adjoining Van Meter State Park.

Malta Bend vicinity, Plattner Archeological Site, 1 mile north of Malta Bend.

Miami vicinity, The Fisher-Gabbert Archeological Site, 2 miles east of Miami.

Miami vicinity, Guthrey Archeological Site, 1.75 miles east-northeast of Miami.

Miami vicinity, The Old Fort, Van Meter State Park.

## Scott County

Diehlstadt vicinity, Brown, E. L., Village and Mound Archeological Site, 2 miles north-east of Diehlstadt.

Diehlstadt vicinity, Sandy Woods Settlement Archeological Site, 1.75 miles northwest of Diehlstadt.

## Shelby County

Bethel, Bethel Historic District, bounded on the north by a line parallel to and 322 feet north of Fourth Street; bounded on the east and west by lines parallel to and approximately equidistant (513 feet) from Main Street running south 1,930 feet to the southern boundary; bounded on the south by a line parallel to and 312 feet south of First Street.

Bethel vicinity, Elim (Dr. William Keil House), 1.5 miles east of Bethel.

Shelbina, Benjamin House, 322 South Shelby Street.

## Stoddard County

Berile vicinity, Rich Woods Archeological Site, 2 miles north of Berile.

## Texas County

Buckyrus vicinity, White Rock Bluffs Archeological Pictograph Site, 2 miles south of Buckyrus.

## Vernon County

Arthur vicinity, Coal Pit Archeological Site, 1 mile northwest of Arthur.

Fair Haven vicinity, Brown Archeological Site, 2 miles west of Fair Haven.

Nevada vicinity, \*Carrington Osage Village Site, north of Nevada, on west edge of Green Valley Prairie.



**Warren County**  
Marthasville vicinity, *Borgmann Mill*, 5 miles east of Marthasville on County Route D.  
Marthasville vicinity, *Callaway, Flanders, House*, 1 mile south of Marthasville on Missouri 94.  
Warrenton, *Warren County Courthouse and Circuit Court Building*, Main Street.

**Washington County**  
Caledonia vicinity, *Land Archeological Site*, 3 miles northeast of Caledonia.  
Caledonia vicinity, *Lost Creek Pictograph Archeological Site*, 2 miles northeast of Caledonia.  
Fertile vicinity, *Cresswell Petroglyph Archeological Site*, 2 miles east of Fertile.  
Fertile vicinity, *Washington State Park Petroglyph Archeological Site*, 1 mile northeast of Fertile.

**Wright County**  
Mansfield vicinity, *Wilder, Laura Ingalls, House*, 1 mile east of Mansfield on U.S. Business 60.

**Montana**

**Beaverhead County**  
Armstead vicinity, *Lemhi Pass* (see Lemhi County, Idaho).  
Dillon vicinity, *Bannack Historic District*, 22 miles from Dillon on secondary road off Montana 278.  
Wisdom vicinity, *Big Hole National Battlefield*, 12 miles west of Wisdom.

**Big Horn County**  
Hardin vicinity, *Custer Battlefield National Monument*, 15 miles south of Hardin.  
Kirby vicinity, *Battle of the Rosebud Site*, 6 miles south of Kirby.  
Pryor vicinity, *Chief Plenty Coups Memorial*, 1 mile west of Pryor on Montana 416.

**Blaine County**  
Chinook vicinity, *Chief Joseph Battleground of the Bear's Paw* (Bearpaw Mountain Fight), about 15 miles south of Chinook.

**Cascade County**  
Great Falls, *Russell, Charles M., House and Studio*, 1217-19 Fourth Avenue North.  
Great Falls vicinity, *Great Falls Portage*, southeast of Great Falls at junction of Montana 87, 89, and 91.

**Chouteau County**  
Fort Benton, *Fort Benton*.  
Fort Benton, *Fort Benton Historic District*.

**Dawson County**  
Glendive vicinity, *Hagen Site*, 5 miles southeast of Glendive on secondary road.

**Deer Lodge County**  
Anaconda, *Daly, Marcus, Hotel*, corner of Park Avenue and South Main.  
Anaconda, *Hearst Free Library*, Main and Fourth Street.

**Gallatin County**  
Logan vicinity, *Madison Buffalo Jump State Monument*.  
Three Forks vicinity, *Three Forks of the Missouri*, northeast of Three Forks on the Missouri River, Missouri Headwaters State Monument.

**Glacier County**  
Browning vicinity, *Camp Disappointment*, 12 miles northeast of Browning on the Blackfoot Reservation.

**Lake County**  
St. Ignatius, *St. Ignatius Mission*, off U.S. 93.

**Lewis and Clark County**  
Helena, *Former Executive Mansion*, Sixth Avenue and Ewing Street.  
Helena, *Helena Historic District*.  
Helena, *Kluge House*, 540 West Main Street.

**Madison County**  
Dillon vicinity, *Beaverhead Rock*.  
Virginia City, *Virginia City Historic District*, Wallace Street.

**Meagher County**  
White Sulphur Springs vicinity, *Fort Logan*, 17 miles northwest of White Sulphur Springs.

**Missoula County**  
Lolo vicinity, *Traveler's Rest*, 1 mile south of Lolo near U.S. 93.  
Lolo vicinity, *Lolo Trail* (see Clearwater County, Idaho).

**Pondera County**  
Browning vicinity, *Two Medicine Fight Site*, about 25 miles southeast of Browning.

**Powell County**  
Deer Lodge, *Grant-Kohrs Ranch National Historic Site*, edge of Deer Lodge.

**Ravalli County**  
Hamilton vicinity, *Canyon Creek Laboratory of the U.S. Public Health Service*, 0.75 mile west of the Hamilton city limits.  
Stevensville, *St. Mary's Mission Church and Pharmacy*, North Avenue.  
Stevensville vicinity, *Fort Owen*, about 0.5 mile northwest of Stevensville.

**Roosevelt County**  
Fort Union Trading Post National Historic Site (see Williams County, N. Dak.).  
Poplar, *Fort Peck Agency*.

**Silver Bow County**  
Butte, *Butte Historic District*.  
Butte, *Clark, W. A., Mansion*, 219 West Granite.

**Wibaux County**  
Wibaux, *Wibaux, Pierre, House*, Orgain Avenue.

**Yellowstone County**  
Billings, *Billings Chamber of Commerce Building*, 303 North 27th Street.  
Billings, *Parly Billings Memorial Library*, 2822 Montana Avenue.  
Billings vicinity, *Pictograph Cave*, 7 miles southeast of Billings via U.S. 87 and secondary road, Indian Caves Park.  
Pompey's Pillar vicinity, *Pompey's Pillar*, west of Pompey's Pillar on U.S. 10.

**Nebraska**

**Antelope County**  
Neligh, *Neligh Mill*, 111 West Second Street.

**Buffalo County**  
Kearney, *Frank, George W., House*, West 25th Street.

**Burt County**  
Oakland vicinity, *Logan Creek Site*, 3 miles south of Oakland.

**Butler County**  
Able vicinity, *Barcal or Skull Creek Site*, 3 miles north of Able.  
Linwood vicinity, *Linwood Site*, 1 mile southwest of Linwood on Nebraska 115.

**Cass County**  
Murray vicinity, *Gilmore (Walker), Site* (Stearns Creek Site), 5 miles southeast of Murray.  
Nehawka vicinity, *Nehawka Flint Quarries*, 2 miles north of Nehawka.

**Chase County**  
Wauneta vicinity, *Lovett Site*, 12 miles north of Wauneta on U.S. 6.

**Cheyenne County**  
Potter vicinity, *West Stevens Site*, east of Potter (8-28-73).  
Sidney, *Fort Sidney Historic District*.

**Colfax County**  
Schuyler vicinity, *Schuyler Site* (8-14-73).

**Cuming County**  
Bancroft, *Neihardt, John G., Study*, northwest corner, Washington and Grove Streets.

**Dakota County**  
Dakota City, *Emmanuel Lutheran Church*, 1500 Hickory Street.  
Homer vicinity, *Homer Site*, northeast of Homer (8-14-73).

**Dawes County**  
Chadron vicinity, *Bordeaux, James, Trading Post*, 3 miles east of Chadron on U.S. 20.  
Crawford vicinity, *Fort Robinson and Red Cloud Agency*, 2 miles west of Crawford (also in Sioux County).

**Dawson County**  
Gothenburg vicinity, *Midway Stage Station*, 3 miles south of Gothenburg.

**Deuel County**  
Big Springs, *Phelps Hotel*, northeast corner Second and Pine Streets.

**Douglas County**  
Omaha, *Aquila Court Building*, 1615 Howard Street (10-2-73).  
Omaha, *Bank of Florence*, 8502 North 30th Street.  
Omaha, *Barton, Guy C., House*, 3522 Farnam Street (8-14-73).  
Omaha, *Crook, General George, House*, Quarters No. 1, Fort Omaha.  
Omaha, *Joslyn, George A., Mansion*, 3902 Davenport Street.  
Omaha, *Omaha National Bank Building* (New York Life Insurance Building), 17th and Farnam Streets.  
Omaha, *Union Passenger Terminal*, 10th and Marcy Streets.  
Omaha vicinity, *Cabanne Archeological Site*, approximately 2 miles north of Omaha.

**Gage County**  
Beatrice, *Paddock, Algernon S., House*, 1401 North 10th Street.  
Beatrice vicinity, *Homestead National Monument*, 4 miles northwest of Beatrice on Nebraska 4.  
Blue Springs vicinity, *Blue Springs Site* (8-14-73).

**Garden County**  
Lewellen vicinity, *Ash Hollow Cave*, 2 miles southeast of Lewellen.

**Hall County**  
Grand Island, *Stolley State Park Historic District*, Stolley State Park.  
Grand Island vicinity, *Grand Island FCC Monitoring Station*, 5 miles west of Grand Island near State Spur 430.

**Howard County**  
Cotesfield vicinity, *Coufal Site*, 6 miles northwest of Cotesfield on Davis Creek.  
Palmer vicinity, *Palmer Site*, 4 miles north and 1 mile west of Palmer on Loup River.

**Jefferson County**  
Fairbury, *Jefferson County Courthouse*, block bounded by Fourth and Fifth Streets and D and E Streets.  
Steele City, *Steele City Historic District*.

**Kearney County**  
Newark vicinity, *Fort Kearney*, 2 miles west of Newark on Nebraska 10.

**Keith County**  
Brule vicinity, *Diamond Spring Stage Station*, 1 mile west of Brule exit on Interstate 80.  
Ogallala, *Brandhoefer, Leonidas A., Mansion*, 10th and Spruce Street (10-3-73).

**Knox County**  
Santee, *Episcopal Church* (Church of Our Most Merciful Savior), on the Missouri River in the Santee Indian Reservation.  
Santee vicinity, *Congregational Church and Manse*, on the Missouri River in the Santee Indian Reservation.  
Verdel vicinity, *Ponca Fort Site*, about 1 mile east of Verdel.

**Lincoln County**  
Lincoln, *Bryan, William Jennings, House*, *Fairview*, 4900 Summer Street.  
Lincoln, *City Hall*, 920 O Street.  
Lincoln, *Ferguson, William H., House*, 700 South 16th Street.  
Lincoln, *Kennard, Thomas P., House* (Nebraska Statehood Memorial), 1627 H Street.  
Lincoln, *Lewis-Syford House*, 700 North 16th Street.  
Lincoln, *Nebraska State Capitol*, 1445 K Street.  
Lincoln, *Rock Island Depot*, 1944 O Street.

**Morrill County**  
Bayard vicinity, *Chimney Rock National Historic Site*, 3 miles southwest of Bayard off Nebraska 86.  
Bridgeport vicinity, *Courthouse and Jail House Rocks*, 5 miles south of Bridgeport.  
Dalton vicinity, *Mud Springs Pony Express Station Site* (25MO72), about 8 miles northwest of Dalton.

**Nance County**  
Genoa vicinity, *Genoa Site*, 1 mile south of Genoa on Nebraska 39.  
Genoa vicinity, *Wright Site* (8-14-73).

**Nemaha County**  
Brownville, *Brownville Historic District*, bounded on the south by Allen and Richard Streets, on the north by Nemaha and Nebraska Streets, on the west by Seventh Street, on the east by the Missouri River, and on the northwest and southwest by Second Street.

**Otoe County**  
Nebraska City, *U.S. Post Office*, 202 South Eighth Street.  
Nebraska City vicinity, *Morton, J. Sterling, House* (Arbor Lodge), Arbor Lodge State Park.  
Nebraska City vicinity, *Ware, Jasper A., House* (Wildwood Farm), south of Nebraska City on Steinhart Park Road (7-16-73).

**Polk County**  
Osceola vicinity, *Clarks Site* (8-14-73).  
Stromsburg vicinity, *Morrill, Charles H., Homestead*, 0.8 mile southeast of Stromsburg on U.S. 81.

**Red Willow County**  
McCook, *Norris, Senator George William, House*, 706 Norris Avenue.

**Richardson County**  
Humboldt, *Holman, John, House*, 947 Nemaha Street.

**Rulo vicinity, Leary Site**, 4 miles southwest of Rulo.

**Sarpy County**  
Bellevue, *Burlington Depot* (Omaha & Southern Railroad Station), Haworth Park.  
Bellevue, *Fontanelle Bank*, 2212 Main Street.  
Bellevue, *Hamilton, William, House*, 2003 Bluff Street.  
Bellevue, *Old Log Cabin*, 1805 Hancock Street.  
Bellevue, *Presbyterian Church*, 2002 Franklin Street.  
La Platte vicinity, *Moses Merrill Mission and Oto Indian Village*, 4 miles west of La Platte.  
Papillion vicinity, *Kurz Omaha Village* (8-14-73).

**Saunders County**  
Cedar Bluffs vicinity, *Pahuk* (8-14-73).  
Inglewood vicinity, *McClellan site* (McClellan Site), 2 miles south of Inglewood on U.S. 77.  
Inglewood vicinity, *Woodcliff Burials*, 2.5 miles south of Inglewood off U.S. 77.  
Leshara vicinity, *Leshara Site*, 0.5 mile northwest of Leshara.  
Yutan vicinity, *Yutan Site*, southeast of Yutan, off U.S. 92.

**Scotts Bluff County**  
Gering vicinity, *Robidoux Pass*, 9 miles west of Gering.  
Gering vicinity, *Scotts Bluff National Monument*, 3 miles west of Gering on Nebraska 92.  
Gering vicinity, *Signal Butte*, 13 miles west of Gering.

**Sioux County**  
Crawford vicinity, *Hudson-Meng Bison Kill Site*, in Nebraska National Forest (8-28-73).  
Fort Robinson and Red Cloud Agency (see Dawes County).

**Thayer County**  
Alexandria, *Dill, Richard E., House*.

**Valley County**  
North Loup vicinity, *Schultz Site*, 3 miles northwest of North Loup.

**Washington County**  
Blair vicinity, *Bertrand* (steamboat), De Soto, National Wildlife Refuge.  
Fort Calhoun vicinity, *Fort Atkinson*, 1 mile east of Fort Calhoun.

**Webster County**  
Guide Rock vicinity, *Pike Pawnee Village Site* (Hill Site), 4 miles southwest of Guide Rock.  
Red Cloud, *Cather House*, southwest corner, Third and Cedar Streets.  
Red Cloud vicinity, *Starke Round Barn*, 4.5 miles east of Red Cloud on U.S. 136.

**Nevada**

**Carson City County**  
Carson City, *Virginia and Truckee RR engines: No. 18, the Dayton; and No. 22, the Inyo*, northeast corner of Colorado and Carsons Streets (12-18-73).

**Churchill County**  
Austin vicinity, *Cold Springs Station*, 51 miles west of Austin on U.S. 50.  
Fallon vicinity, *Grimes Point*, 12 miles southeast of Fallon on U.S. 50.

**Clark County**  
Las Vegas, *Las Vegas Mormon Fort*, 900 Las Vegas Boulevard North.

**Eureka County**  
Eureka, *Eureka Historic District*.

**Lander County**  
Austin, *Austin Historic District*.

**Lincoln County**  
Pioche vicinity, *Bristol Wells*, off U.S. 93, 23 miles north of Pioche.

**Lyon County**  
Weeks vicinity, *Fort Churchill*, U.S. 95A, 9 miles south of U.S. 50.

**Nye County**  
Berlin, *Berlin Historic District*.  
Tonopah vicinity, *Belmont*, 46 miles northeast of Tonopah via U.S. 6, Nevada, 8A and 82.

**Pershing County**  
Lovelock vicinity, *Leonard Rockshelter*, 12 miles south of Lovelock off Nevada 159.

**Storey County**  
Virginia City, *Virginia City Historic District*.

**Washoe County**  
Reno, *The Lake Mansion*, 46 South Virginia Street.  
Reno, *Newlands, Senator Francis G., House*, 7 Elm Court.

**White Pine County**  
Ely vicinity, *Fort Schellbourne*, 43 miles north of Ely via U.S. 93 and east 3 miles on Nevada 2.  
Ely vicinity, *Ward Charcoal Ovens*, off U.S. 6-50-93, then 14 miles south via Cave Valley Road.  
Hobson vicinity, *Fort Ruby*, near Hobson on a secondary road, west side of Ruby Lake.

**New Hampshire**

**Belknap County**  
Laconia, *Belknap-Salloway Mill*, Mill Street.  
Laconia, *Bussel-Seeburg Mill*, Mill Street.

**Carroll County**  
Silver Lake vicinity, *Joy Farm* (E. E. Cummings House), Salter Hill Road, Silver Lake.

**Cheshire County**  
Harrisville, *Harrisville Historic District*.  
Keene, *Cooke, Noah, House*, 136 West Street.  
Keene, *Wyman Tavern*, 339 Main Street.

**Grafton County**  
Bethlehem vicinity, *Felsengarten*, southwest of Bethlehem off Lewis Hill Road.  
Canaan, *Canaan Street Historic District*, Canaan Street.  
Canaan, *Canaan Town Hall*, Canaan Street.  
Littleton, *Littleton Town Building* (Littleton Open House), 1 Union Street.

**Hillsborough County**  
Hillsboro vicinity, *Pierce, Franklin, Homestead*, 3 miles west of Hillsboro on New Hampshire 31.  
Manchester, *Stark, General John, House*, 2000 Elm Street.  
Nashua, *Hunt Memorial Library*, 6 Main Street.  
Peterborough, *MacDowell Colony*, west of U.S. 202.  
Peterborough, *Peterborough Unitarian Church*, Main and Summer Streets.

**Merrimack County**  
Concord, *Old Post Office*, North State Street between Capitol and Park Streets (8-13-73).  
Concord, *Pierce, Franklin, Manse*, 18 Penacook Street.

**Rockingham County**  
Derry Village, *Thornton, Matthew, House*, 2 Thornton Street.



Derry vicinity. \*Frost, Robert, Homestead, 2 miles southeast of Derry on New Hampshire 28.

Exeter, *Congregational Church (First Church)*, 21 Front Street.

Exeter, *Dudley House (Perry-Dudley House)*, 14 Front Street.

Exeter, *Front Street Historic District*.

Hampton Falls, *Weare, Governor Meshech, House, Exeter Road (New Hampshire, 88)*.

Kingston, \*Bartlett, Josiah, House, Main Street.

New Castle, *Fort Constitution (Fort William and Mary Site)*, Walbach Street (off New Hampshire B1).

Portsmouth, *Beek, Samuel, House*, 107 Deer Street.

Portsmouth, *Benedict House (Thomas W. Penhallow House)*, 30 Middle Street.

Portsmouth, *Hart, Jeremiah, House*, 112 Deer Street.

Portsmouth, *Hart, John, House*, 63 Deer Street.

Portsmouth, *Hart, Phoebe, House*, 184 Deering Street.

Portsmouth, *Hart-Rice House*, 77 Deer Street.

Portsmouth, \*Jackson, Richard, House, Northwest Street.

Portsmouth, \*Jones, John Paul, House, Middle and State Streets.

Portsmouth, \*Macphedris-Warner House, Chapel and Daniel Street.

Portsmouth, \*Moffatt-Ladd House, 154 Market Street.

Portsmouth, *Neal, James, House*, 74 Deer Street.

Portsmouth, *Nutter-Rymes House*, 48 School Street.

Portsmouth, *Pinkham, Daniel, House*, 190 Deer Street.

Portsmouth, *Portsmouth Athenaeum*, 9 Market Square.

Portsmouth, *Portsmouth Parade Historic District*.

Portsmouth, *Portsmouth Public Library*, 8 Islington Street.

Portsmouth, *Shapley Town House*, 454-458 Court Street.

Portsmouth, *Sherburne, Henry, House*, 73 Deer Street.

Portsmouth, *Smith, Simeon P., House*, 94 Russell Street.

Portsmouth, *Wentworth, Governor John, House*, 346 Pleasant Street.

Portsmouth, *Wentworth, Joshua, House*, Strawberry Banke.

Portsmouth, \*Wentworth-Gardner House, 140 Mechanic Street.

Portsmouth, *Whidden-Ward, House*, 117 Deer Street.

Portsmouth vicinity, \*Wentworth-Coolidge Mansion, 2 miles south of Portsmouth, off U.S. 1A.

**Strafford County**

Durham, \*Sullivan, General John, House, 23 Newmarket Road.

**Sullivan County**

Claremont, *Claremont City Hall (Claremont Opera House)*, Tremont Square.

Cornish, *Saint Gaudens, Louis, House and Studio*, Dingleton Hill and Whitten Roads.

Langdon vicinity, *Cold River Bridge (McDermott Bridge)*, off McDermott Road north of New Hampshire 123-A.

Langdon vicinity, *Prentiss Bridge (Drewville Bridge)*, off Old Cheshire Turnpike south of New Hampshire 12-A.

Newport, *Sullivan County Courthouse (Grange Hall)*, Court Square.

Plainfield vicinity, *Saint-Gaudens National Historic Site*, south of Plainfield off New Hampshire 12A.

**New Jersey**

**Atlantic County**

Atlantic City, *Absecon Lighthouse*, Vermont and Pacific Avenues.

**Bergen County**

Hoboken, \*The Hermitage, 335 North Franklin Turnpike.

Mahway, *Hopper-Van Horn House*, 398 Ramapo Valley Road.

Oakland, *Van Allen House*, at corner of U.S. 202 and Franklin Avenue (7-24-73).

\*Paisades Interstate Park, west bank of Hudson River (also in Orange and Rockland Counties, N.Y.).

Paramus, *Terhune-Gardner-Lindenmeyer House*, 218 Paramus Road.

Park Ridge, *Wortendyke Barn*, Pascack Road.

River Edge, *Steuben House (Ackerman-Zabriskie-Steuben House)*, New Bridge Road.

Rutherford, *Williams, William Carlos, House*, 9 Ridge Road.

Washington Township (Westwood), *Seven Chimneys (Zabriskie-Vanemburgh House)*, 25 Chimney Ridge Court.

**Burlington County**

Arney's Mount, *Arney's Mount Friends Meeting House and Burial Ground*, intersection of Mount Holly-Jullustown and Pemberton-Arney's Mount Roads.

Batsto, *Batsto Village*, Route 542, 10 miles east of Hammonton.

Bordentown, \*Hopkinson, Francis, House, 101 Farnsworth Avenue.

Burlington, *St. Mary's Episcopal Church*, north side Broad Street between Talbot and Wood Streets.

Medford vicinity, *Kirby's Mill (Haines Mill)*, northeast of Medford at Church Road and Postertown Road.

Mount Holly, *Mount Holly Historic District*, Mount Holly vicinity, *Peachfield*, north of Mount Holly on Burr Road.

**Camden County**

Camden, *Cooper, Joseph, House*, at Pyne Point Park at Seventh Street.

Camden, *Newton Friends Meetinghouse*, 722 Cooper Street.

Camden, *Pomona Hall (Cooper House)*, Park Boulevard and Euclid Avenue.

Camden, *Taylor, Dr. Henry Genet, House and Office*, 305 Cooper Street.

Camden, \*Whitman, Walt, House, 330 Mickie Street.

Cherry Hill, *Coles, Samuel, House*, 1743 Old Cuthbert Road.

Cinnaminson vicinity, *Morgan, Griffith, House*, about 2 miles west of Cinnaminson on the Delaware River at the mouth of Pennsauken Creek.

Haddonfield, *Haddon Fortnightly Club House (Haddon Field Methodist Church)*, 301 East Kings Highway.

Haddonfield, *Indian King Tavern*, 233 Kings Highway East.

Pennsauken, *Burrough-Dover House*, off the Haddonfield Road (10-25-73).

**Cape May County**

Cape May, *Cape May Historic District*.

Cape May vicinity, *Cape May Lighthouse*, on Cape May Point west of Cape May off Sunset Boulevard (11-12-73).

**Cumberland County**

Bridgeton, *Potter's Tavern*, 49-51 Broad Street.

Greenwich, *Greenwich Historic District*, Main Street from the Cohansey River north to Othell.

**Essex County**

Montclair, *Crane, Israel, House*, 110 Orange Road.

Montclair, *Montclair Railroad Station*, Lackawanna Plaza.

Newark, *Ballantine, John, House*, 43 Washington Street (10-2-73).

Newark, *Catedral Evangelica Reformada*, 27 Lincoln Park and Halsey Street.

Newark, *First Baptist Peddie Memorial Church*, Broad and Fulton Streets.

Newark, *First United Methodist Church*, 227 Market Street.

Newark, *Grace Church, Episcopal*, Broad and Walnut Streets.

Newark, *House of Prayer Episcopal Church and Rectory*, Broad Street, north of State Street.

Newark, *Krueger Mansion*, 601 High Street.

Newark, *New Point Baptist Church*, 17 East Kinney Street.

Newark, *Newark Orphan Asylum*, High and Bleeker Streets.

Newark, *North Reformed Church*, 510 Broad Street.

Newark, *Old First Presbyterian Church, The*, 820 Broad Street.

Newark, *Pan American C.M.A. Church*, 76 Prospect Street.

Newark, *Queen of Angels Church*, Belmont Avenue at Morton Street.

Newark, *St. Barnabas' Episcopal Church*, West Market Street, Sussex Avenue, and Roseville Avenue.

Newark, *St. Columbia's Church*, Pennsylvania Avenue and Brunswick Street.

Newark, *St. James' Church*, Lafayette and Jefferson Streets.

Newark, *St. James' A.M.E. Church*, High and Court Streets.

Newark, *St. John's Church*, 22-26 Mulberry Street.

Newark, *St. Mary's Abbey Church*, High and William Streets.

Newark, *St. Patrick's Pro Cathedral*, Washington Street and Central Avenue.

Newark, *St. Stephen's Church*, Ferry Street and Wilson Avenue.

Newark, *South Park Calvary United Presbyterian Church*, 1035 Broad Street.

Newark, *Sydenham House*, Old Road to Bloomfield.

Newark, *Trinity Cathedral, Episcopal*, Broad and Rector Streets.

West Orange, *Edison National Historic Site*, Main Street between Alden and Lakeside Streets.

**Gloucester County**

Barnsboro, *Barnsboro Hotel* north side of intersection of Pitman-Sewell Roads.

Colonial Manor, *Ladd's Castle*, 1337 Lafayette Avenue.

Glassboro, *Whitney Mansion (Holly Bush)*, Whitney Avenue.

National Park, *Whitall, James Jr., House*, 100 Grove Avenue.

National Park vicinity, \*Red Bank Battlefield Park, west end of Hessian Avenue at Delaware River.

Oliphant's Mill, *Moravian Church*, Swedesboro-Sharptown Road.

Sewell, *Chew, Jesse, House*, 611 Mantua Boulevard.

Swedesboro, *Trinity Church (Old Swedes Church)*, northwest corner of Church Street and King's Highway.

Swedesboro vicinity, *Stratton, Governor Charles C., House*, 0.5 mile east of Swedesboro on King's Highway.

Wenonah, *Clark, Benjamin, House*, Glassboro Road (CR 553).

Woodbury, *Hunter-Lawrence House*, 58 North Broad Street.

Woodbury, *Woodbury Friends' Meeting House*, 120 North Broad Street.

**Hudson County**

Hoboken, *Erie-Lackawanna Railroad Terminal* at Hoboken, on the Hudson River at the foot of Hudson Place (7-24-73).

Jersey City, *Hudson County Courthouse*, Newark Avenue.

Jersey City, *Old Bergen Church*, Bergen and Highland Avenues (8-14-73).

Statue of Liberty National Monument (see New York County, N.Y.).

**Hunterdon County**

Annandale, *Bray-Hoffman House*, west side of Bray's Hill Road, 0.6 mile south of U.S. 22.

Lambertville, *Marshall, James W., House*, 60 Bridge Street.

Lambertville vicinity, *Delaware and Raritan Canal*, follows the Delaware River to Trenton and then eastward to New Brunswick (also in Mercer, Middlesex, and Somerset Counties).

**Mercer County**

Delaware and Raritan Canal (see Hunterdon County).

Ewing, *Green, William, House*, off New Jersey 69 on Green Lane (12-4-73).

Hamilton Square vicinity, *Hutchinson House*, 1 mile northeast of Hamilton Square on Hutchinson Mill-Pond Road.

Lawrence, *Anderson-Capner House*, 700 Trumbull Avenue.

Lawrenceville, *Lawrence Township Historic District*, Lawrenceville and vicinity north including both sides of U.S. 206.

Lawrenceville vicinity, *White, John, House*, 1 mile north of Lawrenceville on Cold Soil Road.

Pennington, *Hart, John D., House*, Curlls Avenue.

Pennington, *Welling, John, House*, Curlls Avenue.

Pennington vicinity, *Hart-Hoch House*, southwest of Pennington on New Jersey 546 at the corner of Scotch Road.

Princeton, \*Cleveland, Grover, Home (Westland), 15 Hodge Road.

Princeton, \*Henry, Joseph, House, Princeton University campus.

Princeton, \*Maybury Hill (Joseph Hewes Birthplace and Boyhood Home), Snowden Lane.

Princeton, \*Morven, Stockton Street.

Princeton, \*Nassau Hall, Princeton University, Princeton University campus.

Princeton, \*President's House (Maclean House), Nassau Street.

Princeton, \*Princeton Battlefield, Princeton Battlefield State Park.

Princeton, *Princeton Battlefield Addendum*.

Trenton, *Bow Hill (DeKlyn House)*, Jeremiah Avenue off Laylor Street.

Trenton, *Douglass House*, corner of Front and Montgomery Streets.

Trenton, *The Mansion House (McCall House, Ellarslie)*, Cadwalader Park.

Trenton, *Mercer Street Friends Center (Chesterfield Friends Meetinghouse)*, 151 Mercer Street.

Trenton, \*Old Barracks, South Willow Street.

Trenton, *Old Eagle Tavern*, 431-433 South Broad Street.

Trenton, *The Old Ryan Farm*, 2306 Pennington Road.

Trenton, \*Trent, William, House, 539 South Warren Street.

Washington Crossing vicinity, \*Washington Crossing State Park (see Bucks County, Pa.).

**Middlesex County**

Delaware and Raritan Canal (see Hunterdon County).

Cranbury, *Old Cranbury School*, 23 North Main Street.

New Brunswick, *Queen's Campus, Rutgers University*, bounded by College Avenue, George, Hamilton and Somerset Streets.

Perth Amboy, *Proprietary House (The Westminster)*, 139-151 Kearny Avenue.

Piscataway, *Fitz-Randolph, Ephraim, House*, 430 South Randolphville Road.

Piscataway, *Ivy Hall (Cornelius Lowe House)*, 1225 River Road.

Piscataway, *Metlar House*, 1281 River Road.

Piscataway, *Onderdonk, Isaac, House*, 685 River Road (10-30-73).

Piscataway, *Smock, Matthias, House*, off New Jersey 18 (12-4-73).

**Monmouth County**

Colts Neck vicinity, *North American Phalanx*, northeast of Colts Neck on County Route 537.

Englishtown, *Village Inn*, Water and Main Streets.

Freehold vicinity, \*Monmouth Battlefield, northwest of Freehold on New Jersey 522.

Highlands, *Twin Lights (Navesink Light-house)*, south of New Jersey 36 on a promontory between the Navesink River and Sandy Hook Bay.

Holmdel vicinity, *Old Kentuck*, northwest of Holmdel off New Jersey 34 off Pleasant Valley Road (11-6-73).

Manalapan vicinity, *Anderson House*, east of Manalapan on New Jersey 33.

Matawan, *Burrows, Major John, Mansion*, 94 Main Street.

Middletown, *Christ Church*, Middletown, 92 King's Highway.

New Shrewsbury, *Old Mill at Tinton Falls*, 1205 Sycamore Avenue.

Sandy Hook, *Sandy Hook Light*.

**Morris County**

Boonton, *Boonton Public Library*, 619 Main Street.

Boonton, *Miller-Kingsland House*, 455 Vreeland Avenue (7-24-73).

Dover vicinity, *Friends Meetinghouse*, south of Dover at Quaker Avenue and Quaker Church Road, off New Jersey 10.

Florham Park, *Little Red School House*, Ridgedale Avenue at Columbia Turnpike (7-24-73).

Mendham, *Thompson, David, House*, 56 West Main Street (7-24-73).

Morristown, *Acorn Hall*, 68 Morris Avenue.

Morristown, *Condit's Dr. Lewis, House*, 51 South Street.

Morristown, *Morristown District* (10-30-73).

Morristown, *Morristown National Historical Park*.

Morristown, \*Nast, Thomas, Home (Villa Fontana), MacCulloch Avenue and Miller Road.

Morristown, *Speedwell Village*, 333 Speedwell Avenue.

Morristown vicinity, *Revere, Joseph W., House*, northwest of Morristown on Mendham Avenue (9-20-73).

Parsippany Bowers-Livingston-Osborn House, 25 Parsippany Road.

Pompton Plains, *Berry, Martin, House*, 581 New Jersey 23.

Towaco, *Doremus House*, 490 Main Road.

Washington Valley, *Washington Valley Schoolhouse*, Washington Valley Road and Schoolhouse Lane (10-15-73).

**Ocean County**

Barneget Light, *Barneget Lighthouse*, northern end of Long Beach Island.

Lakehurst vicinity, \*Hangar No. 1, Lakehurst Naval Air Station, north of Lakehurst on County Route 547.

Manahawkin, *Manahawkin Baptist Church*, North Main Street (U.S. 9).

**Pasaden County**

Hewitt vicinity, \*Ringwood Manor, 3 miles east of Hewitt, Ringwood Manor State Park.

Mountain View, *Van Dwyne House*, 636 Fairfield Road.

Paterson, *Great Falls of Paterson and Society for Useful Manufactures Historic District*, bounded on the north by West Broadway and Ryle Avenue; on the south by Grand Street; on the east by Morris, Barbour, Spruce, Market, Mill, Van Houten, Curtis, and River Streets; and on the west by the west bank of the Passaic River, crossing at Wayne and McBride Avenues, then south to Grand Street.

Paterson, *Westside Park (Van Houten House)*, 114-242 Totowa Avenue.

Wayne, *Dey Mansion*, 199 Totowa Road.

Wayne, *Schuyler-Colfax House*, 2343 Paterson Hamburg Turnpike.

Wayne vicinity, *Van Riper-Hopper House (Wayne Museum)*, 533 Berdan Avenue, north of Wayne.

**Salem County**

Hancocks Bridge, *Hancock House*.

**Somerset County**

Delaware and Raritan Canal (see Hunterdon County).

Franklin, *The Meadows*, 1289 Easton Avenue (12-4-73).

KnitsnogSee

Kingston vicinity, *Rockingham*, north of Kingston on Old Rocky Hill Road.

Morristown National Historical Park (see Morristown County).

Raritan, *Frelinghuysen, General John, House*, Somerset Street and Wyckoff Avenue.

Somerville, *Old Dutch Parsonage*, 38 Washington Place.

**Sussex County**

Newton, *Merriam, Henry W., House*, 131 Main Street.

**Union County**

Elizabeth, \*Boxwood Hall (Boudinot Mansion), 1073 East Jersey Street.

Elizabeth, \*Liberty Hall (Governor William Livingston House), Morris and North Avenues.

Plainfield, *Drake, Nathaniel, House*, 602 West Front Street.

Scotch Plains, *DeCamp, John, House*, 2101 Raritan Road (12-4-73).

Scotch Plains, *Old Baptist Parsonage*, 547 Park Avenue.

Union, *First Presbyterian Congregation of Connecticut Farms*, Stuyvesant Avenue at Chestnut.

Westfield, *Miller-Cory House*, 614 Mountain Avenue.

**Warren County**

Hope, *Hope District* (7-23-73).

Phillipsburg, *Roseberry, John, Homestead*, 540 Warren Street.

**New Mexico**

**Bernalillo County**

Albuquerque, *San Felipe de Neri Church*, Old Town Plaza.

**Catron County**

Silver City vicinity, *Gila Cliff Dwellings National Monument*, 47 miles north of Silver City of New Mexico 26 and 527.

**Colfax County**

Abbott vicinity, *Dorsey Mansion*, c. 12 miles northeast of Abbott via U.S. 56 and an unpaved country road.

Cimmaron, *Cimmaron Historic District*.

Folsom vicinity, \*Folsom Site, 8 miles west of Folsom on banks of Dead Horse Gulch.

Raton vicinity, \*Raton Pass, U.S. 85 and 87 (also in Las Animas County, Colo.).

Springer, *Mills House*, 509 First Street.



**Dona Ana County**  
Las Cruces vicinity, *Fort Selden*, 18 miles north of Las Cruces via Interstate 25 at Radium Springs Interchange.  
Las Cruces vicinity, *\*Mesilla Plaza*, 2 miles south of Las Cruces on New Mexico 28.

**Eddy County**  
Carlsbad vicinity, *\*Carlsbad Reclamation Project*, north of Carlsbad.

**Grant County**  
Cliff vicinity, *Woodrow Ruin*, c. 5 miles northeast of Cliff off New Mexico 293.

**Hidalgo County**  
Lordsburg vicinity, *Shakespeare Ghost Town*, southwest of Lordsburg off New Mexico 494 (7-16-73).

**Lincoln County**  
Capitan vicinity, *Fort Stanton*, 7 miles southeast of Capitan on New Mexico 214.  
Lincoln, *\*Lincoln Historic District*, U.S. 380.  
White Oaks, *White Oaks Historic District*.

**Los Alamos County**  
Los Alamos, *\*Los Alamos Scientific Laboratory*, Central Avenue.

**McKinley County**  
Gallup vicinity, *\*Manuelito Complex*, 17 miles southwest of Gallup.  
Thoreau vicinity, *Chaco Canyon National Monument*, 64 miles north of Thoreau on New Mexico 56.

**Mora County**  
Mora, *St. Vrain's Mill*, on New Mexico 38 (8-28-73).  
Mora vicinity, *La Cueva Historic District*, 6 miles southeast of Mora at junction of New Mexico 3 and 21.  
Wagon Mound vicinity, *\*Wagon Mound*, east of Wagon Mound on U.S. 85.  
Watrous, *\*Watrous (La Junta)*, U.S. 85.  
Watrous vicinity, *Fort Union National Monument*, 9 miles north of Watrous on New Mexico 477.

**Quay County**  
Tucumcari, *Baca-Goodman House*, corner of Aber and Third Streets (8-14-73).

**Rio Arriba County**  
Cumbres and Toltec Scenic Railroad (Denver & Rio Grande Western Railroad) (see Archuleta County, Colo.).  
Abiquiú vicinity, *Tsiping*, 7 miles west of Abiquiú.  
Blanco vicinity, *Frances Canyon Ruin*, 17 miles northeast of Blanco.

Espanola vicinity, *\*Puye Ruins*, 14 miles west of Espanola.  
Espanola vicinity, *\*San Gabriel de Yungue-ouinge*, 4 miles north of Espanola.

**Roosevelt County**  
Clovis vicinity, *\*Anderson Basin (Blackwater Draw)*, 12 miles south of Clovis.

**San Juan County**  
Aztec vicinity, *Aztec Ruins National Monument*, 1 mile north of Aztec on secondary road.  
Farmington vicinity, *Salmon Ruin*, 9 miles east of Farmington off New Mexico 17.

**San Miguel County**  
Bell ranch vicinity, *Bell Ranch Headquarters*, north and east of the Conchas Reservoir.

Pecos vicinity, *Pecos National Monument*, south of Pecos on New Mexico 63.  
San Jose vicinity, *San Miguel del Vado Historic District*, southeast of San Jose on New Mexico 3, off U.S. 84-85.

Santa Fe vicinity, *\*Glorieta Pass Battlefield*, 20 miles southeast of Santa Fe on U.S. 84-85 and New Mexico 59 (also in Santa Fe County).

**Sandoval County**  
Albuquerque vicinity, *Santo Domingo Pueblo*, 35 miles northeast of Albuquerque off I-25 (12-12-73).  
Bernalillo vicinity, *Zia Pueblo*, 18 miles west of Bernalillo on New Mexico 44.

Jemez Springs, *Jemez State Monument*, New Mexico 4.

Jemez Springs vicinity, *San Juan Mesa Ruin*, 4 miles east of Jemez Springs.

Los Alamos vicinity, *Bandelier National Monument*, 12 miles south of Los Alamos on New Mexico 4.

Bernalillo vicinity, *\*Sandia Cave*, 11 miles east of Bernalillo on New Mexico 44, Cibola National Forest.

Casa Salaza vicinity, *\*Big Bend Mesa*, west of Casa Salaza on secondary roads, Cibola National Forest.

**Santa Fe County**  
Chimayo vicinity, *Plaza Del Cerro*, southwest of the intersection of Routes 76 and 4.  
Santa Cruz, *La Iglesia de Santa Cruz and the site of the Plaza of Santa Cruz de la Canada* (8-17-73).

Santa Fe, *\*Barrio de Anasco Historic District*, bounded on the south by properties.

Santa Fe, *Davey, Randall, House*, Upper Canyon Road.

Santa Fe, *National Park Service Southwest Regional Office*, Old Santa Fe Trail.

Santa Fe, *\*Palace of the Governors*, The Plaza.

Santa Fe, *Reredos of Our Lady of Light*, Cristo Rey Church, Canyon Road and Cristo Rey Street.

Santa Fe, *Santa Fe Historic District* (11-23-73).

Santa Fe, *\*Santa Fe Plaza*.

Santa Fe, *Speigelberg House (Spitz House)*, 237 East Palace Avenue.

Santa Fe, *U.S. Courthouse*, Federal Place.

Santa Fe, *Vigil, Donaciano, House*, 518 Alto Street.

Santa Fe vicinity, *\*Glorieta Pass Battlefield* (see San Miguel County).

Santa Fe vicinity, *Pueblo of Tesuque (Tatunge)*, about 8 miles north of Santa Fe off U.S. 84/84-285 (7-16-73).

Santa Fe vicinity, *\*San Lazaro*, 25 miles south of Santa Fe via New Mexico 10 and secondary road.

Santa Fe vicinity, *\*Seton Village*, 6 miles south of Santa Fe off U.S. 84-85 and secondary road.

Truchas vicinity, *\*El Santuario de Chimayó*, south of Truchas in Chimayó.

**Socorro County**  
Bingham vicinity, *\*Trinity Site*, 25 miles south of U.S. 380 on White Sands Missile Range.

Gran Quivira vicinity, *Gran Quivira National Monument*, 1 mile east of Gran Quivira on New Mexico 10 (also in Torrance County).

Magdalena vicinity, *Gallinas Springs Ruin*, 12 miles northeast of Magdalena.

Socorro vicinity, *Fort Craig*, 37 miles south of Socorro.

**Taos County**  
Las Trampas, *\*San Jose de Gracia Church*.

Las Trampas, *\*Las Trampas Historic District*.

Ranchos de Taos, *\*San Francisco de Asisi Mission Church*, on the Plaza.

Taos, *\*Blumenschein, Ernest L., House* Ledoux Street.

Taos, *\*Carson, Kit, House*, Kit Carson Avenue.

Taos, *Martinez, Severino, House*, 2 miles from Taos Plaza, on the Lower Ranchitos Road.

Taos vicinity, *\*Taos Pueblo*, 3 miles north of Taos.

**Torrance County**  
Gran Quivira National Monument (see Socorro County).

Abó vicinity, *\*Abó*, 3 miles west of Abó on U.S. 80 and secondary road in Abó State Monument.

Punta de Agua vicinity, *\*Quarai*, 1 mile south of Punta de Agua on secondary road in Quarai State Monument.

**Union County**  
Clayton vicinity, *\*Rabbit Ears (Clayton Complex)*, north and west of Clayton.

**Valencia County**  
Acoma, *\*San Estevan de Rey Mission Church*, on New Mexico 23.

Albuquerque vicinity, *Pueblo of Laguna*, about 45 miles west of Albuquerque off U.S. 66.

Casa Blanca vicinity, *\*Acoma*, 13 miles south of Casa Blanca on New Mexico 23.

El Morro vicinity, *El Morro National Monument*, 2 miles west of El Morro on New Mexico 53.

Laguna, *San Jose de la Laguna Mission and Convento*, southeast corner of Laguna Plaza.

Zuni vicinity, *\*Hawikuh*, 12 miles southwest of Zuni, Zuni Indian Reservation.

**New York**  
**Albany County**  
Albany, *Albany Academy (Joseph Henry Memorial)*, Academy Park.

Albany, *Albany City Hall*, Eagle Street at Malden Lane.

Albany, *Albany Union Station*, east side of Broadway between Columbia and Steuben Streets.

Albany, *Cherry Hill*, South Pearl Street between First and McCarthy Avenues.

Albany, *Delaware & Hudson Railroad Company Building*, the Plaza on State Street.

Albany, *First Trust Company Building*, 35 State Street.

Albany, *New York Executive Mansion*, 138 Eagle Street.

Albany, *New York State Capitol*, Capitol Park.

Albany, *New York State Court of Appeals (State Hall)*, Eagle Street between Pine and Columbia Streets.

Albany, *New York State Department of Education Building*, Washington Avenue between Hawk and Swan Streets.

Albany, *Old Post Office*, corner of Broadway and State Street.

Albany, *Pastures Historic District*.

Albany, *Quackenbush House*, 683 Broadway.

Albany, *St. Peter's Church*, 107 State Street.

Albany, *\*Schuyler, Philip, Mansion*, Clinton and Schuyler Streets.

Albany, *Ten Broeck Mansion*, 9 Ten Broeck Place.

Albany, *Washington Park Historic District*, Washington Park and properties that face it on Madison Avenue, Willett Street, State Street, and South Lake Avenue, plus Thurlow Terrace and Englewood Place.

Albany, *Whipple Cast and Wrought-Iron Boustroph Bridge*, 1000 Delaware Avenue.

Altamont, *Delaware & Hudson Railroad Passenger Station (Altamont Village Hall)*, Main Street and the Delaware and Hudson Railroad.

Altamont, *Hayes House*, 104 Fairview Avenue.

Bethlehem vicinity, *Bethlehem House (Rensselaer Nicoll House)*, east of Bethlehem off New York 144.

Coeymans, *Coeymans, Ariaanse, House*, Stone House Road.

Coeymans, *Coeymans School (Action Civil Polytechnic Institute)*, southwest corner of Westerlo Street and Civill Avenue.

Cohoes, *Harmony Mill No. 3 (Mastodon Mill)*, 100 North Mohawk Street.

Cohoes, *Lock 18 of Enlarged Erie Canal (Double Lock)*, west of 253 North Mohawk Street, east of Reservoir Street near Manor Avenue.

Cohoes, *Music Hall*, northwest corner of Remsen and Onelda Streets.

Cohoes, *Olmstead Street Historic District*.

Cohoes, *Van Schaick House*, Van Schaick Avenue and the Delaware and Hudson Railroad track.

Colonte, *Watervliet Shaker Historic District*.

Green Island, *Green Island Car Shops*, James and Tibbits Streets and the Delaware and Hudson Railroad tracks.

Newtonville, *Newtonville Post Office*, 534 Loudonville Road.

Watervliet, *\*Watervliet Arsenal*, South Broadway.

Watervliet, *Watervliet Side Cut Locks (Double Lock)*, 23d Street at the Hudson River.

**Allegany County**  
Alfred, *Steinheim, Allen, Museum*, Alfred University campus.

Alfred, *Terra Cotta*, Main Street (temporary site).

Angellia, *Angellia Courthouse*, Park Circle.

Belmont vicinity, *Belvidere*, on Gibson Hill Road, north of Belmont.

**Bronx County**  
The Bronx, *\*New York Botanical Gardens*, Southern and Bedford Park Boulevards.

The Bronx, *Rainey Memorial Gates*, New York Zoological Park, Bronx Park.

The Bronx, *\*Van Cortlandt, Frederick, House*, Van Cortlandt Park at 242d Street.

**Broome County**  
Binghamton, *Binghamton City Hall*, Collier Street between Court and Academy Streets.

Binghamton, *Broome County Courthouse*, Court Street.

Binghamton, *Phelps Mansion*, 191 Court Street.

**Cattaraugus County**  
Ellicottville, *Ellicottville Town Hall*, Village Square, northwest corner of Washington and Jefferson Streets.

Napoli vicinity, *Gladwin Windmill*, north of Napoli on Pigeon Valley Road (7-16-73).

Salamanca, *Zawatski Site* (11-14-73).

**Cayuga County**  
Auburn, *Flatiron Building*, 1-3 Genessee Street.

Auburn, *\*Seward, William H., House*, 33 South Street.

Poplar Ridge, *\*Wood, Jethro, House*, New York 34B.

**Chautauqua County**  
Chautauqua, *Chautauqua Institution Historic District*.

Chautauqua, *\*Miller, Lewis, Cottage*, Chautauqua Institution, New York 17J.

Jamestown, *Fenton, Governor, Mansion* (Walnut Grove), 68 South Main Street.

Westfield, *Barcelona Lighthouse and Keeper's Cottage*, East Lake Road.

**Chemung County**  
Elmira, *Chemung County Courthouse Complex*, 210-228 Lake Street.

Elmira vicinity, *\*Newtown Battlefield*, 6 miles southeast of Elmira on New York 17.

**Chenango County**  
Earlville, *Earlville Opera House (Douglass Opera House)*, 12-20 East Main Street.

**Clinton County**  
\*Adirondack Forest Preserve, northeastern New York State (also in Essex, Franklin, Fulton, Hamilton, Herkimer, St. Lawrence, and Warren Counties).

Plattsburgh, *City Hall*, City Hall Place (12-12-73).

Plattsburgh, *Kent-Delord House*, 17 Cumberland Avenue.

Plattsburgh, *Old Stone Barracks*, Rhode Island Avenue, Plattsburgh Air Force Base.

Plattsburgh vicinity, *\*Plattsburgh Bay*, Cumberland Bay, east of Plattsburgh.

Plattsburgh vicinity, *\*Valcour Bay*, 7 miles south of Plattsburgh on the west shore of Lake Champlain.

**Columbia County**  
Ancram, *Simons General Store*, Ancram Square.

Austerlitz vicinity, *\*Steepletop (Edna St. Vincent Millay House)*, northeast of Austerlitz on East Hill Road.

Chatham, *Spangler Bridge*, Spangler Road.

Church Hill, *\*Church, Frederic E., House*, Olana, Church Hill, east end of Rip Van Winkle Bridge.

Germantown, *\*Clermont, Clermont State Park*.

Hudson, *Front Street-Parade Hill-Lower Warren Street Historic District*, Warren Street between Second Street and Parade Hill, both sides of North Front and South Front Streets between Diamond and Allen (Ferry) Streets, both sides of Prison Alley between North Front Street and the bluff, the north side of Fleet Street, and Parade Hill, and Franklin Square.

Hudson vicinity, *Bronson, Dr. Oliver, House and Stables*, south of Hudson off U.S. 9.

Kinderhook vicinity, *\*Van Alen, Lucas, House*, U.S. 9H, 2.1 miles south of U.S. 9.

Kinderhook vicinity, *\*Van Buren, Martin, House (Lindenwald)*, east of Kinderhook on New York 9H.

Livingston, *Livingston, Henry W., House (The Hill)*, at intersection of U.S. 9 and New York 82.

New Lebanon, *\*Mount Lebanon Shaker Society*, U.S. 20.

Spencertown, *Spencertown Academy*, off New York 208.

Stockport, *The Church of Saint John the Evangelist*, Chittenden Road.

Stuyvesant, *Van Alen, Johannes L., Farm*, School House Road.

**Cortland County**  
Homer, *Old Homer Village Historic District* (10-2-73).

**Delaware County**  
Delhi, *Delaware County Courthouse Square* (7-16-73).

East Meredith, *Hanford Mill*, on County Route 12.

Meredith, *MacDonald Farm*, Elk Creek Road at Monroe Road.

Roxbury vicinity, *\*Burroughs, John, Home*, (Woodchuck Lodge), 2 miles from Roxbury.

**Dutchess County**  
Beacon, *Howland Library*, 477 Main Street.

Fishkill, *Fishkill Village District*.

Fishkill vicinity, *Van Wyck-Wharton House*, on U.S. 9 south of Fishkill.

Hyde Park, *Bergh-Stoutenburgh House*, U.S. 9.

Hyde Park, *Home of Franklin D. Roosevelt National Historic Site*, 2 miles south of Hyde Park on U.S. 9.

Hyde Park, *Stoutenburgh, William, House*, East Park, U.S. 9G.

Hyde Park, *Vanderbilt Mansion National Historic Site*, north edge of Hyde Park, U.S. 9.

Pawling, *Oblong Friends Meeting House*, Meetinghouse Road, Quaker Hill.

Poughkeepsie, *Church of the Holy Comforter (Episcopal)*, 13 Davies Street.

Poughkeepsie, *Garfield Place Historic District*, both sides of Garfield Place.

Poughkeepsie, *Italian Center*, 225-227 Mill Street.

Poughkeepsie, *Main Building, Vassar College*, Vassar College campus (9-18-73).

Poughkeepsie, *Mill Street-North Clover Street Historic District*, Mill, Mansion, Vassar, North Clover Streets, Davies and Lafayette Place.

Poughkeepsie, *\*Morse, Samuel F. B., House*, Locust Grove, 370 South Street.

Poughkeepsie, *Poughkeepsie City Hall*, 228 Main Street.

Poughkeepsie, *Second Baptist Church*, 36 Vassar Street.

Poughkeepsie, *Union Street Historic District*, approximately eight blocks in downtown Poughkeepsie centered around Union Street.

Poughkeepsie, *Vassar Home for Aged Men*, 1 Vassar Street.

Poughkeepsie, *Vassar Institute*, 12 Vassar Street.

Poughkeepsie, *\*Vassar, Matthew, House*, Springside, Academy and Livingston Streets.

Red Hook, *Maizefeld*, 75 West Market Street (11-26-73).

Rinebeck, *Delamater Henry, House*, 44 Montgomery Street.

**Erie County**  
Buffalo, *Abricht-Knox Art Gallery*, 1285 Elmwood Avenue.

Buffalo, *Ansley Wilcox House National Historic Site*, Delaware Avenue.

Buffalo, *Buffalo State Hospital*, 400 Forest Avenue.

Buffalo, *Prudential Building*, Church and Pearl Streets.

Buffalo, *St. Paul's Episcopal Cathedral*, 125 Pearl Street.

Buffalo, *U.S. Post Office*, 121 Ellicott Street.

Irving, *Thomas Indian School*, on Route 438, in Cattaraugus Indian Reservation.

**Essex County**  
\*Adirondack Forest Preserve (see Clinton County).

Crown Point, *\*Fort St. Frederic*, junction of New York 8 and U.S. 9N.

Crown Point vicinity, *Fort Crown Point*, Crown Point Reservation, west of the south end of Lake Champlain Bridge and New York 8.

Essex vicinity, *Church of the Nazarene*, west of Essex on New York 22.

Essex vicinity, *Octagonal Schoolhouse*, on Route 22 in Bouquet.

Lake Placid, *Brown, John, Farm*, John Brown Road.

Port Kent, *\*Watson, Elkanah, House*, 3 miles east of U.S. 9.

Ticonderoga vicinity, *\*Fort Ticonderoga*, 2.5 miles south of Ticonderoga on New York 22.

**Franklin County**  
\*Adirondack Forest Preserve (see Clinton County).

**Fulton County**  
\*Adirondack Forest Preserve (see Clinton County).

Johnstown, *Fulton County Courthouse*, North William Street.

Johnstown, *\*Johnson Hall*, Hall Street.

**Genesee County**  
Alexander, *Alexander Classical School*, Buffalo Street (10-25-73).

Batavia, *Batavia Club*, corner Main and Bank Streets.

Batavia, *Genesee County Courthouse*, Main and Ellicott Streets.

Batavia, *\*Holland Land Office*, West Main Street.

**Greene County**  
Athens vicinity, *West Athens Hill Site*, west of Athens.



Catskill, \*Cole, Thomas, House, 218 Spring Street.  
Coxsackie vicinity, \*Bronck, Pieter, House, 2 miles northwest of Coxsackie on the west side of U.S. 9W.  
Greenville vicinity, Prevost Manor House, west of Greenfield off New York 81.

#### Hamilton County

\*Adirondack Forest Preserve (see Clinton County).

#### Herkimer County

\*Adirondack Forest Preserve (see Clinton County).  
Danube, Herkimer House, near New York 5S.  
East Herkimer vicinity, Fort Herkimer Church, south of East Herkimer on Route 5S.  
Herkimer, Herkimer County Courthouse, 320 North Main Street.  
Herkimer, Herkimer County Historical Society (Dr. Walter Suiter House), 400 North Main Street.  
Herkimer, Herkimer County Jail, 327 North Main Street.  
Herkimer, The Reformed Church, 405 North Main Street.  
Indian Castle vicinity, Indian Castle Church, east of Indian Castle on New York 5 South.  
Little Falls, Herkimer County Trust Co. Building, corner of Ann and Albany Streets.  
Salisbury Center, Salisbury Center Covered Bridge, Fairview Road and Spruce Creek.

#### Jefferson County

Cape Vincent, LeRay, Vincent, House, Broadway (New York 12E) (11-15-73).  
Sackets Harbor, Camp, Elisha, House, 310 General Smith Drive.  
Sackets Harbor, Union Hotel, corner of Main and Ray Streets.

#### Kings County

Brooklyn, Boat House on the Lullwater of the Lake in Prospect Park, Prospect Park.  
Brooklyn, \*Brooklyn Bridge (also in New York County), across the East River, connecting Brooklyn and Manhattan.  
Brooklyn, \*Brooklyn Heights Historic District, bounded by Atlantic Avenue, Court Street, Fulton Street, and the East River.  
Brooklyn, Flatbush Town Hall, 35 Snyder Avenue.  
Brooklyn, Houses on Hunterfly Road Historic District, 1698-1708 Bergen Street.  
Brooklyn, \*Plymouth Church of the Pilgrims, 75 Hicks Street.  
Brooklyn, \*Wyckoff, Pieter, House, 5902 Canarsie Lane.  
New York City, The Grecian Shelter, Prospect Park near Parkside Avenue.  
New York City, Old Brooklyn Fire Headquarters, 365-367 Jay Street.

#### Lewis County

Constatleville, Constable Hall, off New York 26.  
Lowville, \*Hough, Franklin B., House, Collins Street.  
Port Leyden vicinity, Wilson, Edmund, House, south of Port Leyden off New York 12 on Talcottville Road (11-26-73).

#### Livingston County

Dansville, Pioneer Farm (McCurdy House), on the south side of Dansville on New York 38.

#### Madison County

Cazenovia, Lorenzo, Ledyard Street (U.S. 20).  
Hamilton, Old Biology Hall, Colgate University, Colgate University campus (9-20-73).  
Oneida, \*Oneida Community Mansion House, Sherrill Road.

#### Monroe County

Honeoye Falls, Lower Mill, North Main Street.  
Rochester, \*Anthony, Susan B., House, 17 Madison Street.  
Rochester, Bevier Memorial Building, Washington Street (10-25-73).  
Rochester, Campbell-Whittlesey House, 123 South Fitzhugh Street.  
Rochester, Child, Jonathan, House and Brewster-Burke House Historic District, 37 South Washington Street and 130 Spring Street.  
Rochester, Daisy Flour Mill, Inc., 1840 Blossome Road.  
Rochester, \*Eastman, George, House, 900 East Avenue.  
Rochester, Ely Hervey, House, 11 Livingston Park.  
Rochester, Federal Building (Old Post Office), northeast corner of North Fitzhugh and Church Streets.  
Rochester, First Presbyterian Church, 101 South Plymouth Avenue (10-25-73).  
Rochester, First Universalist Church, southeast corner of South Clinton Avenue and Court Street.  
Rochester, Old Stone Warehouse, 1 Mount Hope Avenue (10-15-73).  
Rochester, Powers Building, northwest corner of West Main and State Streets.  
Rochester, Rochester Savings Bank, 40 Franklin Street.  
Scottsville, Rochester Street Historic District, both sides of Rochester Street from the creek to Oakwood Drive Drive (10-25-73).

#### Montgomery County

Amsterdam, Guy Park, West Main Street.  
Amsterdam vicinity, \*Erie Canal, 6 miles west of Amsterdam on New York 53.  
Fonda vicinity, Coughnawaga Indian Village Site, west of Fonda (8-28-73).  
Fort Johnson Village, \*Fort Johnson, junction of New York 5 and 67.  
Palatine, Palatine Church (Evangelical Lutheran), on Mohawk Turnpike (New York 5).  
Palatine Bridge, Palatine Bridge Freight House, east of Palatine Bridge on New York 5.  
Palatine Bridge, Wagner, Webster, House, East Grand Street.  
St. Johnsville vicinity, \*Fort Klock, 2 miles east of St. Johnsville on New York 5.

#### Nassau County

Hempstead, St. George's Church, 319 Front Street.  
Oyster Bay, Beckman, James William, Estate, West Shore Road (12-12-73).  
Oyster Bay, Long Island, Sagamore Hill National Historic Site, end of Cove Neck Road.  
Port Washington, \*Souza, John Philip, House, Wildbank, 14 Hicks Lane, Sands Point.

#### New York County

New York, The Admiral's House, Governor's Island.  
New York, \*Arthur, Chester A., House, 123 Lexington Avenue.  
New York, Bialystoker Synagogue (Willett Street Methodist Episcopal Church), 7-13 Willett Street.  
New York, Blackwell House, Welfare Island.  
New York, The Block House, Governor's Island.  
New York, \*Brooklyn Bridge, Boroughs of Manhattan and Brooklyn across the East River.  
New York, \*Carnegie Hall, Seventh Avenue, 56th to 57th Streets.  
New York, \*Carnegie, Andrew, Mansion, 2 East 91st Street.  
New York, Castle Clinton National Monument, South Ferry.  
New York, Castle Williams, Governor's Island.

New York, \*Central Park, bounded by Central Park South, Fifth Avenue, Central Park West, and 110th Street.  
New York, Central Synagogue (Congregation Ahawath Chesed-Shaar Hashomayim), 646-652 Lexington Avenue.  
New York, Chamber of Commerce Building, 65 Liberty Street.  
New York, Chapel of the Good Shepherd, Welfare Island.  
New York, Charlton-King-Vandam Historic District (7-20-73).  
New York, Church of the Holy Apostles, 300 Ninth Avenue.  
New York, Church of the Transfiguration and Rectory, 1 East 29th Street.  
New York, \*City Hall, Broadway and Chambers Street.  
New York, City Hospital, Welfare Island.  
New York, \*Cooper Union, Cooper Square, Seventh Street and Fourth Avenue.  
New York, Dakota Apartments, 1 West 72d Street.  
New York, \*Dyckman, William, House, 4881 Broadway.  
New York, Federal Hall National Memorial, Wall and Nassau Streets.  
New York City, Fire House, Engine Company 31, 87 Lafayette Street.  
New York, Fire House Engine Company Thirty-three, 44 Great Jones Street.  
New York, First National City Bank, 55 Wall Street.  
New York, General Grant National Memorial, Riverside Drive and West 122d Street.  
New York, Governor's House, Governors Islands.  
New York, Hamilton Grange National Memorial, 287 Convent Avenue.  
New York, Haughwout, E. V., Building, 488-492 Broadway (8-28-73).  
New York, High Bridge Aqueduct and Water Tower, Harlem River at West 170th Street (also in Bronx County).  
New York, India House, 1 Hanover Square.  
New York, Jefferson Market Courthouse, 425 Avenue of the Americas.  
New York City, 170-176 John Street Building, 170-176 John Street.  
New York, John Street Methodist Church, 44 John Street.  
New York, Jumel Terrace Historic District, West 160th and 162d Streets between St. Nicholas and Edgecombe Avenues.  
New York, Lighthouse, Welfare Island.  
New York, Madison Avenue Facade of the Squadron A Armory, Madison Avenue between 94th and 95th Streets.  
New York, Moore, William H., House, 4 East 54th Street.  
New York, J. P. Morgan and Co. Building, 23 Wall Street.  
New York, \*Morgan, Pierpont, Library, 33 East 36th Street.  
New York, \*Morris-Jumel Mansion, 160th Street and Edgecombe Avenue.  
New York, Mount Morris Park Historic District.  
New York, Municipal Building, Centre Street.  
New York, 75 Murray Street Building, 75 Murray Street.  
New York, \*New York Public Library, Fifth Avenue and 42d Street.  
New York, New York Shakespeare Festival Public Theater (Astor Library), 425 Lafayette Street.  
New York, The Octagon, Welfare Island.  
New York, 131 Charles Street House.  
New York, \*The Players, 16 Gramercy Park.  
New York, \*Pupin Physics Laboratories, Columbia University, Broadway and 120th Street.  
New York, St. James Church, 32 James Street.  
New York, Saint-Mark's-in-the-Bowery, East 10th Street at Second Avenue.  
New York, \*St. Paul's Chapel, Broadway between Fulton and Vesey Streets.

New York City, Schermerhorn Row Block (New York State Maritime Museum Block), bounded by Front, Fulton, South Streets, and Burling Slip.  
New York, Smallpox Hospital, Welfare Island.  
New York, Smith, Abigail Adams, House (Stable), 421 East 61st Street.  
New York, \*Smith, Alfred E., House, 25 Oliver Street.  
New York, Sniffen Court Historic District, East 36th Street between Lexington and Third Avenue (11-28-73).  
New York, Strecker Memorial Laboratory, Welfare Island.  
New York, South Street Seaport.  
New York, Statue of Liberty National Monument, Liberty Island, New York Harbor (also in Hudson County, N.J.).  
New York, Stuyvesant-Fish House, 21 Stuyvesant Street.  
New York, Surrogate's Court (Hall of Records), 31 Chambers Street.  
New York, Theodore Roosevelt Birthplace, National Historic Site, 28 East 20th Street.  
New York, \*Tredwell (Seabury) House, Old Merchant's House, 29 East Fourth Street.  
New York, U.S. Customhouse, Bowling Green.  
New York, U.S. General Post Office, Eighth Avenue between 31st and 33d Streets.  
New York, Watson, James, House, 7 State Street.  
New York, \*Woolworth Building, 233 Broadway.

#### Niagara County

Lockport, Lowertown Historic District.  
Lockport, Moore, Benjamin C., Mill (Lockport City Hall, Holly Water Works), Pine Street on the Erie Canal.  
Niagara Falls, \*Niagara Reservation.  
Niagara Falls, U.S. Custom House, 2245 Whirlpool Street (7-16-73).  
Youngstown vicinity, \*Old Fort Niagara, north of Youngstown on New York 18.

#### Oneida County

Boonville, Erwin Library and Pratt House, 104 and 106 Schuyler Street (8-14-73).  
Boonville, Fire Lock Comb and Locks 37 and 38, Black River Canal, Rome-Boonville Gorge Road (New York 46).  
Clinton, Hamilton College Chapel, Hamilton College Campus.  
Clinton, \*Root, Elhu, House, 101 College Hill Road.  
Rome, Fort Stanwix National Monument, bounded by Dominick, Spring, Liberty, and James Streets.  
Rome vicinity, \*Oriskany Battlefield, 5 miles east of Rome on New York 69.  
Utica, Fountain Elms, 318 Genesee Street.  
Utica, Rutgers-Steuken Park Historic District (9-19-73).  
Utica, Utica State Hospital, 1213 Court Street.  
Westerville, \*Floyd, General William, House, west side of Main Street.  
Whitesboro, Whitesboro Town Hall (Court-house), 8 Park Avenue (11-26-73).

#### Onondaga County

Manlius, Manlius Village Historic District, bounded by Pleasant, Franklin, North Clinton, and East Seneca Streets (11-6-73).  
Onondaga, \*Hutchinson, General Orrin, House, 4311 West Seneca Turnpike.  
Syracuse, Central New York Telephone & Telegraph Building, 311 Montgomery Street.  
Syracuse, Gere, Robert, Bank Building, 121 East Water Street.  
Syracuse, Grace Episcopal Church, 819 Madison Street.  
Syracuse, Hall of Languages, Syracuse University, Syracuse University campus (9-20-73).  
Syracuse, Onondaga County Savings Bank Building (Gridley Building), 101 South Salina Street.  
Syracuse, Syracuse Savings Bank, 102 North Salina Street.

Syracuse, Teall, Oliver, House, 105 South Beech Street.  
Syracuse, Third National Bank (Community Chest Building), 197 James Street.  
Syracuse, Weighlock Building, southeast corner of Erie Boulevard and Montgomery Street.  
Syracuse, White, Hamilton, House, 307 South Townsend Street (7-20-73).  
Syracuse, White Memorial Building, 106 East Washington Street.

#### Ontario County

Canandaigua, North Main Street Historic District (7-20-73).  
Canandaigua, Sonnenberg Gardens, 151 Charlotte Street (9-28-73).  
Geneva, Geneva Hall and Trinity Hall, South Main Street (7-16-73).  
Geneva, Parrott Hall (Denton House), West North Street between Castle Street and Preemption Road.  
Stanley vicinity, Seneca Presbyterian (Number Nine) Church, east of Stanley off New York 245 on Number Nine Road.  
Victor vicinity, \*Broughton Hill, 126 miles south of Victor.

#### Orange County

\*Delaware and Hudson Canal (also in Sullivan and Ulster Counties and Pike and Wayne Counties, Pa.).  
Bear Mountain, \*Fort Montgomery, north of Bear Mountain Bridge on the Hudson River.  
Fort Montgomery vicinity, Fort Montgomery Site, south of Fort Montgomery (8-14-73).  
Goshen, \*Historic Tract, Main Street.  
Harriman, \*Harriman, E. H., Estate (Arden), New York 17.  
Monroe vicinity, Southfield Furnace Ruin, South of Monroe off New York 17 (11-2-73).  
New Windsor, New Windsor Cantonment, Temple Hill Road.  
New Windsor vicinity, Haskell House, west of New Windsor off N.Y. 32.  
Newburgh, Crawford, David House, 189 Montgomery Street.  
Newburgh, Dutch Reformed Church, northeast corner of Grand and Third Streets.  
Newburgh, Mill House (Gomez the Jew House), Mill House Road.  
Newburgh, Montgomery - Grand - Liberty Streets Historic District (7-16-73).  
Newburgh, \*Washington's Headquarters, Liberty and Washington Streets.  
\*Palisades Interstate Park (see Bergen County, N.J.).  
Vails Gate, Knox Headquarters, Quassaick Avenue and Forge Hill Road.  
West Point, \*U.S. Military Academy, New York 218.

#### Oswego County

Brewerton, Fort Brewerton, State and Lansing Streets.  
Oswego, Fort Ontario, East Seventh Street.  
Oswego, Oswego City Hall, West Oneida Street.  
Oswego, Oswego City Library, 120 East Second Street.

#### Otsego County

Cooperstown, Otsego County Courthouse, 183 Main Street.  
Gilbertsville, Major's Inn and Gilbert Block, both sides of Commercial Street near New York 51.  
Springfield, Hyde Hall, Glimmerglass State Park, east of County Route 31.

#### Putnam County

Brewster, Old Southeast Church, off New York 22, south of intersection with Putnam Lake Road.  
Cold Spring vicinity, West Point Foundry, New York 9D, south of intersection with New York 301.

#### Queens County

Flushing, Flushing Town Hall, 137-35 Northern Boulevard.  
Flushing, Kingsland Homestead, 57th Street and Parsons Boulevard.  
Flushing, \*Old Quaker Meetinghouse, south side of Northern Boulevard.  
New York, Hunters Point Historic District (9-19-73).

#### Rensselaer County

Rensselaer, \*Fort Craillo, south of Columbia Street on Riverside Street.  
Schaghticoke, Knickerbocker Mansion, Knickerbocker Road.  
Troy, Burden Iron Works, Office Building, Polk Street.  
Troy, Cannon Building, 1 Broadway.  
Troy, Church of the Holy Cross, 136 Eighth Street.  
Troy, Essek Bussey Fire House, 302 10th Street (7-16-73).  
Troy, Fifth Avenue-Fulton Street Historic District, two blocks off Fifth Avenue, on the eastern edge of the downtown Troy business district, bounded on the north by Grand Street, on the south by Broadway, on the east (between Grand and Fulton Streets) by Sixth Avenue and (between Fulton Street and Broadway) by Union Street, and on the west by Williams Street.  
Troy, Gasholder House, Troy Gas Light Co., northwest corner of Jefferson Street and Fifth Avenue.  
Troy, Glenwood (Titus Eddy Mansion), Eddy's Lane.  
Troy, Grand Street Historic District.  
Troy, Hart-Cliett Mansion, 59 Second Street.  
Troy, Ilum Building, northeast corner of Fulton and Fourth Streets.  
Troy, McCarthy Building, 255-257 River Street.  
Troy, National State Bank Building, 297 River Street.  
Troy, Old Troy Hospital, Eighth Street (10-25-73).  
Troy, Troy Public Library (Hart Memorial Library), 100 Second Street.  
Troy, W. & L. E. Gurley Co., 514 Fulton Street.  
Troy, Washington Park Historic District.  
Wallommsac vicinity, \*Bennington Battlefield, New York 67, on Vermont line.

#### Richmond County

New Brighton, Staten Island, Sailors' Snug Harbor Historic District, Richmond Terrace.  
New York, New Dorp Light, Altamont Avenue, Staten Island (3-28-73).  
Rosebank, Austen, Elizabeth Alice, House, 2 Hyland Boulevard.  
Staten Island, Battery Weed, Fort Wadsworth Reservation.  
Staten Island, Kreuzer-Pellon House, 1262 Richmond Terrace.  
Staten Island, \*The Voorlezer's House, Arthur Kill Road, opposite Center Street.  
Tottenville, Staten Island, \*Conference House, Hyland Boulevard.

#### Rockland County

\*Palisades Interstate Park (see Bergen County, N.J.).  
Garnerville, Garner, Henry, Mansion, 18 Railroad Avenue (8-14-73).  
Stony Point vicinity, \*Stony Point Battlefield, north of Stony Point on U.S. 9W and U.S. 202.  
Tappan, \*De Wint House, Livingston Avenue and Oak Tree Road.  
West Nyack, Tenenour-Hutton House, 160 Sackett Road.

#### St. Lawrence County

\*Adirondack Forest Preserve (see Clinton County).



## Saratoga County

Albany vicinity, *Saratoga National Historical Park*, 30 miles north of Albany on U.S. 4 and New York 32.  
Ballston Spa, *Old Saratoga County Courthouse Complex*, 46 West High Street.  
Mount McGregor, *Grant Cottage*, County Route 101 north of U.S. 9.  
Saratoga, *Casino-Congress Park-Circular Street Historic District*, bounded on the west by Broadway, on the north by Spring Street, and the southeast by Circular Street.  
Saratoga Springs, *Franklin Square Historic District*, in an irregular pattern from Beekman Street, along both sides of Grand Avenue, Franklin, and Clinton to Van Dam (10-9-73).  
Saratoga Springs, *Todd, Hiram Charles, House*, 4 Franklin Square.  
Waterford, *Peebles (Peobles) Island*, at the junction of the Mohawk and Hudson Rivers (10-2-73).

## Schenectady County

Delanson vicinity, *Christman Bird and Wildlife Sanctuary*, southeast of Delanson on Schoharie Turnpike.  
Schenectady, *Nott Memorial Hall, Union College, Union College campus*.  
Schenectady, *Stockade Historic District*.  
Schenectady vicinity, *Dellemont-Wemple Farm*, west of Schenectady on Wemple Road (10-25-73).

## Schoharie County

Blenheim vicinity, *Lansing Manor House*, 2 miles south of north Blenheim on N.Y. 30.  
North Blenheim, *Old Blenheim Bridge*, New York 30.  
Schoharie, *Old Lutheran Parsonage*, adjacent to Spring Street in Lutheran Cemetery.  
Schoharie, *Schoharie Valley Railroad Complex*, Depot Lane.

## Schuyler County

Tyrone vicinity, *Lamoka*, 2 miles west of Tyrone at northern edge of Lamoka Lake.

## Seneca County

Fayette vicinity, *Rose Hill*, west of Fayette on New York 96A.  
Seneca Falls, *Stanton, Elizabeth Gady, House*, 32 Washington Street.

## Steuben County

Corning, *Jennings Tavern (Patterson Inn)*, 59 West Putney Street (9-20-73).

## Suffolk County

Cutchogue, *The Old House*, New York 25.  
East Hampton, *Long Island, Moran (Thomas) House*, Main Street.  
Great River vicinity, *Cutting, Bayard, Estate (Westbrook)*, north of Great River on New York 27 (10-2-73).  
Great River vicinity, *Southside Sportsmens Club District*, northeast of Great River off New York 27 (7-23-73).  
Huntington, *Estons Neck Light, Estons Neck Point* at Huntington Bay and Long Island Sound, off New York 25-A.  
Mastic, *Floyd, William, House*, 20 Washington Avenue (4-21-71).  
Montauk vicinity, *Montauk Point Light-house*.  
Sag Harbor, *Sag Harbor Village District* (7-20-73).  
St. James, *Boz Hill Estate*, northwest of St. James on Moriches Road (12-4-73).  
St. James, *St. James District* (7-20-73).  
St. James vicinity, *Mill Pond District*, north of St. James on New York 25A (8-1-73).  
Stony Brook, *Mount, William Sydney, House*, Gould Road and New York 25.

## Sullivan County

\**Delaware and Hudson Canal* (see Orange County).

## Tioga County

Owego, *Tioga County Courthouse*, Village Park.

## Tompkins County

Ithaca, *Boardman House*, 120 East Buffalo Street.  
Ithaca, *Clinton House*, 116 North Cayuga Street.  
Ithaca, *DeWitt Park Historic District*, a square bounded roughly by properties fronting on East Buffalo, East Court, North Cayuga, and North Tioga Streets.  
Ithaca, *Morrill Hall, Cornell University, Cornell University campus*.  
Ithaca, *Second Tompkins County Courthouse*, 121 East Court Street.  
Ithaca, *White, Andrew Dickson, House*, 27 East Avenue (12-4-73).  
Trumansburg, *Camp, Hermon, House*, Camp Street (12-4-73).

## Ulster County

\**Delaware and Hudson Canal* (see Orange County).  
Esopus, *Burroughs, John, Cabin (Slab-sides)*, west of West Park.  
Esopus, *Burroughs, John, Riverby Study*, West Park.  
Hurley, *Hurley Historic District*, Hurley Street, Hurley Mountain Road, and Schoonmaker Lane.  
Kingston, *Clinton Avenue Historic District*, includes all of Clinton Avenue between Westbrook Lane and North Front Street, North Front Street between Clinton Avenue and Fair Street, and the east side of Fair Street between North Front and John Streets.  
Kingston, *Kingston City Hall*, 408 Broadway.  
Kingston, *Senate House*, northwest side of Clinton Avenue near the intersection of North Front Street.  
New Paltz, *Hasbrouck, Jean, House*, Huguenot Street, opposite its junction with North Street.  
New Paltz, *Huguenot Street Historic District*, Huguenot Street.  
New Paltz vicinity, *Lake Mohonk Mountain House Complex*, northwest of New Paltz off Canaan Road (7-16-73).  
Rosendale vicinity, *Perrine's Bridge*, over Walkill River off U.S. 87.

## Warren County

\**Adirondack Forest Preserve* (see Clinton County).  
Joshua's Rock, *Lake George vicinity, The Owl's Nest (Edward Eggleston Estate)*, Route 9L.  
Lake George, *Old Warren County Courthouse Complex*, corner of Canada and Amherst Streets.  
Washington County  
Fort Edward, *Rogers Island*, in the Hudson River at Fort Edward (7-24-73).

## Wayne County

Lyons, *Broad Street-Water Street Historic District* (8-14-73).  
Palmyra, *Market Street Historic District*, Both sides of Market Street.

## Westchester County

Bedford, *Bedford Village Historic District*, includes most of the original village (10-2-73).  
Croton-on-Hudson, *Van Cortlandt Manor*, U.S. 9, north of intersection with U.S. 9A.  
Dobbs Ferry, *Hyatt-Livingston House*, 152 Broadway.  
Greenburgh, *Odell House*, 425 Ridge Road.

Hastings-on-Hudson, *Cropsey, Jasper F., House and Studio*, 49 Washington Avenue.  
Katonah, *Jay, John, Homestead*, Jay Street.  
Mount Vernon, *St. Paul's Church National Historic Site, Eastchester, Mount Vernon*.  
Mount Vernon, *Stevens, John, House*, 29 West Fourth Street.  
New Rochelle, *Paine, Thomas, Cottage*, 20 Sicard Avenue.  
North Tarrytown, *Dutch Reformed (Sleepy Hollow) Church*, north edge of Tarrytown on U.S. 9.  
Ossining, *First Baptist Church of Ossining*, South Highland Avenue and Main Street.  
Ossining vicinity, *Site of Old Croton Dam; New Croton Dam*, about 10 miles north of Ossining on New York 129.  
Purdys, *Purdy, Joseph, Homestead*, intersection of (Old) New York 22 and New York 118.  
Scarsdale, *Hyatt, Caleb, House (Cudner-Hyatt House)*, 937 White Plains Post Road.  
Tarrytown, *Gould, Jay, Estate (Lyndhurst)*, 635 South Broadway.  
Tarrytown vicinity, *Irving, Washington, House (Sunnyside)*, Sunnyside Lane.  
Upper Mills, *Philipsburg Manor*, 381 Bellwood Avenue.  
Van Courtlandville, *Old St. Peter's Church*, Oregon Road and Locust Avenue.  
Yonkers, *Philips Manor*, Warburton Avenue and Dock Street.  
Yonkers, *Trevor, John Bond, House*, 511 Warburton Avenue.

## Wyoming County

Wyoming, *Middlebury Academy*, 22 South Academy Street.

## North Carolina

## Alamance County

Alamance vicinity, *Alamance Battleground State Historic Site*, 4 miles south of Alamance on North Carolina 62.  
Burlington vicinity, *Allen House*, southwest of Burlington on Route 1, off North Carolina 62, near intersection with Route 1129.

## Alleghany County

Whitehead vicinity, *Brinegar Cabin*, at mile 238.5, Blue Ridge Parkway.

## Anson County

Wadesboro, *Boggan-Hammond House and Alexander Little Wing*, 210 Wade Street.

## Beaufort County

Bath, *Bath Historic District*, bounded on the west by Bath Creek, on the north by North Carolina 92, on the east by King Street, and on the south by Bath Creek.  
Bath, *Bonner House*, Main and Front Streets.  
Bath, *Palmer-Marsh House*, 104 Main Street.  
Bath, *St. Thomas Episcopal Church*, Craven Street.  
Washington, *Bank of Washington, West End Branch*, 218 West Main Street.  
Washington, *Beaufort County Courthouse*, corner of West Second and Market Streets.

## Bertie County

Roxobel vicinity, *Woodbourne*, west of Roxobel on Route 1139.  
Windsor vicinity, *Hope Plantation*, 4 miles northwest of Windsor off North Carolina 308.  
Windsor vicinity, *Jordan House*, south of Windsor on North Carolina 1522.  
Windsor vicinity, *King House*, northwest of Windsor on North Carolina 1116.

## Bladen County

Carvers, *Oakland Plantation*, off North Carolina 1730.  
White Oak vicinity, *Harmony Hall*, west of White Oak on State Route 1351, near the Cape Fear River.

## Brunswick County

Orton vicinity, *St. Philip's Church ruins*, bounded on the east by the Cape Fear River, on the south by County Route 1533, on the west by County Route 1529, and on the north by Orton Plantation.  
Smithfield Township, *Orton Plantation*, on Cape Fear River at junction of North Carolina 1530 and 1529.

## Buncombe County

Asheville, *Biltmore Estate, Biltmore Plaza*.  
Asheville, *Grove Park Inn*, Macon Avenue.  
Asheville, *Wolfe, Thomas, House*, 48 Spruce Street.

## Burke County

Morganton, *Burke County Courthouse*, Courthouse Square, bounded on the northwest by Union Street, on the northeast by Sterling Street, on the southeast by Meeting Street, and on the southwest by Green Street.  
Morganton, *Creekside*, intersection of U.S. 70 and 70-A west of Morganton.  
Morganton, *Tate House*, 100 South King Street.  
Morganton vicinity, *Bellevue*, north of Morganton off North Carolina 18 on State Route 1419 (12-4-73).  
Morganton vicinity, *Magnolia Place*, south of Morganton on U.S. 64.  
Morganton vicinity, *Pleasant Valley*, junction of Routes 1423, 1439, and 1438.  
Morganton vicinity, *Quaker Meadows*, west of Morganton off North Carolina 181 (10-3-73).  
Morganton vicinity, *Suan Ponds*, about 4 miles west of Morganton off North Carolina 126.

## Cabarrus County

Concord vicinity, *Reed Gold Mine*, 11 miles southeast of Concord on North Carolina 601 and 200.

## Caldwell County

Lenoir vicinity, *Forth Defiance*, north of Lenoir on North Carolina 268.  
Patterson vicinity, *Clover Hill*, east of Patterson off North Carolina 268, on east side of State Route 1514.

## Camden County

Camden, *Camden County Courthouse*, on North Carolina 343, 0.25 mile north of junction with U.S. 158 and U.S. 168.  
Camden vicinity, *Milford*, on State Route 1205, 0.5 mile south of junction with State Route 343.

## Carteret County

Atlantic Beach vicinity, *Fort Macon*, on Bogue Point, on Fort Macon Road 4 miles east of Atlantic Beach.  
Beaufort, *Gibbs House*, 903 Front Street.  
Beaufort, *Henry, Jacob, House*, 229 Front Street.  
Cape Lookout, *Cape Lookout Light Station*, on Core Banks, across Barden Inlet from Shackleford Banks.

## Caswell County

Locust Hill, *Rose Hill*, on U.S. 158 at the junction with North Carolina 150 (10-25-73).  
Locust Hill vicinity, *Moore House (Stamp's Quarter)*, east of Locust Hill off U.S. 158 (8-28-73).  
Milton, *Milton Historic District*, encompasses town limits of Milton (10-25-73).  
Milton, *Milton State Bank, Main (Broad) Street* between Liberty Street and Lee's Alley.  
Prospect Hill, *Warren House and Warren's Store*, on North Carolina 86.  
Yanceyville, *Caswell County Courthouse*, Courthouse Square.

Yanceyville, *Yanceyville Historic District*, West Main Street, Courthouse Square, and North Avenue to Church Street (10-15-73).  
Yanceyville vicinity, *Yancey, Bartlett, House* (12-4-73).

## Catawba County

Claremont vicinity, *Bunker Hill Covered Bridge*, 2 miles east of Claremont off U.S. 70.  
Hickory, *Propst House*, Shuford Memorial Garden.  
Hickory, *Shuford House*, 542 Second Street NE.  
Hickory vicinity, *Weidner Rock House*, south of Hickory on State Route 1142 (12-4-73).  
Newton vicinity, *Rudisill-Wilson House*, southwest of Newton off North Carolina 10 (8-14-73).  
Newton vicinity, *St. Paul's Church and Cemetery (Lutheran)*, junction of North Carolina 1149 and North Carolina 1164.

## Cherokee County

Andrews vicinity, *Andrews Mound*, west of Andrews.

## Chowan County

Edenton, *The Barker House*, south terminus of Broad Street.  
Edenton, *Chowan County Courthouse*, East King Street.  
Edenton, *Cypola House*, 408 South Broad Street.  
Edenton, *Edenton Historic District* (7-16-73).  
Edenton, *Iredell, James, House*, 107 East Church Street.  
Edenton, *Wessington House*, 120 West King Street.

## Craven County

Jasper vicinity, *Clear Springs Plantation*, north of Jasper.  
New Bern, *Aitmore-Oliver House*, 513 Broad Street.  
New Bern, *Barter Clock*, 323 Pollock Street.  
New Bern, *Blades House*, 602 Middle Street.  
New Bern, *The Bryan House and Office*, 603-605 Pollock Street.  
New Bern, *Cedar Grove Cemetery*, Bounded by Queen, George, Cypress, Howard, and Metcalf Streets.  
New Bern, *Centenary Methodist Church*, 209 New Street.  
New Bern, *Central Elementary School*, 311-313 New Street and 517 Hancock Street.  
New Bern, *Christ Episcopal Church and Parish House*, 320 Pollock Street.  
New Bern, *Coor-Bishop House*, 501 East Front Street.  
New Bern, *Coor-Gaston House*, 421 Craven Street.  
New Bern, *First Baptist Church*, northwest corner of Middle Street and Church Alley.  
New Bern, *First Church of Christ, Scientist*, 406-408 Middle Street (10-2-73).  
New Bern, *First Presbyterian Church and Churchyard*, New Street between Middle and Hancock Streets.  
New Bern, *Gull Harbor*, 514 East Front Street (8-14-73).  
New Bern, *Harvey Mansion*, 219 Tryon Palace Drive.  
New Bern, *Hawks House*, 306 Hancock Street.  
New Bern, *Hollister, William, House*, 613 Broad Street.  
New Bern, *Jenkins, Thomas, House*, 305 Johnson Street.  
New Bern, *Jones-Jarvis House*, 528 East Front Street.  
New Bern, *Mace, Ulysses S., House*, 518 Broad Street.  
New Bern, *Masonic Temple and Theater*, 516 Hancock Street.  
New Bern, *New Bern Historic District*.  
New Bern, *New Bern Municipal Building*, Pollock and Craven Street.

New Bern, *Rhem-Waldrop House*, 701 Broad Street.  
New Bern, *St. Paul's Roman Catholic Church*, 510 Middle Street.  
New Bern, *Simpson-Oaksmith-Patterson House*, 226 East Front Street.  
New Bern, *Slover-Bradham House*, 201 Johnson Street.  
New Bern, *Smallwood, Eli, House*, 524 East Front Street.  
New Bern, *Smith, Benjamin, House*, 210 Hancock Street.  
New Bern, *Smith-Whitford House*, 506 Craven Street.  
New Bern, *Stanly, Edward R., House*, 502 Pollock Street.  
New Bern, *Stanly, John Wright, House*, 307 George Street.  
New Bern, *Stevenson House*, 609-611 Pollock Street.  
New Bern, *Taylor, Isaac, House*, 228 Craven Street.  
New Bern, *Tisdale-Jones House (New Bern City Schools Administration Building)*, 520 New Street.  
New Bern, *York-Gordon House*, 213 Hancock Street.  
New Bern vicinity, *Bellair*, 0.3 mile north of the junction of North Carolina 1401 and 1419.

## Cumberland County

Erwin vicinity, *Oak Grove*, south of Erwin off North Carolina 82, 0.8 mile north of junction of North Carolina 82 and State Route 1975.  
Fayetteville, *Belden-Horne House*, 233 Green Street.  
Fayetteville, *Cool Spring Place*, 119 North Cool Spring Street.  
Fayetteville, *Fayetteville Woman's Club and Oval Ballroom*, 225 Dick Street.  
Fayetteville, *Kyle House*, 234 Green Street.  
Fayetteville, *Liberty Row*, 101-143 Person Street (8-14-73).  
Fayetteville, *Mansard Roof House*, 214 Mason Street.  
Fayetteville, *Market House*, Market Square.  
Fayetteville, *Nimocks House*, 225 Dick Street.

## Currituck County

Corolla, *Currituck Beach Lighthouse*, northern Outer Banks (10-15-73).  
Shawboro, *The Twin Houses*, on Highway 166 at junction with State Routes 1203 and 1147.

## Dare County

Kitty Hawk, *Wright Brothers National Memorial*.  
Manteo vicinity, *Roanoke Island, Fort Raleigh National Historic Site*, 4 miles north of Manteo on U.S. 158.

## Davidson County

Lexington, *Old Davidson County Courthouse*, Main and Center Streets.

## Davie County

Mocksville, *Davie County Jail*, 20 South Main Street.  
Mocksville vicinity, *Cooleemee*, east of Mocksville, off U.S. 64.

## Durham County

Bahama vicinity, *Hardscrabble*, southwest of Bahama on Route 1003, 0.9 mile west of the junction with Route 1461.  
Durham vicinity, *Bennett Place State Historic Site*, intersection of State Routes 1313 and 1314.  
Durham vicinity, *Duke Homestead and Tobacco Factory*, 0.5 mile north of Durham on Guess Road and east on County Route 1025.  
Durham vicinity, *Fairintosh Plantation*, north of Durham off North Carolina 1004.  
Durham vicinity, *Stagville*, north of Durham off State Route 1004.



## Edgecombe County

Battleboro, *Old Town Plantation*, U.S. 97, 4.7 miles east of the junction with U.S. 901.  
 Battleboro, *St. John's Episcopal Church*, East Main Street.  
 Tarboro, *The Barracks*, 1100 Albemarle Street.  
 Tarboro, *Blount House (The Grove)*, 130 Bridgers Street.  
 Tarboro, *Calvary Episcopal Church and Churchyard*, 411 East Church Street.  
 Tarboro, *Coats House*, 1503 St. Andrews Street.  
 Tarboro, *Cotton Press*, Town Common.  
 Tarboro, *Tarboro Town Common*, bounded by Wilson Street, Albemarle Avenue, Park Avenue, and St. Patrick Street.  
 Tarboro, *Walston-Bulluck House (Pender Museum)*, 1018 St. Andrews Street.  
 Tarboro vicinity, *Bracebridge Hall*, near small crossroads of Macklesfield.  
 Tarboro vicinity, *Coolmore Plantation*, west of Tarboro on U.S. 64.  
 Tarboro vicinity, *Piney Prospect (Sugg House)*, 5.7 miles south of Tarboro off Route 1601.

## Forsyth County

Kernersville, *Korner's Folly*, Main Street.  
 Winston-Salem, *Bethabara Moravian Church*, 2147 Bethabara Road.  
 Winston-Salem, *Old Salem Historic District*, Salem College campus and area near Salem Square.  
 Winston-Salem, *Salem Tavern*, 800 South Main Street.  
 Winston-Salem, *Single Brother's House*, southwest corner of South Main and Academy Streets.  
 Winston-Salem, *Zevely House*, 734 Oak Street.

## Franklin County

Louisburg, *The Person Place*, 603 North Main Street.  
 Louisburg vicinity, *Cascine*, south of Louisburg on State Route 1702.

## Gaston County

Belmont, *Belmont Abbey Cathedral*, on North Carolina 2093.  
 Dallas, *Dallas Historic District* (7-26-73).

## Gates County

Gatesville, *Elmwood Plantation*, 0.6 mile north of the junction of Route 1400 and North Carolina 37.

## Guilford County

Greensboro, *Blandwood*, 411 West Washington Street.  
 Greensboro, *Founders Hall*, 5900 West Friendly Avenue, Guilford College campus.  
 Greensboro vicinity, *Guilford Courthouse National Military Park*, 6 miles northwest of Greensboro near U.S. 220.  
 High Point, *Haley, John, House*, 1805 East Lexington Avenue.  
 Jamestown, *Jamestown Historic District*, about 1 mile stretch flanking U.S. 29A-70A.  
 Jamestown vicinity, *Mendenhall, Richard, Plantation Buildings*, U.S. 29-70A.

## Halifax County

Airle, *Oakland*, on North Carolina 4.  
 Enfield vicinity, *Shell Castle*, west of Enfield on North Carolina 481.  
 Halifax, *Davis, William R., House*, Norman Street.  
 Halifax, *Eagle Tavern*, Main Street.  
 Halifax, *Halifax Historic District*, bounded on the southwest by St. David Street, on the northwest by the Owens House drainage ditch, on the northeast by the Roanoke River, and on the southeast by the Magazine Spring Gut.

Scotland Neck vicinity, *Sally-Billy House*, 0.8 mile west of Scotland Neck on south side of State Route 1117.

## Harnett County

Dunn vicinity, *Lebanon*, 4.5 miles southwest of Dunn on North Carolina 82.

## Henderson County

Flat Rock, *Flat Rock Historic District* (10-15-73).  
 Flat Rock vicinity, *Carl Sandburg Home National Historic Site*, 0.25 mile west of Flat Rock.

## Hertford County

Ahoke vicinity, *Mitchell, William, House*, 3 miles east of Ahoke on North Carolina 350.  
 Como vicinity, *Hare Plantation House*, 1.6 miles west of the junction of Route 1317 and U.S. 258.  
 Como vicinity, *Riddick House*, 1 mile south of the intersection of Routes 1319 and 1322.  
 Murfreesboro, *The Columns*, Jones Drive.  
 Murfreesboro, *Freeman House (Hertford Academy)*, 200 East Broad Street.  
 Murfreesboro, *Melrose*, 100 East Broad Street.  
 Murfreesboro, *Myrick House*, 402 Broad Street.  
 Murfreesboro, *Murfreesboro Historic District*, bounded on the east by a line 60 feet east of Fourth Street; on the south by Vance Street extending beyond to a point 1,050 feet west of Liberty Street and 300 feet south of Main Street; on the west by a line 500 feet west of Winder Street; and on the north by a line 120 feet north of Broad Street.  
 Murfreesboro, *Rea, William, Store*, East Williams Street.  
 Murfreesboro, *Roberts-Vaughan House*, 130 East Main Street.  
 Murfreesboro, *Wheeler, John, House*, 403 East Broad Street.

## Iredell County

Elmwood vicinity, *Farmville Plantation*, southeast of Elmwood off U.S. 70 on State Route 2362.  
 Statesville, *Main Building*, Mitchell College, Broad Street.  
 Statesville vicinity, *Fort Dobbs*, Fort Dobbs Road.

## Johnson County

Clayton vicinity, *Sanders-Hair House*, Route 1525 south of Clayton.  
 Newton Grove vicinity, *Bentonville Battleground State Historic Site*, 2 miles north of Newton Grove on County Route 1008.  
 Newton Grove vicinity, *Harper House*, Bentonville Battleground State Historic Site.

## Jones County

Pollocksville vicinity, *Foscue Plantation House*, east side of U.S. 17, 1.5 miles south of the junction of U.S. 17 and North Carolina 1002.  
 Pollocksville vicinity, *Sanderson House*, southwest of Pollocksville on North Carolina 1115.  
 Trenton, *Grace Episcopal Church*, Lake View Drive and Weber Street.

## Lee County

Sanford, *The Railroad House*, Carthage Street at Hawkins Avenue.

## Lenoir County

Falling Creek vicinity, *Cedar Dell*, southeast of Falling Creek on North Carolina 1338, 0.4 mile from the intersection with North Carolina 1324.  
 Falling Creek vicinity, *Wood, Dempsey, House*, southwest of Falling Creek on North Carolina 1324.

Kinston, *Peebles House (Harmony Hall)*, 100 East King Street.  
 Kinston vicinity, *Jackson, Jesse, House*, on U.S. 11, south of Kinston.  
 La Grange vicinity, *Herring House*, northwest of La Grange off State Route 1503.

## Lincoln County

Iron Station vicinity, *Ingleside*, State Route 1383, 0.1 mile south of junction with Highway 73.  
 Iron Station vicinity, *Magnolia Grove*, at junction of State Routes 1309 and 1313.  
 Lincolnton, *Shadow Lawn*, 801 West Main Street.  
 Lincolnton vicinity, *Loretz House*, northwest of Lincolnton on State Route 1204.  
 Lincolnton vicinity, *Rock Springs Camp Meeting Ground*, on North Carolina 1373, 0.5 mile north of the intersection with North Carolina 16.  
 Lincolnton vicinity, *Woodside*, on U.S. 182, 0.4 mile west of junction with U.S. 27.  
 Machpelah vicinity, *Fucker's Grove Camp Meeting Ground*, north of Machpelah off North Carolina 1390.

## McDowell County

Pleasant Gardens, *Carson House*, east of Pleasant Gardens on U.S. 70.

## Macon County

Wests Mill vicinity, *Covee Mound and Village Site*, 0.75 mile west of Wests Mill on the south bank of Little Tennessee River.

## Martin County

Hamilton vicinity, *Fort Branch Site*, southeast of Hamilton on State Route 1418.

## Mecklenburg County

Charlotte, *Alexander, Hezekiah, House*, 3420 Shamrock Drive.  
 Charlotte, *Rosedale*, 3427 North Tryon Street.  
 Charlotte, *Victoria*, 1600 The Plaza.  
 Davidson, *Eumenean Hall*, Davidson College campus.  
 Davidson, *Philanthropic Hall*, Davidson College campus.  
 Huntersville, *Cedar Grove*, Route 2198, 0.8 mile northeast of junction with Route 2131.  
 Huntersville, *Holly Bend*, on State Route 2720, 0.25 mile west of junction with State Route 2127.  
 Huntersville vicinity, *Latta House*, 6 miles south of Huntersville on State Route 2135.  
 Pineville vicinity, *Dinkins House*, north of Pineville on Nation's Ford Road (State Route 1126) (12-4-73).

## Montgomery County

Mount Gilead vicinity, *Town Creek Indian Mound*, 4.5 miles southeast of Mount Gilead on North Carolina 73.

## Moore County

Carthage vicinity, *Alston House*, 8 miles northeast of Carthage on County Route 1644.  
 Pinehurst, *Pinehurst Historic District* (8-14-73).

## Nash County

Dortches vicinity, *Dortche House*, southwest of Dortches on North Carolina 1527.  
 Rocky Mount vicinity, *Stonewall*, Falls Road Extension.

## New Hanover County

Wilmington, *City Hall-Thalian Hall*, 100 North Third Street.  
 Wilmington vicinity, *Fort Fisher*, 18 miles south of Wilmington on U.S. 421.

## Orange County

Chapel Hill, *Chapel of the Cross*, 304 East Franklin Street.  
 Chapel Hill, *Chapel Hill Historic District*.

Chapel Hill, *Old East University of North Carolina, University of North Carolina Campus*.  
 Chapel Hill, *Playmakers Theatre (Smith Hall)*, Cameron Avenue, University of North Carolina.  
 Hillsborough, *Ayr Mount*, St. Mary's Road.  
 Hillsborough, *Burnell School*, North Church Street.  
 Hillsborough, *Commandant's House*, The Barracks Road.  
 Hillsborough, *Eagle Lodge*, 142 West King Street.  
 Hillsborough, *Hazel-Nash House*, 116 West Queen Street.  
 Hillsborough, *Heartsease*, 113 East Queen Street.  
 Hillsborough, *Hillsborough Historic District*, roughly bounded by North Nash Street on the west, the Eno River and the Southern Railroad tracks on the south, the Ayr Mount property and the town boundary on the east, and the Old Oxford Road and West Corbin Street on the north (10-15-73).  
 Hillsborough, *Nash Law Office*, 143 West Margaret Lane.  
 Hillsborough, *Nash-Hooper House*, 118 West Tryon Street.  
 Hillsborough, *Old Orange County Courthouse*, 106 East King Street.  
 Hillsborough, *Ruffin-Rouillac House*, northeast corner of Churton and Orange Streets.  
 Hillsborough, *St. Matthew's Episcopal Church and Churchyard*, St. Mary's Road.  
 Hillsborough, *Sans Souci*, East Corbin Street.  
 Hillsborough vicinity, *Moorefields*, on north Carolina 1135, 0.1 mile from its junction with North Carolina 1134.

## Pamlico County

Oriental vicinity, *China Grove*, 3 miles southwest of Oriental on Janeiro RPR 1302.

## Pasquotank County

Elizabeth City, *Old Brick House*, 182 Brick House Lane.  
 South Mills, *Morgan House*, 4.1 miles north of the junction of Route 1333 and U.S. 17.

## Pender County

Vista, *Sloop Point*, off Route 1561, 2.4 miles from the junction with U.S. 17.  
 Wilmington vicinity, *Moore's Creek National Military Park*, 25 miles northwest of Wilmington on North Carolina 210.

## Perquimans County

Bethel vicinity, *Myers-White House*, northeast of Bethel on Route 1347, 0.7 mile east of the junction with Route 1339.  
 Hertford vicinity, *Land's End*, about 12 miles southeast of Hertford near junction State Route 1300 and 1324 (9-20-73).  
 Hertford vicinity, *Newbold-White House*, southeast of Hertford off Route 1336 north of the junction with Route 1337.  
 Hertford vicinity, *Nixon, Samuel, House*, northwest of Hertford on the Perquimans River (10-15-73).

## Pitt County

Grimesland vicinity, *Grimesland Plantation*, east of Grimesland on Route 2.

## Polk County

Tryon vicinity, *Block House Site*, 0.5 mile east of U.S. 176 on the boundary between North and South Carolina.

## Randolph County

Flint Hill vicinity, *Skeen's Mill Covered Bridge*, southwest of Flint Hill, 1.7 miles west on Route 1406 from the junction with Route 1408.  
 Pisgah, *Pisgah Community Covered Bridge*, Route 1109, 0.5 mile south of the junction with Route 1112.

## Richmond County

Hamlet, *Seaboard Coast Line Passenger Depot*, Main Street.  
 Rockingham, *Grest Falls Mill*, West Washington and Broad Avenue.

## Robeson County

Lumberton vicinity, *Humphrey-Williams House*, west of Lumberton on North Carolina 211 (7-24-73).

## Rockingham County

Monroeton vicinity, *Troublesome Creek Iron Works*, about 1.5 miles north of Monroeton on North Carolina 2422.  
 Wentworth, *Wright Tavern*, North Carolina 65.

## Rowan County

Granite Quarry vicinity, *Braun, Michael, House*, northwest of Granite Quarry on North Carolina 2308, 0.5 mile from the junction of North Carolina 2308 and U.S. 52.  
 Rockwell vicinity, *Grace Evangelical and Reformed Church*, south of Rockwell near the intersection of Routes 1221 and 2335.  
 Salisbury, *Community Building*, Rowan County Courthouse, 200 North Main Street.  
 Salisbury, *Henderson, Archibald, Law Office*, corner of Church and Fisher Streets.  
 Salisbury, *McNeely-Strachan House*, 226 South Jackson Street.  
 Salisbury, *Maxwell Chambers House*, 116 South Jackson Street.  
 Salisbury, *Zion Lutheran Church*, Route 1006, 0.5 mile from the junction with Route 1221.  
 Spencer, *Long, Alexander, House*, Sowers Ferry Road.

## Rutherford County

Rutherfordton, *Trinity Lutheran Church*, 702 North Main Street.  
 Rutherfordton vicinity, *Fox Haven Plantation*, 1.4 miles north of the intersection of North Carolina 1157 and 106.

## Scotland County

Wagram vicinity, *Richmond Temperance and Literary Society Hall*, about 1 mile southwest of Wagram on North Carolina 1405.

## Surrey County

Debson vicinity, *Franklin, Bernard, House*, northwest of Debson on North Carolina 1442.

## Swain County

Bryson City vicinity, *Governor's Island (Kittuhwa)*, 3.5 miles east of Bryson City off U.S. 19.

## Union County

Monroe, *Monroe City Hall*, 102 West Jefferson Street.  
 Monroe, *Union Courthouse*, Courthouse Square.  
 Waxhaw vicinity, *Pleasant Grove Camp Meeting Ground*, northeast of Waxhaw on North Carolina 1327.

## Vance County

Henderson vicinity, *Ashland*, north of Henderson on Satterwhite Point Road.  
 Williamsboro, *St. John's Episcopal Church*, Route 1329.  
 Williamsboro vicinity, *Burnside Plantation House*, on Route 1335 about 1.8 miles east of Williamsboro Crossroads.

## Wake County

Raleigh, *Andrews-Duncan House*, 407 North Blount Street.  
 Raleigh, *Briggs Hardware Building*, 220 Fayetteville Street (10-25-73).  
 Raleigh, *Christ Episcopal Church*, 120 East Edenton Street.

Raleigh, *Dodd-Hinsdale House*, 330 Hillsborough Street.  
 Raleigh, *Dorton, J. S., Arena*, North Carolina State Fairgrounds, West Hillsborough Street.

Raleigh, *Estep Hall*, Shaw University campus, 118 East South Street.

Raleigh, *Executive Mansion*, 210 North Blount Street.

Raleigh, *Federal Building (Raleigh Post Office and Courtroom)*, 300 Fayetteville Street.

Raleigh, *Hawkins-Hartness House*, 310 North Blount Street.

Raleigh, *Haywood Hall*, 211 New Bern Avenue.

Raleigh, *Haywood, Richard B., House*, 127 East Edenton Street.

Raleigh, *Heck House*, 503 East Jones Street (Heck-Lee House), 511 East Jones Street (Heck-Wynne House), 218 North East Street (Heck-Pool House).

Raleigh, *Heck-Andrews House*, 309 North Blount Street.

Raleigh, *Lane, Joel, House*, 728 West Hargett Street.

Raleigh, *Lewis-Smith House*, 515 North Wilmington Street.

Raleigh, *Mordecai House*, Mimosa Street.

Raleigh, *Peace College Main Building*, Peace Street at north end of Wilmington Street.

Raleigh, *Raleigh Water Tower*, 115 West Morgan Street.

Raleigh, *St. Mary's Chapel*, 900 Hillsborough Street.

Raleigh, *Seaboard Coast Line Railroad Co. Office Building*, 325 Halifax Street.

Raleigh, *State Bank of North Carolina (Christ Church Rectory)*, 11 New Bern Avenue.

Raleigh, *State Capitol Building*, Capitol Square, bounded by Wilmington, Edenton, Salisbury, and Morgan Streets.

Raleigh, *White-Holman House*, 209 East Morgan Street.

Raleigh vicinity, *Jones, Crabtree, House*, north of Raleigh on Old Wake Forest Road.

Raleigh vicinity, *Midway Plantation*, 8 miles east of Raleigh on U.S. 64.

Raleigh vicinity, *Yates Mill*, Lake Wheeler Road.

## Warren County

Littleton, *Person's Ordinary*, North Carolina 1001.

Littleton vicinity, *Little Manor (Mosby Hall)*.

Vaughan vicinity, *Buck Spring Plantation (Nathaniel Macon House)*, north of Vaughan on County Route 1348.

Warrenton, *Coleman-White House*, Halifax and Hall Streets (10-25-73).

Warrenton vicinity, *Elgin*, 1.5 miles southeast of Warrenton on State Route 1509.

## Washington County

Creswell vicinity, *Somerset Place State Historic Site*, 9 miles south of Creswell on Lake Phelps.

## Watauga County

Blowing Rock vicinity, *Gragg House*, west of Blowing Rock on U.S. 221 (10-25-73).

Valle Crucis vicinity, *Mast Farm*, on Route 1112, 0.4 mile east of the junction with Route 1135.

Valle Crucis vicinity, *Mast General Store*, south of Valle Crucis on North Carolina 1112.

## Wayne County

Fremont vicinity, *Aycock, Charles B., Birthplace*, 1 miles south of Fremont off U.S. 117.

## Wilkes County

Purlear vicinity, *Cleveland, Robert, Log House*, on Route 1300, 0.3 mile northwest of the junction with Route 1817.

Wilkesboro, *Old Wilkes County Jail*, North Bridge Street.



## Yadkin County

Richmond Hill vicinity, *Richmond Hill Law School*, north of Richmond Hill on County Route 1539.

## North Dakota

## Benson County

Fort Totten vicinity, *Fort Totten*, south of Fort Totten.

## Billings County

Medora, *Theodore Roosevelt National Memorial Park* (also in McKenzie County).

## Burleigh County

Bismarck, *Camp Hancock Site*, 101 Main Avenue.

Menoken vicinity, *\*Menoken Indian Village Site*, 1.25 miles north of Menoken, Verendrye State Park.

## Grand Forks County

Grand Forks, *Oxford House*, University of North Dakota campus.

## McKenzie County

Theodore Roosevelt National Memorial Park (see Billings County).

## Mercer County

Stanton vicinity, *\*Big Hidatsa Village Site*, north bank of Knife River, 1 mile north of Stanton.

## Williams County

Buford vicinity, *Fort Union Trading Post National Historic Site*, west of Buford (also in Roosevelt County, Mont.).

## Ohio

## Adams County

Locust Grove vicinity, *\*Serpent Mound*, northwest of Locust Grove.

## Allen County

Spencerville vicinity, *\*Miami and Erie Canal*, Deep Cut, 2 miles south of Spencerville on Ohio 66.

## Ashtabula County

Ashtabula, Hubbard, Col. William, House, corner of Lake Avenue and Walnut Boulevard.

Windsor Mills vicinity, *Wiswell Road Covered Bridge*, southwest of Windsor Mills over Phelps Creek.

## Athens County

Athens, *\*Manasseh Cutler Hall*, Ohio University, Ohio University campus.

The Plains, *Hariman Mound* (Connett Mound), west of The Plains.

## Auglaize County

Wapakoneta, *Auglaize County Courthouse*, Courthouse Square.

Wapakoneta vicinity, *Fort Amanda Site*, northwest of Wapakoneta.

## Brown County

Fincastle vicinity, *Eagle Township Works I Mound*, southeast of Fincastle.

Ripley vicinity, *Rankin, John, House*, east of Ripley, Liberty Hill.

## Butler County

Fairfield vicinity, *Pleasant Run Mounds*, Hamilton, *Benningshofen House*, 327 North Second Street.

Hamilton, *Lane-Hoover House*, 319 North Third Street (10-25-73).

Hamilton vicinity, *Fairfield Township Works I*, northeast of Hamilton.

Jacksonburg vicinity, *Mann Mound* (Leslie Mound), north of Jacksonburg.

Middletown vicinity, *Great Mound*, west of Middletown.

Millville vicinity, *Cochran Farm*, 2900 Ohio 129 (7-16-73).

Oxford, *Fisher Hall* (Oxford Female College), Miami University campus.

Oxford, *\*McGuffey, William H., House*, 401 East Spring Street.

Oxford, *Elliott and Stoddard Halls*, Miami University, Miami University campus.

Oxford vicinity, *DeWitt, Zachariah Price, Cabin*, east of Oxford off U.S. 73.

Pisgah vicinity, *Union Township Works II*, south of Pisgah.

## Carroll County

Carrollton, *McCook, Daniel, House*, Public Square.

Carrollton vicinity, *Petersburg Mill*, 4.3 miles south of Carrollton on Ohio 322.

Minerva, *Minerva Grade School*, southeast corner of West Line Street and Grant Boulevard (10-15-73).

## Clark County

Enon, *Enon Mound*, Springfield, *Bushnell-Foos Historic District*, 810 and 838 East High Street.

Springfield, *Municipal City Building* (City Hall), South Mountain Avenue between High and Washington Streets.

Springfield, *Pennsylvania House*, 1311 West Main Street.

Springfield vicinity, *Newlove Works*, east of Springfield.

## Clermont County

Bantam vicinity, *Pinkham Farm*, northwest of Bantam off Ohio 125 (7-23-73).

## Clinton County

Clarksville vicinity, *Pansy Methodist Church and Pansy School District*, south of Clarksville on Ohio 730.

Wilmington, *College Hall*, east of College Street between Douglas Street and Pike Avenue on Wilmington College campus.

## Columbiana County

East Liverpool, *\*The Beginning Point of the U.S. Public Land Survey*, on the Ohio-Pennsylvania boundary (also in Beaver County, Pa.).

East Liverpool, *East Liverpool Pottery*, southwest corner of Second and Market Streets.

East Liverpool, *Thompson, Cassius Clark, House*, 305 Walnut Street.

Salem, *Street, John, House*, 631 North Ellsworth Avenue (10-10-73).

West Point vicinity, *Morgan, John H., Surrender Site*, 3.1 miles west of West Point on Ohio 518.

## Coshocton County

Coshocton, *Coshocton County Courthouse*, Courthouse Square.

Coshocton, *Roscoe Village*.

## Cuyahoga County

Brecksville, *Brecksville Town Hall*, Public Square.

Cleveland, *Adelbert Hall*, 2040 Adelbert Road (10-30-73).

Cleveland, *Bingham Company Warehouse*, 1278 West Ninth Street (11-2-73).

Cleveland, *Carlton Building*, 813 Huron Road SE. (10-30-73).

Cleveland, *Cleveland Arcade*, 401 Euclid Avenue.

Cleveland, *Cleveland Grays Armory*, 1234 Bolivar Road.

Cleveland, *Cleveland Trust Company*, 900 Euclid Avenue at East Ninth Street (11-26-73).

Cleveland, *Garfield Memorial*, 12316 Euclid Avenue in Lakeview Cemetery.

Cleveland, *Mather, Samuel, Mansion* (University Hall, Cleveland State University), 2906 Euclid Avenue.

Cleveland, *Merwin, George, House*, 3028 Prospect Avenue.

Cleveland, *Newburgh Town Hall*, 9213 Miles Road (10-30-73).

Cleveland, *Northern Ohio Lunatic Asylum*, 4455 Turney Road (10-30-73).

Cleveland, *Old Stone Church*, 91 Public Square.

Cleveland, *Perry-Payne Building*, 740 Superior Avenue (7-16-73).

Cleveland, *Rockefeller Building*, 614 Superior Avenue.

Cleveland, *Schweinfurth, Charles, House*, 1951 East 75th Street.

Cleveland, *St. John's Episcopal Church*, 2690 Church Street.

Cleveland, *Trinity Cathedral*, Euclid Avenue and East 22d Street.

Cleveland, *Wade Memorial Chapel*, 12316 Euclid Avenue (Lakeview Cemetery).

Cleveland, *Western Reserve Building*, 1468 West Ninth Street (10-30-73).

Cleveland, *West Side Market*, Lorain Avenue and West 24th Street (12-18-73).

Cleveland, *White, Henry P., House*, northeast corner of Euclid Avenue and East 90th Street (7-16-73).

Cleveland Heights, *Tremaine-Gallagher Residence*, 3001 Fairmount Boulevard (10-30-73).

Mayfield Village, *Old Center School*, 784 S.O.M. Center Road.

Middleburg Heights, *Old District 10 School House*, corner of Cheldon and Fry Roads (10-15-73).

Rocky River-Lakewood, *Detroit Avenue Bridge*, Detroit Avenue at the Rocky River Valley View Village. \*Ohio and Erie Canal, Ohio 631.

## Darke County

Fort Jefferson, *Fort Jefferson Site*, Ohio 121.

## Delaware County

Delaware, *Delaware County Courthouse*, North Sandusky and Central.

Delaware, *Elliot Hall, Sturges Library, and Merrick Hall*, Ohio Wesleyan University campus.

Galena vicinity, *Spruce Run Earthworks*, south of Galena (7-16-73).

## Erie County

Kelleys Island, *Inscription Rock*, on Water Street off Ohio 578.

Milan, *\*Edison, Thomas Alva, Birthplace*.

## Fairfield County

Lancaster, *\*Sherman, John, Birthplace*, 137 East Main Street.

Lancaster, *Square 13 Historic District*.

Lancaster vicinity, *Chestnut Ridge Farm*, southwest of Lancaster off U.S. 22.

Lancaster vicinity, *Concord Hall*, 1445 Cincinnati-Zanesville Road SW.

Lancaster vicinity, *Wollow Lane Farm*, southwest of Lancaster on U.S. 22.

Tarleton vicinity, *Tarleton Cross Mound*, north of Tarleton.

## Fayette County

Washington Court House, *Fayette County Courthouse*, Main and Columbus Streets.

## Franklin County

Columbus, *Camp Chase Site*, 2900 Sullivant Avenue.

Columbus, *Franklinton Post Office* (Deardurf, David, House), 72 South Gift Street.

Columbus, *Campbell Mound*, McKinley Avenue.

Columbus, *Fort Hayes*, Cleveland Avenue and Interstate 71.

Columbus, *Harrison, General William Henry, Headquarters* (Jacob Oberdier House), 670 West Broad Street.

Columbus, *Hayes and Orton Halls*, The Ohio State University, The Oval.

Columbus, *Ohio Asylum for the Blind*, 240 Parsons Avenue (7-26-73).

Columbus, *Ohio Statehouse*, southeast corner of Broad and High Streets.

Columbus, *Old Governor's Mansion*, 1234 East Broad Street.

Columbus, *Old, Old Post Office*, 121 East State Street.

Columbus, *Ohio Theatre*, 39 East State Street.

Columbus, *Peruna Drug Manufacturing Co. Building*, 115 East Rich Street.

Columbus, *Smith, Benjamin, House*, 181 East Broad Street.

Columbus, *Sullivan, Lucas, Building*, 714 West Gay Street.

Columbus, *Toledo & Ohio Central Railroad Station*, 379 West Broad Street.

Columbus, *Wyandotte Building*, 21 West Broad Street.

Westerville, *Hart, Gideon, House*, 732 Hempstead Road (8-14-73).

Westerville, *Nandy House*, 160 West Main Street.

Worthington, *Johnson, Orange, House*, 956 High Street.

Worthington, *New England Lodge*, 634 North High Street.

Worthington, *Snow, John, House*, 41 West New England Avenue (7-26-73).

Westerville, *Towers Hall*, Otterbein College, West Main and Grove Streets, Otterbein College campus.

Worthington, *Worthington Manufacturing Company Boarding House*, 25 Fox Lane.

## Fulton County

Wauseon, *Fulton County Courthouse*, South Fulton and Chestnut Streets.

## Gallia County

Gallipolis, *Our House*, 434 First Avenue.

## Greene County

Cambridge, *Guernsey County Courthouse*, Courthouse Square (7-16-73).

Cedarville vicinity, *Pollock Works*, west of Cedarville.

Cedarville vicinity, *Reid, Whitelaw, House*, southwest of Cedarville at 2587 Conley Road.

Cedarville vicinity, *Williamson Mound State Memorial*, northwest of Cedarville.

Clifton vicinity, *Whiteman, Benjamin, House*, Fairborn vicinity, *Huffman Field*, Wright-Patterson Air Force Base, 1 mile southwest of Fairborn.

Fairborn vicinity, *Wright-Patterson Air Force Base Mound*, Area B, P Street between Seventh and Eighth Streets.

Xenia, *E. 2nd Street District*, 235 East Second Street (Hivling-Kinney House) and 208-213-215 East Second Street (John Allen House).

Xenia, *Bank of Xenia*, northeast corner of Detroit and East Second Streets.

Wilberforce, *Homewood Cottage* (Hallie Q. Brown House), on Brush Row Road, immediately northwest of the Post Office.

Wilberforce, *President's House*, Central State University (Searborough, William, House), southeast side of Brush Row Road, just southeast of the Post Office.

## Guernsey County

Old Washington vicinity, *\*S Bridge, National Road*, 4 miles east of Old Washington on U.S. 40.

## Hamilton County

Cincinnati, *Albee Theater*, 13 East Fifth Street.

Cincinnati, *Apostolic Bethlehem Temple Church*, 1205 Elm Street.

Cincinnati, *Oary Cottage*, 7000 Hamilton Avenue.

Cincinnati, *Cincinnati City Hall*, 801 Plum Street.

Cincinnati, *Cincinnati Music Hall*, 1243 Elm Street.

## Hocking County

Haydenville, *Haydenville Historic Town*, Laurelville vicinity, *Ross, Edith, Mound*, north of Laurelville.

Mount Vernon, *Knox County Courthouse*, High Street.

## Highland County

Marshall vicinity, *Rocky Port Park Group*, northwest of Marshall.

Hillsboro vicinity, *Fort Hill*, 18 miles south-east of Hillsboro on Ohio 41.

Priestown vicinity, *Workman Works*, south of Priestown.

Rainsboro vicinity, *Berretts Mills*, southeast of Rainsboro.

Rainsboro vicinity, *Plum Run Mound*, north-east of Rainsboro.

## Jackson County

Coalton vicinity, *Leo Petroglyph*, north-west of Coalton.

Jackson vicinity, *Buckeye Furnace*, east of Jackson.

## Jefferson County

Mount Pleasant, *Friends Meetinghouse*, near Ohio 150.

Staubenville, *Federal Land Office*, at U.S. 22 and Ohio 7.

## Knox County

Fredericktown vicinity, *Braddock Mound and Works*, east of Fredericktown.

Mount Vernon, *Pennsylvania Depot*, South Main Street.

Mt. Vernon vicinity, *McLaughlin Mound*, south of Mt. Vernon.

## Lake County

Fairport Harbor, *Fairport Marine Museum*, 129 Second Street.

Kirtland, *Kirtland Temple*, 9020 Chillicothe Road.

Kirtland, *Old South Church*, 9802 Chillicothe Road (9-20-73).

Mentor, *Corning-White House*, 8353 Mentor Avenue.

Mentor, *\*Garfield, James A., Home*, Lawnfield, 1059 Mentor Avenue.

Painesville, *Administration Building*, Lake Erie College, 391 West Washington Street.

Painesville, *Lutz Tavern* (Rider Tavern), 792 Mentor Avenue.

Painesville, *Mathews House*, 309 West Washington Street.

Painesville, *Painesville City Hall*, 7 Richmond Street.

Painesville, *Secley, Uri, House*, 969 Riverside Drive (8-14-73).

Painesville, *Sessions House* (Tuscan House), 157 Mentor Avenue (8-14-73).

Unionville, *Connecticut Land Company Office*, 7071 East Main Street (8-14-73).

Unionville, *Unionville Tavern*, on Ohio 84 (7-23-73).

## Licking County

Brownsville vicinity, *Flint Ridge*, north of Brownsville.

Granville, *The Buxton Inn*, 313 East Broadway.

Granville vicinity, *Alligator Effigy Mound*, east of Granville.

Heath vicinity, *Ohio Canal Ground Breaking Site*, Ohio 79.

Homer, *Dixon Mound*.

Newark, *Home Building Association Bank*, 6 West Main Street.

Newark, *Licking County Courthouse*, Courthouse Square.

Newark, *\*Newark Earthworks*, Mound Builders State Memorial.

## Logan County

Bellefontaine, *Logan County Courthouse*, Public Square.

## Lorain County

Oberlin, *\*Oberlin College*, Tappan Square.



## Lucas County

Maumee, *First Presbyterian Church of Maumee Chapel*, 200 East Broadway (8-14-73).  
 Maumee, *House of Four Pillars*, 332 East Broadway (7-16-73).  
 Maumee, *Hull-Wolcott House*, 1031 River Road.  
 Toledo, *Fort Industry Square* (7-23-73).  
 Maumee, *Maumee Sidecut*, north of the Maumee River and southwest of Ewing Island.  
 Maumee vicinity, *\*Fallen Timbers Battlefield*, 2 miles west of Maumee on U.S. 24.  
 Toledo, *Lucas County Courthouse and County Jail*, Courthouse Square and 810-814 Jackson Street.  
 Toledo, *Neukon, Albert, House*, 301 Broadway.  
 Toledo, *Old Central Post Office*, 13th Street between Madison and Jefferson Avenues.  
 Toledo, *Old West End District*.  
 Toledo, *Philpps, Henry, House*, 220 Columbia.  
 Toledo, *Pythian Castle* (Bleckner Music Company), 801 Jefferson Avenue.  
 Toledo, *St. Patrick's Catholic Church*, 13th Street and Avondale Avenue.  
 Toledo, *Successful Sales Co. (Oliver House)*, 27 Broadway.  
 Toledo, *Toledo City Market* (city of Toledo Service Building), 237 South Erie Street.  
 Toledo, *Toledo News-Bee Building*, 604 Jackson Street.  
 Waterville, *Columbian House*, River and Farnsworth Roads.  
 Waterville vicinity, *Interurban Bridge*, 1 mile south of Waterville, across Maumee River.

## Madison County

London, *Madison County Courthouse*, Public Square.  
 Somerford vicinity, *Wilson, Valentine, House*, about 1 mile north of Somerford off I-70.

## Mahoning County

Coltsville Township, *\*McGuffey (William H.) Boyhood Home Site*, McGuffey Road, near Ohio 616.

## Marion County

Marion, *\*Harding, Warren G., Home*, 380 Mount Vernon Avenue.

## Medina County

Medina, *Medina County Courthouse*, Liberty Street and Broadway, Public Square.  
 Wadsworth, *St. Mark's Episcopal Church* (Wadsworth Congregational Church), 146 College Street.

## Meigs County

Pomeroy vicinity, *Buffington Island*, 20 miles east of Pomeroy on Ohio 124, Lebanon Township.

## Mercer County

Fort Recovery Site, Fort Recovery on Ohio 49.

## Miami County

Lockington and vicinity, *Lockington Locks Historical Area*.  
 Piqua vicinity, *Piqua Historical Area State Memorial* (John Johnston Farm and Indian Agency), 1 mile north of Piqua.

## Montgomery County

Brookville, *Spittler, Samuel, House*, 15 Hay Avenue (9-28-73).  
 Dayton, *\*Dunbar, Paul Lawrence, House*, 219 North Summit Street.  
 Dayton, *Old Courthouse*, northwest corner of Third and Main Streets.  
 Dayton, *St. Mary's Hall*, 300 College Park, University of Dayton.  
 Dayton, *Victory Theater Building*, 138 North Main Street.  
 Dayton, *Wright, Orrville, Laboratory*, 15 North Broadway.

Dayton vicinity, *Lichter Mound and Village Site*, west of Dayton.  
 Germantown, *Germantown Covered Bridge*, Center Street, over Little Twin Creek.  
 Kettering, *Deeds Barn*, Frugh Park.  
 Miamisburg vicinity, *Miamisburg Mound*, south of Miamisburg.  
 Trotwood vicinity, *Wolf Creek Mound*, west of Trotwood.

## Morgan County

Stockport vicinity, *Big Bottom*, 1 mile southeast of Stockport on Ohio 266.

## Muskingum County

Nashport vicinity, *Nashport Mound*, east of Nashport.  
 New Concord, *Paul Hall, Layton Drive*, Muskingum College campus.  
 New Concord vicinity, *\*S Bridge II*, west of New Concord on U.S. 40.  
 Zanesville, *Muskingum County Courthouse and Jail*, Fourth and Main Streets (7-16-73).  
 Zanesville, *Y Bridge*, spans the Licking and Muskingum Rivers at Main Street (11-2-73).

## Ottawa County

Gibraltar Islands, *\*Cooke, Jay, Home*, Put-in-Bay, Lake Erie.  
 Marblehead, *Marblehead Lighthouse*, Ohio 163.  
 Mineyahta-on-the-Bay, *War of 1812 Battle Site*, East Bay Shore Road, 1 mile west of the junction with T-142.  
 Put-in-Bay, *South Bass Island, Perry's Victory and International Peace Memorial* National Monument.

## Perry County

Glenford vicinity, *Glenford Fort*, approximately 0.75 mile south of Glenford.

## Pike County

Piketon, *Friendly Grove*, Ohio 220 east of Piketon.

## Portage County

Kent, *Brown-Kent Tannery*, Stow Street (10-2-73).  
 Atwater, *Atwater Congregational Church*, 1237 Ohio 183.  
 Aurora vicinity, *Kent, Zeno, House*, 2.5 miles southwest of Aurora on Aurora-Hudson Road.

## Preble County

College Corner vicinity, *Hueston Woods Park Mound*, northeast of College Corner.  
 Eaton vicinity, *Fort St. Clair Site*, 1 mile west of Eaton.  
 Eaton vicinity, *Roberts Covered Bridge*, 3 miles south of Eaton.

## Richland County

Belleville, *Belleville Bandstand*, North Belleville Municipal Park (11-26-73).  
 Lucas vicinity, *Malabar Farm*, southeast of Lucas on Pleasant Valley Road.  
 Mansfield, *Oak Hill Cottage*, 310 Springmill Street.

## Ross County

Bainbridge, *Harris, Dr. John, Dental School*, Main Street (7-23-73).  
 Bainbridge vicinity, *Seip Earthworks*, east of Bainbridge.  
 Bourneville vicinity, *Spruce Hill Works*, east of Bourneville.

Chillicothe, *Canal Warehouse*, northeast corner of East Main and North Mulberry Streets.  
 Chillicothe, *Chillicothe's Old Residential District*, roughly bounded by Seventh, Walnut, Bellevue Avenue, Fourth, and Mulberry Streets (11-23-73).  
 Chillicothe, *Kendrick-Barrett House*, 475 Western Avenue.

Chillicothe, *Oak Hill*, Dun Road.

Chillicothe, *Renick House*, Paine Hill, 17 Mead Drive.

Chillicothe, *Story Mound State Memorial*, east of Cherokee and Delano Streets.  
 Chillicothe vicinity, *High Banks Works*, southeast of Chillicothe (7-16-73).  
 Chillicothe vicinity, *Metzger, Charles, Mound*, northwest of Chillicothe.

Chillicothe vicinity, *Mound City Group National Monument*, 4 miles north of Chillicothe on Ohio 104.

Chillicothe vicinity, *Stitt, David, Mound*, north of Chillicothe.

Frankfort, *Frankfort Works Mound*.

Hopetown vicinity, *\*Hopeton Earthworks*, near Mound City Group National Monument on U.S. 23.

Scioto Township, *Adena, Allen Avenue* extended.

## Sandusky County

Fremont, *\*Hayes, Rutherford B., Home* (Spiegel Grove), Hayes and Buckland Avenues.

## Scioto County

Portsmouth, *First Presbyterian Church*, 221 Court Street (11-28-73).

Portsmouth, *Kinney, Aaron, House*, Waller Street.

Portsmouth vicinity, *Feurt Mounds and Village Site*, north of Portsmouth.

West Portsmouth vicinity, *Tremper Mound and Works*, north of West Portsmouth.

## Seneca County

Tiffin, *Founders Hall, Heidelberg College*, Perry Street (Ohio 18).

## Shelby County

Lockington Locks Historical Area (see Miami County).

Sidney, *People's Federal Savings & Loan Association*, Public Square, 101 East Court Street at Ohio Avenue.

## Stark County

Alliance, *Glamorgan*, 1025 South Union Avenue.

Alliance, *Mount Union College District*.

Canton, *William McKinley Tomb*, Seventh Street NW.

Massillon, *Five Oaks*, 210 Fourth Street NE.

Massillon, *Spring Hill*, Wales Road NE.

## Summit County

Akron, *Fort Island Works*.

Akron, *Hower Mansion*, 60 Fir Hill.

Akron, *Loew's Theatre*, 182 South Main Street (7-16-73).

Akron, *Old Akron Post Office*, 70 East Market Street.

Akron vicinity, *Goodyear Airdock*, south of Akron at the Akron Airport.

Barberton, *Barber, O. C., Barn No. 1*, 115 Third Street.

Barberton, *Barber, O. C., Creamery*, 365 Portsmouth Avenue.

Barberton, *Barber, O. C., Piggery or "Pork Palace"*, 248 Robinson Avenue.

Bath, *Hale, Jonathan Homestead*, 2686 Oak Hill Road.

Cuyahoga Falls, *Chuckery Race*, George Metropolitan Park.

Hudson, *Hudson Historic District*, roughly bounded by College, Streetsboro, First, and Baldwin Streets (11-28-73).

Tallmadge, *Tallmadge Town Square Historic District*, Public Square.

Vinton, *Wilkesville vicinity, Ponn Humpback Covered Bridge*, 4 miles southwest of Wilkesville over Racoon Creek.

## Trumbull County

Howland Corners vicinity, *Seely, Dr. John W., House*, 2245 Niles-Courtland Road.

Kinsman, *Congressional-Presbyterian Church*, near Ohio 5-7.

Kinsman, *Congressional - Presbyterian Church*, near Ohio 5-7.

Kinsman, *Darrow, Clarence, Octagon House*, Ohio 5 and 7.  
 Kinsman vicinity, *Allen, Dr. Peter, House*, Kinsman, West Williamsfield State Road north of the intersection of Ohio 87.  
 North Bloomfield, *Brownwood*, Ohio 46.  
 Warren, *Mahoning Avenue Historic District*, 241-391 Mahoning Avenue NW.  
 Warren, *Warren Public Library*, 120 High Street NW.

## Tuscarawas County

Bolivar vicinity, *Fort Laurens Site*, south of Bolivar.  
 Gnadenhuttent vicinity, *Gnadenhuttent Massacre Site*, 1 mile south of Gnadenhuttent.  
 New Philadelphia, *Schoenbrunn Site*, U.S. 260.  
 New Philadelphia, *Tuscarawas County Courthouse*, Courthouse Square (7-16-73).  
 Zoar, *Zoar Historic District*, bounded by Fifth Street on the north, Foltz Street on the east, First Street on the south, and by the rear property lines of those properties fronting on West Street on the west.

## Vinton County

Zaleski vicinity, *Hope Furnace*, 5 miles northeast of Zaleski on Ohio 278.

## Warren County

Franklin vicinity, *Hill-Kinder Mound*, northeast of Franklin.  
 Lebanon, *Glenclower, U.S. 42*.  
 Lebanon vicinity, *\*Fort Ancient*, 7 miles southeast of Lebanon on Ohio 350, Fort Ancient State Memorial.

## Washington County

Marietta, *Erwin Hall*, Fifth Street, Marietta College campus.  
 Marietta, *First Unitarian Church of Marietta*, 232 Third Street (10-3-73).  
 Marietta, *Mound Cemetery Mound (Conus Mound)*, Fifth and Scammel Streets.  
 Marietta, *Ohio Company Land Office*, Campus Martius Museum, corner of Second and Washington Streets.  
 Marietta, *Putnam, Rufus, House*, Campus Martius Museum, corner of Second and Washington Streets.  
 Marietta, *W. P. Snyder, Jr. (steamboat)*, on the Muskingum River at Sacra Via.  
 Marietta, *Wilcox-Mills House (President's House, Marietta College)*, 301 Fifth Street.

## Wayne County

Wooster, *Wayne County Courthouse District* (7-26-73).

## Williams County

Bryan, *Williams County Courthouse*, Main and High Streets.

## Wood County

Bowling Green, *Wood County Courthouse*, 200 East Court Street.  
 Perrysburg, *Old Wood County Jail*, 240 West Indiana Avenue.  
 Perrysburg vicinity, *\*Fort Meigs*, 1.3 miles southwest of Perrysburg.  
 Interurban Bridge (also in Lucas County).

## Wyandot County

Upper Sandusky, *Wyandot County Courthouse and Jail*, Courthouse Square.  
 Upper Sandusky vicinity, *Indian Mill*, 3.5 miles northeast of Upper Sandusky on Crane Township Road.

## Oklahoma

## Adair County

Stillwell vicinity, *Golda's Mill*, 12 miles northwest of Stillwell.

## Alfalfa County

Cleo Springs vicinity, *Sod House*, about 4 miles north of Cleo Springs.

## Atoka County

Atoka vicinity, *Boggy Depot*, 14 miles southwest of Atoka.  
 Atoka vicinity, *Middle Boggy Battle Site and Confederate Cemetery*, approximately 1 mile north of Atoka.  
 Limestone Gap vicinity, *Leflore, Captain Charles, House*, c. one-half mile north of Limestone Gap on U.S. 69.  
 Wapanucka vicinity, *Old Faucett Well*, approximately 4 miles northeast of Wapanucka.  
 Wesley vicinity, *Waddell's Station Site*, approximately 3 miles southwest of Wesley.

## Beckham County

Carter vicinity, *Edwards Archeological Site*, west of Carter (9-19-73).

## Blaine County

Canton vicinity, *Cantonment*, NW 1/4 sec. 29, T. 19 N., R. 13 W.  
 Geary vicinity, *Chisholm, Jesse, Grave Site*, 8 miles northeast of Geary via unnumbered county roads.  
 Watonga, *Ferguson, Thompson Benton, House*, 521 North Weigel.

## Bryan County

Achille vicinity, *Bloomfield Academy Site*, 2.5 miles south of Achille.  
 Bokchito vicinity, *Armstrong Academy Site*, approximately 3 miles northeast of Bokchito.  
 Colbert vicinity, *Colbert's Ferry*, 3 miles southeast of Colbert.  
 Durant vicinity, *Carriage Point (Fisher's Station)*, 4 miles west of Durant.  
 Kenefick vicinity, *Fort McCulloch*, approximately 2 miles southwest of Kenefick.  
 Kenefick vicinity, *Nail's Station*, 2 miles southwest of Kenefick.  
 Nida vicinity, *\*Fort Washita*, southwest of Nida on Oklahoma 199.

## Caddo County

Anadarko, *Black Beaver's Grave*, on the north edge of Anadarko.  
 Apache, *Apache State Bank*, southwest corner of Evans and Coblake.  
 Fort Cobb vicinity, *Fort Cobb Site*, about 1 mile east of Fort Cobb.  
 Hinton vicinity, *Rock Mary*, c. 4 miles west of Hinton.

## Canadian County

El Reno vicinity, *Darlington Agency Site*, about 6 miles northwest of El Reno (8-14-73).  
 El Reno vicinity, *Fort Reno*, 3 miles west and 2 miles north of El Reno.

## Cherokee County

Park Hill, *Murrell Home (Hunter's Home)*.  
 Tahlequah, *Cherokee Female Seminary*, Northeastern State College campus.  
 Tahlequah, *\*Cherokee National Capitol*.

## Choctaw County

Fort Towson vicinity, *Fort Towson*, 1 mile northeast of Fort Towson.  
 Swink vicinity, *Chief's House*, 1.5 miles northeast of Swink.

## Cimarron County

Wheeler vicinity, *\*Camp Nichols*, 3 miles northeast of Wheeler on Ranch Road.

## Comanche County

Cache vicinity, *Quanah Parker's Star House*, Eagle Park.  
 Lawton vicinity, *\*Fort Sill*, north of Lawton.  
 Lawton vicinity, *Fort Sill Indian School*, east edge of Lawton off U.S. 62 (10-15-73).

## Delaware County

Grove vicinity, *Splitlog Church*, 9 miles northeast of Grove.

Siloam Springs vicinity, *Hildebrand Mill*, about 10 miles west of Siloam Springs.

## Ellis County

Arnett vicinity, *Site of Town of Grand*, c. 14 miles south of Arnett.

## Garvin County

Davis vicinity, *Initial Point*, about 7.5 miles west of Davis on Garvin-Murray County line (also in Murray County).  
 Erin Springs, *Erin Springs Mansion (Frank Murray Home)*, south of the Washita River.  
 Hoover vicinity, *Site of Fort Arbuckle*, c. 0.5 mile north of Hoover.

## Haskell County

Kinta vicinity, *McCurtain, Green, House*.

## Johnston County

Bromide vicinity, *Wapanucka Academy Site*, approximately 2 miles southeast of Bromide.  
 Emet vicinity, *White House of the Chickasaws*, northwest of Emet.  
 Tishomingo, *Chickasaw National Capitals*, Capitol Avenue, between Eighth and Ninth Streets.

## Kay County

Newkirk vicinity, *\*Deer Creek Site*, 6 miles northeast of Newkirk.  
 Ponca City, *Mariand, E. W., Mansion*, Monument Road.  
 Ponca City vicinity, *101 Ranch*, about 6 miles southwest of Ponca City.  
 Washunga, *Kaw Indian Agency*, north of the Arkansas River.

## Kingfisher County

Kingfisher, *Seay Mansion*, corner of 11th Street and Zellers Avenue.

## Kiowa County

Lugert vicinity, *Devil's Canyon*, approximately 3 miles southeast of Lake Aitua Dam.  
 Mountain Park vicinity, *Camp Radzinski*, approximately 4 miles northwest of Mountain Park.

## Latimer County

Higgins vicinity, *Pusley's Station*, approximately 2 miles southwest of Higgins.  
 Red Oak vicinity, *Edwards Store*, approximately 8 miles northeast of Red Oak.  
 Red Oak vicinity, *Holloway's Station*, approximately 5 miles northeast of Red Oak.  
 Wilburton vicinity, *McLaughlin Site*, 11 miles east of Wilburton.  
 Wilburton vicinity, *Riddle's Station Site*, c. 3 miles east of Wilburton.

## LeFlore County

Fort Coffee vicinity, *Spro Mound Group*, 2 miles northeast of Fort Coffee.  
 Hodgens vicinity, *Conser, Peter, House*, 3.5 miles west of Hodgens.  
 Shadypoint vicinity, *Trahern's Station*, approximately 9 miles west of Shadypoint.  
 Spiro vicinity, *Choctaw Agency/Walker Station*, approximately 1 mile northeast of Spiro.

## Lincoln County

Stroud vicinity, *Keokuk, Moses, House*, about 6 miles west of Stroud.

## Logan County

Guthrie, *Carnegie Library*, Oklahoma Avenue and Ash Street.  
 Guthrie, *Co-operative Publishing Co. Building*, Harrison Avenue and Second Street.

## Love County

Marietta vicinity, *Washington, Bill, Ranch House*, about 4 miles southwest of Marietta.



**McCurain County**

Millerton vicinity, \*Wheelock Academy, east of Millerton on U.S. 70.  
Millerton vicinity, Wheelock Church, 2 miles northeast of Millerton.

**McIntosh County**

Rentiesville vicinity, Honey Springs Battlefield, north of Rentiesville (also in Muskogee County).

**Mayes County**

Mazie vicinity, Union Mission Site, about 5 miles northeast of Mazie.  
Pensacola vicinity, Cabin Creek Battlefield, about 3 miles north of Pensacola near Cabin Creek.

**Murray County**

Initial Point (see Garvin County).

**Muskogee County**

Fort Gibson, \*Fort Gibson, Honey Springs Battlefield (see McIntosh County).  
Muskogee, Foreman, Grant, House, 1419 West Okmulgee Street (9-19-73).  
Muskogee, Union Agency, Agency Hill in Honor Heights Park.  
Muskogee vicinity, Fort Davis, 2.5 miles northeast of Muskogee.

**Oklahoma County**

Edmond, Old North Tower, 400 East Hurd Street, Central State College campus.  
Jones vicinity, "Ringing the Wild Horse" Site.  
Oklahoma City, Harn House, northeast 17th Street and Stiles.  
Oklahoma City, Overholser House, 405 Northwest 15th Street.

**Okmulgee County**

Okmulgee, \*Greek National Capitol.  
Okmulgee vicinity, Nuyaka Mission, approximately 11 miles west of Okmulgee.

**Pawnee County**

Pawnee, Pawnee Indian Agency, east edge of Pawnee.

**Payne County**

Stillwater, Old Central, Oklahoma State University, Oklahoma State University campus.  
Yale, Thorpe, Jim, House, 704 East Boston Street.

**Pittsburg County**

McAlester vicinity, Perryville, approximately 4 miles south of McAlester.  
Pittsburg vicinity, Blackburn's Station Site, about 9 miles southeast of Pittsburg.

**Pottawatomie County**

Shawnee vicinity, Shawnee Friends Mission, about 2 miles south of Shawnee.

**Pushmataha County**

Tuskahoma vicinity, Tuskahoma, Choctaw Council House, 2 miles north of Tuskahoma.

**Roger Mills County**

Cheyenne vicinity, \*Washita Battlefield, northwest of Cheyenne on U.S. 283.

**Rogers County**

Oologah vicinity, Will Rogers Birthplace, about 4 miles northeast of Oologah.

**Sequoyah County**

Akins vicinity, \*Sequoyah's Cabin, Oklahoma 101, Sequoyah's Cabin State Park.  
Marble City vicinity, Dwight Mission, about 3 miles southwest of Marble City.

**Texas County**

Optima vicinity, \*Stamper Site, 2.5 miles south of Optima on the south bank of the North Canadian River.

**Wagoner County**

Cowetah vicinity, Koweta Mission Site, 1 mile south of Cowetah.  
Tulahassee vicinity, Tulahassee Mission Site, northeast of Tulahassee.

**Washington County**

Bartlesville, Nellie Johnstone No. 1, Johnstone Park.

**Washita County**

Colony, Seger Indian Training School (Colony School), east edge of Colony.  
Colony vicinity, \*McLemore Site, 4 miles southeast of Colony on Oklahoma 69.

**Woodward County**

Fort Supply, Fort Supply Historic District.

**Oregon****Baker County**

Sumpter, Sumpter Valley Gold Dredge, southwest of town near Cracker Creek.

**Benton County**

Corvallis, Corvallis Arts Center (Episcopal Church of the Good Samaritan), 700 Southwest Madison Avenue.  
Philomath, Philomath College, Main Street.

**Clackamas County**

Government Camp vicinity, Timberline Lodge, 6 miles north of Government Camp in Mount Hood National Forest (11-12-73).  
Oregon City, McLoughlin House National Historic Site, McLoughlin Park, between Seventh and Eighth Streets.  
Oregon City vicinity, Ainsworth, Captain John C., House, 19195 South Leland Road.

**Clatsop County**

Astoria, \*Elmore, Samuel, Cannery, on the waterfront at the foot of Flavel Street.  
Astoria, \*Fort Astoria, 15th and Exchange Streets.

Astoria vicinity, Fort Clatsop National Memorial, 4.5 miles south of Astoria.  
Hammond, Fort Stevens, Fort Stevens State Park.

**Coos County**

Coos Bay, Marshfield Sun Printing Plant, 1049 North Front Street.

**Grant County**

John Day, Kam Wah Chung Co. Building, Canton Street in John Day City Park.

**Harney County**

Burns vicinity, Pete French Round Barn.

**Jackson County**

Jacksonville, \*Jacksonville Historic District.  
Jacksonville, Orth, John, House, northwest corner of intersection of Main and Third Streets.

**Josephine County**

Wolf Creek, Wolf Creek Tavern, on U.S. 99.

**Klamath County**

Fort Klamath vicinity, Fort Klamath Site, approximately 1.25 miles southeast of Fort Klamath.

Klamath Falls, Baldwin Hotel, 31 Main Street (10-2-73).

Warden, \*Lower Klamath National Wildlife Refuge (see Siskiyou County, Calif.).

**Lake County**

Fort Rock vicinity, \*Fort Rock Cave.

**Lane County**

Eugene, Deady Hall, University of Oregon campus.  
Eugene, Willard Hall, University of Oregon.

**Malheur County**

Danner vicinity, Charbonneau, Jean Baptiste, Memorial and Inskip Station Ruins, north of Danner off U.S. 95.  
Jordan Valley, Pelota Fronton, Bassett Street (U.S. 95).  
Vale, Old Stone House, 283 South Main Street.

**Marion County**

Champoeg vicinity, Case, William, House, southeast of Champoeg off Arbor Grove Road.  
Salem, Kay, Thomas, Woolen Mill, 260 12th Street SE.  
Salem, Lee, Jason, House, 260 12th Street SE.  
Salem, Port, Dr. Luke A., House (Deepwood), 1116 Mission SE. (10-2-73).

**Multnomah County**

Portland, The Old Church (Calvary Presbyterian Church), 1422 Southwest 11th Avenue.  
Portland, Pioneer Courthouse, 520 Southwest Morrison Street.

**Polk County**

Willamina vicinity, Fort Yamhill Site, at the confluence of Cosper Creek and the South Fork of the Yamhill River.

**Wasco County**

The Dalles, Fort Dalles Surgeon's Quarters, 5th and Garrison Streets.

**Pennsylvania****Adams County**

Fairfield, Fairfield Inn, Main Street.  
Gettysburg, Dobbin House, 89 Steinwehr Avenue.  
Gettysburg, Gettysburg National Military Park.  
Gettysburg, Pennsylvania Hall, Gettysburg College campus.  
Gettysburg vicinity, Eisenhower National Historic Site, southwest edge of Gettysburg National Military Park.

**Allegheny County**

Braddock, Carnegie Free Library of Braddock, 419 Library Street.  
Natrona Heights vicinity, Old Burtner Stone House, Burtner Road, northwest of Natrona Heights.  
Pittsburgh, Allegheny County Buildings, 436 Grant Street, 420 Ross Street.  
Pittsburgh, Allegheny Post Office (Old North Post Office), Allegheny Center.  
Pittsburgh, \*Forks of the Ohio, Point Park.  
Pittsburgh, Rotunda of the Pennsylvania Railroad Station, 1100 Liberty Avenue.  
Pittsburgh, St. Stanislaus Kostka Roman Catholic Church, 21st and Smallman Streets.

**Beaver County**

Ambridge, \*Old Economy, northwest of Pittsburgh on Pennsylvania 65.  
Glasgow vicinity, \*The Beginning Point of the U.S. Public Land Survey (see Columbiana County, Ohio).

**Berks County**

Bally vicinity, Christman, Philip, House, 1 mile southeast of Bally.  
Birdsboro vicinity, Boone, Daniel, Homestead Site and Bertollet Cabin, approximately 2 miles north of Birdsboro.

Centerport vicinity, Bellman's Union Church, southwest of Centerport off Route 726 (12-4-73).

Kutztown vicinity, Hottenstein Mansion, 2 miles east of Kutztown on U.S. 222.

Morgantown vicinity, Hopewell Village National Historic Site, 10 miles northeast of Morgantown Interchange, Pennsylvania Turnpike.

Pleasant Valley, Gruber Wagon Works, southeast of Mount Pleasant on Pennsylvania 183.  
Reading, Askew bridge, North Sixth Street, near Woodward.  
Reading, Pagoda, Duryea Drive and Skyline Boulevard.  
Womelsdorf vicinity, \*Welser, Conrad, House, 2 miles east of Womelsdorf, U.S. 423.  
Yellow House vicinity, Fisher, Henry, House, about 1.25 miles north of Yellow House on Pennsylvania 862.

**Blair County**

Altoona, Mishler Theatre, 1208 12th Avenue.  
Altoona vicinity, \*Horseshoe Curve, 5 miles west of Altoona on Pennsylvania 193.  
Johnstown vicinity, Allegheny Portage Railroad National Historic Site, U.S. 22 (also in Cambria County).  
Williamsburg vicinity, Etna Furnace, North of Williamsburg.

**Bucks County**

Doylestown, Fonthill, East Court Street, at intersection of Pennsylvania 313.  
Doylestown, Fountain House, State and Main Streets.  
Doylestown, James-Lorah House, 132 North Main Street.  
Doylestown, Mercer Museum, Pine and Ashland Streets.  
Doylestown, Moravian Pottery and Tile Works, Court Street and Swamp Road (Pennsylvania 313).  
Fallington, Fallington Historic District.  
Levittown, Pemberton, Phineas, House (Bolton Mansion), Holly Drive.  
Morrisville, \*Summerseat (Thomas Barclay House), Clymer Street and Morris Avenue.  
Morrisville vicinity, Pennsbury Manor, on Delaware River south of Bordentown Road.  
New Hope vicinity, Honey Hollow Watershed, 2 1/2 miles south of the Delaware River on Pennsylvania 263.  
Philadelphia vicinity, \*Biddle, Nicholas, Estate (Andalusia), 1.4 miles north of Philadelphia on Pennsylvania 32.  
Richboro, Hampton Hill (Bennet-Search House), 1260 Second Street Pike.  
Richboro vicinity, Thompson, John, House, 1925 Second Street Pike (7-16-73).  
Yardley vicinity, \*Washington Crossing State Park, between Yardley and New Hope, on the Delaware River (also in Mercer County, N.J.).

**Butler County**

Harmony, Harmony Historic District, off Pennsylvania 68.

**Cambria County**

Allegheny Portage Railroad National Historic Site (see Blair County).  
Johnstown, Cambria Public Library Building, 304 Washington Street.  
Johnstown, Johnstown Inclined Railway, Johns Street and Edgehill Drive.  
Johnstown vicinity, Johnstown Flood National Memorial, intersection of U.S. 219 and Pennsylvania 869.

**Centre County**

Curtin, Curtin Village (Eagle Ironworks), Route 14010.

**Chester County**

Birmingham, Birmingham Friends Meetinghouse, 1245 Birmingham Road.  
Birmingham Township, Edgewood (Charles Sharpless House), intersection of L.R. 15087 and 15221.  
Birmingham vicinity, Davis, Daniel, House and Barn, Birmingham and Street Road (Pennsylvania 926).  
Chadds Ford vicinity, Brinton, Edward, House, northwest of Chadds Ford on Pennsylvania 100.

Chadds Ford vicinity, Brinton's Mill, 1.5 miles north of Chadds Ford on U.S. 100.  
Chadds Ford vicinity, Harvey, William, House, northwest of Chadds Ford on Brinton's Bridge Road just north of U.S. 1.  
Chadds Ford vicinity, Oakdale, southwest of Chadds Ford on Hillendale Road.  
Chadds Ford vicinity, Pennsbury Inn, on U.S. 1 at junction with Hickory Hill Road.  
Chester Springs vicinity, Good News Building (Yellow Springs Spa), north of Chester Springs on Art School Road.  
Chester Springs vicinity, Hall's Bridge, about 3 miles north of Chester Springs at Sheeder Road and Birch Run.

Dilworthtown, Dilworthtown Historic District, intersection of CR 15199 and 15087.  
Downingtown vicinity, Rooke, Robert, House, north of Downingtown at Horseshoe Trail and Fellowship Road (9-19-73).  
Easttown, Waynesborough, 2049 Waynesborough Road.  
Ercildoune vicinity, Pierce, Lukens, House, (Fallowfield Octagonal House), northwest of Ercildoune on Wilmington Road.  
Hamorton vicinity, Barnes-Brinton House, east of Hamorton on U.S. 1.  
Hamorton vicinity, Longwood Gardens District, on U.S. 1.

Kennet Square vicinity, \*Cedarcroft (Bayard Taylor House), north of Kennett Square.  
Lenape vicinity, East Bradford Boarding School for Boys, 1 mile east of Lenape at Westchester and Scenelittown Roads.  
Lionville, Uchlan Meeting House, North Village Avenue (Pa. 113) (9-20-73).  
Marshallton, Bradford Friends Meetinghouse, east side of Northbrook Road.  
Marshallton, Marshall, Humphrey, House, Strasburg Road (Pennsylvania 162) at the intersection of Northbrook Road.  
Mendenhall, Peters, William, House, Hillendale Road.

Mendenhall vicinity, Springdale Farm, northeast of Mendenhall on Hillendale Road.  
Mont Clare vicinity, Rapps Bridge, west of Mont Clare off Pennsylvania 724 on Mowere Road.  
Norristown vicinity, \*Valley Forge, Valley Forge State Park (also in Montgomery County).

Northbrook, Derbydown Homestead, at intersection of County Routes 15077 and 15080.  
Parkersville vicinity, Parkersville Friends Meeting House, off Pennsylvania 926, south of Parkersville.

Phoenixville vicinity, Martin-Little House, south of Phoenixville off Pennsylvania 113 on Church Road.  
Romansville vicinity, Temple-Webster-Stoner House, east of Romansville off Pennsylvania 162.  
Tredyffrin, Wetherby-Hampton-Snyder-Wilson-Erdman Log House, 251 Irish Road.

Valley Forge, \*von Steuben, General Frederick, Headquarters, on Pennsylvania 23.  
Valley Forge vicinity, Crestbrook Farm (Dunport's Quarters), south of Valley Forge off U.S. 76.  
Valley Forge vicinity, East, Nicholas, House, west of Valley Forge on Kimberton Road.

Valley Forge vicinity, Esherrick, Wharton, Studio, southwest of Valley Forge off Country Club Road.  
Valley Forge vicinity, Harvard, David, House (Lee and Bradford Quarters), south of Valley Forge off U.S. 76.  
Valley Forge vicinity, Lightfoot Mill, west of Valley Forge off Pennsylvania 401.  
Warwick Township, Rogers, Philip, House, Ridge Road.  
West Chester, Chester County Courthouse, 10 North High Street.  
West Chester, Collins Mansion, 633 Goshen Road.

West Chester, First Presbyterian Church of West Chester, 130 West Miner Street.  
West Chester, National Bank of Chester County, 17 North High Street.  
West Chester, Strode's Mill (Etter's Mill), intersection of Pennsylvania 100-52 and County Route 15087.  
West Chester vicinity, Orthodox Meetinghouse, southwest of West Chester on Birmingham Road.

**Clinton County**

Lock Haven, Heisey House, 362 East Water Street.  
Lock Haven, Water Street District.

**Cumberland County**

Camp Hill, Peace Church, northwest corner of the intersection of State Route 641 and St. John's Road.  
Carlisle, \*Carlisle Indian School, east edge of Carlisle on U.S. 11.  
Carlisle, \*Old West, Dickinson College, Dickinson College campus.  
Mechanicsburg vicinity, Eberly, Johannes, House, northeast of Mechanicsburg off U.S. 11.

**Dauphin County**

Harrisburg, Harris, John, Mansion, 219 South Front Street (9-20-73).  
Harrisburg, Walnut Street Bridge, Walnut Street at Susquehanna River.  
Middletown, St. Peter's Church, 31 West High Street.

**Delaware County**

Ardmore, Pont Reading, 2713 Haverford Road.  
Boothwyn, Chinchester Friends Meetinghouse, 611 Meetinghouse Road.  
Broomall, Massey, Thomas, House, Lawrence Road, opposite Springhouse Road.  
Chadds Ford, \*Brandywine Battlefield, Brandywine Battlefield Park.

Chadds Ford, Chadds Ford, intersection of U.S. 1 and Pennsylvania Route 100.  
Chadds Ford, Chadd House, Pennsylvania 100.  
Chadds Ford, Gilpin Homestead, Harvey Road.

Chadds Ford vicinity, Painter, William, Farm, 2 miles northeast of Chadds Ford on U.S. 1.  
Chadds Ford vicinity, Twaddell's Mill and House, south of Chadds Ford on Rock Hill Road.

Chester (Upland), Old Main, 21st Street and Upland Avenue.  
Chester, Penn., William, Landing Site, Penn and Front Streets.

Chester, 1724 Chester Courthouse, Market Street below Fifth Street.  
Concord Township, Ivy Mills Historic District, corner of Ivy Mills and Pole Cat Roads.

Concordville, Concordville Historic District, intersection of Concord Road and U.S. 1.  
Concordville, Newlin, Nicholas, House, Concord Road.

Dilworthtown vicinity, \*Brinton, William House, 1704 House, Oakland Road near junction of U.S. 202 and County Route 15199.

Essington, The Lazaretto, Wanamaker Avenue at Second Street.  
Essington, \*The Printzof, Taylor Avenue and Second Street.

Haverford, Federal School, Haverford-Darby Road.

Haverford, Nitre Hall, Karakung Drive.  
Media vicinity, Old Rose Tree Tavern, junction of Rose Tree and Providence Roads north of Media.

Prospect Park, Morion Homestead, 100 Lincoln Avenue.

Swarthmore, \*West, Benjamin, Birthplace, Swarthmore College campus.

Thornbury, Chester Creek Historic District, encompasses the flood plains and bluffs of the West Branch of Chester Creek.



Upland, Crozer, George K., Mansion, Sixth Street (8-14-73).  
Upland, Pusey, Caleb, House, 15 Race Street, Wallingford, Lelper, Thomas, Estate, Avondale Road.  
Wawa, Forge Hill, off U.S. 1.

## Erie County

Erie, Cashier's House, 413 State Street.  
Erie, Old Customhouse, 409 State Street.  
Erie, U.S.S. Niagara, State Street at Lake Erie (6-5-73).

## Fayette County

Brier Hill, Brier Hill, on U.S. 40.  
Brier Hill, Colley, Peter, Tavern and Barn, on U.S. 40 (7-24-73).  
Mount Braddock vicinity, Meason, Isaac, House (Dr. Christopher Gist Plantation), U.S. 119 North.  
Perryopolis, Searight's Pulling Mill, Cemetery Road.  
Point Marion vicinity, \*Gallatin, Albert, House, Friendship Hill, 3 miles north of Point Marion on Pennsylvania 168.  
Uniontown vicinity, Fort Necessity National Battlefield, 11 miles east of Uniontown on U.S. 40.  
Uniontown vicinity, \*Searights Tollhouse, National Road, west of Uniontown near U.S. 40.

## Franklin County

Chambersburg, Brown, John, House, 225 East King Street.  
Chambersburg, Franklin County Jail, northwest corner of King and Second Streets.  
Kauffman, Old Brown's Mill School, off U.S. 11.  
Mercersburg, Lane House, 14 North Main Street.  
St. Thomas vicinity, Woodland, southwest of St. Thomas on Pennsylvania 416 (9-20-73).

## Greene County

Jefferson, Hughes House, Hatfield Street.  
Waynesburg vicinity, Greene Hills Farm, 3.5 miles east of Waynesburg on Pennsylvania 21.

## Huntingdon County

Rockhill Furnace, \*East Broad Top Railroad, U.S. 622.

## Juniata County

Mifflintown vicinity, Tuscarora Academy, 8 miles south of Mifflintown at the intersection of Routes 34005 and 34028.

## Lackawanna County

Scranton, \*Powderly, Terence V., House, 614 North Main Street.  
Scranton, Tripp Family Homestead, 1011 North Main Avenue.

## Lancaster County

Brickerville, \*Stiegel-Coleman House, Pennsylvania 601 and U.S. 322.  
Ephrata, \*Ephrata Cloister.  
Lancaster, \*Buchanan, James, House (Wheatland), 1120 Marietta Avenue.  
Lancaster, Central Market, William Henry Place.  
Lancaster, Ellicott, Andrew, House, 123 North Prince Street.  
Lancaster, \*Fulton Opera House, 12-14 North Prince Street.  
Lancaster, Herr, Hans, House, 1851 Hans Herr Drive.  
Lancaster, Old City Hall, Penn Square.  
Lancaster, Soldiers and Sailors Monument, Penn Square, Intersection of King and Queen Streets (6-5-73).  
Letort vicinity, Conestoga Town (36 LA 52), 1.25 miles South of Letort.  
Mount Joy, Central Hotel/A. Bude's Brewery, 102 North Market Street.  
Quarryville vicinity, \*Fulton, Robert, Birthplace, 8 miles south of Quarryville on U.S. 22.

Washington Borough vicinity, Strickler Site (36 LA 3), south of Washington Borough.

## Lebanon County

Cornwall, \*Cornwall Iron Furnace, 5 miles south of Lebanon on U.S. 322.  
Myerstown, Meier, Isaac, Homestead, 520 South College Street.  
Newmanstown vicinity, House of Miller at Milbach, southwest of Newmanstown.  
Schaefferstown, Brendle Farms, intersection of Routes 501 and 897.

## Lehigh County

Catasauqua, \*Taylor, George, House, Front Street.

## Luzerne County

Eckley, Eckley Historic District.  
Forty Fort, Denison House, 35 Denison Street.  
Wilkes-Barre, Gatlin, George, Hall (Reynolds House), 92 South River Street.  
Wilkes-Barre, McClintock Hall, 44 South River Street.  
Wilkes-Barre, Weiss Hall, South River Street.

## Lycoming County

Williamsport, Post Office, West Fourth Street between Government Place and West Street.

## Mercer County

Mercer vicinity, Johnston's Tavern, 6 miles south of Mercer on U.S. 19.

## Mifflin County

Lewistown, McCoy House, 17 North Main Street.

## Monroe County

East Stroudsburg vicinity, Zion Lutheran Church off River Road.  
Stroudsburg vicinity, Quiet Valley Farm, southwest of Stroudsburg off U.S. 209.

## Montgomery County

\*Valley Forge (see Chester County).  
Audubon, Mill Grove, Pawling Road.  
Bryn Mawr, Bryn Mawr (Harrington), 500 Harrington Road.  
Collegeville vicinity, Evansburg Historic District, on U.S. 422, bounded by Cross Keys Road, Grange Avenue, Mill Road, and Ridge Pike.  
Collegeville vicinity, Kuster Mill, on Skipack Creek at Mill Road and Water Street Road.  
Conshohocken, Mount Joy (Peter Legauz Mansion), North Lane and Hector Street.  
Evansburg vicinity, Skippack Bridge, east of Evansburg on Pennsylvania 422.  
Fort Washington, Farmer Mill, north of Flourtown junction of U.S. 309 and Pennsylvania 73.  
Fort Washington, Hope Lodge, 553 Bethlehem Pike.  
Harleysville, Klein Meetinghouse, Maple Avenue.  
Harleysville vicinity, Bergy Bridge Historic District, northwest of Harleysville off Pennsylvania 63 (10-10-73).  
Harmonville vicinity, Corson, Alan W., Homestead, northeast of Harmonville at 5130 Butler Pike.  
Horsham vicinity, \*Graeme Park, Keith Valley Road.  
Kulpsville vicinity, Morgan, Edward, Log House, off Pennsylvania 363 on Welkel Road.  
Lederach vicinity, Kolb, Dielman, Homestead, south of Lederach on Kinsey Road (8-17-73).  
Pennsburg vicinity, Rieth, Andreas, Homestead, southeast of Pennsburg on Geryville Pike (9-19-73).  
Plymouth Meeting, Hovenden House, Barn, and Abolition Hall, No. 1 East Germantown Pike.

Plymouth Meeting, Plymouth Friends Meetinghouse, corner of Germantown and Butler Pikes.

Plymouth Meeting, Plymouth Meeting Historic District, contained within a rectangle.  
Schwenksville vicinity, Englehardt, John, Homestead, west of Schwenksville off Pennsylvania 73 on Keyser Road.

Schwenksville vicinity, Grubb, Conrad, Homestead, northwest of Schwenksville off Pennsylvania 73 on Perkiomenville Road.  
Schwenksville vicinity, Long Meadows Farm, northwest of Schwenksville on Pennsylvania 73.

Skippack, Cole House (Kidder-DeHaven House), Skippack Pike and Evansburg Road.

Trappe, \*Augustus Lutheran Church, Seventh Avenue East and Main Street.

Tylerport vicinity, Landis Homestead, southwest of Tylerport off Pennsylvania 563 on Morwood Road (10-10-73).

Valley Forge, \*Washington's Headquarters, Valley Creek Road near junction of Pennsylvania 252 and 23.

Worcester Township, Wentz, Peter, Homestead, off Pennsylvania 73 on Shultz Road.

## Northampton County

Bethlehem, Bethlehem Historic District Subdistrict A.

Bethlehem, Grist Miller's House, 459 Old York Road.

Bethlehem, Moravian Sun Inn, 564 Main Street (10-2-73).

Bethlehem, The Old Water Works, located in Historic Bethlehem Park.

Bethlehem, The Tannery, located in Historic Bethlehem Park.

## Northumberland County

McEwensville vicinity, Warrior Run Presbyterian Church, north of McEwensville on Pennsylvania 147.

Northumberland, \*Priestley, Joseph, House, Briestley Avenue.

## Philadelphia County

Philadelphia, \*Academy of Music, Broad and Locust Streets.

Philadelphia, \*American Philosophical Society Hall, Independence Square.

Philadelphia, Arch Street Meetinghouse, 302-338 Arch Street.

Philadelphia, Arch Street Presbyterian Church, 1726-1732 Arch Street.

Philadelphia, The Athenaeum of Philadelphia, 219 South Sixth Street.

Philadelphia, \*Bartram, John, House, 54th Street and Eastwick Avenue.

Philadelphia, Beggartown School, 6669 Germantown Avenue.

Philadelphia, Billmeyer, Daniel, House, 6504 Germantown Avenue.

Philadelphia, Billmeyer, Michael, House, 6505-6507 Germantown Avenue.

Philadelphia, \*Carpenters' Hall, 320 Chestnut Street.

Philadelphia, Cathedral of Sts. Peter and Paul, 18th Street and the Parkway.

Philadelphia, Centennial National Bank, 3200 Market Street.

Philadelphia, Chamounitz, West Fairmount Park, overlooking Schuylkill Falls.

Philadelphia, \*Chew House, Germantown Avenue between Johnson and Cliveden Streets.

Philadelphia, \*Christ Church, Second Street between Market and Filbert Streets.

Philadelphia, Church of the Holy Trinity, southwest corner of 19th and Walnut Streets.

Philadelphia, Clarkson-Watson House, 5275-77 Germantown Avenue.

Philadelphia, The Cliffs, East Fairmount Park near 33d Street.

Philadelphia, Clinton Street Historic District, four blocks facing on Clinton Street bounded by Ninth and 11th Streets, Pine and Spruce Streets.

Philadelphia, \*Coleman, William, House, (Woodford), East Fairmount Park.

Philadelphia, \*Colonial Germantown Historic District, Germantown Avenue between Windrim Avenue and Upsal Street.

Philadelphia, Conyngham-Hacker House, 5214 Germantown Avenue.

Philadelphia, Deshler-Morris House, 5442 Germantown Avenue.

Philadelphia, Drinker's Court, 236-238 Delancey Street.

Philadelphia, \*Eakins, Thomas, House, 1729 Mount Vernon Place.

Philadelphia, \*Eastern State Penitentiary, 21st Street and Fairmount Avenue.

Philadelphia, \*Elfreth's Alley Historic District, between Second and Front Streets.

Philadelphia, Fairmount Park, extends along both banks of the Schuylkill River and Wissahickon Creek, from the Art Museum at Spring Garden Street to Northwestern Avenue.

Philadelphia, Fidelity Mutual Life Insurance Company Building, Fairmount and Pennsylvania Avenues.

Philadelphia, First Unitarian Church, 2121 Chestnut Street.

Philadelphia, Forrest, Edwin, House, 1326 North Broad Street.

Philadelphia, \*Fort Mifflin, Marina and Penrose Ferry Roads.

Philadelphia, Fort Mifflin Hospital, Marina and Penrose Ferry Roads.

Philadelphia, \*Founder's Hall, Girard College, Corinthian and Girard Avenues.

Philadelphia, Frankford Arsenal, Tacony and Bridge Streets.

Philadelphia, Free Quaker Meetinghouse, southwest corner of Fifth and Arch Streets.

Philadelphia, Furness Library, 34th Street below Walnut Street.

Philadelphia, Germantown Academy and Headmasters' Houses, Schoolhouse Lane and Greene Street.

Philadelphia, Gloria Dei (Old Swedes') Church National Historic Site, Swanson Street, between Christian and Water Streets.

Philadelphia, Grumblethorpe, 5267 Germantown Avenue.

Philadelphia, Grumblethorpe Tenant House, 5269 Germantown Avenue.

Philadelphia, \*Hamilton, William, House, The Woodlands, 40th Street and Woodland Avenue West.

Philadelphia, Hatfield House, Fairmount Park, 33rd Street near Girard Avenue.

Philadelphia, Head House Square, both sides of 400 block of South Second Street.

Philadelphia, Hill-Physick House, 321 South Fourth Street.

Philadelphia, Howell House, 5218 Germantown Avenue.

Philadelphia, Independence National Historical Park, bounded by Walnut, Sixth, Chestnut, and Second Streets.

Philadelphia, \*Institute of the Pennsylvania Hospital, 111 North 49th Street.

Philadelphia, Irish, Nathaniel, House, 704 South Front Street.

Philadelphia, Ivy Lodge, 29 East Penn Street.

Philadelphia, Johnson House, 6306 Germantown Avenue.

Philadelphia, Kosciuszko House, 301 Pine Street.

Philadelphia, \*Logan, James, Home, Stenton, 18th and Courtland Streets.

Philadelphia, \*MacPherson, John, House (Mount Pleasant), Fairmount Park.

Philadelphia, Masonic Temple, 1 North Broad Street.

Philadelphia, Maxwell, Ebenezer, House, 300 West Tulpenhocken Street.

Philadelphia, Mennonite Meetinghouse, 6119 Germantown Avenue (7-23-73).

Philadelphia, Metropolitan Opera House, 858 North Broad Street.

Philadelphia, Mikveh Israel Cemetery, northwest corner of Spruce and Darien Streets.

Philadelphia, The Monastery, Fairmount Park, Kitchen's Lane at Wissahickon Creek.

Philadelphia, Moor, Clarence B., House, 1321 Locust Street.

Philadelphia, Mother Bethel A.M.E. Church, 419 South Sixth Street.

Philadelphia, Music Fund Hall, 808 Locust Street.

Philadelphia, \*New Market, South Second Street between Pine and Lombard Streets.

Philadelphia, Odd Fellows Hall, 800 North Third Street.

Philadelphia, Old City Historic District, includes parts of Washington Square East and Franklin Square East Development areas.

Philadelphia, Plays and Players, 1714 Delancey Street.

Philadelphia, \*U.S.S. Olympia, Pier 40, at the foot of Chestnut Street.

Philadelphia, \*Peale, Charles Willson, House, (Belfield), 2100 Clarkson Avenue.

Philadelphia, Pennsylvania Academy of the Fine Arts, southwest corner of Broad and Cherry Streets.

Philadelphia, \*The Pennsylvania Hospital, Eighth and Spruce Streets.

Philadelphia, Philadelphia College of Art (Asylum for the Deaf and Dumb), northwest corner of Broad and Pine Streets.

Philadelphia, Philadelphia Contributionship, 212 South Fourth Street.

Philadelphia, \*Poe, Edgar Allan, House, 530 North Seventh Street.

Philadelphia, The Randolph House, East Fairmount Park.

Philadelphia, Reading Terminal, 1115-1141 Market Street.

Philadelphia, \*Reynolds-Morris House, 225 South Eighth Street.

Philadelphia, St. Clement's Protestant Episcopal Church, southwest corner of 20th and Cherry Streets.

Philadelphia, St. George's Methodist Church, 324 New Street.

Philadelphia, 702 South Front Street.

Philadelphia, Society Hill Historic District, bounded on the north by Walnut Street (both sides), on the south by Lombard Street, on the east by the pier line of the Delaware River, and on the west by Eighth Street (both sides).

Philadelphia, South Front Street Historic District, west side of South Front Street (700 to 712) between Bainbridge and Kenilworth Streets.

Philadelphia, Southwalk District, bounded by Delaware and Washington Avenues, Fifth, Lombard, Front, and Catherine Streets.

Philadelphia, \*Sully, Thomas, Residence, 530 Spruce Street.

Philadelphia, Twelfth Street Meetinghouse, 20 South 12th Street.

Philadelphia, U.S. Naval Home, Gray's Ferry Avenue and 24th Street.

Philadelphia, Upsala, 6430 Germantown Avenue.

Philadelphia, \*Walnut Street Theatre, Ninth and Walnut Streets.

Philadelphia, Wanamaker, John, House, 2032 Walnut Street.

Philadelphia, Widow Maloby's Tavern, 700 South Front Street.

Philadelphia, Woodland Terrace, 501-519, 500-520 Woodland Terrace.

Philadelphia, Wyck House, 6026 Germantown Avenue.

## Pike County

\*Delaware and Hudson Canal (see Orange County, N.Y.).

Milford, \*Pinchot, Gifford, House, Grey Towers, west edge of Milford.

## Sullivan County

Hillsgrove vicinity, Hillsgrove Covered Bridge, 3 miles east of Hillsgrove off Pennsylvania 87.

## Susquehanna County

Susquehanna, Erie Railroad Station.

## Union County

New Berlin, New Berlin Presbyterian Church (Community Center), High and Vine Streets.

New Berlin, Old Union County Courthouse, corner of Market and Vine Streets.

## Venango County

Titusville vicinity, \*Drake Oil Well, 3 miles southeast of Titusville on Pennsylvania 36, Drake Well Memorial Park.

Titusville vicinity, Site of Pithole City, 10 miles southeast of Titusville, off Pennsylvania 227.

## Washington County

Washington, Bradford, David, House, 175 South Main Street (7-16-73).

Washington, Le Moyne, Dr. Juitus, House, 49 East Maiden Street (10-25-73).

## Wayne County

\*Delaware and Hudson Canal (see Orange County, N.Y.).

## Westmoreland County

Greensburg vicinity, Site of Old Hannastown, 4 miles northeast of Greensburg off U.S. 119.

Harrison City vicinity, \*Bushy Run Battlefield, 2 miles east of Harrison City on Pennsylvania 993.

## York County

Hanover, Nace, George, House, 113-115 West Chestnut Street.

York, Billmeyer House, East Market Street.

York, Cooke House, 438-440 Codorus Street.

York, Gates, Horatio, House and Golden Plough Tavern, 157-159 West Market Street.

## Puerto Rico

## San Juan

\*La Fortaleza, San Juan Island, between San Juan Bay and Calle Recinto Oeste.

San Juan National Historic Site.

San Juan, San Juan Historic District, northwestern triangle of the Islet of San Juan.

## Rhode Island

## Bristol County

Bristol, Bristol County Courthouse, High Street.

Bristol, Bristol County Jail, 48 Court Street.

Bristol, Bristol Customs House and Post Office, 420-448 Hope Street.

Bristol, Church, Benjamin, House, 1014 Hope Street.

Bristol, Longfield (Charles Dana Gibson House), 1200 Hope Street.

Bristol, Reynolds, Joseph, House, 956 Hope Street.

Warren, Warren United Methodist Church and Parsonage, 27 Church Street.

## Kent County

Anthony, \*Greene, General Nathaniel, Homestead, 40 Taft Street.

East Greenwich, Armory of the Kentish Guards, Armory and Pierce Streets.

East Greenwich, Kent County Courthouse, 127 Main Street.

East Greenwich, Varnum, General James Mitchell, House, 57 Pierce Street.

East Greenwich, Windmill Cottage, 144 Division Street.

East Greenwich, Witmarsh, Colonel Micah, House (John Reynold House), 294 Main Street.



Warwick, Arnold, John W., House, 11 Roger Williams Avenue.  
 Warwick, Gospee Point, on Namquid Drive.  
 Warwick and Cranston, Pautuzet Village Historic District (also in Providence County).  
 Warwick, Pontiac Mills, Knight Street, Pontiac.  
 Warwick, Rhodes, Christopher, House, 25 Post Road.  
 West Warwick, Clapp, Silas, House, East Greenwich Avenue.

## Newport County

Jamestown, Artillery Park, North Road and Narragansett Avenue.  
 Jamestown, Conant Battery, west of Beaver Tail Road.  
 Jamestown, Fort Dumpling, Ocean Street.  
 Jamestown, Friends Meeting House, North Road and Weeden Lane.  
 Jamestown, Jamestown Windmill, north of Weeden Lane on North Road.  
 Middletown, Whitehall, Berkeley Avenue.  
 Newport, Baldwin, Charles H., House, Bellevue Avenue opposite Perry Street.  
 Newport, Bell, Isaac, House, 70 Perry Street.  
 Newport, Bellevue Avenue-Casino Historic District, 170-230 Bellevue Avenue.  
 Newport, The Breakers, Ochre Point Avenue.  
 Newport, \*Brick Market, Thames Street and Washington Square.  
 Newport, Chateau-sur-Mer, Bellevue, Leroy, Lawrence, and Shepard Avenues.  
 Newport, Clark, Sherman, House, 279 Thames Street.  
 Newport, Clarke Street Meetinghouse (Second Congregational Church), Clarke Street.  
 Newport, Cook, Clark, House, 285 Thames Street.  
 Newport, Cotton, Dr. Charles, House, 5 Cotton's Court.  
 Newport, Covell, William King, III, House, 72 Washington Street.  
 Newport, The Elms, Bellevue Avenue.  
 Newport, Fort Adams State Park, Harrison Avenue.  
 Newport, Gale, Levi H., House, 89 Touro Street.  
 Newport, Griswold, John, House, 76 Bellevue Avenue.  
 Newport, \*Hunter House, 54 Washington Street.  
 Newport, Key Street-Catherine Street-Old Beach Road Historic District.  
 Newport, \*King, Edward, House, Aquidneck Park, Spring Street.  
 Newport, Kingscote, northwest corner of Bellevue Avenue and Bowery Street.  
 Newport, Lucas-Johnston House, 40 Division Street.  
 Newport, Luce Hall, U.S. Naval War College.  
 Newport, Marble House, Bellevue Avenue.  
 Newport, Maudsley, Captain John, House, 228 Spring Street.  
 Newport, Miantonomi Memorial Park, bounded on the south by Admiral Kalbfuss Road, on the west by Girard Avenue, on the north by property of the Newport Housing Authority, and on the east by Hillside Avenue.  
 Newport, Newport Artillery Company Armory, 23 Clarke Street.  
 Newport, Newport Casino, 194 Bellevue Avenue.  
 Newport, \*Newport Historic District, near but not including the waterfront area, within the 18th-century town limits.  
 Newport, \*Old Colony House (Old Statehouse), Washington Square.  
 Newport, Newport Steam Factory, 449 Thames Street.  
 Newport, Perry Mill, 337 Thames Street.  
 Newport, \*Redwood Library, 50 Bellevue Avenue.  
 Newport, Rogers, Joseph, House, 37 Touro Street.  
 Newport, Rosecliff (Hermann Oelrichs House, J. Edgar Monroe House), east side of Belmont Avenue, south of Marine Avenue.

Newport, \*Sherman, William Watts, House, 2 Shepard Avenue.  
 Newport, Skidoh Church (Trinity Schoolhouse), 25 School Street.  
 Newport, Stiles, Ezra, House, 14 Clarke Street.  
 Newport, Tillinghast, John, House, 142 Mill Street.  
 Newport, Touro Synagogue National Historic Site, 85 Touro Street.  
 Newport, \*Trinity Church, 141 Church Street.  
 Newport, United Congressional Church, Spring and Pelham Streets.  
 Newport, \*U.S. Naval War College, Coaster's Harbor Island.  
 Newport, \*Vernon House, 46 Clarke Street.  
 Newport, \*Wanton-Lyman-Hazard House, 17 Broadway.  
 Newport, White Horse Tavern, 26 Marlborough Street.  
 Newport, Whitehorse, Samuel, House, 414 Thames Street.  
 Portsmouth, Mott, Jacob, House, West Main Road (Rhode Island 114).  
 Portsmouth vicinity, Wreck Sites of H.M.S. Cerberus and H.M.S. Lark, in Narragansett Bay adjacent to Aquidneck Island.  
 Tiverton, Fort Barton Site, Lawton and Highland Avenues.

## Providence County

Berkeley, Berkeley Mill Village. Bounded by properties on both sides of Martin Street and Mendon Road on the northeast and northwest, by the railroad on the southwest, and the cemetery on the southeast.  
 Central Falls, Jenks Park, adjoining 580 Broad Street.  
 Chepachet, Chepachet Village Historic District, along both sides of Rhode Island 102-U.S. 44 north from the intersection of U.S. 44 and Rhode Island 102 to the intersection of Rhode Island 100 and 102-U.S. 44; included are properties on both sides of Dorr Drive, Douglas Hook Road, Point Lane, and Oil Mine Lane.  
 Cranston, Joy Homestead, 156 Scituate Avenue.  
 Cranston, Pautuzet Village Historic District (see Kent County).  
 Cranston, Sprague, Governor William, Mansion, 1351 Cranston Street.  
 East Providence, Walker, Philip, House, 432 Massasoit Avenue.  
 Forestdale, Forestdale Mill Village Historic District, running east and west along Main Street, northerly upon Maple Avenue.  
 Foster, Dorrance, Captain George, House, Jencks Road.  
 Glocester, Glocester Town Pound, Pound Road and Chopmist Hill Road.  
 Johnston, Brown Avenue Historic District, Brown Avenue.  
 Johnston, Clemence-Irons House, 38 George Waterman Road.  
 Lincoln, \*Arnold Eleazer, House, Great Road (Rhode Island 123).  
 Lincoln, Arnold, Israel, House, Great Road.  
 Lincoln, Blackstone Canal (Paul Ronci Memorial Park), from Front Street north to Ashton Dam.  
 Pawtucket, \*Old Slater Mill, Roosevelt Avenue.  
 Pawtucket, Trinity Church, 50 Main Street.  
 Providence, Allen, Candace, House, 12 Benevolent Street.  
 Providence, Allendale Mill, 494 Woonasquacket Avenue.  
 Providence, The Arcade, 130 Westminster Street and 65 Weybosset Street.  
 Providence, Arnold-Palmer House, 33 Chestnut Street.  
 Providence, Bailey, William L., House, Eaton Street, Providence College campus.  
 Providence, Bell Street Chapel, 5 Bell Street.  
 Providence, Beneficent Congregational Church, 300 Weybosset Street.  
 Providence, Brackett, Charles, House, 45 Prospect Street.

Providence, Brick School House, 24 Meeting Street.  
 Providence, \*Brown, John, House, 52 Power Street.  
 Providence, Carr House, 20 Waterman Street.  
 Providence, Union Trust Co. Building, 62 Dorrance Street.  
 Providence, \*College Hill Historic District, the entire length of Benefit Street and east and west of that street in irregular form.  
 Providence, Congdon Street Baptist Church, 17 Congdon Street.  
 Providence, \*Corliss-Carrington House, 66 William Street.  
 Providence, Customs House, 24 Weybosset Street.  
 Providence, Dexter, Edward, House, 72 Waterman Street.  
 Providence, Elizabeth Building, 100 North Main Street.  
 Providence, Federal Building, Kennedy Plaza.  
 Providence, \*First Baptist Meetinghouse, North Main Street between Thomas and Waterman Streets.  
 Providence, Grace Church, 175 Mathewson Street.  
 Providence, Halle, Joseph, House (Gardner House), 106 George Street.  
 Providence, Hope Street Historic District, Hope Street from its intersection with Benevolent Street at the south to its intersection with Angell Street at the north.  
 Providence, Hopkins, Ezekiel, House, 97 Admiral Street.  
 Providence, Hopkins, Governor Stephen, House, 15 Hopkins Street.  
 Providence, Hoppin, Thomas F., House, 383 Benefit Street.  
 Providence, \*Ives, Thomas P., House, 66 Power Street.  
 Providence, Lippitt, Governor Henry, House, 199 Hope Street.  
 Providence, Market House, Market Square.  
 Providence, Martin Hall, Eaton Street.  
 Providence, Moshassuck Square (American Screw Co. Factories), Stevens Street.  
 Providence, Pawtucket, Central Falls, Lincoln vicinity, Blackstone Canal, extends from Front Street Bridge, Lincoln, to Steeple and Promenade Streets, Providence.  
 Providence, Pearce, Nathaniel, House, 305 Brook Street.  
 Providence, Providence and Worcester Railroad Depot, Canal Street.  
 Providence, Roger Williams National Memorial, Old Town.  
 Providence, Russell, Joseph and William, House, 118 North Main Street.  
 Providence, St. Stephen's Church, 114 George Street.  
 Providence, Sixth District Courthouse, 150 Benefit Street.  
 Providence, State Arsenal, 176 Benefit Street.  
 Providence, Statehouse, 90 Smith Street.  
 Providence, Stimson Avenue Historic District.  
 Providence, Trinity Square Repertory Theater (Majestic Theater), 201 Washington Street.  
 Providence, \*University Hall, Brown University, Brown University campus.  
 Providence, Woods-Gerry House, 62 Prospect Street.  
 Saylesville vicinity, Hearthside (Stephen Hopkins Smith House), northwest of Saylesville on Breakneck Hill Road.  
 Slatersville, Slatersville Historic District, Smithfield, Allenville Mill, 5 Esmond Street.  
 Woonsocket, Woonsocket Company Mill Complex, 100-115 Front Street.  
 Woonsocket, Woonsocket Opera House, 37-41-45 North Main Street.

## Washington County

Charlestown, Fort Ninigret, Fort Neck Road.  
 Charlestown, Historic Village of the Narragansetts in Charlestown.

Charlestown, Indian Burial Ground, Narrow Lane.  
 Narragansett, The Towers, Ocean Road.  
 North Kingstown, Old Narragansett Church, 60 Church Lane, Wickford.  
 North Kingstown (Wickford), Palmer-Northrup House, 7919 Post Road.  
 Saunterstown, \*Stuart, Gilbert, Birthplace, Gilbert Stuart Road.  
 Saunterstown vicinity, Casey, Silas, Farm, north of Saunterstown on Rhode Island 138 (8-14-73).  
 Westerly, Babcock-Smith House, 124 Granite Street.  
 Westerly, Former Immaculate Conception Church, 119 High Street.  
 Westerly, U.S. Post Office, High and Broad Streets.  
 Westerly, Wilcox Park Historic District.  
 Wickford, St. Paul's Church, 76 Main Street.  
 Wickford (North Kingstown), Shaw, Dr. William G., House, 41 Brown Street.  
 Wickford vicinity, Smith's Castle, north of Wickford on the Post Road.

## South Carolina

## Abbeville County

Abbeville, Town of Abbeville Historic District.  
 Abbeville, Abbeville Opera House, Court Square.  
 Abbeville, Burt, Armistead, House, 306 North Main Street.  
 Abbeville, Trinity Episcopal Church and Cemetery, Church Street.

## Aiken County

Beech Island vicinity, Fort Moore-Savano Town Site, northwest of Beech Island (8-14-73).  
 Beech Island vicinity, Redcliffe, 1.5 miles northeast of Beech Island on South Carolina 125.  
 North Augusta, Hammond, Charles, House, 908 Martintown Road West (10-2-73).

## Allendale County

Allendale vicinity, Red Bluff Flint Quarries, 13 miles southwest of Allendale, off U.S. 301.  
 Johnson's Landing vicinity, Lawton Mounds, 0.75 mile south of Johnson's Landing off South Carolina 73.

## Anderson County

Anderson, Anderson Historic District, 14 blocks in the city of Anderson, bounded by Hampton, Main, Franklin, McDuffie, Benson, and Fant Streets.  
 Anderson, Johnson-Morris Cottage, 220 East Morris Street.  
 Anderson, Orr, Marshall, House, 809 West Market Street.  
 Pendleton, Pendleton Historic District.  
 Pendleton vicinity, Ashtabula, 1.25 miles northeast of Pendleton on South Carolina 88.  
 Pendleton vicinity, Woodburn, end of Woodburn Road, 1.5 miles west of Pendleton.

## Bamberg County

Bamberg vicinity, \*Woodlands (William Gilmore Simms Estate), on Highway 78, 3 miles south of Bamberg.  
 Ehrhardt vicinity, Rivers Bridge State Park, 6 miles southwest of Ehrhardt via South Carolina 641 and 36.

## Barnwell County

Barnwell, Church of the Holy Apostles (Episcopal), 1706 Hagood Avenue.  
 Barnwell, Old Presbyterian Church, 1906 Academy Street.

## Beaufort County

Beaufort, The Anchorage, 1103 Bay Street.  
 Beaufort, Barnwell, William, House, 800 Prince Street.

Beaufort, Barnwell-Gough House, 706 Washington Street.  
 Beaufort, Beaufort Historic District, bounded on the north by Boundary Street, on the west by Hamar and Bladen Streets, and on the south and east by the Beaufort River.  
 Beaufort, Cuthbert, John A., House, 1208 Bay Street.  
 Beaufort, Tabby Manse (Thomas Fuller House), 1211 Bay Street.  
 Beaufort, Verdier, John Mark, House, 801 Bay Street.  
 Beaufort vicinity, Hunting Island State Park Lighthouse, 17 miles south-southeast of Beaufort via U.S. 21.  
 Gardens Corner vicinity, Sheldon Church Ruins, northwest of Gardens Corner on U.S. 21.  
 Hiltonhead Island, Sea Pines, 2.7 miles south of Opossum Point.  
 Hiltonhead vicinity, Skull Creek (Hilton Head), north of Hiltonhead off Hickory Bluff-Mount Calvary Church Road.  
 Laurel Bay vicinity, Chester Field Site, south of Laurel Bay on Port Royal Island.  
 Port Royal vicinity, Hasell Point Site (8-14-73).  
 Port Royal vicinity, Little Barnwell Island, north of Port Royal (8-14-73).

## Berkeley County

Cainhoy vicinity, Colais Milestones, on County Route 98, north of Cainhoy to County Route 44 near Cordesville.  
 Cainhoy vicinity, The White Church (St. Thomas Episcopal Church), approximately 2 miles north of Cainhoy on County Highway 98.  
 Goose Creek, \*St. James' Goose Creek.  
 Huger, \*Pompton Hill Chapel, 0.5 mile southwest of the intersection of South Carolina 41 and 402.  
 Huger vicinity, \*Middleburg Plantation, c. 2 miles southwest of Huger, on the East Branch of the Cooper River.  
 Moncks Corner, Strawberry Chapel and Site of Town of Childsburg, southeast of Moncks Corner on South Carolina 402.  
 Moncks Corner vicinity, Lewisfield Plantation, about 2.5 miles south of Moncks Corner off U.S. 52.  
 Moncks Corner vicinity, \*Mulberry, off U.S. 52 on the Cooper River.  
 Mount Holly vicinity, Medway, 2.1 miles east of Mount Holly.  
 St. Stephens, \*St. Stephens' Episcopal Church, on South Carolina 45.

## Calhoun County

Cameron, Ulmer-Summers House, Old Orangeburg Road (10-25-73).  
 Fort Motte, Fort Motte Battle Site, 2.3 miles northeast of Fort Motte on County Route 13.  
 St. Matthews, Crutchfield House, 412 East Bridge Street.

## Charleston County

Awendaw vicinity, Sewee Mound (The Old Fort), 2.8 miles South of Awendaw.  
 Charleston, \*Aiken, William, House and Associated Railroad Structures, 456 King Street.  
 Charleston, Blake Tenements, 2-4 Courthouse Square.  
 Charleston, Branford-Horry House, 59 Meeting Street.  
 Charleston, \*Brewton, Miles, House, 27 King Street.  
 Charleston, \*Brewton, Robert, House, 71 Church Street.  
 Charleston, \*Charleston Historic District (extended), the total area corresponds to the Old and Historic District delineated in the zoning ordinance of the city of Charleston, ratified on August 16, 1966.

Charleston, Charleston's French Quarter District (Lodge Alley), bounded by Lodge Alley, Cumberland, East Bay, and State Streets (9-10-73).  
 Charleston, Officers and Southern National Bank of South Carolina, 50 Broad Street.  
 Charleston, \*College of Charleston, Gleebe, George, St. Philip and Green Streets.  
 Charleston, Dock Street Theatre (Planter's Hotel), 135 Church Street.  
 Charleston, The Exchange and Provost, East Bay and Broad Streets.  
 Charleston, Fireproof Building, 100 Meeting Street.  
 Charleston, Fort Sumter National Monument, Charleston harbor.  
 Charleston, \*Gibbs, William, House, 64 South Battery.  
 Charleston, \*Heyward, DuBois, House 76 Church Street.  
 Charleston, \*Heyward-Washington House, 87 Church Street.  
 Charleston, McCrady's Tavern and Long Room, 153 East Bay Street.  
 Charleston, Market Hall and Sheds, 188 Meeting Streets.  
 Charleston, \*Mills, Clark, Studio, 51 Broad Street.  
 Charleston, Site of Old Charles Towne, Albemarle Point.  
 Charleston, Powder Magazine, 70 Cumberland Street.  
 Charleston, Rose, Thomas, House, 57-59 Church Street.  
 Charleston, Russell, Nathaniel, House, 51 Meeting Street.  
 Charleston, \*Rutledge, Edward, House (Carter-May House), 117 Broad Street.  
 Charleston, \*St. Michael's Episcopal Church, 80 Meeting Street.  
 Charleston, Shaw Community Center, 22 Mary Street.  
 Charleston, Simmons-Edwards House, 12-14 Legare Street.  
 Charleston, South Carolina National Bank of Charleston, 16 Broad Street.  
 Charleston, South Carolina State Arsenal (Old Citadel), 2 Tobacco Street (Marion Square).  
 Charleston, Stuart, Colonel John, House, 104-106 Tradd Street.  
 Charleston, Sword Gates House, 32 Legare Street, 111 Tradd Street.  
 Charleston harbor, Castle Pinckney, on Shute's Folly Island.  
 Charleston vicinity, \*Drayton, John, House, Drayton Hall, 12 miles west of Charleston on South Carolina 61.  
 Charleston vicinity, Fenwick Halls, on John's Island approximately 10 miles south of Charleston.  
 Charleston vicinity, Fort Johnson/Powder Magazine, approximately 3 miles southeast of Charleston.  
 Charleston vicinity, Magnolia Gardens, 10 miles northwest of Charleston on South Carolina 61.  
 Charleston vicinity, St. Andrews Parish Church, 5 miles northwest of Charleston on the Ashley River Road (South Carolina 61) (10-15-73).  
 Charleston vicinity, Vander Horst, Arnoldus, House, about 25 miles southwest of Charleston on Klawah Island (10-25-73).  
 Edisto Island, \*Brick House Ruin.  
 Edisto Island vicinity, Bleak Hall Plantation Outbuildings, about 4 miles off South Carolina 174.  
 Edisto Island vicinity, Edisto Island Presbyterian Church, 1.9 miles north of Edisto Island on South Carolina 174.  
 Edisto Island vicinity, Middleton's Plantation, 3.5 miles north of Edisto Island, then south 2 miles via unnumbered road.  
 Edisto Island vicinity, Old House Plantation, northeast of Edisto Island via South Carolina 174, County Route 768, and unnumbered road.



Edisto Island vicinity, *Peter's Point Plantation*, southwest of Edisto Island off South Carolina 174 on County Road 764.

Edisto Island vicinity, *The Presbyterian Manse*, northwest of Edisto Island via South Carolina 174 and unnumbered road. Edisto Island vicinity, *Seabrook, William House*, north of Edisto Island via South Carolina 174 and County Routes 968 and 768.

Edisto Island vicinity, *Trinity Episcopal Church*, about 1.2 miles north of Edisto Island on South Carolina 174. Georgetown vicinity, *"St. James" Church*, 17 miles south of Georgetown, near the Santee River.

James Island, *Marshlands Plantation House*, Fort Sumter Drive. McClellanville vicinity, *"Hampton Plantation"*, 8 miles north of McClellanville.

Mount Pleasant, *Mount Pleasant Historic District*. Mount Pleasant, *Old Courthouse*, 311 King Street.

Mount Pleasant vicinity, *Auld Mound*, northeast of Mount Pleasant, 1.2 miles southeast of U.S. 17. Mount Pleasant vicinity, *Buzzard's Island Site*, northeast of Mount Pleasant, 1.3 miles south of U.S. 17.

Mount Pleasant vicinity, *Christ Episcopal Church*, 4.6 miles northeast of Mount Pleasant on U.S. 17. Mount Pleasant vicinity, *Snee Farm*, about 6 miles northeast of Mount Pleasant off U.S. 17.

Rockville, *Village of Rockville Historic Height*. Rockville vicinity, *Fig Island Site*, 2 miles southwest of Rockville on Edisto Island on the north bank of Ocella Creek.

Rockville vicinity, *Hanckel Mound*, 2 miles northwest of Rockville on Wadmaw Island.

Rockville vicinity, *Horse Island*, 1 mile south of Rockville on Seabrook Island.

Sullivan's Island, *U.S. Coast Guard Historic District*.

#### Cherokee County

Cheesee vicinity, *Coupons National Battlefield*, 2 miles east of Cheesee at junction of South Carolina 11 and South Carolina 110.

#### Chester County

Chester, *Chester City Hall and Opera House*, West End and Columbia Streets. Chester, *Chester Historic District*.

Chester vicinity, *Catholic Presbyterian Church*, 14 miles southeast of Chester on South Carolina 97 and County Route 355. Chester vicinity, *Fishdam Ford*, southwest of Chester off South Carolina 72 (also in Union County) (8-14-73).

Chester vicinity, *Lewis Inn*, 6.5 miles northeast of Chester on South Carolina 72, then 0.5 mile west on South Carolina 909.

Chester vicinity, *McCollum Mound (Turkey Creek Mound and Village)*, 14 miles northwest of Chester off S.C. 9.

Richburg vicinity, *Elliott House*, 0.3 mile north of Richburg on South Carolina 901, then 1 mile on County Route 138.

Rowell, *Landsford Canal*, off U.S. 21, a 2-mile section parallel to the Catawba River.

#### Chesterfield County

Cheraw, *St. David's Episcopal Church and Cemetery*, Church Street.

#### Clarendon County

Summerton vicinity, *Santee Indian Mound*, south of Summerton off U.S. 301.

#### Colleton County

Jacksonboro vicinity, *Pon Pon Chapel*, on Parker's Ferry Road, 1 mile from South Carolina 64.

Walterboro, *Colleton County Courthouse*, corner of Hampton and Jeffries Streets.

Walterboro, *Old Colleton County Jail*, Jeffries Boulevard.

Walterboro, *Walterboro Library Society Building*, 801 Wichman Street. Williams vicinity, *Williams, Tom, House*, 0.25 mile west of Williams on North Street.

#### Darlington County

Hartsville vicinity, *"Coker Experimental Farms"*, west of Hartsville on South Carolina 151.

Hartsville vicinity, *Kelley, Jacob, House*, 3 miles west of Hartsville, Route 2, South Carolina S-16-12.

#### Dillon County

Dillon, *Dillon, James W., House*, 1302 West Main Street.

Latta vicinity, *Early Cotton Press*, 0.5 mile west of junction of South Carolina 917 and 38.

#### Dorchester County

St. George vicinity, *Indian Fields Methodist Camp Ground*, about 4 miles northeast of St. George on South Carolina 73.

Summerville vicinity, *"Middleton Place"*, 10 miles southeast of Summerville on South Carolina 61.

Summerville vicinity, *Old Dorchester*, Dorchester State Park, including the ruins of the village and fort of Dorchester and St. George's Church, on the Ashley River near the mouth of Dorchester Creek.

#### Edgefield County

Edgefield, *Edgefield Historic District*. Edgefield vicinity, *Blocker House*, about 6 miles northwest of Edgefield on U.S. 25.

Edgefield vicinity, *Cedar Grove*, 5 miles northwest of Edgefield on U.S. 25.

Edgefield vicinity, *Horn Creek Baptist Church*, south of Edgefield via Routes 34, 133, and a dirt road.

North Augusta vicinity, *Big Stevens Creek Baptist Church*, about 8 miles northwest of North Augusta on South Carolina 230.

#### Fairfield County

Jenkinsville vicinity, *Ebenezer Associate Reformed Presbyterian Church (Old Brick Church)*, 4.3 miles north of Jenkinsville on South Carolina 213.

Jenkinsville vicinity, *Little River Baptist Church*, 3.8 miles north of Jenkinsville on South Carolina 213.

Longtown vicinity, *Blink Bonnie (Robertson Place)*, 10 miles northeast of Ridgeway.

Monticello vicinity, *Davis Plantation*, 0.25 mile south of Monticello on South Carolina 215.

Ridgeway, *Century House (Brick House)*, South Carolina 34, 1 block west of Main Street.

Ridgeway vicinity, *St. Stephen's Episcopal Church*, about 1 mile northeast of Ridgeway on County Route 106.

Ridgeway vicinity, *Valencia*, about 2 miles northwest of Ridgeway on County Route 106.

Winnabow, *Ketchin Building*, 231 South Congress Street.

Winnabow, *Rural Point (Robertson House)*, Old Camden Road.

Winnabow, *Winnabow Historic District*, bounded on the west by Garden Street; on the south by Buchanan Street, Fairfield Country Club, and Moultrie Street; on the east by Congress Street, Zion Street, Walnut Street, and Gooding Street; and on the north by a line running from Roosevelt Street to Woodland Terrace.

#### Florence County

Johnsonville vicinity, *Snow's Island*, east of Johnsonville at the confluence of the Great Pee Dee River and Lynch's Creek.

#### Georgetown County

Georgetown, *Georgetown Historic District*, the Old City of Georgetown, bounded on the south by the Santee River; on the west by Wood Street; on the north by U.S. 17; and on the east by Meeting Street. Georgetown, *Georgetown County Rice Museum, Old Market Building*, Front and Screven Streets.

Georgetown, *Prince George Winyah Church (Episcopal) and Cemetery*, corner of Broad and Highmarket Streets.

Georgetown vicinity, *Annandale Plantation*, about 14 miles south of Georgetown between South Carolina 30 and South Carolina 18 (10-25-73).

Georgetown vicinity, *Chicora Wood Plantation*, about 12 miles northeast of Georgetown on South Carolina 59.

Georgetown vicinity, *"Hopsewee (Thomas Lynch House)"*, 12 miles south of Georgetown on U.S. 17.

Hawleys Island, *Pawleys Island Historic District*, bounded on the north by Williamson House property line, on the south by Prevost House property line, on the east by the Atlantic Ocean, and on the west by Marshlands.

#### Greenville County

Conestee, *McBee Methodist Church*, Main Street.

Greenville, *Christ Church (Episcopal) and Churchyard*, 10 North Church Street.

Greenville, *Earle Town House*, 107 James Street.

Greenville, *Reedy River Falls Historic Park and Greenway*, both banks of the Reedy River from the falls to Church Street.

Greenville, *Whitehall*, 310 West Earle Street.

Tigerville vicinity, *Poinsett Bridge*, about 4 miles north of Tigerville on County Route 42.

#### Greenwood County

Cokesbury and vicinity, *Old Cokesbury Historic District and Masonic Female College Conference School*.

Greenwood vicinity, *Brooks, J. Wesley, House*, 2 miles south of Greenwood on U.S. 25.

Ninety Six vicinity, *Old Ninety Six and Star Fort*, 2 miles south of Ninety Six between South Carolina 248 and 27.

#### Horry County

Conway, *Old Horry County Courthouse and Jail*, Main Street.

#### Jasper County

Gillisonville, *Gillisonville Baptist Church*, U.S. 278.

Robertville, *Robertville Baptist Church*, intersection of U.S. 321 and County Route 26.

#### Kershaw County

Camden, *City of Camden Historic District*, bounded on the south by the city limits, on the east and west by the Southern Railroad right-of-way, and on the north by Dickey Creek Road.

Camden, *Fort Camden*, southern area of Camden, De Kalb Township.

Camden vicinity, *Adamson Mounds Site*, c. 2 miles west of Camden, along the left bank of Mound Creek.

Camden vicinity, *"Camden Battlefield"*, 5 miles north of Camden on U.S. 521 and 601.

Camden vicinity, *McDowell Site (Chestnut Mounds)*, 2.5 miles south of Camden, surrounding the mouth of Big Pine Tree Creek on the Wateree River.

#### Lancaster County

Lancaster, *Lancaster County Courthouse*, 104 North Main Street.

Lancaster, *Lancaster County Jail*, 208 West Gay Street.

#### Laurens County

Clinton vicinity, *Duncan's Creek Presbyterian Church*, 5 miles northeast of Clinton off South Carolina 72 (11-15-73).

Laurens, *Laurens County Courthouse*, Laurens Courthouse Square.

Laurens, *Octagon House*, 619 East Main Street.

Laurens vicinity, *Sullivan House*, about 10 miles west of Laurens on U.S. 76.

#### Lexington County

Lexington, *Fox House (Classical and Theological Seminary of the Evangelical Lutheran Synod of South Carolina and Adjacent States)*, 232 Fox Street.

Lexington, *Hazeltus, Ernest L., House*, 225 Columbia Avenue.

West Columbia, *Saluda Factory Historic District (also in Richland County)*.

#### McCormick County

Parksville vicinity, *Price's Mill*, 2 miles east of Parksville on Steven's Creek.

Willington vicinity, *De La House State School*, 3 miles southeast of Willington on South Carolina 81.

Willington vicinity, *Gillebeau House*, about 2.5 miles southeast of Willington off South Carolina 81.

#### Marion County

Latta vicinity, *Old Ebenezer Church*, 5 miles south of Latta on South Carolina 38.

Marion, *Marion Historic District* (10-4-73).

#### Marlboro County

Bennettsville, *Jennings-Brown House*, 121 South Marlboro Street.

Bennettsville, *Magnolia (Chancellor William Johnson House)*, 508 East Main Street.

Wallace vicinity, *Pegues Place*, 6 miles north of Wallace, just off U.S. 1 on County Route 266.

#### Newberry County

Newberry, *Newberry Opera House*, Boyce and Nance Streets.

Newberry, *Old Courthouse*, Newberry, 1207 Caldwell Street.

#### Oconee County

Seneca vicinity, *Alexander-Hill House*, approximately 10 miles north of Seneca off Route 183.

Walhalla vicinity, *Ellicott Rock*, north of Walhalla off South Carolina 107 along North Carolina-South Carolina State Line (7-24-73).

Walhalla vicinity, *Oconee Station and Richards House*, 11 miles north of Walhalla via South Carolina 11 and County Route 95.

Walhalla vicinity, *Stumpfhouse Tunnel Complex*, 5 miles north of Walhalla via South Carolina 26 and Route 226.

Westminster vicinity, *Prather's Bridge*, over Tugaloo River, 10 miles southwest of Westminster via U.S. 124, then 1 mile northwest on County Route 68, then 0.25 mile west on County Route 160.

#### Orangeburg County

Branchville, *Southern Railway Passenger Depot*, 110 North Main Street.

Eutawville vicinity, *Autaw Springs Battleground Park*, 2 miles east of Eutawville on South Carolina 6 and 45.

Orangeburg, *Orangeburg County Jail*, 44 St. John Street (10-2-73).

#### Pickens County

Clemson, *"Calhoun, John G., House, Fort Hill, Clemson University campus."*

Clemson, *St. Julien-Ravenel House (Hanoover House)*, Clemson University campus.

Pendleton vicinity, *Old Stone Church and Cemetery*, off U.S. 78, 1.5 miles north of Pendleton at the intersection of County Route 37.

Pickens vicinity, *Hagwood Mill*, 3.5 miles northwest of Pickens on U.S. 178.

#### Richland County

Saluda Factory Historic District (see Lexington County).

Columbia, *Arsenal Hill (Palmetto Ironworks and Armory)*, 1800 Lincoln Street.

Columbia, *Caldwell - Hampton - Boylston House*, 829 Richland Street.

Columbia, *Chestnut Cottage*, 1718 Hampton Street.

Columbia, *Columbia City Hall*, Main and Laurel Streets.

Columbia, *Columbia Historic District I.*

Columbia, *Columbia Historic District II.*

Columbia, *DeBruhl-Marshall House*, 1401 Laurel Street.

Columbia, *First Baptist Church*, 1306 Hampton Street.

Columbia, *First Presbyterian Church*, 1324 Marion Street.

Columbia, *Hall, Ainsley, House*, 1616 Blandling Street.

Columbia, *Hampton-Preston House*, 1618 Blandling Street.

Columbia, *Horry-Guignard House*, 1527 Senate Street.

Columbia, *The Lace House*, 808 Richland Street.

Columbia, *Lorick-Baker House*, 1727 Hampton Street.

Columbia, *Mills Building, South Carolina State Hospital*, 2100 Bull Street.

Columbia, *Old Campus District, University of South Carolina*, bounded on the west by Sumter Street, on the south, east, and north by buildings not included in the old campus quadrangle.

Columbia, *Pierceman House (Hale-Elmore-Seibels House)*, 1601 Richland Street.

Columbia, *Simons Cottage*, 1403 Richland Street.

Columbia, *South Carolina Governor's Mansion*, 800 Richland Street.

Columbia, *South Carolina Statehouse*, bounded on the north by Main Street, on the west by Assembly Street, on the south by Senate Street, and on the east by Sumter Street.

Columbia, *Supreme Court of South Carolina Building*, northwest corner of Gervais and Sumter Streets.

Columbia, *Sylvan Building (Central National Bank)*, 1500 Main Street.

Columbia, *Trinity Episcopal Church*, 1100 Sumter Street.

Columbia, *Union Station*, 401 South Main Street.

Columbia, *Washington Street United Methodist Church*, 1401 Washington Street.

Columbia, *Wilson, Thomas Woodrow, Boyhood Home*, 1705 Hampton Street.

Columbia vicinity, *Millwood, Garner's Ferry Road*.

Eastover vicinity, *Kensington Plantation House*, 8 miles east of Eastover near Farm Road 764.

#### Saluda County

Saluda vicinity, *Saluda Old Town Site*, 10 miles north of Saluda on Route 54.

#### Spartanburg County

Campobello vicinity, *Ingleside*, about 1 mile north of Campobello on U.S. 176.

Glenn Springs vicinity, *Camp Hill (Smith House)*, 2 miles south of Glenn Springs on South Carolina 215.

Moore vicinity, *Price's Post Office*, junction of County Routes 86, 199, and 200.

Spartanburg, *Cleveland Law Range*, 171 Magnolia Street.

Spartanburg, *Evins-Bivings House (Dr. James Bivings House)*, 563 North Church Street.

Spartanburg, *Foster's Tavern*, 191 Cedar Spring Road.

Spartanburg, *Seay, Jammie, House*, Darby Road off Crescent Avenue, within the city limits.

Spartanburg vicinity, *Nicholls-Crook House*, about 15 miles southwest of Spartanburg off U.S. 221.

Spartanburg vicinity, *Walnut Grove Plantation*, 8 miles southeast of Spartanburg, c. 1 mile east of the intersection of U.S. 221 and Interstate 26.

#### Sumter County

Pinewood vicinity, *Milford Plantation*, 2 miles west of Pinewood on South Carolina 281.

Stateburg vicinity, *The Borough House Plantation*, Stateburg, and vicinity.

Sumter, *Sumter Town Hall/Opera House*, North Main Street.

Sumter vicinity, *Stateburg Historic District*.

#### Union County

Fishdam Ford (see Chester County).

Cross Keys vicinity, *Padgett's Creek Baptist Church*, 2 miles east of Cross Keys.

Jonesville vicinity, *Means House*, 2 miles southwest of Jonesville on South Carolina 12.

Union, *Dawkins, Judge Thomas, House*, Dawkins Court (north of East Main Street).

Union, *Herdon Terrace*, North Pinckney Street at the corner of Catherine Street.

Union vicinity, *Cross Keys House*, 12 miles southwest of Union on South Carolina 49.

Union vicinity, *Pinckneyville*, 13 miles northeast of Union on South Carolina 13.

Union vicinity, *Rose Hill*, 9 miles southwest of Union on County Route 10.

#### Williamsburg County

Kingstree, *Thorntree (Witherspoon House)*, Flutt-Nelson Memorial Park.

#### York County

Bethany vicinity, *Kings Mountain National Military Park*, northwest of Bethany on South Carolina 161.

McConnellsville vicinity, *Brattonville Historic District*, east of McConnellsville on County Route 165, 2 miles south of the intersection with South Carolina 322.

Rock Hill, *The White House*, 258 East White Street.

#### South Dakota

##### Brown County

Aberdeen, *Easton's Castle*, 1210 Second Avenue NW.

##### Buffalo County

Chamberlain vicinity, *"Crow Creek Site"*, 15 miles north of Chamberlain on the east side of the Missouri River near South Dakota 47.

Fort Thompson vicinity, *"Fort Thompson Mounds"*, near Fort Thompson on South Dakota 50, Crow Creek Indian Reservation.

##### Charles Mix County

Geddes, *Geddes Historic District*.

##### Clay County



**Dewey County**  
 Mobridge vicinity, \*Molsted Village, 18 miles south of Mobridge, overlooking the Oahe Reservoir.

**Faulk County**  
 Faulkton, Pickler, Major John A., Homestead, south edge of town.

**Gregory County**  
 Dixon vicinity, Pocahontas Schoolhouse, about 4.5 miles northeast of Dixon.

**Hanson County**  
 Bloom vicinity, \*Bloom Site, east of Bloom on the James River.

**Hughes County**  
 Pierre vicinity, \*Arzberger Site, 7.5 miles east of Pierre on the Missouri River.

**Kingsbury County**  
 De Smet, Railroad Camp Shanty (Surveyor's Shanty), corner of First and Olivet Streets.

**Lawrence County**  
 Deadwood, \*Deadwood Historic District.

**Lincoln County**  
 \*Blood Run Site (see Lyon County, Iowa).

**Lyman County**  
 Lower Brule vicinity, \*Langdeau Site, north of Lower Brule on South Dakota 47W.

**Marshall County**  
 Britton vicinity, Fort Sisseton, southeast of Britton.

**Meade County**  
 Fort Meade, Fort Meade District, on South Dakota 34/79.  
 Sturgis vicinity, Bear Butte.

**Minnehaha County**  
 Sioux Falls, All Saints School, Main Building, 101 West 17th Street.  
 Sioux Falls, Old Minnehaha County Courthouse, Main Avenue and Sixth Street.  
 Sioux Falls, Sioux Falls Public Library, 235 West 10th Street.

**Pennington County**  
 Keystone vicinity, Mount Rushmore National Memorial, 3 miles west of Keystone off U.S. 16A.

**Shannon County**  
 Batesland vicinity, \*Wounded Knee Battlefield, 11 miles west of Batesland, Pine Ridge Indian Reservation.

**Tennessee**

**Anderson County**  
 Oak Ridge, \*X-10 Reactor, Oak Ridge National Laboratory.

**Bedford County**  
 Bell Buckle, Webb School, Junior Room, off Tennessee 82.  
 Wartrace vicinity, Martin House, 7 miles northeast of Wartrace off Tennessee 64.

**Benton County**  
 Big Sandy vicinity, Mount Zion Church, 5.5 miles southeast of Big Sandy (10-2-73).

**Blount County**  
 Maryville vicinity, Sam Houston Schoolhouse, northeast of Maryville on Tennessee 8.

**Bradley County**  
 Cleveland vicinity, Red Clay Council Ground, 13 miles south of Cleveland.

**Cannon County**  
 Readyville, Readyville Mill, on U.S. 70S.

**Carter County**  
 Elizabethton, Carter, John and Landon, House (The Mansion), East Broad Street.  
 Elizabethton, Elizabethton Historic District.  
 Elizabethton, Sabine Hill, off Tennessee 67 at Watauga Point.  
 Elizabethton vicinity, \*Sycamore Shoals, 2 miles west of Elizabethton on the Watauga River.

**Cheatham County**  
 Kingston Springs vicinity, Mound Bottom, east of Kingston Springs.  
 Kingston Springs vicinity, Narrows of the Harpeth, north of Kingston Springs on Route 2.

**Claiborne County**  
 Cumberland Gap National Historical Park (see Bell County, Ky.).  
 Tazewell, Parkey House, Main Street.

**Cocke County**  
 Parrottsville vicinity, Swaggerty Blockhouse, east of Parrottsville on U.S. 411.

**Coffee County**  
 Manchester, Old Stone Fort, on the Duck River off U.S. 41.

**Davidson County**  
 Bellevue, Belle Vue, Old Harding Road off U.S. 70S (10-25-73).  
 Donelson, Two Rivers (David H. McGavock House), McGavock Pike.  
 Hermitage, Tulip Grove, Lebanon Road.  
 Nashville, Belair, 2250 Lebanon Road.  
 Nashville, Belmont, Belmont Boulevard.  
 Nashville, Federal Office Building (Customs House), Broadway.  
 Nashville, First Presbyterian Church (Downtown Presbyterian Church), 154 Fifth Avenue North.  
 Nashville, Gymnasium, Vanderbilt University, southwest corner of West End and 23d Avenues.  
 Nashville, Holy Trinity Church, 615 South Sixth Avenue.  
 Nashville, Hubbard House, 1109 First Avenue, South (8-14-73).  
 Nashville, J. S. Reeves and Co. Building, 208-210 Public Square.  
 Nashville, Jubilee Hall, Fisk University, 17th Avenue North.  
 Nashville, Nashville Arcade, between Fourth and Fifth Avenues.  
 Nashville, Nashville Children's Museum (Lindsley Hall, University of Nashville), 724 Second Avenue South.  
 Nashville, Nashville City Cemetery, 1001 South Fourth Avenue.  
 Nashville, Nashville Union Station, Broadway and 10th Avenue South.  
 Nashville, The Parthenon, Centennial Park.  
 Nashville, \*Peabody College for Teachers, 21st Avenue South and Edgehill Avenue.  
 Nashville, Ryman Auditorium (Grand Old Opry House), 116 Opry Place.  
 Nashville, St. Mary's Catholic Church, 330 Fifth Avenue North.  
 Nashville, Second Avenue Commercial District, Second Avenue North between Brandon Street and Broadway.  
 Nashville, Stump, Frederick, House, 4941 Buena Vista Pike.  
 Nashville, \*Tennessee State Capitol, Capitol Hill.  
 Nashville, Traveller's Rest, Franklin Road.  
 Nashville vicinity, Belle Meade, Harding Road at Leake Avenue.  
 Nashville vicinity, Brick Church Mound and Village Site, 3 miles north of Nashville.  
 Nashville vicinity, \*The Hermitage, 12 miles east of Nashville on U.S. 70N.  
 Old Hickory, Cleveland Hall, 4041 Old Hickory Boulevard.

**Fayette County**  
 La Grange, Immanuel Church (Episcopal), Second and Chestnut Streets.

**Fentress County**  
 Pall Mall, York, Sargeant, Historic Area.

**Franklin County**  
 Belvidere vicinity, Zaugg Bank Barn, Southeast of Belvidere off U.S. 64 (12-18-73).  
 Huntland vicinity, Falls Mill, 1 mile off U.S. 64.  
 Winchester, Knies Blacksmith Shop, 118 North Jefferson Street.

**Giles County**  
 Delrose vicinity, Wilson-Young House, about 2 miles southwest of Delrose off I-65.  
 Wales, Clifton Place, Campbellsville Road.

**Grainger County**  
 Bean Station vicinity, Tate Springs Springhouse, about 3.5 miles east of Bean Station on U.S. 11W.  
 Blaine, Shields' Station, U.S. 11W.

**Greene County**  
 Greeneville, Andrew Johnson National Historic Site, Depot and College Streets.

**Hamblen County**  
 Morristown, Hamblen County Courthouse, 511 West Second North Street.  
 Russellville vicinity, Bethesda Presbyterian Church, about 1.5 miles southwest of Russellville, off U.S. 11E.

**Hamilton County**  
 Chickamauga and Chatanooga National Military Park (see Catoosa County, Ga.).  
 Chattanooga, Brabson House, 407 East Fifth Street.  
 Chattanooga, Brown's Ferry Tavern, Brown's Ferry Road.  
 Chattanooga and Lookout Mountain, Lookout Mountain Incline Railway, from Tennessee 17 (St. Elmo) to Lookout Mountain.  
 Chattanooga, Newton Chevrolet Building, 329 Market Street.  
 Chattanooga, Old Library Building, 200 East Eighth Street.  
 Chattanooga, Old Post Office, East 11th and Lindsey Streets.  
 Chattanooga, Tivoli Theater, 709 Broad Street.  
 Chattanooga vicinity, Williams Island, northwest of Chattanooga in the Tennessee River.  
 Ooltewah vicinity, Brown House, about 10 miles northeast of Ooltewah on the Georgetown Pike.  
 Ooltewah vicinity, Douglas, Hiram, House, about 5 miles north of Ooltewah on Snow Hill Road.  
 Signal Mountain vicinity, Topside, about 3 miles northeast of Signal Mountain on Wilson Avenue.

**Hardin County**  
 Shiloh, Shiloh National Military Park.

**Hawkins County**  
 Kingsport, Boatyard Historic District, on the north side of the South Fork of the Holston River to the lower end of Long Island and both sides of the North Fork of the Holston River in the western limits of Kingsport (12-12-73) (also in Sullivan County).  
 Rogersville vicinity, Amis House, east of Rogersville on the Burem Pike.  
 Surgoinsville vicinity, Stony Point, northeast of Surgoinsville on U.S. 11W.

**Hancock County**  
 Sneedville, Old Jail, Jail Street.

**Henry County**  
 Paris, Porter House, 407 South Dunlap Street.  
 Paris vicinity, Work Farm Site (Obion Mounds) northeast of Paris.

**Hickman County**  
 Nunnally vicinity, Pinewood, approximately 3 miles north of Nunnally on Pinewood Road (Route 3).

**Humphreys County**  
 Hurricane Mills vicinity, Link Farm Site, northwest of Hurricane Mills.

**Jefferson County**  
 Dandridge, Dandridge Historic District, bounded on the east by Mill Street extended to the dike, on the south by the dike, on the west by a line about 800 feet west of Gay Street, and on the north by a line about 900 feet north of Meeting Street.  
 Dandridge, Swann, Judge James Preston, House, Cherokee Drive (7-16-73).  
 Jefferson City, Glenmore, off U.S. 11E.  
 White Pine vicinity, Fairfax, southeast of White Pine off U.S. 25E.  
 White Pine vicinity, Franklin, Lawson D., House, southeast of White Pine off U.S. 25E.

**Johnson County**  
 Laurel Bloomery, Morrison Farm and Store, Tennessee 91.  
 Mountain City, Butler House, 309 North Church Street.  
 Shouns, Rhea House, on U.S. 421.

**Knox County**  
 Knoxville, \*Blount, William, Mansion, 200 West Hill Avenue.  
 Knoxville, Camp House, 1306 Broadway NE.  
 Knoxville, Craighead-Jackson House, 1000 State Street.  
 Knoxville, Jackson Avenue Warehouse District, Jackson Avenue.  
 Knoxville, Knoxville City Hall, City Hall Park, Western Avenue.  
 Knoxville, Marble Springs, Neubert Springs Road.  
 Knoxville, Old Post Office Building, corner of Clinch and Market Streets.  
 Knoxville, Park, James, House, 422 West Cumberland Avenue.  
 Knoxville vicinity, Ramsey House, Thorn-grove Pike.  
 Knoxville vicinity, Statesview, about 11 miles southwest of Knoxville on Peters Road, off U.S. 70.

**Lauderdale County**  
 Fort Pillow, Fort Pillow, Tennessee 87.

**Lincoln County**  
 Fayetteville vicinity, Conger, Isaac, House, northeast of Fayetteville off Hamestring Road (7-16-73).

**Loudon County**  
 Greenback, National Campground, Route 1.  
 Loudon, Carmichael Inn, off U.S. 11.  
 Loudon vicinity, Bowman House, east of Loudon on Little River Road.  
 Loudon vicinity, Cannon-Calloway House, west of Loudon off U.S. 11.  
 Loudon vicinity, Lenoir, Albert, House, west of Loudon on River Road (Tennessee 72).

**Madison County**  
 Jackson, Jones, Casey, Home and Railroad Museum, 211 West Chester Street.  
 Pinson vicinity, \*Pinson Mounds, 3 miles east of Pinson on secondary road.

**Maury County**  
 Columbia, Athenaeum, The, 808 Athenaeum Street.  
 Columbia, Blythewood, Trotwood and Hatcher Lane.

**Columbia, Mayes-Hutton House, 306 West Sixth Street.**  
 Columbia, \*Polk, James K., House, West Seventh and South High Streets.  
 Columbia vicinity, Beechclawn, south of Columbia on U.S. 31.  
 Columbia vicinity, Cherry Glen, southwest of Columbia off U.S. 43.  
 Columbia vicinity, Clifton Place, southwest of Columbia on Mount Pleasant Highway.  
 Columbia vicinity, Hamilton Place, west of Columbia off U.S. 43 (7-16-73).  
 Columbia vicinity, Polk Manor, west of Columbia off U.S. 43 (9-7-73).  
 Columbia vicinity, \*Rattle and Snap, on U.S. 43.  
 Columbia vicinity, St. John's Episcopal Church, 6 miles west of Columbia.  
 Columbia vicinity, Zion, Presbyterian Church, 6.3 miles west of Columbia off Tennessee 99.

**Monroe County**  
 Vonore vicinity, Chota and Tanasi Cherokee Village Sites, southeast of Vonore in Cherokee National Forest (8-30-73).  
 Vonore vicinity, \*Fort Loudoun, U.S. 411.

**Montgomery County**  
 Clarksville, Clarksville Federal Building, southwest corner of Commerce and South Second Streets.  
 Clarksville, Emerald Hill (Eagle's Nest), North Second Street.  
 Clarksville, Poston Block, southwest corner of Main and Telegraph Streets.  
 Clarksville, Sevier Station, west side of Walker Street, 216 feet south of B Street.

**Moore County**  
 Lynchburg, Jack Daniel Distillery, on Tennessee 55.

**Morgan County**  
 Rugby and vicinity, Rugby Colony, on Tennessee 52 (also in Scott County).

**Perry County**  
 Linden vicinity, Cedar Creek Furnace, 9 miles southwest of Linden on Furnace Creek.

**Pickett County**  
 Byrdstown vicinity, Hull, Cordell, Birthplace, west of Byrdstown.

**Polk County**  
 Benton vicinity, Ward, Nancy, Tomb, 2 miles south of Benton on U.S. 411.

**Rhea County**  
 Dayton, Rhea County Courthouse, Market Street between Second and Third Avenues.

**Roane County**  
 Harriman, Harriman City Hall, Roane Street and Walden.  
 Kingston, Roane County Courthouse, Kentucky Avenue.  
 Kingston, Southwest Point, on east bank of Tennessee River, off Route 58.

**Robertson County**  
 Cedar Hill, St. Michael's Catholic Church, 4 miles west of Tennessee 49.  
 Cedar Hill vicinity, Glen Raven, southwest of Cedar Hill on Washington Road (10-2-73).  
 Cedar Hill vicinity, Wessington, about 3 miles south of Cedar Hill, near Calebs Creek.  
 Cross Plains, Randolph, William, House, on Tennessee 25 (10-30-73).  
 Cross Plains vicinity, Rock Jolly, northeast of Cross Plains off Tennessee 52 (10-30-73).  
 Springfield vicinity, Pitt, Arthur, House and Distillery, northeast of Springfield off Tennessee 49 (12-18-73).

**Rutherford County**  
 Eagleville vicinity, Scales, Absalom, House, north of Eagleville off Tennessee 16 on Rocky Glade Road (10-30-73).  
 Murfreesboro, Collier-Crichlow House, 511 East Main (7-16-73).  
 Murfreesboro, Oaklands, North Maney Avenue.  
 Murfreesboro, Palmer, General Joseph B., House, 434 East Main Street (9-20-73).  
 Murfreesboro, Rutherford County Courthouse, Public Square (7-16-73).  
 Murfreesboro vicinity, Elmwood, northwest of Murfreesboro off U.S. 70S/41 (10-15-73).  
 Murfreesboro vicinity, Marymount, southwest of Murfreesboro off Tennessee 99 on Rucker Lane (10-30-73).  
 Murfreesboro vicinity, Stones River National Battlefield, 3 miles northwest of Murfreesboro on U.S. 41.  
 Readyville, Ready, Charles, House (The Corners), on U.S. 70S.  
 Readyville vicinity, Macon, Uncle Dave, House, west of Readyville on U.S. 70A (11-15-73).  
 Smyrna, Davis, Sam, Home, Tennessee 102.  
 Smyrna vicinity, Ridley's Landing, north of Smyrna on Jones Mill Road at Stone River (7-16-73).

**Scott County**  
 Rugby Colony (see Morgan County).

**Sevier County**  
 Sevierville, Buckingham House, Sevierville Pike.  
 Sevierville, Sevier County Courthouse, Court Avenue.

**Shelby County**  
 Memphis, \*Beale Street Historic District, Beale Street from Main to Fourth Streets.  
 Memphis, Chucalissa Indian Village, Mitchell Road.  
 Memphis, First Baptist Church, 379 Beale Avenue.  
 Memphis, Hunt-Phelan Home, 533 Beale Avenue.  
 Memphis, The Lee and Fontaine Houses of the James Lee Memorial, 680-690 Adams Avenue.  
 Memphis, Magevney House, 198 Adams Avenue (11-6-73).  
 Memphis, Randolph House, 546 Beale Street.  
 Memphis, Tri-State Bank, 390 Beale Street.  
 Memphis, Victorian Village District, Adams and Jefferson Streets.

**Smith County**  
 Dixon Springs vicinity, Dixon, northwest of Dixon Springs on Tennessee 25.

**Stewart County**  
 Dover vicinity, Dover Flint Quarries, 3 miles east of Dover.  
 Dover vicinity, Fort Donelson National Military Park, 1 mile west of Dover on U.S. 79.

**Sullivan County**  
 Boatyard Historic District (see Hawkins County).  
 Arcadia vicinity, Fain Plantation, east Bloomington off U.S. 11W.  
 Blountville, Fain, Squire John, Barn, Lone Oak Estates, Tennessee 126.  
 Blountville, Old Deery Inn, Main Street.  
 Blountville vicinity, Erwin Farm, west of Blountville off Tennessee 75.  
 Bluff City vicinity, Alison, Jesse, House, southwest of Bluff City off U.S. 11E.  
 Bristol vicinity, Pemberton Mansion and Oak, about 9 miles northeast of Bristol off Tennessee 34.  
 Kingsport, Church Circle District.  
 Kingsport, Clinchfield Railroad Station, 101 East Main Street.  
 Kingsport, Johnson, J. Fred, House, 1322 Watauga Avenue.



Kingsport, Mount Ida, 1010-1012 Sevier Terrace Drive.  
 Kingsport, *Netherland Inn and Complex*, 2144 Netherland Inn Road.  
 Kingsport, *Old Kingsport Presbyterian Church*, Stone Drive and Afton (10-2-73).  
 Kingsport, *The Preston Farm*, 4812 Orebank Road.  
 Kingsport vicinity, \**Long Island of the Holston*, south fork of the Holston River.  
 Kingsport vicinity, *Pearson Brick House*, east of Kingsport on Shipley Ferry Road.  
 Kingsport vicinity, *Roseland*, south of Kingsport on Shipp Street.  
 Kingsport vicinity, *Spring Place*, northwest of Kingsport on West Carter's Valley Road, west of U.S. 23.  
 Kingsport vicinity, *Wills-Dickey Stone House*, northwest of Kingsport on West Carter's Valley Road, west of U.S. 23.  
 Kingsport vicinity, *Yancey's Tavern*, east of Kingsport on Tennessee 126.  
 Piney Flats vicinity, *Alison, Finley, House*, west of Piney Flats on Route 2.  
 Piney Flats vicinity, *Rocky Mount*, southwest of Piney Flats off County Route 11E.  
 Sumner County  
 Castalian Springs, \**Castalian Springs (Bledsoe's Lick)*, Gallatin-Hartsville Pike (Tennessee 25).  
 Gallatin vicinity, *Cragmont*, about 5 miles west of Gallatin off Tennessee 25.  
 Hendersonville vicinity, *Rock Castle*, southeast of Hendersonville on Indian Lake Road.  
 Unicoi County  
 Erwin vicinity, *Clarksville Iron Furnace*, southwest of Erwin off Tennessee 107 in Cherokee National Forest.  
 Van Buren County  
 Bone Cave vicinity, *Big Bone Cave*, 1.5 miles east of Bone Cave.  
 Washington County  
 Johnson City vicinity, *Dungan's Mill and Stone House*, northeast of Johnson City on Watauga Road.  
 Johnson City vicinity, *Tipton-Haynes House*, southeast of Johnson City on U.S. 19W.  
 Jonesboro, *Jonesboro Historic District*, bounded roughly by College Street, Sabin Avenue, and properties fronting on Main Street on the north; by Franklin Avenue and Depot Street on the south; by Second Avenue, Oak Grove Avenue, and private property on the west; and by private property on the east.  
 Jonesboro vicinity, *DeVaul Tavern*, west of Jonesboro on Leesburg Road (Route 6).  
 Jonesboro vicinity, *Taylor, Christopher, House*, southwest of Jonesboro off Old U.S. 11-E.  
 White County  
 Sparta vicinity, *Sparta Rock House*, 3 miles east of Sparta on U.S. 70 (8-14-73).  
 Williamson County  
 Franklin, *Carnton, Confederate Cemetery Lane*.  
 Franklin, *Fort Granger*, off Liberty Pike.  
 Franklin, *Franklin Historic District*, bounded by North Margin Street on the north; Big Harpeth River and North and South First Avenue on the east; both sides of South Margin Street on the south; and both sides of North and South Fifth Avenue on the west.  
 Franklin, *Rainey-Laurence House*, 244 First Avenue South.  
 Franklin, *St. Paul's Episcopal Church*, 510 Main Street.  
 Franklin vicinity, \**Franklin Battlefield*, south of Franklin on U.S. 31.

Lebanon vicinity, *Sellers Indian Mound*, East of Lebanon off Tennessee 26.

## Texas

Armstrong County  
 Palo Duro vicinity, \**JA Ranch*, Palo Duro Canyon.  
 Aransas County  
 Rockport, *Mathis, Thomas H., House*, 612 Church Street.  
 Bastrop County  
 Bastrop, *Allen-Bell House*, 1408 Church Street.  
 Hills Prairie vicinity, *Hill, Abraham Wiley, House*, 5 miles southwest of Hills Prairie.  
 Bexar County  
 San Antonio, \**The Alamo*, Alamo Plaza.  
 San Antonio, *Edward H. White II Museum (Hangar Nine)*, Brooks Air Force Base.  
 San Antonio, \**Espada Aqueduct*, Espada Road, just east of U.S. 281S.  
 San Antonio, *First National Bank of San Antonio*, 213 West Commerce Street.  
 San Antonio, *King William Historic District*, bounded by Durango, Navarro, Alamo Streets and the San Antonio River.  
 San Antonio, *Menger Soap Works*, between North Laredo Street and San Pedro Creek (12-12-73).  
 San Antonio, \**Mission Concepcion*, 807 Mission Road.  
 San Antonio, *Mission San Francisco de la Espada*, Espada Road.  
 San Antonio, *Mission San Juan Capistrano*, Mission Road.  
 San Antonio, *Navarro, Jose Antonio, House Complex*, 228-232 South Laredo Street.  
 San Antonio, *Old Lone Star Brewery*, 110-118 Jones Avenue.  
 San Antonio, *San Jose Mission National Historic Site*, 6619 San Jose Drive.  
 San Antonio, \**Spanish Governor's Palace*, 105 Military Plaza.  
 San Antonio, *U.S. San Antonio Arsenal*, bounded by South Flores Street on the west, East Arsenal Street on the south, the San Antonio River on the east, and private property on the north.  
 San Antonio, *Ursuline Academy*, 300 Augusta Street.  
 Blanco County  
 Blanco, *Conn, Adrian Edwards, House*, at intersection of U.S. 281 and the southwest boundary of the courthouse square.  
 Johnson City vicinity, \**Lyndon B. Johnson National Historic Site* (also in Gillespie County).  
 Bowie County  
 Texarkana, *Offenhauser Insurance Building*, State Line Avenue and Third Street.  
 Texarkana vicinity, *Texarkana Phase Archeological District*, northwest of Texarkana (8-14-73).  
 Briscoe County  
 Silverton vicinity, *Mayfield Dugout* (41 BI 52), 7 miles west-northwest of Silverton.  
 Cameron County  
 Brownsville, \**Fort Brown*.  
 Brownsville, \**Resaca de la Palma Battlefield*, north edge of Brownsville on Parades Line Road.  
 Brownsville vicinity, \**Palo Alto Battlefield*, junction of Farm Roads 1847 and 511, 6.3 miles north of Brownsville.  
 Port Isabel vicinity, *Brazos Santiago Depot*, off Port Isabel, north end of Brazos Island.  
 Port Isabel vicinity, *Garcia Pasture Site*, Loma del Mesquite about 2 miles southwest of Port Isabel.

## Carson County

Panhandle, *Carson County Square House Museum*, Fifth and Elsie Streets.  
 Chambers County  
 Cove vicinity, *Site 41 CH 110*, east of Cove and north of U.S. 10.  
 Wallisville vicinity, *Orequisae Archeological District*, north of Wallisville on Lake Miller.  
 Cherokee County  
 Alto vicinity, *George C. Davis Site*, about 6 miles southwest of Alto on Texas 21.  
 Coke County  
 Bronte vicinity, *Fort Chadbourne (41CK129)*, 12 miles north of Bronte.  
 Colorado County  
 Columbus, *Stefford Bank and Opera House*, southeast corner of Milam and Spring Streets.  
 Comal County  
 New Braunfels, *First Protestant Church (United Church of Christ)*, 206 South Sequin Street.  
 New Braunfels, *Klein, Stephen, House*, 131 South Sequin Street.  
 New Braunfels, *Lindheimer House*, 489 Comal Avenue.  
 Concho County  
 Paint Rock vicinity, *Paint Rock Indian Pictograph Site*, 1 mile northwest of Paint Rock off U.S. 83.  
 Crockett County  
 Sheffield vicinity, *Fort Lancaster*, 10 miles east of Sheffield on U.S. 290.  
 De Witt County  
 Cuero, *De Witt County Courthouse*, bounded by North Gonzales, East Live Oak, North Clinton, and East Courthouse Streets.  
 El Paso County  
 El Paso, *Chamizal National Memorial*.  
 El Paso, *Magoffin Homestead*, 1120 Magoffin Avenue.  
 El Paso, *Old Fort Bliss*, 1800 Block Doniphan Street; property between Doniphan Street and the Rio Grande, north of Franklin Canal.  
 El Paso vicinity, *Hueco Tanks*, 22 miles northeast of El Paso off U.S. 62.  
 El Paso vicinity, *Northgate Site*, 7 miles north of El Paso on Fort Bliss Military Reservation.  
 San Elizario, *Presidio Chapel of San Elizario*, south side of the Plaza.  
 Socorro, *Socorro Mission*, Moon Road and F.M. 258.  
 Ysleta, *Ysleta Mission*, on U.S. 90.  
 Fannin County  
 Bonham vicinity, *The Sam Rayburn House*, 1.5 miles west of Bonham on U.S. 82.  
 Fayette County  
 Winedale, *Winedale Inn Complex*, off F.M. 1457.  
 Fisher County  
 Noodle vicinity, *Foy Steadman Site*, 8.5 miles northwest of Noodle.  
 Galveston County  
 Galveston, *Ashbel Smith Building*, 914-916 Avenue B (Strand Avenue).  
 Galveston, *Bishop's Palace (Gresham House)*, 1402 Avenue J (Broadway).  
 Galveston, *El Mina Shrine Temple*, 2328 Broadway.  
 Galveston, *St. Mary's Cathedral*, 2011 Church Avenue.  
 Galveston, *Sealy, George, House*, 3424 Broadway.

Galveston, *The Strand Historic District*, bounded on the north by Avenue A, on the east by 20th Street, on the south by an alley separating Avenues C and D, and on the west by the railroad passenger depot extending north to Avenue A (including lots 5, 6, and 7 of block 685 between Avenue A and New Strand Street).  
 Galveston, *Trueheart-Adriance Building*, 212 22d Street.  
 Galveston, *U.S. Customhouse (Old Galveston Customhouse)*, southeast corner of 20th and Post Office (Avenue E) Streets.  
 Galveston, *Williams, Samuel May, House*, 3601 Avenue P.

## Gillespie County

Fredericksburg, *Fredericksburg Historic District*.  
 Fredericksburg, *Fredericksburg Memorial Library*, Courthouse Square.  
 \**Lyndon B. Johnson National Historic Site* (see Blanco County).

## Goliad County

Goliad, *Old Market, House Museum*, southwest corner of South Market and Franklin.  
 Goliad vicinity, \**Presidio Nuestra Señora de Loreto de la Bahia*, 1 mile south of Goliad State Park on U.S. 183.  
 Goliad vicinity, *Ruins of Mission Nuestra Señora del Rosario de los Cujanes*, approximately 3.5 miles southwest of Goliad off U.S. 59.

## Gonzales County

Gonzales, *Gonzales County Courthouse*, bounded by St. Louis, St. Paul, St. Lawrence, and St. Joseph Streets.  
 Gonzales, *Kennard House*, 621 St. Louis Street.  
 Gonzales vicinity, *Braches Home*, 12 miles southeast of Gonzales on U.S. 90 Alternate.

## Guadalupe County

Seguin, *Erskine House No. 1 (Hollamon House)*, 902 North Austin Street.  
 Seguin, *Los Nogales*, northeast corner of South River and East Live Oak Streets.  
 Seguin, *Sebastopol (Zorn House)*, northeast corner of West Court and North Erkel Streets.

## Hale County

Plainview, \**Plainview Site*, 0.5 mile west of the junction of U.S. 70 and 87.

## Hamilton County

Chattanooga, *Terminal Station*, 1434 Market Street.

## Harris County

Houston, *1884 Houston Cotton Exchange Building*, 202 Travis Street.  
 Houston vicinity, \**San Jacinto Battlefield*, 22 miles east of Houston on Texas 134.

## Harrison County

Marshall, *Old Pierce House (Magnolia Hall)*, 303 North Columbus Street.

## Hawkins County

Rogersville, *Rogersville Historic District*.

## Hays County

San Marcos, *Cock House*, 402 East Hopkins Street.

## Hill County

Hillsboro, *Hill County Courthouse*, Courthouse Square.

## Houston County

Crockett, *Monroe-Crook House*, 707 East Houston Street.  
 Kennard vicinity, *Westerman Mound*, 5.8 miles southeast of Kennard.

## Hutchinson County

Fritch vicinity, *Antelope Creek Archeological District*, about 3 miles northeast of Fritch off Texas 136.

## Jack County

Jacksboro vicinity, \**Fort Richardson*, south of Jacksboro on U.S. 281.

## Jeff Davis County

Fort Davis, *Fort Davis National Historic Site*, junction of Texas 17 and 118.

## Jefferson County

Beaumont, *French Home Trading Post*, 2995 French Road.  
 Beaumont, *McFadden House Complex*, 1906 McFadden.  
 Beaumont vicinity, \**Lucas Gusher, Spindletop Oil Field*, 3 miles south of Beaumont on Spindletop Avenue.  
 Port Arthur, *Pompeian Villa*, 1953 Lakeshore Drive.

## Jones County

Abilene vicinity, *Fort Phantom Hill*, 14 miles north of Abilene on Ranch Road 600.

## Kaufman County

Terrell vicinity, \**Porter, Walter C., Farm*, 2 miles north of Terrell on Farm Road 986.

## Kenedy County

Kingsville vicinity, \**King Ranch*, in and near Kingsville (also in Kleberg, Nueces, and Willacy Counties).

## Kerr County

Camp Verde vicinity, *Old Camp Verde (41 KR111)*, about 2 miles west of Camp Verde on county road.

## Kleberg County

\**King Ranch* (see Kenedy County).

## Lamar County

Paris, *Mazey, Samuel Bell, House*, 812 East Church Street.

## Lampasas County

Lampasas, *Lampasas County Courthouse*, bounded by South Live Oak, East Fourth, South Pecan, and East Third Streets.

## Lavaca County

Hallettsville, *Lavaca County Courthouse*, bounded by La Grange, Second, Third, and Main Streets.  
 Hallettsville, *Lay-Bozka, House*, 205 Fairwinds.

## Lee County

Giddings, *Schubert House*, 183 Hempstead Street.

## Liberty County

Dayton vicinity, *Site 41 LB 4*, 12 miles southeast of Dayton.

## Lubbock County

Lubbock vicinity, *Lubbock Lake Site*, north of Lubbock near the intersection of Clovis Highway and Loop 289.

## McLennan County

Waco, *Earle-Napier-Kinnard House*, 814 South Fourth Street.  
 Waco, *Fort House*, 503 East Fourth Street.  
 Waco, *McCulloch House*, 406 Columbus Avenue.  
 Waco, *Mann, John Wesley, House*, 100 Mill Street.  
 Waco, *Waco Suspension Bridge*, across the Brazos River at Bridge Street.

## Marion County

Jefferson, *Alley-Carlson House*, 501 Walker Street.

Jefferson, *Beard House*, 212 North Vale Street.  
 Jefferson, *Epperson-McNutt House*, 409 South Alley Street.  
 Jefferson, *Excelsior Hotel*, Austin Street between Market and Vale Streets.  
 Jefferson, *Freeman Plantation House*, 0.8 mile west of Jefferson on Route 49.

Jefferson, *Jefferson Historic District*, bounded roughly by Owens, Priou, Taylor, Lafayette, Market, Camp, Walnut extended, Polk, Vale and Line Streets; and by a line parallel to and between Dixon and Walker Streets, and by a line north of and parallel to Dixon Street.

Jefferson, *Jefferson Playhouse*, northwest corner of Market and Henderson Streets.  
 Jefferson, *The Magnolias*, 209 East Broadway.  
 Jefferson, *Old U.S. Post Office and Courts Building*, 223 Austin Street.

Jefferson, *Perry, Captain William, House*, northwest corner of Walnut and Clarksville Streets.

Jefferson, *Planters Bank Building*, 224 East Austin Street.

Jefferson, *Presbyterian Manse*, northeast corner of Alley and Delta Streets.

Jefferson, *Sedberry House*, 211 North Market Street.

Jefferson, *Singleton, Captain William E., House*, 204 North Soda Street.

Jefferson, *Woods, Perry House (Old Ligon Place)*, 502 Walker Street.

## Maverick County

Eagle Pass, *Fort Duncan*, bounded on the east by Monroe, on the north by Garrison, on the south by the city limits, and on the west by the Rio Grande.

## Medina County

Castroville, *Castroville Historic District*.  
 Castroville, *Landmark Inn Complex*, Florella and Florence Streets.

## Menard County

Fort McKavett, *Fort McKavett Historic District*, south bank of the San Saba River.  
 Menard vicinity, *Presidio San Luis de Las Amarillas*, approximately 1 mile northwest of Menard on Texas 29.

## Milam County

Rockdale, *San Xavier Mission Complex Archeologic District*, 13 miles west of Rockdale (7-27-73).

## Montague County

Bowie, *Fort Worth and Denver City Depot*, on U.S. 81.

## Montgomery County

Montgomery vicinity, *Kirbee Kiln Site*, south of Montgomery (8-28-73).

## Morrison County

Marshall, *Old Pierce House (Magnolia Hall)*, 303 North Columbus.

## Nacogdoches County

Nacogdoches, *Old Nacogdoches University Building*, Washington Square.

## Nueces County

\**King Ranch* (see Kenedy County).

## Oldham County

Adrian vicinity, *Rocky Dell*, 9 miles northwest of Adrian and 2.7 miles north of U.S. 40.

Vega vicinity, \**Landerin Mesa*, east side of East Alamosa Creek, Mansfield Ranch.

## Parker County

Weatherford, *Parker County Courthouse*, Courthouse Square.



## Pecos County

Fort Stockton, Fort Stockton Historic District.

## Potter County

Fritch vicinity, *Abdatis Flint Quarries and Texas Panhandle Pueblo Culture National Monument*, southwest of Fritch on the Canadian River.

## Presidio County

Presidio vicinity, *Fort Leaton* (41PS 18), 4 miles east of Presidio on F.M. 170.

## Real County

Camp Wood, *Mission San Lorenzo de la Santa Cruz*, on the west side of Texas 55 at the north edge of the city.

## Red River County

Blakeney vicinity, *Kaufman, Sam, Site*, north of Blakeney (8-14-73).

## Robertson County

Calvert, *Hammond House*, bounded by Burnett, China, Elm, and Hanna Streets.

## San Augustine County

San Augustine, *Cartwright, Matthew, House*, 912 East Main Street.

San Augustine, *Cullen, Ezekiel, House*, 207 South Congress.

San Augustine vicinity, *Blount, Capt. Thomas William, House*, 2.5 miles west on Texas 21.

## San Patricio County

San Patricio vicinity, *McGlott, James, Homestead*, 1 mile northwest of San Patricio on F.M. 666.

## Shackelford County

Albany vicinity, *Fort Griffin*, 15 miles north of Albany on U.S. 283.

## Shelby County

Center, *Shelby County Courthouse*, Court-house Square.

## Shelby County

Teasellville vicinity, *Deuberry, Colonel John House*, 1 mile north of Teasellville on F.M. 346.

## Starr County

Roma, *Roma Historic District*.

## Sullivan County

Blountville, *Blountville Historic District*.

## Tarrant County

Fort Worth, *Flatiron Building*, 1000 Houston Street.

Fort Worth, *Gulf, Colorado & Santa Fe Railroad Passenger Station*, 1601 Jones Street.

Fort Worth, *Knights of Pythias Building*, 315 Main Street.

Fort Worth, *Pollock-Capps House*, 1120 Penn Street.

Fort Worth, *Tarrant County Courthouse*, bounded by Houston, Belknap, Weatherford, and Commerce Streets.

## Terrell County

Dryden vicinity, *Meyers Springs Pictograph Site*, 10 miles northeast of Dryden.

## Tom Green County

San Angelo, *Fort Concho*, south edge of San Angelo.

## Travis County

Austin, *Barker History Center (Old Library)*, University of Texas, South Mall, University of Texas campus.

Austin, *Bremont Block Historic District*.

Austin, *Carrington-Covert House*, 1511 Colorado Street.

Austin, *Doyle House*, 310 East 14th Street.

Austin, *Driskill Hotel*, 117 East 7th Street.

Austin, *French Legation*, 802 San Marcos.

Austin, *Gethsemane Lutheran Church*, 1510 Congress Avenue.

Austin, *Goodman Building*, 202 West 15th Street.

Austin, *Hancock, John, House*, 1306 Colorado.

Austin, *Hardeman House*, 401 East 16th Street.

Austin, *Hirshfeld, Henry, House and Cottage*, 303 and 305 West Ninth Street.

Austin, *Houghton House*, 12th and Guadalupe Streets.

Austin, *Littlefield House*, 24th Street and Whitis Avenue.

Austin, *Neill-Cochran House*, 2310 San Gabriel.

Austin, *Ney, Elisabet, Studio and Museum*, 204 East 44th Street.

Austin, *The Old Bakery*, 1006 Congress Avenue.

Austin, *Old Land Office Building*, 108 East 11th Street.

Austin, *Porter, William Sidney (O. Henry), House*, 409 East Fifth Street.

Austin, *St. Edward's University Main Building and Holy Cross Dormitory*, 3001 South Congress.

Austin, *St. Mary's Cathedral*, 201-207 10th Street.

Austin, *Texas State Capitol*, Congress and 11th Streets.

Austin, *Texas Governor's Mansion*, 1010 Colorado Street.

Austin, *U.S. Post Office (Old Post Office) and Federal Building (O. Henry Hall)*, 126 West Sixth Street.

Austin, *Woodlawn (Pease Mansion)*, 6 Miles Road.

Austin vicinity, *Levi Rockshelter*, on Lick Creek west of Texas 71, about 27 miles west of Austin.

## Val Verde County

Comstock vicinity, *Lower Pecos Canyon Archeological District*, 12 miles west of Comstock on U.S. 90.

Comstock vicinity, *Seminole Canyon Archeological District*, 7 miles west of Comstock, south of U.S. 90.

Comstock vicinity, *West of Pecos Railroad Camps District*, about 15 miles west of Comstock off U.S. 90.

Langtry vicinity, *Mill Canyon (Eagle Nest Canyon)*, northeast of Langtry off U.S. 90.

Langtry vicinity, *Rattlesnake Canyon Site*, about 4 miles southwest of Langtry.

## Victoria County

Inez vicinity, *Fort St. Louis Site*, about 13 miles south of Inez on Garcitas Creek.

## Waller County

Hempstead vicinity, *Liendo*, 2 miles northeast of Hempstead off F.M. 1488.

## Washington County

Brenham, *Pampell-Day House*, 409 West Alamo Street.

Brenham vicinity, *Hatfield Plantation*, northwest of Brenham off F.M. 912.

Chappell Hill, *Browning House*, 0.6 mile south of U.S. 290 and F.M. 1155 intersection.

Gay Hill vicinity, *The Red House*, northwest of Gay Hill via Texas 38 and F.M. 390.

Independence, *Houston, Mrs. Sam, Home*, F.M. 390, one block east of the intersection with F.M. 50.

## Webb County

Laredo, *San Agustin de Laredo Historic District* (9-18-73).

Laredo vicinity, *San Jose de Palafox Historic/Archeological District*, about 30 miles northeast of Laredo (7-24-73).

## Willacy County

\*King Ranch (see Kenedy County).

## Williamson County

Georgetown, *Tinnen House*, 1220 Austin Street.

Old Round Rock, *Inn at Brushy Creek (Cole House)*, Taylor exit of U.S. 79, off Interstate Highway 35, west side.

Round Rock vicinity, *Merrell, Captain Nelson, House*, northeast of Round Rock on U.S. 79.

## Wilson County

Floresville vicinity, *Rancho de las Gabras*, 3 miles west of Floresville off Texas 97.

## Wise County

Decatur, *Administration Building*, Decatur Baptist College, 1602 South Trinity Street.

## Young County

Newcastle vicinity, *Fort Belknap*, 1 mile south of junction of Texas 24 and 251.

South Bend, *Harrell Site*, 1 mile north of South Bend on the Brazos River.

## Zapata County

Laredo vicinity, *Dolores Nueva*, south of Laredo off U.S. 83 (11-27-73).

San Ygnacio, *San Ygnacio Historic District* (7-16-73).

San Ygnacio vicinity, *Dolores Viejo*, north of San Ygnacio off U.S. 83 (8-17-73).

## Utah

## Beaver County

Beaver, *Beaver County Courthouse*, 90 East Center Street.

## Box Elder County

Brigham City, *Box Elder Stake Tabernacle*, Main Street between Second and Third South Streets.

Collinsville vicinity, *Hampton's Ford Stage Stop and Barn*, northwest of Collingson on Utah 154 at the Bear River.

Corinne, *Corinne Methodist Episcopal Church*, corner of Colorado and South Sixth Street.

Ogden vicinity, *Southern Pacific Railroad Ogden-Lucin Cut-off Trestle*, 30 miles west of Ogden at the north arm of the Great Salt Lake.

Promontory, *Golden-Spike National Historic Site*.

## Cache County

Logan, *Old Main, Utah State University*, Utah State University campus.

Newton vicinity, *Newton Reservoir*, 3 miles north of Newton (11-30-73).

## Carbon County

Green River, *Desolation Canyon* (also in Emery, Grand, and Uintah Counties).

Price, *Hellenic Orthodox Church of the Assumption*, 61 South Second East Street.

## Emery County

\*Desolation Canyon (see Carbon County).

## Grand County

\*Desolation Canyon (see Carbon County).

## Iron County

Cedar City vicinity, *Old Irontown*, about 22 miles west of Cedar City, 3 miles south of Utah 56.

## Millard County

Cove Fort vicinity, *Cove Fort*, 2 miles east of Interstate 15 on Utah 4.

Deseret vicinity, *Fort Deseret*, 2 miles south of Deseret on Utah 257.

Fillmore, *Utah Territorial Capitol*, Center Street between Main and First West Streets.

## Piute County

Junction, *Piute County Courthouse*, Main Street at Center Street.

## Salt Lake County

Salt Lake City, *Beehive House*, 67 East South Temple Street.

Salt Lake City, *Cathedral of the Madeleine (Roman Catholic)*, 381 East South Temple Street.

Salt Lake City, *Chase, Isaac, Mill, Liberty Park*, Sixth Street East.

Salt Lake City, *The Council Hall (Old City Hall)*, Capitol Hill, head of State Street.

Salt Lake City, *Devereaux House (Staines-Jennings Mansion)*, 334 West South Temple Street.

Salt Lake City, *Emigration Canyon*, east edge of Salt Lake City on Utah 65.

Salt Lake City, *Fort Douglas*, Fort Douglas Military Reservation.

Salt Lake City, *Granite Paper Mill*, 6900 Big Cottonwood Canyon Road.

Salt Lake City, *Keith-Brown Mansion and Carriage House*, 529 East South Temple Street.

Salt Lake City, *Ottlinger Hall*, 233 Canyon Road.

Salt Lake City, *Platts, John, House*, 364 Quince Street.

Salt Lake City, *St. Mark's Episcopal Cathedral*, 231 East First South Street.

Salt Lake City, *Salt Lake City and County Building*, 451 Washington Square.

Salt Lake City, *Temple Square*.

Salt Lake City, *Utah State Historical Society Mansion and Carriage House*, 603 East South Temple Street.

Salt Lake City, *Young, Brigham, Forest Farmhouse*, 732 Ashton Avenue.

Salt Lake City, *Young, Brigham, House*, Lion House, 63 South Temple Street.

Salt Lake City, *Z.C.M.I. Cast Iron Front (Zions Cooperative Mercantile Institute)*, 15 South Main Street.

Salt Lake City vicinity, *Bingham Canyon Open Pit Copper Mine*, 16 miles southwest of Salt Lake City on Utah 48.

Salt Lake City vicinity, *Little Dell Station*, east of Salt Lake City in Mountain Dell Canyon, near the intersection of Utah 293 and 65.

## San Juan County

Blanding vicinity, *Edge of the Cedars Indian Ruin*, 0.25 mile west of Fourth North and Fourth West Streets.

Bluff vicinity, *Hovenweep National Monument* (see Montezuma County, Colo.).

Monticello vicinity, *Alkali Ridge*, 25 miles southeast of Monticello on secondary road, 10 miles east from Recapture Creek on Utah 47.

## Sanpete County

Ephraim, *Ephraim United Order Cooperative Building*, corner Main and First North Streets.

Manti, *Manti Temple*, U.S. 89, north edge of town.

## Summit County

Park City vicinity, *Kimball Stage Stop*.

## Tooele County

Iosepa, *Iosepa Settlement Cemetery*, Skull Valley.

Mills Junction vicinity, *Benson Mill*, southwest of Mills Junction on Utah 138.

Wendover vicinity, *Danger Cave*, 1 mile east of Wendover on U.S. 40.

## Uintah County

\*Desolation Canyon (see Carbon County).

## Utah County

Fairfield, *Stagecoach Inn*.

Pleasant Grove, *Driggs, Benjamin W., House*, 119 East Battlecreek Road.

Provo vicinity, *Olmstead Station Power House*, 5 miles north of Provo on U.S. 189.

## Wasatch County

Heber City, *Wasatch Stake Tabernacle and Heber Amusement Hall*, Main Street at 100 North Street and 100 West Street corners.

Midway, *Watkins-Coleman House*, 5 East Main Street.

## Washington County

Pine Valley, *Pine Valley Chapel and Tithing Office*, Main and Grass Valley Streets.

Rockville, *Deseret Telegraph and Post Office*, Utah 15.

St. George, *Old Washington County Courthouse*, 85 East 100 North.

St. George, *St. George Tabernacle*, intersection of Tabernacle and Main Streets.

St. George, *Young, Brigham, Winter Home and Office*, corner of Second North and First West Streets.

Santa Clara, *Hamblin, Jacob House*.

Silver Reef, *Wells Fargo and Company Express Building*, Main Street.

Washington, *Washington Cotton Factory*, on U.S. 91 (Frontage Road West).

## Wayne County

Fruita, *Fruita Schoolhouse*, Utah 24.

Green River vicinity, *Horseshoe (Barrier) Canyon Pictograph Panels*, south of Green River.

## Weber County

Ogden, *Bertha Eccles Community Art Center*, 2580 Jefferson Avenue.

Ogden, *Browning, John Moses, House*, 505 27th Street.

Ogden, *Goodyear, Miles Cabin*, Tabernacle Square.

Ogden, *Episcopal Church of the Good Shepherd*, 2374 Grant Avenue.

Ogden, *Ogden Union Depot*, 25th Street and Wall Avenue.

Mill, *Eureka Schoolhouse*, Charleston.

## Vermont

## Addison County

Addison, *Chimney Point Tavern*, Vermont 125.

Middlebury, *Willard, Emma, House*, Middlebury College Campus.

Middlebury, *Stone Mill*, Mill Street.

Orwell, *Mount Independence*, on Lake Champlain opposite Fort Ticonderoga.

Ripton, *Ripton Community House*, on Vermont 125.

Ripton vicinity, *Frost, Robert, Farm*, Homer Noble Farm, 1 mile north on Vermont 125, 3 miles east of Ripton.

Vergennes, *Strong, General Samuel, House*, 64 West Main Street.

Weybridge, *University of Vermont Morgan Horse Farm*, off U.S. 7 on Morgan Horse Farm Road.

## Bennington County

Arlington vicinity, *Arlington Green Covered Bridge*, west of Arlington off Vermont 313 (8-28-73).

Bennington, *Bennington Battle Monument*, Monument Circle.

Bennington, *First Congregational Church of Bennington*, Monument Avenue.

Bennington vicinity, *Bennington Falls Covered Bridge*, northwest of Bennington off Vermont 67A (8-28-73).

Bennington vicinity, *Henry Covered Bridge*, northwest of Bennington off Vermont 67A (3-28-73).

Bennington vicinity, *Silk Covered Bridge*, northwest of Bennington off Vermont 67A (3-28-73).

Manchester, *Equinox House*, Main Street.

North Bennington, *McCullough Mansion*, southwest corner of West and Park Streets.

North Bennington, *North Bennington Depot*, Main Street.

Shaftsbury Center vicinity, *Munro-Hawkins House*, 0.5 mile south of Shaftsbury Center on U.S. 7.

South Shaftsbury, *Frost, Robert, Farm*, The Gully, 0.25 mile east of Vermont 7 on Buck Hill Road.

## Caledonia County

East Burke vicinity, *Burklyn Hall*, west of East Burke on Bemis Hill Road.

Lyndon, *Old Schoolhouse Bridge*, South Wheelock Road.

## Chittenden County

Burlington, *Chittenden County Courthouse*, 180 Church Street.

Burlington, *Ethan Allen Engine Co. No. 4*, Church Street.

Burlington, *Follett House*, 63 College Street.

Burlington, *Grassmount (Thaddeus Tuttle House)*, 411 Main Street (U.S. 2).

Burlington, *U.S. Post Office and Custom House (Smith-Goldberg U.S. Army Reserve Center)*, southeast corner of Main and Church Streets.

Jericho, *Old Red Mill*, on Route 15.

Shelburne, *The Ticonderoga*, Shelburne Museum.

Williston, *Williston Congregational Church*, on U.S. 2.

Winooski, *Old Stone House*, 73 East Allen Street.



Newfane vicinity, *Williamsville Covered Bridge*, southwest of Newfane at Williamsville (8-14-73).  
 Rockingham vicinity, *Worral Covered Bridge*, north of Rockingham across the Williams River (7-16-73).  
 Townshend vicinity, *Scott Covered Bridge*, west of Townshend off Vermont 30 (8-28-73).

#### Windsor County

Cavendish, *Cavendish Universalist Church*, on Vermont 131.  
 Hartland vicinity, *Martin's Mill Covered Bridge*, south of Hartland off U.S. 5 (8-28-73).  
 Hartland vicinity, *Willard Covered Bridge*, northeast of Hartland off U.S. 5 (8-28-73).  
 Ludlow, *Black River Academy*, High Street.  
 Perkinsville vicinity, *Upper Falls Covered Bridge*, north of Perkinsville off Vermont 131 (8-28-73).  
 Plymouth, *Plymouth Historic District*, the entire village of Plymouth; bounded on the east by East Mountain, on the south by Blueberry Hill and Soltudus Mountain, on the west by Mount Tom, and on the north by Wood Peak.  
 Plymouth Notch, *Coolidge, Calvin, Homestead*, off Vermont 100A.  
 Windsor, *Old Constitution House*, 16 North Main Street.  
 Windsor, *Robbins and Lawrence Armory and Machine Shop*, South Main Street.  
 Windsor, *Windsor House*, North Main Street.  
 Windsor vicinity, *Best's Covered Bridge*, about 8 miles west of Windsor off Vermont 44.  
 Windsor vicinity, *Bowers Covered Bridge*, west of Windsor (8-28-73).  
 Woodstock, *Marsh, George Perkins, Boyhood Home*, 54 Elm Street.  
 Woodstock, *Woodstock Village Historic District*.  
 Woodstock vicinity, *Lincoln Covered Bridge*, southwest of Woodstock off U.S. 4 (8-28-73).  
 Woodstock vicinity, *Taftsville Covered Bridge*, east of Woodstock off U.S. 4 (8-28-73).

#### Virgin Islands

##### St. Croix Island

Christiansted, *Christiansted National Historic Site*.  
 \*Columbus Landing Site, Salt River Bay.

##### St. Thomas Island

St. Thomas National Historic Site, Charlotte Amalie.

#### Virginia

##### Accomack County

Accomack, *St. James Church*, east side of Daugherty Road between Back Street and Ocean Highway.  
 Chincoteague vicinity, *Assateague Light-house*, south of Chincoteague at southern end of Assateague Island.  
 Hallwood vicinity, *Wessells Root Cellar*, 0.1 mile north of intersection of Routes 701 and 692.  
 Hornstown vicinity, *Corbin Hall*, east of Hornstown on Route 679.  
 Mappsville vicinity, *Wharton Place*, 0.4 mile southeast of Route 679.  
 Metomkin Island vicinity, *Bowman's Folly*, 2.5 miles southeast of intersection of Route 652 and Route 13.  
 Onancock, *Hopkins and Brother Store*, Market Street.  
 Onancock, *Kerr Place*, northeast corner of Crockett Avenue and Market Street.  
 Pungoteague, *St. George's Church*, northwest side of Route 178, 0.3 mile northeast of the intersection with Route 180.

#### Albemarle County

Charlottesville vicinity, *Ash Lawn*, southeast of Charlottesville off Va. 53 (8-14-73).  
 Charlottesville vicinity, *Farmington*, 0.9 mile west of the intersection of Routes 250 and 29-260 Bypass.  
 Charlottesville vicinity, *Monticello*, 2 miles south of Charlottesville on Virginia 53.  
 Clamont vicinity, *Castle Hill*, 0.7 mile northwest of Route 231, 2 miles northeast of the intersection with Route 600.  
 Coveseville vicinity, *Redlands*, 0.1 mile east of intersection of Routes 708 and 627.  
 Keene vicinity, *Christ Church Glendower*, on Route 713, 0.4 mile southwest of its intersection with Route 712.  
 Simeon vicinity, *Morven*, west of Simeon off Virginia 20.

#### Alexandria (independent city)

\**Alexandria Historic District*.  
 Bank of Alexandria, 125 North Fairfax Street.  
 Carlyle House, 123 North Fairfax Street.  
 \**Christ Church*, southeast corner of Cameron and Columbus Streets.  
 \**Gadsby's Tavern*, 128 North Royal Street.  
 The Lyceum, 201 South Washington Street.

#### Alleghany County

Covington, *Humpback Bridge*, 0.2 mile south of U.S. 60, 0.8 mile southwest of intersection of U.S. 60 and County Route 651.

#### Amelia County

Amelia vicinity, *Haw Branch*, north of Amelia off Virginia 667.  
 Chula vicinity, *Wigwam*, 8 miles northwest of Chula.

#### Amherst County

Sweet Briar, *Sweet Briar House*, 0.1 mile southwest of the intersection of Routes 29 and 624.

#### Appomattox County

Appomattox vicinity, *Appomattox Court House National Historical Park*, 3 miles northeast of Appomattox on Virginia 24.

#### Arlington County

Arlington, *Fort Myer Historic District*.  
 Arlington, *The Glebe*, 4527 North 17th Street.  
 Arlington, *Arlington House (Custis-Lee Mansion)*, Arlington National Cemetery.

#### Augusta County

Fishersville vicinity, *Tinkling Spring Presbyterian Church*, south of Fishersville on Virginia 608.

Fort Defiance, *Augusta Stone Church*, on U.S. 11.  
 Staunton vicinity, *Folly*, south of Staunton on U.S. 11 (10-25-73).

Spottwood vicinity, *Old Providence Stone Church*, northwest of Spottstown at junction of Virginia 613 and 620.

Waynesboro, *Swannanoa*, 0.5 mile west of Route 610, 0.4 mile south of intersection of Route 610 and Route 250 (also in Nelson County).

#### Bath County

Bacova vicinity, *Hidden Valley*, 1.1 miles north of intersection of Routes 621 and 39.  
 Warm Springs vicinity, *Warm Springs Bath Houses*, northeast of Warm Springs off Route 220.

#### Bedford County

Bedford vicinity, *Fancy Farm*, on Route 43, 0.1 mile north of the intersection with Route 682.

Bedford vicinity, *Three Otters*, 0.7 mile west of the intersection of Routes 836 and 43.  
 Forest vicinity, *Elk Hill*, northwest of Forest on Virginia 663.

Forest vicinity, *New London Academy*, 0.1 mile east of intersection of State Routes 297 and 811.

Forest vicinity, *Woodbourne*, northeast of Forest off Virginia 609.

Lynchburg vicinity, *Poplar Forest*, 0.5 mile south of intersection of Routes 661 and 480.

Perrowville vicinity, *Old Rectory*, south of Perrowville on Virginia 663 (7-24-73).

#### Botetourt County

Pincastle, *Botetourt County Courthouse*, northwest corner of Main and Roanoke Streets.

Pincastle, *Pincastle Historic District*, bounded roughly by Back and Carper Streets on the north, by properties fronting on Hancock Street on the east by Griffin Alley, the cemetery, and a line midway between Main Street and Murray Street on the south, and Catawba Street on the west.

#### Buckingham County

Buckingham, *Buckingham Court House Historic District*, along Route 60 extending 0.3 mile east of intersection of Routes 60 and 631, through Buckingham Court House.  
 Dillwyn vicinity, *Francisco, Peter, House*, southeast of Dillwyn, 0.9 mile south of State Route 626.

#### Buena Vista (independent city)

Southern Seminary Main Building, intersection of Ivy and Park Avenues.

#### Campbell County

Long Island vicinity, *Green Hill*, 0.3 mile south of intersection of Routes 633 and 728.

#### Caroline County

Bowling Green, *Caroline County Courthouse*, corner of Main Street and Court House Lane.

Bowling Green vicinity, *Old Mansion*, 0.4 mile south of intersection of Routes 2 (301) and 207.

Port Royal, *Port Royal Historic District*, bounded on the north by the intersection of Route 301 and the Rappahannock River; extending 0.1 mile east of intersection of Routes T 1004 and T 1005, 0.1 mile west of intersection of Routes T 1003 and 301, and 0.2 mile south of intersection of Routes T 1003 and 301.

Port Royal vicinity, *Camden*, 0.5 mile north of intersection of Routes 686 and 17.  
 Port Royal vicinity, *Gay Mont*, on U.S. 17 near junction with U.S. 301.

#### Charles City County

Charles City, *Charles City County Courthouse*, 0.1 mile south of intersection of Routes 626 and 5.

Charles City vicinity, *Berkeley Plantation (Benjamin Harrison V Birthplace and Home)*, 8 miles west of Charles City.

Charles City vicinity, *Greenway*, 0.6 mile west of intersection of Routes 5 and 155.

Charles City vicinity, *Tyler, John, House (Sherwood Forest)*, 4 miles east of Charles City on Virginia 5.

Charles City vicinity, *Westover*, 7 miles west of Charles City on Virginia 5.

Charles City vicinity, *Westover Church*, 5 miles west of Charles City off Virginia 5.

Hopewell vicinity, *Eppes Island*, between Eppes Creek and the James River at the confluence of the James and Appomattox Rivers.

Hopewell vicinity, *Shirley*, 0.4 mile southwest of Route 608, 1.5 miles west of intersection of Route 608 and Route 5.

Tetlington vicinity, *Margots*, northeast of Tetlington off Virginia 621 (8-17-73).

#### Charlotte County

Brookneal vicinity, *Staunton Hill*, 0.8 mile west of Turnip Creek, 0.2 mile southeast of Route 619, 1.4 miles southwest of intersection of Routes 619 and Route 693.  
 Charlotte Court House vicinity, *Greenfield*, east of Charlotte Court House on Virginia 656.

Randolph vicinity, *Mulberry Hill*, north of Randolph on Route 641.  
 Saxe vicinity, *Roanoke Plantation*, west of Saxe off Virginia 746.

#### Charlottesville (independent city)

Albemarle County Court House Historic District.

Oak Lawn, Cherry Avenue and Ninth Street.

\**Rotunda, University of Virginia*, University of Virginia campus.

\**University of Virginia Historic District*, bounded on the north by University Avenue, on the south by Jefferson Park Avenue, on the east by Hospital Road, and on the west by McCormick Road.

#### Chesapeake (independent city)

Site of *Great Bridge Battle*, both sides of the Albemarle and Chesapeake Canal between Oak Grove and Great Bridge.

#### Chesterfield County

Midlothian vicinity, *Beltona Arsenal*, 0.1 mile northwest of Route 673, 2 miles northwest of the intersection with Route 147.

Winterpock vicinity, *Eppington*, 1.6 miles south of intersection of Routes 621 and 602.

#### Clarke County

Berryville vicinity, *Annefeld*, 0.7 mile east of intersection of Routes 633 and 652.

Berryville vicinity, *Fairfield*, 0.2 mile east of intersection of Routes 340 and 610.

Berryville vicinity, *Long Branch*, 0.1 mile north of Long Branch, 18 miles southwest of Route 626, 0.1 mile west of intersection of Route 626 and Route 624.

Boyce vicinity, *Saratoga*, 0.4 mile southeast of intersection of Routes 723 and 617.

Millwood, *Millwood Mill*, southwest side of intersection of Routes 723 and 255.

Millwood vicinity, *Carter Hall*, northeast of Millwood off Virginia 255 (7-24-73).

Millwood vicinity, *Old Chapel*, 3 miles north of Millwood off U.S. 340.

White Post vicinity, *Greenway Court*, 1 mile south of White Post on Virginia 277.

White Post vicinity, *The Tuleys*, 1.5 miles east of White Post off Route 628.

#### Colonial Heights (independent city)

Ellerslie, *Ellerslie Road* (12-4-73).

#### Craig County

New Castle, *New Castle Historic District*, Main and Court Streets (10-25-73).

#### Culpeper County

Culpeper, *Hill, A. P., Boyhood Home*, 102 North Main Street (10-2-73).

Stevensburg vicinity, *Salubria*, 0.8 mile east of intersection of Routes 3 and 663.

Warrenton vicinity, *Little Fork Church*, intersection of Routes 624 and 726.

#### Cumberland County

Cartersville vicinity, *Amphill*, on State Route 602, 3 miles north of intersection with State Route 45.

Cartersville vicinity, *Cartersville Bridge*, Virginia 45 over the James River (also in Goochland County).

Hamilton vicinity, *Clifton*, 1.1 miles northeast of intersection of Virginia 690 and 605.

#### Danville (independent city)

Danville Historic District.

Danville Public Library, 975 Main Street.

#### Dinwiddie County

Dinwiddie, *Dinwiddie County Courthouse*, at intersection of Virginia 619 and U.S. 1.  
 Dinwiddie vicinity, *Burnt Quarter*, 0.7 mile southwest of intersection of Routes 627, 613, and 645.

Petersburg vicinity, *Five Forks Battlefield*, 12 miles west of Petersburg on County Road 627 at Church Road.

Petersburg vicinity, *Mayfield Cottage*, 0.5 mile east of intersection of Routes 1 and 460.

Petersburg vicinity, *Petersburg National Battlefield*, southeast, south, and southwest of Petersburg (also in Prince George County).

Rowanta vicinity, *Williamson Site*, 0.9 mile north of intersection of Routes 693 and 703.

#### Essex County

Caret vicinity, *Blandfield*, 0.7 mile east of intersection of Routes 624 and 17.

Loretto vicinity, *Brooke's Bank*, 1 mile east of Loretto, 1.4 miles north of Route 17.

Loretto vicinity, *Elmwood*, 0.2 mile southwest of the intersection of Routes 640 and 17.

Loretto vicinity, *Vauter's Church*, 1 mile northwest of Loretto on U.S. 17.

Tappahannock, *Tappahannock Historic District*.

#### Fairfax County

Accotink vicinity, *Pope-Leighey House*, east of Accotink off U.S. 1.

Accotink vicinity, *Woodlawn Plantation*, 0.4 mile west of intersection of U.S. 1 and Route 235.

Alexandria vicinity, *Gunston Hall*, 15 miles south of Alexandria on Virginia 242.

Alexandria vicinity, *Huntley*, 6918 Harrison Lane.

Alexandria vicinity, *Mount Vernon*, 7 miles south of Alexandria on George Washington Memorial Parkway.

Chantilly vicinity, *Sully*, 0.8 mile northeast of the intersection of Routes 28 and 50.

Dranesville vicinity, *Dranesville Tavern*, 11919 Leesburg Pike.

Fairfax, *Earp's Ordinary (Ratcliffe-Logan-Alkison House)*, 200 East Main Street.

Fort Belvoir, *Belvoir Site*, southeast of intersection of 23d Street and Belvoir Road.

Lorton, *Pohick Church*, 9201 Richmond Highway.

McLean, *Salona*, 1214 Buchanan Street (7-24-73).

#### Falls Church (independent city)

Cherry Hill, 312 Park Avenue (7-26-73).

The Falls Church, 115 East Fairfax Street.

#### Fauquier County

Delaplane vicinity, *Ashleigh*, south of Delaplane off U.S. 17 (8-14-73).

Delaplane vicinity, *Oak Hill*, 2.2 miles southeast of Delaplane off U.S. 17 (I-66).

Upperville, *Upperville Historic District*.

#### Fluvanna County

Bremo Bluff vicinity, *Bremo*, 0.9 mile north of intersection of Routes 15 and 656.

Columbia, *Point of Fork*, west bank of Rivanna River, 0.3 mile north of southeast end of Route 624, 1.3 miles southeast of intersection of Route 624 and Route 656.

Palmyra, *Fluvanna County Courthouse Historic District*, extending 0.3 mile north of the intersection of Routes 601 and 15 and to the Rivanna River on the south; bounded on the east by Route 15 and on the west by the river.

#### Franklin County

Rocky Mount, *Washington Iron Furnace*, 106 Old Furnace Road.

Rocky Mount vicinity, *Booker T. Washington National Monument*, 16 miles east of Rocky Mount on Virginia 122.

#### Frederick County

Middletown, *St. Thomas Chapel*, intersection of Route 1102 and Route 1105 (4-11-73).  
 Middletown vicinity, *Cedar Creek Battlefield and Belle Grove*, on Interstate 81 between Middletown and Strasburg.

#### Fredericksburg (independent city)

Fredericksburg Historic District, bounded on the northeast by the Rappahannock River; on the southwest by a line parallel to Prince Edward Street halfway between it and Winchester Street; extending north to Canal Street and south to the intersection of Hazel Run and the river.  
 \**Kenmore*, 1201 Washington Avenue.  
 \**Monroe Law Office*, 908 Charles Street.  
 \**Rising Sun Tavern*, 1306 Caroline Street.

#### Gloucester County

Gloucester, *Gloucester County Courthouse Square Historic District* (10-3-73).

Gloucester vicinity, *Abingdon Glebe House*, 0.7 mile south of the intersection of Routes 17 and 615.

Gloucester vicinity, *Little England*, east of Gloucester on west end of Route 672.

Gloucester vicinity, *Reed, Walter, Birthplace*, southwest of Gloucester at intersection of Virginia 614 and 616.

Gloucester vicinity, *Roaring Spring*, 0.3 mile east of Virginia 616.

Gloucester vicinity, *Rosewell*, 0.1 mile west of Carter Creek, 15 miles southeast of Route 644, 0.3 mile south of intersection of Route 644 and Route 632.

Gloucester vicinity, *Toddsbury*, 1.1 miles east of intersection of Routes 622 and 14 (3).

Gloucester vicinity, *Ware Parish Church*, northeast of Gloucester on Virginia 14.

Ware Neck vicinity, *Lowland Cottage*, southwest of Ware Neck, 0.6 mile south of Route 623.

White Marsh vicinity, *Abingdon Church*, 0.6 mile south of the intersection of Routes 17 and 614.

White Marsh vicinity, *Fairfield Site*, west of White Marsh near junction of Virginia 633 and 614 (7-16-73).

#### Goochland County

Cartersville Bridge (see Cumberland County).

Goochland, *Goochland County Court Square*, east side of Route 6 (Route 522).

Goochland vicinity, *Bolling Hall*, west of Goochland off Virginia 600.

Manakin vicinity, *Powell's Tavern*, on Virginia 650.

Manakin vicinity, *Tuckahoe*, on James River southeast of Manakin via secondary roads.

Oliville vicinity, *Woodlawn*, at the intersection of Routes 250 and 612.

Pemberton vicinity, *Howard's Neck*, 1 mile northwest of Pemberton.

Rock Castle vicinity, *Rock Castle*, east side of the southern end of Route 600.

#### Grayson County

Trout Dale vicinity, *Ripshin*, north side of Route 732, 0.1 mile east of the intersection with Route 603.

#### Greene County

Standardsville, *Greene County Courthouse*, northwest corner of Route 649, 0.1 mile south of intersection with Route 33.

Standardsville vicinity, *Octonia Stone*, 1.7 miles northwest of the intersection of Routes 637 and 1001.

#### Greensville County

Emporia, *Klugel, H. T., Architectural Sheet Metal Work Building*, 135 East Atlantic Street.



## Halifax County

South Boston vicinity, \*Berry Hill, 1.5 miles south of intersection of Routes 659 and 682.

## Hampton (independent city)

Chesterville Plantation Site, on Langley Air Force Base (8-14-73).

\*Fort Monroe, Old Point Comfort.

Fort Wool, on island at the entrance to Hampton Roads between Willoughby Spit and Old Point Comfort.

Hampton Institute, south side of Route 60, 0.8 mile northwest of intersection of Route 60 and Hampton Roads Bridge Tunnel.

Herbert House, east end of Marina Road on Hampton Creek.

Old Point Comfort Lighthouse, Fenwick Road, 0.2 mile southwest of the east gate of Fort Monroe.

St. John's Church, northwest corner of West Queen and Court Streets.

## Hanover County

Ashland vicinity, Fork Church, east side of Route 738 at intersection with Route 685.

Ashland vicinity, \*Henry, Patrick, House (Scotchtown), 10 miles northwest of Ashland on Virginia 685.

Ashland vicinity, Slash Church, on Virginia 656.

Hanover, Hanover County Courthouse, east side of Route 301 at intersection of Route 1006 and Route 301.

Hanover, Hanover County Courthouse Historic District, the boundaries extend 0.1 mile northeast and 0.1 mile southwest of Route 301; the northern boundary extends 0.1 mile north of the intersection of Routes 301 and 1006; the southern boundary is the intersection of Routes 301 and 1001.

Richmond vicinity, Richmond National Battlefield Park (also in Henrico County and Richmond).

Richmond vicinity, \*Ruffin, Edmund, Plantation (Marlbourne), 11 miles northeast of Richmond on U.S. 360.

## Harrisonburg (independent city)

Harrison, Thomas, House, 30 West Bruce Street (7-26-73).

Morrison House, northwest corner of the intersection of West Market and North Liberty Streets.

## Henrico County

Ditch Gap vicinity, Henrico, northeastern tip of Farrar Island.

Richmond National Battlefield Park (see Hanover County).

Richmond vicinity, Flood Marker of 1771, 0.8 mile southeast of the intersection of Routes 5 and 156.

Richmond vicinity, James River and Kanawha Canal Historic District, extends from Ship Locks to Boshers Dam.

Richmond vicinity, Malvern Hill, 1.2 miles southeast of intersection of Routes 5 and 156.

Tuckahoe vicinity, Woodside, southwest of Tuckahoe off Virginia 157 (7-24-73).

## Hopewell (independent city)

Appomattox Manor, at the confluence of the James and Appomattox Rivers, on the south bank.

Weston Manor, south bank of Appomattox River, 0.4 mile west of Route 10.

## Isle of Wight County

Benn's Church, \*St. Luke's Church.

Smithfield, Old Isle of Wight County Courthouse, northeast corner of Main and Mason Streets.

Smithfield, Smithfield Historic District.

## James City County

Five Forks vicinity, Powhatan, 0.8 mile north of the intersection of Routes 615 and 8.

## NOTICES

Jamestown, Colonial National Historical Park (also in Williamsburg and in York County).

Jamestown, Jamestown National Historic Site, Jamestown Island.

Lightfoot vicinity, Pinewoods (Warburton House), 1.4 miles southwest of the intersection of Routes 613 and 614.

Toano vicinity, Hickory Neck Church, north of Toano on U.S. 60.

Toano vicinity, Stone House Site, northeast of Toano off Virginia 600 (8-14-73).

Williamsburg vicinity, \*Carter's Grove, 0.2 mile southeast of intersection of Routes 60 and 667.

Williamsburg vicinity, Governor's Land Archeological District, west of Williamsburg (9-21-73).

Williamsburg vicinity, Kingsmill Plantation, 5 miles south of Williamsburg.

## King and Queen County

Aylett vicinity, Holly Hill, northeast of Aylett off U.S. 360 (7-24-73).

Cumnor vicinity, Mattaponi Church, 0.5 mile south of Cumnor off Virginia 14.

Shanghal vicinity, Upper Church, Stratton Major Parish, southeast of Shanghal on Virginia 14.

Stevensville vicinity, Hillsborough, 0.6 mile southwest of Route 633, 1.9 miles north-west of its intersection with Route 632.

## King George County

Comorn vicinity, Marmion, 8.0 miles northeast of intersection of Routes 649 and 609.

King George Court House vicinity, Nanzatico, 1.8 miles south of intersection of Routes 650 and 625.

Owens vicinity, St. Paul's Church, west of Owens off Virginia 206.

Port Conway, Belle Grove, on U.S. 301.

Sealston vicinity, Lamb's Creek Church, on Virginia 607.

## King William County

King William, King William County Courthouse, east side of Route 619, 0.1 mile north of intersection of Route 619 and Route 30.

Mangohick vicinity, Mangohick Church, south of Mangohick off Virginia 30.

Sweet Hall vicinity, St. John's Church, north of Sweet Hall on Virginia 30.

Tunstall vicinity, \*Elsing Green, 2.1 miles southwest of intersection of Routes 632 and 623.

West Point vicinity, Chelsea, 1.7 miles north of intersection of Chelsea Road and Route 30.

## Lancaster County

Kilmarnock vicinity, \*Christ Church, 3 miles south of Kilmarnock on Virginia 3.

Lancaster vicinity, Bell Isle, southwest side of the west end of Route 683, 1 mile west of intersection with Route 354.

Lively vicinity, St. Mary's Whitechapel, 0.1 mile northwest of intersection of Routes 354 and 201.

Weems vicinity, Corotoman, south side of the intersection of Routes 222 and 631.

## Lee County

Cumberland Gap National Historical Park (see Bell County, Ky.).

## Lexington (independent city)

Alexander-Withrow House, north corner of Main and Washington Streets.

\*Barracks, Virginia Military Institute, north edge of Lexington on U.S. 11.

Jackson, Stonewall, House, 8 east Washington Street.

\*Lee Chapel, Washington and Lee University campus.

Lexington Preservation District, bounded on the north and west by the southwestern tributary of Maury River and the Chesapeake & Ohio Railroad; and on the south by Edmondson Avenue, extending 800 feet east of Randolph Street.

\*Washington and Lee University Historic District

## Loudoun County

Aldie, Aldie Historic District, extending 0.1 mile east of the intersection of Routes 612 and 50, 0.1 mile west of the intersection of Routes 50 and 732, and 0.2 mile north and 0.3 mile south of Route 50.

Leesburg, Leesburg Historic District.

Leesburg vicinity, Ezeter, east of Leesburg on Edwards Ferry Road (8-14-73).

Leesburg vicinity, \*Monroe, James, House, Oak Hill, 8 miles south of Leesburg on U.S. 15.

Leesburg vicinity, \*Oatlands, 1 mile south of intersection of Routes 15 and 651.

Leesburg vicinity, \*Waterford Historic District.

Middleburg vicinity, Farmer's Delight, about 3 miles north of Middleburg off Route 745.

Middleburg vicinity, Welbourne, 0.1 mile south of Route 743, 1.2 miles northwest of its intersection with Route 6111.

Sterling vicinity, Broad Run bridge and Tollhouse, at intersection of Routes 7 and 28 with Broad Run.

## Louisa County

Gordonsville vicinity, Boswell's Tavern, 0.1 mile southeast of intersection of Routes 22 and 15.

Gordonsville vicinity, Hawkwood, 0.5 mile west of the intersection of Routes 617 and 15.

Gum Spring vicinity, Providence Presbyterian Church, northwest of Gum Spring off U.S. 250.

Poinexter vicinity, Ionia, north of Poinexter, off Route 640 near its intersection with Route 613.

Trevilians vicinity, Grassdale, west of Trevilians off U.S. 15.

Trevilians vicinity, Westend, 1.1 miles south of the intersection of Routes 638 and 22.

Zion Crossroads vicinity, Green Springs, northeast of Zion Crossroads, off U.S. 15.

Zion Crossroads vicinity, Green Springs Historic District, northeast of Zion Crossroads on U.S. 15.

## Lunenburg County

Lunenburg, Lunenburg Courthouse Historic District, 0.2 mile west and north of the intersection of Routes 40 and 49; and 0.4 mile east and south of the intersection of Routes 40 and 675.

## Lynchburg (independent city)

The Academy of Music, 522-526 Main Street.

Point of Honor, 112 Cabell Street.

Garland Hill Historic District.

Lynchburg Court House, Ninth Street between Court and Church Streets.

Old City Cemetery, bounded roughly by Fourth, Monroe, and First Streets and the Southern RR, on the west.

## Madison County

Madison, Madison County Courthouse, U.S. 29.

Madison vicinity, Hebron Lutheran Church, northeast side of Routes 638 and 653, 1 mile northeast of the intersection of Routes 638 and 231.

## Mathews County

Hudgins vicinity, Cricket Hill (Fort Cricket Hill), northeast of Hudgins, 0.3 mile east of the intersection of Routes 609 and 223.

New point vicinity, New Point Comfort Light-house, at intersection of Chesapeake Bay and Mobjack Bay.

## NOTICES

## Northampton County

Bridgetown, Hungars Church, 0.2 mile east of the intersection of Routes 619 and 622.

Bridgetown vicinity, Vaulcuse, 1.8 miles south of the intersection of Routes 619 and 657.

Bridgetown vicinity, Winona, 0.7 mile south of Route 619, 0.4 mile northwest of intersection of Route 619 and Route 622.

Cheapside vicinity, Custis Tombs, 1.3 miles northwest of intersection of Routes 644 and 645.

Cheriton vicinity, Eyre Hall, 1.6 miles north of intersection of Routes 13 and 680.

Eastville, Northampton County Court House Historic District.

Eastville vicinity, Caserta, 1 mile northwest of intersection of U.S. 13 and Route 630.

Eastville vicinity, Pear Valley, 0.1 mile south of intersection of Routes 689 and 628.

Franktown vicinity, Glebe of Hungar's Parish, 1.3 miles northwest of intersection of Routes 622 and 619.

Jamesville vicinity, Sommers House, 0.2 mile southwest of intersection of Routes 183 and 691.

Nassawadox vicinity, Brownsville, 1.2 miles southeast of the intersection of Routes 608 and 600.

## Nottoway County

Nottoway vicinity, Nottoway County Courthouse, off U.S. 460 on Virginia 625 (8-13-73).

## Orange County

Barboursville vicinity, Barboursville, 0.5 mile south of intersection of Routes 777 and 678.

Gordonsville, Exchange Hotel, South Main Street (8-14-73).

Orange vicinity, Mayhurst, 0.4 mile southwest of intersection of Routes 15 and 647.

Orange vicinity, \*Madison, James, House, (Montpelier), 4 miles west of Orange on Virginia 20.

## Page County

Luray, Avenline Hall, 143 South Court Street.

Luray, Page County Courthouse, 116 South Court Street.

Stanley vicinity, Fort Philip Long, on Shenandoah River off Virginia 616.

## Patrick County

Critz vicinity, Reynolds Homestead, east side of Route 798, 0.5 mile north of the intersection with Route 626.

Woolwine vicinity, Jack's Creek Covered Bridge, about 2 miles south of Woolwine off Virginia 8.

Woolwine vicinity, Bob White Covered Bridge, about 2.5 miles south of Woolwine off Virginia 618.

## Petersburg (independent city)

Battersea, 793 Appomattox Street.

Blandford Church, 319 South Crater Road.

Centre Hill, North of Franklin Street at the end of Centre Hill Lane.

City Market, Cockade Alley.

\*Exchange Building, 15-19 West Bank Street.

Farmers' Bank, northwest corner of Bollingbrook Street and Cockade Alley.

McIlwaine House, Market Square at corner of Fellam and Cockade Alleys (7-16-73).

Petersburg Courthouse, Court House Square.

## Pittsylvania County

Chatham vicinity, Little Cherrystone, 0.1 mile north of intersection of Routes 703 and 832.

## Portsmouth (independent city)

\*Drydock No. 1, Norfolk Naval Shipyard.

Portsmouth Courthouse, northeast corner of Court and High Streets.

Portsmouth Naval Hospital, on Hospital Point at Washington and Crawford Streets.

Portsmouth Olde Towne Historic District, bounded on the north by Crawford Parkway, on the south by London Street, on the east by the Elizabeth River, and extending 0.1 mile west of Washington Street.

Trinity Episcopal Church, southwest corner of High and Court Streets.

## Powhatan County

Powhatan Court House, Powhatan Court House Historic District, 0.2 mile north and south and 0.1 mile east and west of Routes 13 and 300.

Powhatan vicinity, Belmead, 0.5 mile northwest of intersection of Routes 663 and 600.

## Prince Edward County

Briery vicinity, Briery Church, 0.3 mile north of intersection of Routes 747 and 671.

Hampden-Sydney, Hampden-Sydney College Historic District, bounded approximately by the campus of Hampden-Sydney College.

Worsham, Debtors' Prison, on U.S. 15.

## Prince George County

Petersburg National Battlefield (see Dinwiddie County).

Brandon vicinity, \*Brandon, west bank of the James River at end of Route 611.

Hopewell vicinity, Merchant's Hope Church, 0.5 mile west of intersection of Route 641 and Virginia 10.

## Prince William County

Dumfries, Old Hotel, U.S. 1.

Manassas vicinity, Manassas National Battlefield Park.

Minnieville vicinity, Bel Air, 0.9 mile west of Route 640.

Ocoquan, Rockledge, Telegraph Road.

The Plains vicinity, Beverly Mill (Chapman Mill), north side of the intersection of Routes 600 and 55.

Woodbridge vicinity, Rippon Lodge, 0.8 mile north of the intersection of Routes 1 and 642.

## Pulaski County

Radford vicinity, Ingles Ferry, 0.9 mile north of intersection of Routes 611 and 624.

## Rappahannock County

Sperryville vicinity, Montpelier, south of Sperryville on Virginia 231.

Richmond (independent city), Mayo Memorial Church House, 110 West Franklin Street.

## Richmond (independent city)

Barrett House, 15 South 5th Street.

Beers, William, House, 1228 East Broad Street.

Bell Tower, Capitol Square.

Branch Building, 1015 East Main Street.

Broad Street Station, Broad and Robinson Streets.

Cabell, Henry Coalter, House, 116 South Third Street.

Confederate Memorial Chapel, 2900 Grove Avenue.

Crozet House (Curtis Carter House), 100 East Main Street.

Donnan-Asher Iron Front Building, 1207-1211 East Main Street.

\*Egyptian Building, southwest corner of East Marshall and College Streets.

First African Baptist Church, northeast corner of College and East Broad Streets.

First Baptist Church, northwest corner of 12th and Broad Streets.

\*Glasgow House, 1 West Main Street.

Hancock-Wirt-Caskie House, 2 North Fifth Street.

Hazell House, 211 East Franklin Street.

Hollywood Cemetery, 412 Cherry Street.

James River and Kanawha Canal Historic District (see Henrico County).



James River and Kanawha Connection Locks, south of Cary Street between 10th and 13th Streets.  
Jefferson Hotel, northeast corner, West Main and North Jefferson Streets.

Kent-Valentine House, 12 East Franklin Street.  
Leigh, Benjamin Watkins, House, 1000 East Clay Street.  
Leigh Street Baptist Church, 517 North 25th Street.

Linden Row, 100-114 East Franklin Street.  
Main Street Station, 1520 East Main Street.  
\*Marshall, John, House, Ninth and Marshall Streets.

Mason's Hall, 1807 East Franklin Street.  
Maupin-Maury House, 1105 East Clay Street.  
Maymont, Spottswood Road.  
\*Monroe, James, Tomb, Hollywood Cemetery 412 South Cherry Street.

Monument Avenue Historic District, bounded  
\*Monumental Church, 1224 East Broad Street.

Morson's Row, 219-223 Governor Street.  
Old Stone House, 1914 East Main Street (11-14-73).

Putney Houses, 1010-1012 East Marshall Street.  
\*Richmond City Hall, bounded by 10th, Broad, 11th, and Capitol Street.

Richmond National Battlefield Park, East Broad Street.

St. John's Church Historic District, bounded roughly by 22d Street on the west, Marshall Street on the north, East Franklin Street on the south, and 29th Street on the east.

\*St. John's Episcopal Church, East Broad Street between 24th and 25th Streets.  
St. Paul's Church, 815 East Grace Street.  
St. Peter's Church, 800 East Grace Street.  
Scott-Clarke House, 9 South Fifth Street.  
Second Presbyterian Church, 9 North Fifth Street.

Shelting Arms Hospital, 1008 East Clay Street.  
Shockoe Slip Historic District.  
Stearns Iron Front Building, 1007-1013 East Main Street.

Stewart-Lee House, 707 East Franklin Street.  
Tredegar Ironworks, bounded on the north by the James River and Kanawha Canal, on the south by the James River, on the west by Route 1 (301), and thence extending 0.4 mile east.

2900 Block Grove Avenue Historic District, 2901, 2905, 2911, and 2915 Grove Avenue.  
U.S. Post Office and Customhouse, 1000 East Main Street.

\*Valentine Museum, 1005-1015 East Clay Street.

Virginia Governor's Mansion, Capitol Square.  
\*Virginia State Capitol (Second Confederate Capitol), Capitol Square.

West Franklin Street Historic District, all properties fronting on West Franklin Street between Laurel and Ryland Streets.

\*White House of the Confederacy, Clay and 12th Streets.

William J. Clark Library and Barco-Stevens Hall, west side of Lombardy Street at intersection with Brook Road.

#### Richmond County

Ethel vicinity, \*Menokin, 0.8 mile southwest of Route 690, 1.2 miles northwest of intersection of Routes 690 and 621.

Farnham, Farnham Church, at intersection of Virginia 602 and 692 (8-14-73).

Tappahannock vicinity, \*Sabine Hall, 1.4 miles south of intersection of Routes 624 and 360.

Warsaw, Richmond County Court House, at intersection of U.S. 360 and Virginia 3.  
Warsaw vicinity, \*Taylor, John, Plantation (Mount Atry), 1 mile west of Warsaw on U.S. 360.

#### Roanoke (independent city)

St. Andrew's Roman Catholic Church, 631 North Jefferson Street.  
Fire Station No. One, 13 East Church Avenue.

#### Roanoke County

Roanoke vicinity, Deyerle, Benjamin, Place, 3402 Grandin Road Extension SW.  
Salem, Evans House, 213 Broad Street.  
Salem, Roanoke College, Main Campus Complex.

Salem, Williams-Brown House-Store, 523 East Main Street.

#### Rockbridge County

Brownsburg, Brownsburg Historic District.  
Lexington vicinity, Timber, Ridge Presbyterian Church, 0.3 mile southwest of intersection of Routes 11 and 716.

Staunton vicinity, \*McCormick, Cyrus, Farm and Workshop, 18 miles south of Staunton on U.S. 11 and Rockbridge County 606 at Walnut Grove.

#### Rockingham County

Broadway, Tunker House (Yount-Zigler House), 0.2 mile east of the intersection of Routes 736 and 42.

Broadway vicinity, Lincoln Homestead and Cemetery, on Virginia 42, 1 mile south of its intersection with Route 684.

Dayton vicinity, Fort Harrison, northeast of Dayton on Virginia 42 (7-24-73).

Harrisonburg vicinity, Baxter House, about 8 miles northeast of Harrisonburg on Virginia 42 (10-3-73).

Harrisonburg vicinity, Beery, John K., Farm, about 5 miles north of Harrisonburg off Virginia 42 (9-19-73).

#### Russell County

Dickersonville vicinity, Old Russell County Courthouse, west of Dickersonville on Alternate U.S. 58 (7-16-73).

#### Scott County

Nickelsville vicinity, Killgore Fort House, southeast side of Virginia 71, 0.8 mile south of intersection with Virginia 670.

#### Shenandoah County

Middletown vicinity, Fort Bowman, 0.4 mile northeast of intersection of Routes 11 and 660.

New Market, New Market Historic District, present-day town limits.

New Market vicinity, New Market Battlefield Park, 1 mile north of the intersection of Routes 11 and 211.

Woodstock, Shenandoah County Courthouse, West Court and South Main Streets.

#### Smyth County

Marion vicinity, Preston House, Herndon, 0.1 mile south of intersection of Routes 645 and 11.

#### Southampton County

Capron vicinity, Belmont, northeast of Capron off Virginia 652 (10-3-73).

#### Spotsylvania County

Fredericksburg vicinity, Fall Hill, Northwest of Fredericksburg off Virginia 639.

Fredericksburg vicinity, Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Fredericksburg and the area in Spotsylvania County to the west and southwest.

Fredericksburg vicinity, Rapidan Dam Canal of the Rappahannock Navigation (7-26-73)

#### Stafford County

Brooke vicinity, Potomac Creek Site, north bank of Potomac Creek at confluence with Accokeek Creek.

Falmouth, Carlton, 501 Melchers Drive (10-3-73).

Falmouth, Falmouth Historic District, extending from the intersection of Routes 1 and 17.0.3 mile north, 0.6 mile east, 0.2 mile south, and 0.3 mile west.

Falmouth, \*Melchers, Gari, Home (Belmont).

Fredericksburg vicinity, Ferry Farm Site (site of George Washington's Boyhood Home), 712 Kings Highway, east of Fredericksburg.  
Garrisonville vicinity, Aquia Church, 0.1 mile north of intersection of Routes 1 and 610.

#### Staunton (independent city)

Mary Baldwin College, Main Building, Mary Baldwin College campus (7-28-73).  
Sears House, Sears Hill Road in Woodrow Wilson City Park.

Stuart House, 120 Church Street.

Trinity Episcopal Church, southwest corner of Beverley and Lewis Streets.

Virginia School for the Deaf and Blind, southeast side of intersection of East Beverly Street and Pleasant Terrace.

Western State Hospital, Main Building, southeast corner of Greenville Avenue and Route 250.

Wharf Area Historic District, includes all properties with frontage on Middlebrook Avenue between South New Street and South Lewis Street and on South Augusta Street between Johnson Street and Middlebrook Avenue.

Wilson, Woodrow, Birthplace, North Coalter Street between Beverly and Frederick Streets.

#### Surry County

Bacon's Castle, \*Allen, Arthur, House (Bacon's Castle).

Jamestown vicinity, Chippokes Plantation, south bank of James River between College Run on the west and Lower Chippokes Creek on the east, opposite Jamestown Island.

Surry vicinity, Four Mile Tree, 0.2 mile northeast of the intersection of Routes 610 and 618.

Surry vicinity, Smith's Fort, 0.8 mile northeast of the intersection of Routes 31 and 620.

Surry vicinity, Warren House, northeast of Surry off Virginia 31 (11-14-73).

#### Sussex County

Grizzard vicinity, Fortsville, 1.6 miles southeast of the intersection of Routes 612 and 611.

Homeville vicinity, Chester, 0.2 mile north of the intersection of Routes 625 and 35.

Sussex, Sussex County Courthouse Historic District (7-24-73).

#### Tazewell County

Malden Spring vicinity, Indian Paintings, 2½ miles northwest of Malden Spring.

Pocahontas, Pocahontas Historic District, boundaries correspond to the corporate boundaries of the town of Pocahontas and the cemetery on the north.

#### Virginia Beach (independent city)

\*Cape Henry Lighthouse, Atlantic Avenue at U.S. 60.

Keeling House, 3157 Adam Keeling Road.

Old Donation Church, 4449 North Witch Duck Road.

Pembroke Manor, 1.5 miles east of intersection of Routes 58, 627, and 647.

Pleasant Hall, 5184 Princess Anne Road.

\*Thoroughgood, Adam, House, 4 miles east of Norfolk on Lynnhaven River.

Wishart-Bousch House, 0.4 mile east of intersection of Route 649 and Absalom Road.

#### Warren County

Cedar Creek Battlefield and Belle Grove (see Frederick County).

Milldale, Mount Zion, 0.7 mile northeast of intersection of Routes 624 and 639.

#### Washington County

Abingdon, Abingdon Bank, 225 East Main Street.

Abingdon, Abingdon Historic District, extending 0.1 mile north and south of Main Street (Route 11) and 0.3 mile northeast and southwest of intersection of Main and Cummings Streets.

#### Westmoreland County

Fredericksburg vicinity, George Washington Birthplace National Monument, 38 miles east of Fredericksburg via Virginia 218, 301, and 705.

Montrose vicinity, Chantilly, 1.4 miles east of Route 609, 1.5 miles north of the intersection with Route 622.

Stratford, \*Stratford Hall.

Tucker Hill vicinity, \*Yecomico Church, on Route 606, 0.5 mile southwest of Tucker Hill.

Westmoreland vicinity, \*Spence's Point (John R. Dos Passos Farm), on Route 749, 0.3 mile northeast of junction with Route 610.

#### Williamsburg (independent city)

\*Bruton Parish Church, Duke of Gloucester Street.

Colonial National Historical Park (see James City County).

\*Randolph, Peyton, House, intersection of Nicholson and North England Streets.

\*Semple, James, House, south side of Francis Street between Blair and Waller Streets.

\*Williamsburg Historic District, bounded by Francis, Waller, Nicholson, North England, Lafayette, and Nassau Streets.

\*Wren Building, College of William and Mary College of William and Mary campus.

\*Wythe House, west side of the Palace Green.

#### Winchester (independent city)

Abram's Delight, northeast corner of Parkview Street and Rous Spring Road.

Handley Library, northwest corner of Braddock and Piccadilly Streets.

\*Jackson, Thomas J., Headquarters, 415 North Braddock Street.

#### Wise County

Big Stone Gap, "June Tolliver" House, on Virginia 613 (8-28-73).

#### Wythe County

Max Meadows vicinity, Fort Chiswell Mansion, U.S. 11, 0.6 mile east of the intersection with U.S. 52 and Virginia 121.

Max Meadows vicinity, Shot Tower, 0.1 mile west of intersection of Route 608 and Route 52, 2.3 miles southeast of intersection of Route 52 and Route 619.

Wytheville, Haller-Gibney Rock House, northwest corner of Monroe and Tazewell Streets.

#### York County

Colonial National Historical Park (see James City County).

Lackey vicinity, Lee House, Kiskiack, 2.4 miles northeast of intersection of Routes 238 and 168.

Williamsburg vicinity, Porto Bello, on Queens Creek on Camp Peary Military Reservation.

Yorktown, Grace Church, near intersection of Route 1003 and Main Street.

Yorktown vicinity, Yorktown Wrecks, 4 miles of York River between Gloucester and York County shores at Yorktown (10-9-73).

#### Washington

##### Asotin County

Asotin, Full Gospel Church, First and Monroe Streets.

##### Chelan County

Cashmere vicinity, Burbank Homestead Waterwheel, southeast of Cashmere off U.S. 2/97 on the Lower Monitor Road.

Wenatchee, Wells House, 1300 Fifth Street.  
Wenatchee vicinity, Wenatchee Flat Site, north of Wenatchee (8-14-73).

#### Clallam County

Olympic Peninsula, Tatoosh Island, northwest of Cape Flattery.

#### Clark County

Vancouver, Covington House, 4208 Main Street.

Vancouver, Fort Vancouver National Historic Site.

Vancouver, Slocum House, 605 Esther Street.

#### Douglas County

East Wenatchee vicinity, Pangborn-Herndon Memorial, 3 miles northeast of East Wenatchee.

#### Franklin County

Lyons Ferry vicinity, \*Marmes Rockshelter, 1 mile north of Lyons Ferry on west side of Palouse River.

#### Grays Harbor County

Hoquiam, Hoquiam's Castle (Lytle, Robert, Mansion), 515 Chenault Avenue.

#### Island County

Oak Harbor vicinity, Central Whidbey Island Historic District, south of Oak Harbor roughly 6 miles either side of Coupeville (12-12-73).

#### Jefferson County

Port Townsend, Bartlett, Frank, House, 314 Polk Street.

Port Townsend, City Hall, Water and Madison Streets.

Port Townsend, Fowler, Captain Enoch S., House, corner of Polk and Washington Streets.

Port Townsend, James Francis Wilcox, House, corner of Washington and Harrison Streets.

Port Townsend, Jefferson County Courthouse, Jefferson and Cass Streets.

Port Townsend, Leader Building (Fowler Building), 226 Adams Street.

Port Townsend, Manresa Hall (Eisenbeis Castle), Sheridan Street.

Port Townsend, Old German Consulate (Olson-Hastings House), 313 Walker.

Port Townsend, Point Wilson Lighthouse, on a point of land between Juan de Fuca Strait and Admiralty Inlet.

Port Townsend, Rothschild House, Taylor and Franklin Streets.

Port Townsend, St. Paul's Episcopal Church, corner of Jefferson and Tyler Streets.

Port Townsend, Starrett House, 744 Clay Street.

Port Townsend, Tucker, Horace, House, 706 Franklin Street.

#### King County

Kirkland, Kirk, Peter, Building, 620 Market Street (8-14-73).

Redmond, Clise, James W., House, 6046 Lake Sammamish Parkway NE.

Redmond vicinity, Marymoor Prehistoric Indian Site, 6046 West Lake Sammamish Parkway NE.

Seattle, Alaska Trade Building (Union Record Building), 1915-1919 First Avenue.

Seattle, Assay Office, 613 Ninth Avenue.

Seattle, Building No. 105, Boeing Airplane Co. (E. W. Heath Shipyard), 200 Southwest Michigan Street.

Seattle, Butterworth Building, 1921 First Avenue.

Seattle, Colman Building, 811 First Avenue.

Seattle, Fire Station No. 18, 5427 Russell Avenue NW.

Seattle, Fire Station No. 23, 18th and Columbia.

Seattle, Fire Station No. 25, 1400 Harvard Avenue.

Seattle, Iron Pergola, First Avenue and Yeeler Way.

Seattle, King Street Station, Third Street South and South King.

Seattle, Leary, Eliza Ferry, House, 1651 East 10th Street.

Seattle, Old Public Safety Building, Fourth Avenue, Terrace, Fifth Avenue and Yeelerway.

Seattle, Park Department, Division of Playgrounds, 301 Terry Avenue.

Seattle, Pike Place Public Market Historic District, along Pike Place between Western and First Avenues and Virginia and Pike Streets.

Seattle, Pioneer Hall, 1642 43d Avenue East.

Seattle, Pioneer Square-Skid Road Historic District.

Seattle, Storey, Ellsworth, Residences, 260 and 270 East Dorfield Drive.

Seattle, Virginia V, 4250 21st Avenue West.

Seattle, Ward Home, 1427 Boren Avenue.

Seattle, Wawona (schooner), Seattle Police Harbor Patrol Dock, foot of Denmore Street.

Seattle, snagboat W. T. Preston, Lake Washington Ship Canal, Hiram Chittenden Locks.

#### Kitsap County

Bainbridge Island, SS San Mateo (ferryboat), Eagle Harbor.

Bremerton, U.S.S. Missouri, Puget Sound Naval Shipyard.

Olalla, Nelson, Charles F., House, corner of Nelson and Crescent Valley Roads (8-28-73).

Port Gamble, \*Port Gamble Historic District.

Port Orchard, Sidney Hotel (Navy View Apartments), 700 Prospect Street.

#### Kittitas County

Ellensburg vicinity, Olmstead Place State Park, 4 miles east of Ellensburg near the Kittitas Highway.

Roslyn, Northwestern Improvement Company Store, First Street and Pennsylvania Avenue.

#### Klickitat County

The Dalles vicinity, Wishram Indiana Village Site, 5 miles northeast of The Dalles.

#### Lewis County

Claquato, Claquato Church, off Washington 12.

#### Okanogan County

Bridgeport vicinity, Sites of Fort Okanogan, north of Bridgeport between the Columbia and the Okanogan rivers.

Winthrop vicinity, Parson Smith Tree, 40 miles north of Winthrop on the Canadian border.

#### Pacific County

Chinook vicinity, \*Chinook Point, 0.5 mile southeast of Fort Columbia Historical State Park on U.S. 101.

#### Pierce County

Puyallup, Meeker, Ezra, Mansion, 321 Pioneer, East.

Stellacoom, Davidson House, 1802 Commercial Street (7-27-73).

Stellacoom, Orr, Nathaniel, House and Orchard, 1807 Rainier Street.

Tacoma, Camp Siz, Within Point Defiance Park.

Tacoma, \*Fort Nisqually Granary, Point Defiance Park.

#### San Juan County

Friday Harbor vicinity, San Juan Island, San Juan Island National Historical Park.

Shaw Island, Little Red Schoolhouse, corner of Hoffman Cove and Neck Point Cove Road.

#### Snohomish County

Edmonds, Carnegie, Andrew, Library, 118 Fifth Avenue North.



Everett, *Equator* (schooner), 14th Street Yacht Basin.  
Everett vicinity, "Jack Knife" Bridge, spans the Ebey Slough at Home Acres Road east of Everett (3-2-73).

Index, *Red Men Hall*, Index Avenue and Sixth Street.  
Stanwood, *Pearson, D. O., House*, Pearson and Market Streets.

#### Spokane County

Spokane, *Cowley Park*, South Division Street between Sixth and Seventh Avenues.  
Spokane, *Glover House*, West 321 Eighth Avenue (8-14-73).

#### Wahkiakum County

Cathlamet, *Pioneer Church*, Alley Street.  
Grays River vicinity, *Grays River Covered Bridge*, 1.5 miles east of Grays River.

#### Walla Walla County

Walla Walla vicinity, *Whitman Mission National Historic Site*, 6 miles west of Walla Walla off U.S. 410.

#### Whatcom County

Bellingham, *Gamwell House*, 1001 16th Street.  
Bellingham, *Pickett House*, 910 Bancroft Street.  
Bellingham, *Whatcom Museum of History and Art*, 121 Prospect Street.

#### Whitman County

Colfax, *Perkins House*, North 623 Perkins.  
Pullman, *Thompson, Albert W., Hall*, Administration Road on Washington State University campus.

#### Yakima County

Yakima, *Capitol Theatre*, 19 South Third Street.

#### West Virginia

##### Barbour County

Philippi, *Philippi Covered Bridge*, Main Street, at the junction of U.S. 250 and 119.

##### Berkeley County

Hedgesville vicinity, *Snodgrass Tavern*, west of Hedgesville on West Virginia 3.  
Martinsburg, *Boydville*, 801 South Queen Street.  
Martinsburg, *Stephen, Adam, House*, 309 East John Street.

##### Brooke County

Bethany, *Old Main, Bethany College*, Bethany College campus.  
Bethany vicinity, *Campbell, Alexander, Mansion*, east of Bethany on West Virginia 87.

##### Cabell County

Huntington, *Baltimore & Ohio Railroad Depot*, 1100 block Second Avenue (10-30-73).  
Huntington, *Carroll, Thomas, House*, 234 Guyan Street.  
Huntington, *Harvey House*, 1305 Third Avenue.

Huntington, *Old Main-Marshall University*, 16th Street on the Marshall University campus (7-16-73).

#### Greenbrier County

Lewisburg, *Greenbrier County Courthouse and Lewis Spring*, corner of Court and Randolph Streets (8-17-73).  
Lewisburg, *Old Stone Church (Presbyterian)*, Church and Foster Streets.  
Lewisburg, *Supreme Court Library Building (Greenbrier County Library and Museum)*, U.S. 60 west and Courtney Drive.  
Lewisburg vicinity, *Stuart Manor*, southwest of Lewisburg off U.S. 219 (7-27-73).

#### Hancock County

New Manchester, *Old Courthouse*, High and Elm Streets.

#### Hardy County

Moorefield vicinity, *Fort Pleasant*, north of Moorefield (7-16-73).  
Moorefield vicinity, *Mill Island*, south of Moorefield.  
Moorefield vicinity, *The Willows*, south of Moorefield.  
Old Fields vicinity, *Willow Wall*, south of Old Fields.

#### Harrison County

Shinnston, *Shinn, Levi, House*, Clarksburg Road (U.S. 19) (7-16-73).

#### Jefferson County

Charles Town, *Jefferson County Courthouse*, corner of North George and East Washington Streets.  
Charles Town vicinity, *Claymont Court*, about 3 miles southwest of Charles Town on West Virginia 13 (7-25-73).

Charles Town vicinity, *Harewood*, west of Charles Town off West Virginia 51.  
Charles Town vicinity, *Richwood Hall*, about 4 miles west of Charles Town off West Virginia 51.  
Charles Town vicinity, *Washington, Charles, House (Happy Retreat)*, south of Charles Town off West Virginia 9.

Charles Town vicinity, *Worthington, Robert, House (Piedmont)*, about 2 miles west of Charles Town off West Virginia.  
Haltown vicinity, *Beall-Air*, west of Haltown off U.S. 340 (8-17-73).  
Harpers Ferry, *Harpers Ferry National Historical Park* (also in Washington County, Md.).

Shepherdstown, *Shepherd's Mill*, High Street.  
Harpers Ferry, *St. Peter's Roman Catholic Church*, corner of Church Street and Jefferson Rock Trail.  
Kearneysville, *"Traveler's Rest"*, on West Virginia 48.  
Leetown, *Prato Rio*, on West Virginia 48.

Shepherdstown, *Rumsey Hall (Entler Hotel)*, German and Princess Streets.  
Shepherdstown, *Shepherdstown Historic District* (8-17-73).  
Shepherdstown vicinity, *Cold Spring*, south of Shepherdstown off Flowing Springs Road (8-14-73).  
Shepherdstown vicinity, *Elmwood*, south of Shepherdstown on CR 17 (8-17-73).

#### Kanawha County

Charleston, *Craig-Pattin House (Elm Grove)*, 1316 Lee Street.  
Dunbar, *Dutch Hollow Wine Cellars*, Dutch Hollow Road.  
South Charleston, *South Charleston Mound (Criel Mound)*, in a triangle formed by Oakes, MacCorkle, and Seventh Avenues.

#### Lewis County

Jackson Mill vicinity, *Jackson's Mill*, east of Jackson Mill on Route 1 (Route 12).

#### Marion County

Barrackville, *Barrackville Covered Bridge*, Route 21 across Buffalo Creek.

#### Marshall County

Moundsville, *"Grave Creek Mound"*, Tomlinson and Ninth Streets.

#### Mason County

Point Pleasant vicinity, *Point Pleasant Battleground*, confluence of the Ohio and Kanawha Rivers.

#### Mineral County

Fort Ashby, *Fort Ashby*, South Street.

#### Monongalia County

Cheat Neck vicinity, *Henry Clay Furnace*, southeast of Cheat Neck in Cooper's Rock State Forest.  
Morgantown, *The Old Stone House*, Chestnut Street.  
Morgantown, *"Wade, Alexander, House"*, 256 Prairie Street.  
Pentress vicinity, *Brown's Hill-Mason and Dixon Survey Terminal Point*, 2.25 miles northeast of Pentress, West Virginia 39.

#### Monroe County

Sweet Springs, *Old Sweet Springs*, West Virginia 3, 0.5 mile from the Virginia line.

#### Morgan County

Chesapeake and Ohio Canal National Monument (see Allegany County, Md.).

#### Ohio County

Wheeling, *Independence Hall*, 16th and Market Streets.  
Wheeling, *Wheeling Suspension Bridges*, Monument Place and Kruger Street.  
Wheeling, *Wheeling Suspension Bridge*, across the Ohio River from 10th Street, Wheeling, to Virginia Street, Wheeling Island.

#### Preston County

Aurora vicinity, *Red Horse Tavern*; *Old Stone House*, 1 mile east of Aurora on U.S. 50.

#### Pocahontas County

Droop vicinity, *Droop Mountain Battlefield State Park*, west side of U.S. 219 between Droop and Hillsboro.  
Green Bank vicinity, *Reber Radio Telescope*, northeast of Green Bank on West Virginia 28.  
Hillsboro vicinity, *Buck, Pearl, House*, northeast of Hillsboro on U.S. 219.

#### Putnam County

Buffalo, *Buffalo Indian Village Site*, southwest of Buffalo off U.S. 35.

#### Raleigh County

Beckley, *Wildwood (General Alfred Beckley Home)*, 117 Laurel Terrace.

#### Randolph County

Elkins, *Graceland (Henry Gassaway Davis Home)*, Davis and Elkins College.

#### Taylor County

Grafton, *Andrews Methodist Church (Mothers' Day Shrine)*, East Main Street between St. John and Lumader Streets.

#### Tyler County

Sistersville, *Durham, E. A., House*, 110 Chelsea Street.  
Sistersville, *Sistersville City Hall*, Main and Diamond Streets.  
Sistersville, *The Wells Inn*, 316 Charles Street.

#### Tucker County

Pierce vicinity, *Fairfax Stone Historical Monument*, northeast of Pierce.

#### Wirt County

Burning Springs, *Burning Springs Complex*, along the north bank of the Kanawha River from the confluence of Burning Springs Run.

#### Wood County

Parkersburg vicinity, *Blennerhassett Island Historic District*, on the Ohio River, 1.7 miles south of Parkersburg.

#### Wisconsin

##### Brown County

Green Bay, *Baird Law Office*, 2630 South Webster Avenue.

Green Bay, *Cotton House*, 2632 South Webster Avenue.

Green Bay, *East Moravian Church*, 512 Moravian Street.

Green Bay, *Fort Howard Hospital*, northeast corner of Kellogg Street and North Chestnut Avenue.

Green Bay, *Fort Howard Officers Quarters*, 402 North Chestnut Avenue.

Green Bay, *Fort Howard Ward Building*, 402 North Chestnut Avenue.

Green Bay, *Hazlewood*, 1008 South Monroe Avenue.

Green Bay, *Tank Cottage*, 10th Avenue and Fifth Street.

#### Columbia County

Columbus, *Farmers and Merchants Union Bank*, 159 West James Street.

Portage, *Fox-Wisconsin Portage Site*, Wauona Trail.

Portage, *Old Indian Agency House*, northeast end of Old Agency House Road near northeast corporate limits of Portage.

Portage vicinity, *Fort Winnebago Surgeon's Quarters*, 0.1 mile east of the corporate city limits on Wisconsin 33.

#### Crawford County

Prairie du Chien, *Astor Fur Warehouse*, Water Street, St. Feriolo Island.

Prairie du Chien, *Brisbois, Michael, House*, Water Street, St. Feriolo Island.

Prairie du Chien, *Dousman Hotel*, Water Street, St. Feriolo Island.

Prairie du Chien, *Rolette House*, northeast corner of North Water and Fisher Streets.

Prairie du Chien, *"Second Fort Crawford"*, bank of the Mississippi River.

Prairie du Chien, *"Villa Louis"*, St. Feriolo Island.

#### Dane County

Madison, *Bashford, Robert M., House*, 423 North Pinckney Street.

Madison, *Bradley, Harold C., House*, 106 North Prospect Avenue.

Madison, *Camp Randall*, Camp Randall Memorial Park.

Madison, *Gilmore, Eugene A., House*, 120 Ely Place.

Madison, *"North Hall"*, University of Wisconsin, University of Wisconsin campus.

Madison, *Old Executive Mansion*, 130 East Gilman Street.

Madison, *Old Synagogue (Shaare Shomath Synagogue)*, 214 West Washington Avenue.

Madison, *Pierce, Carrie, House*, 424 North Pinckney Street.

Madison, *State Historical Society of Wisconsin*, 816 State Street.

Madison, *Wisconsin State Capitol*, Capitol Square.

Maple Bluff, *"La Follette, Robert M., Home"*, 733 Lakewood Boulevard.

Shorewood Hills, *First Unitarian Society Meetinghouse*, 900 University Bay Drive.

#### Door County

Fish Creek vicinity, *Eagle Bluff Lighthouse*, 3.5 miles north of Fish Creek on Shore Road in Peninsula State Park.

Washington vicinity, *Rock Island Historic District*, island at northeast tip of Wisconsin, in Lake Michigan.

#### Douglas County

Solon Springs vicinity, *Brule-St. Croix Portage*, about 3 miles northeast of Solon Springs in Brule River State Forest.

#### Fond du Lac County

Fond Du Lac, *Octagon House*, 276 Linden Street.

Ripon, *Little White Schoolhouse*, southeast corner of Blackburn and Blossom Streets (8-14-73).

## NOTICES

#### Grant County

Cassville vicinity, *Stonefield*, 2.5 miles west of Cassville, on County Route VV.  
Platteville, *Mitchell-Rountree House*, Jewett and Lancaster Streets.

#### Iowa County

Dodgeville, *Iowa County Courthouse*, northwest corner of Iowa and Chapel Streets.  
Mineral Point, *Mineral Point Hill*, on Wisconsin 23.  
Mineral Point, *Mineral Point Historic District*.  
Mineral Point, *Pendarvis*, 114 Shake Rag Street.  
Spring Green vicinity, *Taliesin*, 2 miles south of Spring Green on Wisconsin 23.  
Spring Green vicinity, *Shot Tower*, southeast of Spring Green in Tower Hill State Park.

#### Jefferson County

Fort Atkinson, *May, Eli House (Site of Fort Koshkonong)*, 407 East Milwaukee Avenue.  
Fort Atkinson, *Panther Intaglio Effigy Mound*, on Wisconsin 106 at west corporate city limits.  
Lake Mills vicinity, *"Aztalan"*, near Lake Mills on Wisconsin 89, Aztalan State Park.

Watertown, *First Kindergarten*, 919 Charles Street.  
Watertown, *Octagon House*, 919 Charles Street.

#### La Crosse County

West Salem, *"Garland, Hamlin, House"*, 357 West Garland Street.

#### Marquette County

Peshtigo, *Peshtigo Fire Cemetery*, Oconto Avenue between Peck and Ellis Avenues.

#### Lafayette County

Belmont vicinity, *First Capitol*, 3 miles north and 1 mile west of Belmont.  
New Diggings, *St. Augustine Church*, just off County Route W.

#### Milwaukee County

Greendale, *Curtain, Jeremiah, House*, 8685 West Grange Avenue.

Milwaukee, *Bogk, Frederick C., House*, 2420 North Terrace Avenue.

Milwaukee, *Church, Benjamin, House*, Parkway Drive, Estabrook Park.

Milwaukee, *Federal Building*, 515-519 East Wisconsin Avenue.

Milwaukee, *Holy Trinity Roman Catholic Church*, 605 South Fourth Street.

Milwaukee, *Home Office, Northwestern Mutual Life Insurance Company*, 605-623 North Broadway.

Milwaukee, *Mackie Building*, 225 East Michigan Street.

Milwaukee, *Milwaukee City Hall*, 200 East Wells Street.

Milwaukee, *Milwaukee County Historical Center (Second Ward Savings Bank)*, 910 North Third Street.

Milwaukee, *Mitchell Building*, 207 East Michigan Street.

Milwaukee, *North Point Water Tower*, East North Avenue between North Lake Drive and North Terrace Avenue.

Milwaukee, *Old St. Mary's Church*, 844 North Broadway.

Milwaukee, *Pabst Theater*, 144 East Wells Street.

Milwaukee, *St. Josaphat Basilica*, 601 West Lincoln Avenue.

Wauwatosa, *Damon House*, 2107 North Wauwatosa Avenue.

#### Oconto County

Oconto, *"Oconto Site, Copper Culture State Park"*.

Oconto, *Scofield, Governor Edward, House*, 610 Main Street.

#### Oneida County

Rhineland, *First National Bank*, 8 West Davenport Street (8-14-73).

#### Outagamie County

Kaukauna, *Grignon, Charles A., House*, Augustine Street.

#### Ozaukee County

Cedarburg vicinity, *Covered Bridge*, 3 miles northwest of Cedarburg on Covered Bridge Road.

#### Racine County

Racine, *Cooley, Eli R., House (Kuchneman, William F., House)*, 1135 South Main Street.  
Racine, *First Presbyterian Church*, 716 College Avenue.

#### Rock County

Cooksville, *Cooksville Historic District*, both sides of the streets bordering the Public Square and Rock Street (10-25-73).  
Janesville, *Lincoln-Tallman House*, 440 North Jackson Street.  
Milton, *Milton House*, 18 South Janesville Street.

#### Sauk County

Baraboo, *"Ringling Brothers Circus Headquarters, Ringlingville"*, bounded roughly by Water Street on the north, Briar Street on the east, Lynn Street on the south, and East Street on the west.

#### Sheboygan County

Greenbush, *Wade, Sylvanus, House*, intersection of Wisconsin 23 and Kettle Moraine Drive in Old Wade House State Park.

#### Walworth County

Elkhorn, *Webster, Joseph P., House*, 9 East Rockwell Street.

#### Washington County

West Bend vicinity, *Lizard Mound State Park*, 3 miles northeast of West Bend on Wisconsin 144, then 0.33 mile east on County Route A.

#### Waukesha County

Delafield, *Hawks Inn*, 428 Wells Street.

Delafield, *St. John Chrysostom Church*, 1111 Genesee Street.

Eagle vicinity, *Koepsel House*, Old World Wisconsin off Wisconsin 67 (10-25-73).

Eagle vicinity, *Turek, Christian, House*, Old World Wisconsin off Wisconsin 67 (10-25-73).

Menomonee Falls, *Miller-Davidson House*, on County Line Road, east of U.S. 41.

Nashotah vicinity, *Chapel of St. Mary the Virgin*, 1 mile south and 1 mile west of Nashotah on Nashotah House Road.

Saylesville vicinity, *Booth, J. C., House (John Rankin House)*, about 1 mile southwest of Saylesville on Saylesville Road (County Trunk Highway X).

#### Wyoming

##### Albany County

Between Rock River and Medicine Bow, *Como Bluff*, on U.S. 30, along Como Ridge (also in Carbon County).

Laramie, *Iverson Mansion and Grounds*, lots 1-8, block 176.

Sherman vicinity, *The Ames Monument*, northwest of Sherman.

##### Bighorn County

Hyattville vicinity, *Medicine Lodge Creek Site*, northeast of Hyattville.

Kane vicinity, *"Medicine Wheel (Indian site)"*, just north of U.S. 14 alternate, about 15 miles east of Kane.



## NOTICES

## Carbon County

Como Bluff (see Albany County).  
Elk Mountain vicinity, Fort Hallack.  
Encampment vicinity, Grand Encampment Mining Region: The Boston-Wyoming Smelter, east of Encampment on Encampment River.

Encampment vicinity, Grand Encampment Mining Region: The Ferris-Haggarty Mine Site, west of Encampment.  
Fort Fred Steele vicinity, Fort Fred Steele, on North Platte River at point of Union Pacific Railroad crossing.

Independence Rock vicinity, \*Sun, Tom, Ranch, 6 miles west of Independence Rock on Wyoming 220 (also in Natrona County).  
Rawlins vicinity, Bridger's Pass.  
Saratoga vicinity, Platte River Crossing (Bennett's Crossing), 17 miles west of Saratoga, SE 1/4 sec. 33, T. 19 N., R. 85 W.

## Converse County

Glenrock vicinity, Glenrock Buffalo Jump, about 2 miles west of Glenrock Interchange on Int. 25.  
Douglas vicinity, Fort Fetterman.

## Crook County

Sundance vicinity, Inyan Kara Mountain, in Black Hills National Forest.  
Sundance vicinity, Vore Buffalo Jump.

## Fremont County

Ethete, St. Michael's Mission.  
Fort Washakie, Fort Washakie, on U.S. 287.  
Fort Washakie vicinity, Shoshone-Episcopal Mission, 3 miles southwest of Fort Washakie on Moccasin Lake Road.  
Moneta vicinity, Castle Gardens Petroglyph Site, c. 28 miles south of Moneta on U.S. 20-26.  
South Pass City, South Pass City.  
South Pass City vicinity, \*South Pass, 10 miles southwest of South Pass City on Wyoming 28.  
Union Pass, on Continental Divide, 12 miles west-southwest of Wind River Ranger Station, Shoshone National Forest; 16 miles north-northeast of Kendall Ranger Station, Bridger National Forest; 20 miles east-southeast of Goose Wing Ranger Station, Teton National Forest.

## Goshen County

Lusk vicinity, Cheyenne-Black Hills Stage Route and Rawhide Buttes and Running Water Stage Stations, 1 mile west of Lusk to c. 15 miles southwest of Lusk (includes both stage stations)\* (also in Niobrara County).  
Fort Laramie vicinity, Fort Laramie National Historic Site, 3 miles southwest of Fort Laramie.

## Hot Springs County

Grass Creek vicinity, Legend Rock Petroglyph Site, south of Grass Creek.  
Thermopolis vicinity, Woodruff Cabin Site, 26 miles northwest of Thermopolis, 16 miles west on County Route 0900 from intersection with Wyoming 120.

## Johnson County

Story vicinity, \*Fort Phil Kearny and Associated Sites, on secondary road west of U.S. 87.  
Sussex vicinity, Fort Reno.

## Laramie County

Cheyenne, Atlas Theatre, 213 West 16th Street.  
Cheyenne, Baker, Jim, Cabin, Frontier Park.  
Cheyenne, Governor's Mansion, 300 East 21st Street.  
Cheyenne, St. Mark's Episcopal Church, 1908 Central Avenue.  
Cheyenne, Union Pacific Depot, 121 West 15th Street.

Cheyenne, Wyoming State Capitol Building and Grounds, 24th Street and Capitol Avenue.

Cheyenne vicinity, Francis E. Warren Air Force Base, bounds against the west side of Cheyenne; the two are roughly separated by Interstate 25.

## Lincoln County

La Barge vicinity, Names Hill, on the Green River, 5 miles south of La Barge, just west of U.S. 189.

## Natrona County

Casper, Fort Casper, 14 Fort Casper Road.  
Casper vicinity, \*Independence Rock, 60 miles southwest of Casper on Wyoming 220.  
Casper vicinity, Pathfinder Dam, 45 miles southwest of Casper.  
\*Sun, Tom, Ranch (see Carbon County).

## Niobrara County

Cheyenne-Black Hills State Route and Rawhide Buttes and Running Water Stage Stations (see Goshen County).  
Van Tassel, Ferdinand Branstetter Post No. 1, American Legion.

## Park County

Cody, Irma Hotel, 1192 Sheridan Avenue.  
Cody vicinity, Buffalo Bill Dam (Shoshone Dam), 7 miles west of Cody.  
Cody vicinity, Colter's Hell, west of Cody on U.S. 14-16-20 (8-14-73).  
Cody vicinity, \*Homer Site, 4 miles northeast of Cody on U.S. 20.  
Cody vicinity, Pahaska Teepee, 50 miles west of Cody on U.S. 14.  
Cody vicinity, T E Ranch Headquarters, 30 miles southwest of Cody on South Fork Road.  
Powell, Shoshone Project Headquarters Office Building, 305 east First Street.  
Wapiti vicinity, \*Wapiti Ranger Station, Shoshone National Forest.

## Platte County

Chugwater, \*Swan Land and Cattle Company Headquarters, east side of Chugwater.  
Guernsey vicinity, \*Oregon Trail Ruins, south side of the North Platte River, 0.5 mile south of Guernsey.  
Guernsey vicinity, Register Cliff.

## Sheridan County

Ranchester, Connor Battlefield (Tongue River Battlefield), City Park on the Tongue River.  
Sheridan, \*Sheridan Inn Broadway and Fifth Street.  
Sheridan, Trail End, 400 Clarendon Avenue.

## Sublette County

Big Piney vicinity, Wardell Buffalo Trap, 8 miles east and 2 miles north of Big Piney.  
Daniel vicinity, Father De Smet's Prairie Mass Site.  
Daniel vicinity, \*Upper Green River Rendezvous Site, on Green River above and below Daniel.  
Pinedale vicinity, Fort Bonneville.  
Union Pass (see Fremont County).

## Sweetwater County

Granger, Granger Stage Station.  
Green River, \*Expedition Island.  
Rock Springs vicinity, Point of Rocks Stage Station.

## Teton County

Jackson vicinity, Miller Cabin, c. 3 miles east of Jackson's central square, along Main Street; follow northeast fork of road for 1 mile beyond city limits.  
Moose, Menor's Ferry, on the Snake River.  
Moose vicinity, Cunningham Cabin, northeast of Moose of U.S. 26-89-187 in Grand Teton National Park (10-2-73).

West Thumb vicinity, Old Faithful Inn, west of West Thumb at Old Faithful on Grand Loop Road (7-23-73).

## Uinta County

Fort Bridger vicinity, Fort Bridger, on Black's Fork of the Green River near town of Fort Bridger.

Hilliard vicinity, Piedmont Charcoal Kilns, 14 miles northeast of Hilliard.

## Weston County

Newcastle vicinity, Jenney Stockade.

Historic properties which are either (1) eligible for nomination to the National Register of Historic Places or (2) nominated but not yet listed are entitled to protection under Executive Order 11593. Before an agency of the Federal government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal. Authorizations for such comment are in section 1(3) and section 2(b) of executive Order 11593.

The Secretary of the Interior has determined that the following properties may be eligible for inclusion in the National Register of Historic Places and are therefore entitled to protection under section 1(3) and section 2(b) of Executive Order 11593, an agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion in the National Register.

## Alabama

## Madison County

Huntsville, Lee House, on Redstone Arsenal.

## Alaska

## Northwestern District

Little Diomed Island, Iyapana, John, House.

## Arizona

## Yuma County

Yuma, Southern Pacific Depot.

## Connecticut

## Hartford County

Hartford, Church of the Good Shepherd and Parish House, corner of Wyllys Street and Van Bock Avenue.

Hartford, Colt, Colonel Samuel, Armory and related factory buildings, Van Dyke Avenue.

Hartford, Colt Factory Housing, Huyshope Avenue between Sequassen and Weehasset Streets.

Hartford, Colt Factory housing (Potsdam Village), Curcombe Street between Hendrixsen Avenue and Locust Street.

Hartford, Colt Park, bounded by Wethersfield Avenue, Stonington Street, Wawarrie, Curcombe, and Marseek Streets, and Huyshope and Van Bock Avenues.

Hartford, Flat-iron Building (Motto Building), corner of Congress Street and Maple Avenue.

Hartford, Houses on Charter Oak Place.

Hartford, Houses on Congress Street.

Hartford, Houses on Wethersfield Avenue, between Morris and Wyllys Streets.

## Middlesex County

Middletown, Mather - Douglas - Santangelo House, 11 South Main Street.

## New London County

New London, Thames Shipyard, west bank of Thames River north of the U.S. Coast Guard Academy.

## Florida

## Hillsborough County

Tampa, Federal Building, U.S. Courthouse, 601 Florida Avenue.

## Georgia

## Chatham County

Skidaway Island, Archeological Site, north end of Skidaway Island.

## Illinois

## De Kalb County

De Kalb, Haish Barbed Wire Factory, corner of Sixth and Lincoln Streets.

## Indiana

## Monroe County

Bloomington, Carnegie Library.

## Kentucky

## Estill County

Lexington vicinity, Fitchburg Iron Furnace, on Kentucky 976 in Daniel Boone National Forest.

## Jefferson County

Louisville, Old Louisville Historic District, bounded on the north by Broadway, on the west by Seventh Street and the Louisville/Nashville RR. tracks, on the east by I-65 and Brook Street, on the south by Eastern Parkway and Gaulbert Avenue.

## Maine

## Waldo County

Frankfort, Mosquito Mountain: Waldo Granite Works.

## Maryland

## Frederick County

Fort Detrick, Nallin Farm House (Fort Detrick Building 1652).

## Harford County

Aberdeen vicinity, Gunpowder Meeting House (Building E-5715), Magnolia Road, Aberdeen Proving Ground.

## NOTICES

Aberdeen vicinity, Presbury House (Quiet Lodge, Building E-4730), Austin and Parish roads, Aberdeen Proving Ground.

## St. Mary's County

St. Inigoes, Priest House (St. Inigoes Manor House), Naval Electronic Systems Test and Evaluation Facility.

## Montana

## Lewis and Clark County

Marysville, Marysville Historic District.

## Park County

Chapel at Fort Yellowstone, Yellowstone National Park.

## Nebraska

## Madison County

Norfolk, Federal Building (U.S. Post Office and Courthouse), corner of Fourth Street and Madison Avenue.

## Nevada

Storey County (also in Washoe County)  
Sparks vicinity, Derby Diversion Dam (Truckee River Diversion Dam), 19 miles east of Sparks on I-80.

## New Hampshire

## Grafton County

Bedell Covered Bridge.

## New York

## Westchester County

White Plains, Westchester County Courthouse Complex, corner of Main and Court Streets.

## North Carolina

## Brunswick County

Southport, Fort Johnston, Moore Street.

## Jones County

Trenton, Trenton Historic District.

## New Hanover County

Wilmington, Market Street Mansions District, both sides of Market Street between 17th and 18th Streets.  
Wilmington, Wilmington Historic District.

## Oregon

## Klamath County

Crater Lake National Park, Crater Lake Lodge.

## Pennsylvania

## Allegheny County

Bruceton, Experimental Mine, off Cochran Mill Road.  
Pittsburgh, Pittsburgh Experiment Station, Main Building, 4800 Forbes Avenue.

## Clinton County

Lockhaven, Apsley House, 302 East Church Street.  
Lockhaven, Hawey, Judge, House, 29 North Jay Street.  
Lockhaven, McCormick, Robert, House, 234 East Church Street.  
Lockhaven, Mussina, Lyons, House, 23 North Jay Street.

## Vermont

## Windsor County

Windsor, Post Office Building.

## Washington

## Clark County

Vancouver, Officers Row, Fort Vancouver Barracks.

## Kittitas County

Cle Elum vicinity, Salmon La Sac Guard Station, north of Cle Elum on County Road 9235.

## West Virginia

## Marion County

Prickett's Fort, Prickett Bay Boat Launching Site, State Route 72 off West Virginia 73.

## Wood County

Parkersburg, Wood County Courthouse.

## Wisconsin

## Door County

Chambers Island, Chambers Island Light-house Dwelling, northern tip of Chambers Island in Green Bay, Lake Michigan.

## Wyoming

## Goshen County

Torrington, Union Pacific Depot.

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# **federal register**

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PART III

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## **ENVIRONMENTAL PROTECTION AGENCY**

■

### **IRON AND STEEL POINT SOURCE CATEGORY**

**Proposed Effluent Limitations  
Guidelines and Standards**



# ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 420]

## IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

### Proposed Effluent Limitations Guidelines for Existing Sources and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations guidelines, standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the By-Product Coke, Beehive Coke, Sintering, Blast Furnace (Iron), Blast Furnace (Ferromanganese), Basic Oxygen Furnace (Semi Wet Air Pollution Control Methods), Basic Oxygen Furnace (Wet Air Pollution Control Methods), Open Hearth Furnace, Electric Arc Furnace (Semi Wet Air Pollution Control Methods), Electric Arc Furnace (Wet Air Pollution Control Methods), Vacuum Degassing, and Continuous Casting subcategories of the Iron and Steel Manufacturing Industry pursuant to sections 304(b), 306(b), and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1314, 1316(b) and 1317(c), 86 Stat. 816 et seq.; P.L. 92-500) (the "Act").

(a) *Legal authority*—(1) *Existing point sources*. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) to the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the By-Product Coke, Beehive Coke, Sintering, Blast Furnace (Iron), Blast Furnace (Ferromanganese), Basic Oxygen Furnace (Semi Wet Air Pollution Control Methods), Basic Oxygen Furnace (Wet Air Pollution Control Methods), Open Hearth Furnace,

# PROPOSED RULES

Electric Arc Furnace (Semi Wet Air Pollution Control Methods), Electric Arc Furnace (Wet Air Pollution Control Methods), Vacuum Degassing, and Continuous Casting subcategories of the Iron and Steel Manufacturing point source category.

(2) *New sources*. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(A) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the Iron and Steel Manufacturing source category. The regulations proposed herein set forth the Standards of performance applicable to new sources within the By-Product Coke, Beehive Coke, Sintering, Blast Furnace (Iron), Blast Furnace (Ferromanganese), Basic Oxygen Furnace (Semi Wet Air Pollution Control Methods), Basic Oxygen Furnace (Wet Air Pollution Control Methods), Open Hearth Furnace, Electric Arc Furnace (Semi Wet Air Pollution Control Methods), Electric Arc Furnace (Wet Air Pollution Control Methods), Vacuum Degassing, and Continuous Casting subcategories of the Iron and Steel Manufacturing source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 420.15, 420.25, 420.35, 420.45, 420.55, 420.65, 420.75, 420.85, 420.95, 420.105, 420.115, and 420.125 proposed below provides pretreatment standards for new sources within the by-product coke subcategory (Subpart A), beehive coke subcategory (Subpart B), sintering subcategory (Subpart C), blast furnace (iron) subcategory (Subpart D), blast furnace (ferromanganese) subcategory (Subpart E), basic oxygen furnace (semi wet air pollution control methods) subcategory (Subpart F), basic oxygen furnace (wet air pollution control methods) subcategory (Subpart G), open hearth furnace subcategory (Subpart H), electric arc furnace (semi wet air pollution control methods) subcategory (Subpart I), electric arc furnace (wet air pollution control methods) subcategory (Subpart J), vacuum degassing subcategory (Subpart K), and continuous casting subcategory (Subpart L), of the iron and steel manufacturing category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report referred to below provides, pursuant to section 304(c) of the Act, preliminary information on such processes, procedures or operating methods.

(b) *Summary and basis of proposed effluent limitations guidelines, standards of performance and pretreatment standards for new sources*—(1) *General methodology*. The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the plant; and (2) the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

The control and treatment technologies existing within each segment was identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," the "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data on which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standard proposed for existing sources under Part 128 of 40 CFR. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amount of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 420.15, 420.25, 420.35, 420.45, 420.55, 420.65, 420.75, 420.85, 420.95, 420.105, 420.115 and 420.125 below amend § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) *Summary of conclusions with respect to the byproduct coke subcategory* (Subpart A), the beehive coke subcategory (Subpart B), sintering subcategory (Subpart C), blast furnace (iron) subcategory (Subpart D), blast furnace (ferromanganese) subcategory (Subpart E), basic oxygen furnace (semi wet air pollution control methods) subcategory (Subpart F), basic oxygen furnace (wet air pollution control methods) subcategory (Subpart G), open hearth furnace subcategory (Subpart H), electric arc furnace (semi wet air pollution control methods) subcategory (Subpart I), electric arc furnace (wet air pollution control methods) subcategory (Subpart J), vacuum degassing subcategory (Subpart K), continuous casting subcategory (Subpart L) of the iron and steel manufacturing category of point sources.

(1) *Subcategorization*. An evaluation of the raw steel making operations was necessary to determine whether or not subcategorization would be required in order to prepare an effluent limitations guideline or guidelines which would be broadly applicable and yet representative and appropriate for the operations and conditions to be controlled.

With respect to identifying any relevant, discrete subcategories for the iron

and steel industry, the following factors in addition to those listed under general methodology were considered in determining industry subcategories for the purpose of the application of effluent limitations guidelines and standards of performance: gas cleaning equipment; waste treatability; aqueous waste loads; and process water usage.

After considering all of these factors, it was concluded that the iron and steel industry is comprised of separate and distinct processes with enough variability in product and waste quantity or characteristics to require subcategorization. The individual processes, products, and the waste water constituents comprise the most significant factors in the subcategorization of this complex industry. The use of various gas cleaning methods, particularly in the steelmaking subcategories, lends itself to a further subdivision into wet, semi-wet and dry subcategories. Waste treatability in itself is of such magnitude that it is more reasonable to consider the waste treatment methods under the individual subcategories. Size and age of the plants has no direct bearing on the subcategorization. The processes and treatment systems are similar regardless of the age and size of the plant. In addition to the plant size, the geographical location of the plant along with the age of the plant and of the waste treatment plant were considered. It can be noted that neither the wastes nor the treatment will vary in respect to the age or size factor. Therefore, age and size in itself would not substantiate industry subcategorization along these lines.

The number and type of pollutant parameters of significance varies with the operation being conducted and the raw materials used. The waste volumes and waste loads also vary with the operation. In order to prepare effluent limitation that would adequately reflect these variations in significant parameters and waste volumes the industry was subcategorized primarily along operational lines, with permutations where necessary.

(1) *Subpart A—By-Product Coke Subcategory*. The by product coke segment of the iron and steel industry serves as a separate subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. It differs from other iron and steel industry subcategories with respect to raw material used, products produced, waste water constituents, and waste treatment systems, and from another coke making subcategory because coke oven gas, light oil, ammonium sulfate and sodium phenolate are recovered, rather than allowed to escape to the atmosphere. Recovery of these by-products was profitable in times past, but now only the coke oven gas can be considered valuable since it can be consumed internally as fuel. Other by-products continue to be recovered as a contribution to pollution abatement, not as a commercially profitable enterprise. Factors such as age and size of plant were not considered relevant in the categoriza-

tion of these plants, since neither the waste characteristics nor the treatments required will vary with respect to age or size.

(2) *Subpart B—Beehive Coke Subcategory*. The beehive coke segment of the iron and steel industry differs from other subcategories of that industry with respect to raw materials used, final products produced, process and waste treatment techniques and types of pollutants discharged. It also differs from the by-product coke subcategory in that no effort is made to recover volatile matter generated by the process, thus producing a generally undesirable level of air pollution in the few remaining areas where beehives operate.

(3) *Subpart C—Sintering Subcategory*. The sintering segment of the iron and steel industry serves as a separate subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. It differs from other iron and steel industry subcategories with respect to raw materials used, products produced, waste water constituents and waste treatment systems.

(4) *Subpart D—Blast Furnace (Iron) Subcategory*. The blast furnace (iron) segment of the iron and steel industry differs from other subcategories of that industry with respect to raw materials used, final products produced, process and waste treatment techniques used and types of pollutants discharged. It also differs from the other blast furnace subcategory (ferromanganese) with respect to product produced and types of pollutants discharged.

(5) *Subpart E—Blast Furnace (Ferromanganese) Subcategory*. The blast furnace (ferromanganese) segment of the iron and steel industry differs from other subcategories of that industry with respect to raw materials used, final products produced, process and waste treatment techniques and types of pollutants discharged. It also differs from the other blast furnace subcategory (iron) in a need for higher operating temperatures for the ferromanganese manufacturing process, resulting in higher concentrations of certain pollutant parameters, notably cyanides, in the gas washer waters.

(6) *Subpart F—Basic Oxygen Furnace (Semi-Wet Air Pollution Control Methods) Subcategory*. The basic oxygen furnace (semi-wet) segment of the iron and steel industry serves as a separate subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. It differs from other iron and steel industry subcategories with respect to raw materials used, products produced, waste water constituents, and waste control and treatment technology, and from the other basic oxygen furnace subcategory (wet) in the quantity of water used to condition furnace gases, and as a consequence, in the equipment required to adequately treat the waste waters generated. In the semi-wet process, a spark box or a spray chamber using slightly more spray water than can be evaporated is used to condition



gases for further cleaning, producing a highly contaminated but small volume of waste water.

(7) Subpart G—Basic Oxygen Furnace (Wet Air Pollution Control Methods) Subcategory. The basic oxygen furnace (wet) segment of the iron and steel industry serves as a separate subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. It differs from other iron and steel industry subcategories with respect to raw materials used, products produced, waste water constituents, and waste control and treatment technology, and from the other basic oxygen furnace subcategory (semi-wet) in the quantity of water used to condition furnace gases, and as a consequence, in the equipment required to adequately treat the waste waters generated. In the wet process, high energy scrubbers or wet gas washers are used to cool and condition furnace gases, producing much larger volumes of moderately contaminated waste waters than are common to the semi-wet systems.

(8) Subpart H—Open Hearth Furnace Subcategory. The open hearth furnace segment of the iron and steel industry serves as a separate subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. It differs from other iron and steel industry subcategories with respect to raw materials used, products produced, waste water constituents, and waste control and treatment technology.

(9) Subpart I—Electric Arc Furnace (Semi Wet Air Pollution Control Methods) Subcategory. The electric arc furnace (semi-wet) segment of the iron and steel industry serves as a separate subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. It differs from other iron and steel industry subcategories with respect to raw materials used, products produced, waste water constituents, and waste control and treatment technology, and from the other electric arc furnace subcategory (wet) in the quantity of water used to condition furnace gases, and as a consequence, in the equipment required to adequately treat the waste waters. In the electric arc furnace (semi-wet) subcategory a spark box or a spray chamber using slightly more water than can be evaporated conditions the gases for further cleaning in a precipitator or baghouse. A small volume of contaminated waste water may be produced, depending on how much excess spray water is used.

(10) Subpart J—Electric Arc Furnace (Wet Air Pollution Control Methods) Subcategory. The electric arc furnace (wet) segment of the iron and steel industry serves as a separate subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. It differs from other iron and steel industry subcategories with respect to raw materials used, products produced, waste water constituents, and waste control and treatment technology, and from the other electric arc furnace subcategory (semi-wet) in the quantity

of water used to condition furnace gases, and as a consequence, in the equipment required to adequately treat the waste waters. In the wet process, high energy scrubbers or wet gas washers are used to cool and condition furnace gases, producing much larger volumes of contaminated waste water than in the semi-wet systems.

(11) Subpart K—Vacuum Degassing Subcategory. The vacuum degassing segment of the iron and steel industry serves as a separate subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. It differs from other iron and steel industry subcategories with respect to raw materials used, products produced, waste water constituents, and waste control and treatment technology. The degassing operation removes hydrogen, carbon and oxygen as carbon monoxide, and any other volatile alloys from the steel, along with minute particles of iron oxide. These gases, together with exhausted steam from steam ejectors, are condensed by direct contact with cooling water, producing a contaminated waste water.

(12) Subpart L—Continuous Casting Subcategory. The continuous casting segment of the iron and steel industry serves as a separate subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. It differs from other iron and steel industry subcategories with respect to raw materials used, products produced, waste water constituents, and waste control and treatment technology. Most of the water serving the continuous casting operations is mold and machine cooling water, which are both noncontact systems on closed recycle with no possibility of contamination. Dirty process waters originate from an open spray system.

(i) Pollutant parameters, waste sources, control and treatment technology, treatment practices, best practicable, best available, and new source treatment technology, and costs. These topics are discussed for each of the subcategories established in the preceding section.

(1) Subpart A—By-Product Coke Subcategory. The known significant pollutants or constituents of waste water resulting from by-product coking subcategory includes ammonia, biochemical oxygen demand, cyanides, phenols, oils and greases, pH, sulfides, and suspended solids.

Major sources of liquid wastes from the by-product coke subcategory are excess ammonia liquor resulting from the condensation of moisture originally present in the raw coal before coking, wastes from the light oil recovery system, overflows from the final cooler recycle system, condensate from desulfurizers, effluents from barometric condensers, and indirect cooling water. Minor additional sources may include coke wharf drainage, quench water overflow and coal pile runoffs. The volume of liquid wastes generated by the coke making process varies widely depending upon the moisture and oxygen con-

tent of the coal used as raw material, the chemical recovery processes used, and the extent of water recirculation and reuse practiced. Well maintained plants operating with a normal amount of recirculation would be expected to have the following liquid water volumes from various steps in the process:

	Gal/ton of coke	L/kg of coke
Ammonia liquor (treated in free and fixed stills).....	25	104
Steam condensate.....	18	75
Benzol plant wastes.....	30	125
Blowdown from final cooler recycle.....	20	83
Condensate from desulfurizers (where used).....	25	104
Barometric condenser effluent: (a) Once-through (BPCTCA).....	82	342
(b) Recycle with blowdown (BATEA).....	7	29

The control and treatment technologies which are available include in-plant control measures and techniques and end-of-process treatment techniques. In-plant control measures include reuse of certain waste waters via recycling or in a subsequent process. Available treatment methods include the former by-product recovery systems—ammonia stripping, dephenolization, and desulfurization, in addition to true waste treatment techniques such as chemical and biological oxidation, aeration, waste stabilization, neutralization, breakpoint chlorination, filtration, carbon adsorption and incineration via controlled combustion.

Various degrees of waste treatment are practiced throughout the by-product coke subcategory. Steam stripping of ammonia liquor is done by most plants, although only free ammonia is removed by the majority of operators. Phenol recovery or removal is accomplished by about half of the plants, using a vapor recirculation technique or a liquid solvent extraction technique for scrubbing phenols from water. One coke plant which practices no dephenolization in process treats its final effluent in an activated sludge lagoon containing bacterial cultures specifically acclimated to convert phenolic material into nontoxic products. Several coke plants located in large cities have provided sufficient pretreatment of by-product waste streams to render them acceptable for further treatment along with domestic wastes in municipally owned sewage treatment plants. A few plants recover no by-products other than coke oven gas, incinerating the total plant waste load in a carefully controlled combustion system producing no liquid effluents for discharge. Most operating plants currently practice various degrees of recycling. In particular, quench station wastes are necessarily recycled wherever contaminated waters are added to the system as make-up for water lost to evaporation during quenching. Additional effluent flow reductions are accomplished by closing up final cooler waste water systems, passing these discharges over cooling towers or through a spray pond for recycle. Other water pollution control technologies may be transferred from other industry categories to treat by-product

coke plant wastes. Oxidation using chlorine and its compounds has been applied to blast furnace waste waters, and in many chemical industry applications. Past attempts to utilize this technique on raw waste waters from coke making have been unsuccessful, but would be better applied as a polishing technique following removal of gross quantities of pollutant by more conventional methods. Certain chemical and refinery wastes which are similar to by-product coke plant wastes have proven amenable to treatment with activated carbon adsorption. The technique has been successfully applied to large flow volumes, and is potentially applicable to coke plant problems. Improved biological degradation systems show promise for eventually providing the largest reduction of pollutants for the least cost. Systems currently in use preferentially eliminate one or two of the significant pollutants while tolerating fairly high concentrations of other pollutants. Attempts are being made to develop biomasses which degrade these other parameters simultaneously in the same activated sludge unit, or alternately, to arrange a series of biological cultures for sequentially eliminating the various pollutants.

The best practicable control technology currently available for the coke making by-products operation subcategory of the iron and steel industry would include: ammonia removal via operation of a free and fixed leg ammonia still; dephenolization using solvent extraction; recycling of final cooler and benzol waste with blowdown dephenolization; neutralization; and sedimentation.

Use of this recommended technology hereafter called alternate I, would produce an effluent containing no more than 0.0015 kg/kg (lb/1000 lb) phenols, 0.0912 kg/kg (lb/1000 lb) ammonia, 0.0219 kg/kg (lb/1000 lb) of total cyanide, (cyanideT) 0.195 kg/kg (lb/1000 lb) BOD<sub>5</sub>, 0.0109 kg/kg (lb/1000 lb) oils and greases, and 0.0365 kg/kg (lb/1000 lb) suspended solids. The proposed effluent limitations (BPCTCA) are based on a total discharge flow equivalent to 730 l/kg (87.5 gal/1000 lb) of coke produced, with an additional allowance of 104 l/kg (12.5 gal/1000 lb) for plants using desulfurization units.

Another approach (alternate II) to the BPCTCA level would abandon the use of dephenolization and substitute single stage biological treatment for phenol removal; sulfide oxidation via aeration; and clarification instead of sedimentation, in addition to retaining the ammonia removal steps, the recycle system and the neutralization step. This alternate technology would yield an effluent comparable to the above in ammonia, BOD<sub>5</sub> and flow rate and containing somewhat lower concentrations of phenol, cyanide, oil and grease, and suspended solids.

The best available technology economically achievable can also pursue either of the two alternates. Continuing as a physical/chemical treatment, alternate I would include all steps in alternate I above, plus recycle of all crystallizer ef-

fluent, sulfide oxidation via aeration, alkaline chlorination, break point chlorination, clarification and carbon adsorption. Alternate II would expand the single stage biological treatment system used to achieve BPCTCA levels by adding multi-stage bio-oxidation for cyanide and ammonia removal, denitrification, and filtration of the final effluent. Either of these two systems would produce an effluent for discharge which would contain no more than 0.0002 kg/kg (lb/1000 lb) phenol, 0.0042 kg/kg (lb/1000 lb) ammonia, 0.0001 kg/kg (lb/1000 lb) of cyanides amenable to chlorination (cyanideA), 0.0083 kg/kg (lb/1000 lb) of BOD<sub>5</sub>, 0.0001 kg/kg (lb/1000 lb) of sulfide, 0.0042 kg/kg (lb/1000 lb) oils and greases, and 0.0042 kg/kg (lb/1000 lb) suspended solids. The proposed effluent limitations (BATEA) are based on a total discharge flow equivalent to 417 l/kg (50 gal/1000 lb) of coke produced with an additional allowance of 104 l/kg (12.5 gal/1000 lb) for plants producing effluents from desulfurization units.

The new source performance standard for the by-product coke subcategory of the iron and steel industry cannot be defined as no discharge of process waste water pollutants to navigable waters because the pyrolytic decomposition of coals actually generates moisture in the first step of the decomposition process. Provision must be made for the removal and treatment of 80 to 165 liters (19 to 42 gallons) of water (depending on the moisture and oxygen content of the coal used) produced per metric ton of coal coked. It is recommended that new source performance standards for this subcategory be the same as the best available technology economically achievable.

Since most existing plants currently operate or have available for use the equipment to achieve base levels of treatment, the incremental cost to provide the best practicable control technology currently available and the best available technology economically achievable for the "typical" 2414 kg/day (2660 ton/day) plant would be \$168,000 capital costs and \$152,000 annual operating cost and \$935,000 capital and \$357,000 annual operating costs, respectively. An alternate technology leading to incineration of the total plant raw waste load eliminates many of the treatment steps, but an operating plant's cost data prorated to be equivalent to the "typical" plant shown above indicated a capital cost of \$1,738,000 and an annual operating cost of \$1,515,000.

(2) Subpart B—Beehive Coke Subcategory. The known significant constituents of beehive operation waste water contributing to pollution loads include ammonia, biochemical oxygen demand, cyanides, phenol, suspended solids and heat. While these parameters are similar to those for the by-products coke plants, quantities found in beehive waste waters are much lower, since the great bulk of the volatile components are allowed to escape to the atmosphere.

A properly regulated beehive operation will have very low flows, due to the need

to regulate water usage to a minimum to prevent excess water in the working areas. Process water contacts the coke only during the quenching operation, carrying along fine particles of coke and dissolving certain residues from the product.

Control and treatment technologies include only in-plant measures, and are aimed at the total recycle of all liquid wastes as make-up to the quenching system. Two of the three plants surveyed achieve no discharge of pollutants from their operation. The remaining plant recovers fine solids in settling ponds while discharging quench waste water after one pass through the system.

The application of the best practicable control technology currently available for the beehive coke subcategory is shown to be no discharge of pollutants to the receiving streams. The waste waters generated are presently recycled by two of the three plants surveyed, presenting no problems from this practice. Increased costs are minor, and no increased space or material handling requirements are encountered.

Best available technology economically achievable is likewise shown to be no discharge of pollutants to the receiving streams, for the reasons cited above. Also, the new source performance standards applicable to beehive coke subcategory would logically be no discharge of pollutants to the receiving streams. The technology recommended is practiced by most existing plants, and should be required of any new plants.

Capital investments and annual waste water treatment operating costs for the beehive coke subcategory depend on the level of technology achieved. The plant practicing once-through waste treatment shows a capital investment of \$4,000, and an average operating cost of \$1.56 per 907 kg (1000 tons) of coke produced. The two plants practicing total recycle of waste water have an average capital investment of \$13,500 in waste treatment equipment, and have annual operating costs ranging from \$2.93 to \$20.70 per 907 kg (1000 tons) of coke produced.

(3) Subpart C—Sintering Subcategory. The known significant pollutant properties or constituents of waste waters from sintering operations include suspended solids, oil and grease, sulfides, and fluorides.

Plants built in the 1950's are more likely to contain wet scrubbers than those sintering operations built more recently. The chief sources of pollutants in a wet system are suspended solids washed out of the process gases; oils and greases from mill scale which are vaporized during sintering, then scrubbed out of the gas; sulfides from coke fines; and fluorides from fluorspar and limestone found in flue dusts from steelmaking operations. All of these pollutants may vary in quantity, depending on the various blends of iron bearing dust and mill scale, coke fines and limestone which constitute a typical sinter burden.

Control and treatment technologies currently practiced in sintering operations using wet systems for dedusting



are of two basic types. About one-fifth of these sinter plants utilize once-through systems consisting of a clarifier-thickener (with or without polymer addition) and vacuum filtration. The majority of those plants using wet systems recycle their thickener overflows, either to the sintering operation alone, or as part of a larger blast furnace recycle system. All such plants blowdown a portion of the recycled waters to the receiving stream, usually without further treatment.

The anticipated removal of pollutant parameters for each successive level of treatment technology would be as follows:

Treatment level	Percent reduction from raw waste load				
	TSS	O&G	S	F	
Once through thickener.....	90.5	92.5	67.5	.....	
Recycle—no treatment of blow-down.....	99.8	99.7	98.0	69.7	
Recycle with treated blowdown.....	99.9	99.7	98.9	98.7	

Note.—TSS, total suspended nonfilterable solids; O&G, oil and grease; S, sulfides; F, fluoride.

The best practicable control technology currently available for the sintering subcategory consists of a clarifier-thickener with polymer addition to the feed and vacuum filtration of the thickener underflow. Eighty-five percent of the thickener overflow would recycle, while the remaining fifteen percent would be treated to skim off oily matter. Expected effluents from this system would contain less than 0.0104 kg/kkg (lb/1000 lb) suspended solids, and 0.0021 kg/kkg (lb/1000 lb) oils and greases. The limitations for BPCTCA are also based on an effluent flow of 209 l/kkg (25 gal/1000 lb) of sinter.

The effluent reduction attainable through application of the best available technology economically achievable would subject the blowdown to lime treatment and sedimentation for fluoride reduction, aeration for sulfide removal, and neutralization with acid prior to discharge. A final effluent from this system would contain no more than 0.0052 kg/kkg (lb/1000 lb) suspended solids, 0.0021 kg/kkg (lb/1000 lb) oil and grease, 0.0042 kg/kkg (lb/1000 lb) F, and 0.00006 kg/kkg (lb/1000 lb) S. The limitations for BATEA are also based on an effluent flow of 209 l/kkg (25 gal/1000 lb) of sinter.

New source performance standards for the sintering operation subcategory of the iron and steel industry category are the same as those described as best available technology economically achievable. No further reduction in pollutant levels is proposed, and to reduce flows to less than 209 l/kkg (25 gal/1000 lb) of sinter in a wet dedusting operation is impractical at this time. Continued research in the technology of fabric type dust filters and baghouses has improved the dry dust-catching operation to the point where new point sources are not likely to require wet scrubbing of gas streams.

Typical cost of constructing and operating a base level of treatment for a sintering operation producing 2703 kkg (2,980 tons) of sinter product per day, and using a once-through system with a thickener and vacuum filtration is approximately \$548,000 initial investment, plus \$110,000 per year operating expenses. Upgrading this basic system to provide recycling with 15 percent blowdown and with blowdown treatment to BPCTCA limitations increases capital cost by \$255,000 and operating expenses by \$55,800 per year. Treatment of the blowdown flow to BATEA limitations leads to an increased capital cost of \$294,000 over and above the BPCTCA level, and an annual operating expense of \$69,000 more than the BPCTCA level operating costs.

Cost figures given above are derived from cost data for existing plants and other cost estimates for equipment, piping, instrumentation, foundations, structures, and electrical items related to pollution control measures. Land acquisition costs are not included, nor are site clearance, taxes, freight charges, or expansion of existing supporting utilities, all of which could add significantly to total costs.

(4) Subpart D—Blast Furnace (Iron) Subcategory. The known significant constituents of waste water generated by the blast furnace (iron) subcategory contributing to pollution loads includes suspended solids, cyanides, phenols, ammonia, sulfides, pH and fluoride.

Major sources of liquid wastes from the blast furnace (iron) subcategory are waters used for contact cooling of blast furnace gases, and the scrubbing waters used to wash blast furnace gas free of fine solid particles to allow its use as a fuel. Suspended solids in the waste waters originate with these fines from the gas, and quantities vary with furnace operation and the nature of the burden. Cyanides, phenols and ammonia originate in the coke charged to the furnace, especially if the coke was quenched with con-

Treatment level	Percent reduction of pollutant load					
	TSS	CNT	Phenol	NHS	S	F
Once through.....	97	.....	.....	.....	89	.....
Recycle—no treatment of blowdown.....	99.9	76	87	60	99	74
Recycle—with treatment of blowdown.....	99.9	99.6	96.4	97	99.9	87

Note.—CNT, cyanide, total; NHS, ammonia as nitrogen.

The best practicable control technology currently available for the blast furnace (iron) subcategory consists of a thickener with polymer addition and/or magnetic flocculation. Vacuum filtration is used to treat the thickener underflows and the thickener overflows may be recycled over a cooling tower with minimal blowdown. Neutralization of the recycled waste streams is normally required. Expected effluents from this system would contain less than 0.0260 kg/kkg (lb/1000 lb) suspended solids, 0.0078 kg/kkg (lb/1000 lb) cyanideT, 0.0021 kg/kkg (lb/1000 lb) phenol, and 0.0651 kg/kkg (lb/1000 lb) ammonia at a pH value of 6.0 to 9.0. The above loads are based on an

aminated coke plant waste waters. Sulfides are produced as hydrogen sulfide gas due to the reducing atmosphere required by the process. Fluorides occur in the gas stream from the decomposition of the raw materials charged to the furnace, and are easily transferred to the gas washer waters. Blast furnace operations characteristically have high flow rates for plant process water. The plants visited during the survey ranged from 8,070 to 22,500 l/kkg (968 to 2,698 gal/1000 lb) of iron. Even larger volumes of indirect cooling water are used, but these do not contact the dirty process gas or liquid streams, and are discharged without treatment.

Control and treatment technologies which are available include in-plant control measures and end-of-process treatment techniques. In-plant control measures include reuse of waste waters via recycling or reuse in a subsequent gas cleaning step. Available treatment methods include thickening (with or without polymer addition) of gas washer waters with vacuum filtration of thickener underflows and recycle of thickener overflows; pH control; alkaline chlorination following lime addition; filtration; and carbon adsorption.

The range of treatment technology actually practiced by most of the existing point sources in the blast furnace (iron) subcategory begins with solids sedimentation in a thickener, and vacuum filtration of the dense slurry underflow. A polymer is usually added to enhance settling and dewatering characteristics. The thickener effluent is then recycled to the gas cleaning system in about 35 percent of the operating plants. Blowdown from the system is discharged untreated, except in a few installations, where treatment consists of alkaline chlorination, pH adjustment, mixed media filtration and cooling.

The degree of effluent reduction attainable by the application of the various levels of control and treatment technology are as follows:

Treatment level	Percent reduction of pollutant load					
	TSS	CNT	Phenol	NHS	S	F
Once through.....	97	.....	.....	.....	89	.....
Recycle—no treatment of blowdown.....	99.9	76	87	60	99	74
Recycle—with treatment of blowdown.....	99.9	99.6	96.4	97	99.9	87

effluent flow of 521 l/kkg (62.5 gal/1000 lb) of iron produced.

The best available control technology economically achievable for the blast furnace (iron) subcategory consists of all systems required to attain the BPCTCA limitations presented above, plus additional treatment of blowdown, including alkaline chlorination, neutralization, breakpoint chlorination, pressure filtration, and carbon adsorption. Expected effluents from this system would contain less than 0.0052 kg/kkg (lb/1000 lb) suspended solids, 0.00013 kg/kkg (lb/1000 lb) cyanideA, 0.00026 kg/kkg (lb/1000 lb) phenol, 0.0052 kg/kkg (lb/1000 lb) ammonia, 0.00016 kg/kkg (lb/1000

lb) sulfide and 0.0104 kg/kkg (lb/1000 lb) fluoride based on an effluent flow of 521 l/kkg (62.5 gal/1000 lb) of iron produced.

New source performance standards for the blast furnace (iron) subcategory are the same as the effluent limitations based on BATEA, as described above.

Capital investments for operating plants surveyed ranged from \$250,000 to \$3,650,000, depending on the number and capacity of the furnaces. A base level of water pollution control for a typical 2995 kkg/day (3300 ton/day) plant would require an initial investment of \$2,030,000, plus an annual operating cost of \$561,000. Addition of a recycle system and cooling equipment adds \$1,477,000 to the capital cost and \$297,000 per year to the operating expense. Treatment of the blowdown from this recycle system increases capital costs by another \$413,000 and annual operating costs by \$292,000.

(5) Subpart E—Blast Furnace (Ferromanganese) Subcategory. The known significant waste water constituents generated by the blast furnace (ferromanganese) subcategory include suspended solids, cyanides, phenols, ammonia, sulfides, pH and manganese.

The two main sources of liquid wastes are waters used for cooling of blast furnace gases, and waters used to scrub the gases free of fine solid particles to allow its use as fuel. Suspended solids in the waste waters originate with these fines, which are quite rich in manganese due to the specialized product produced in the ferromanganese operation. Cyanides, phenols and ammonia originate from the coke charged to the furnace. Higher furnace operating temperatures generate increased amounts of these volatile parameters relative to the blast furnace (iron) subcategory. Sulfides are produced as hydrogen sulfide gas due to the reducing atmosphere required by the process.

Control and treatment technologies which are available include in-plant control measures and end-of-process treatment techniques. Methods used must aim at reducing effluent flows to a minimum via tight recycling of process waters. A base level of treatment consists of a classifier/thickener with polymer addition and vacuum filtration of the underflows and recycle of the thickener overflows. Cooling towers are used to enable the recycle of cooling waters. Advanced levels of treatment could be attained using alkaline chlorination following lime adjustment; pH control; filtration; carbon adsorption; lime-soda softening and total recycling with no discharge of process waste water pollutants to navigable waters.

The range of treatment technology currently practiced by most of the existing blast furnace (ferromanganese) plants begins with solids sedimentation in a thickener, usually with polymer addition to enhance solids settling characteristics. Sludges from this system are not usually used in sintering plants and do present a solids disposal problem because

they are fairly high in leachable toxic materials. Thickener overflows are recycled to the gas scrubbers by all operating plants. In some cases, cooling water is also recycled over cooling towers, with minor amounts blown down to the gas scrubber system. Additional treatment practices available include advanced treatment of blowdown flows using alka-

	Percent reduction of pollutant load					
	TSS	CN	Phenol	NH <sub>3</sub>	S	Mn
(A)*.....	98	28	82	43	43	96
(B)*.....	99+	99	99	97	99	99+
(C)*.....	99+	99+	99+	99+	99+	99+

\*See "costs" table following for description of the treatment technology.

Note.—Mn: manganese.

The best practicable control technology currently available for the blast furnace (ferromanganese) subcategory consists of a thickener with polymer addition and vacuum filtration of underflows to treat gas washer water; a recycle system carrying cooling water over a cooling tower with pH control of water, and minor blowdown flows to the gas washer system, and to discharge; tight recycle of the gas washer system thickener overflows with minimal blowdowns; and final pH adjustment. Expected effluents from this system would contain less than 0.1043 kg/kkg (lb/1000 lb) suspended solids, 0.0312 kg/kkg (lb/1000 lb) cyanideT, 0.0042 kg/kkg (lb/1000 lb) phenol, and 0.2086 kg/kkg (lb/1000 lb) ammonia. The above loads are based on an effluent flow of 1043 l/kkg (125 gal/1000 lb) of ferromanganese produced.

The best available control technology economically achievable for the blast furnace (ferromanganese) subcategory consists of the BPCTCA system described above, plus additional treatment of the blowdown via alkaline chlorination, neutralization, breakpoint chlorination, pressure filtration, and carbon adsorption. The effluent quality attainable should be 0.0104 kg/kkg (lb/1000 lb) suspended solids, 0.00026 kg/kkg (lb/1000 lb) cyanideA, 0.00052 kg/kkg (lb/1000 lb) phenol, 0.0104 kg/kkg (lb/1000 lb) ammonia, 0.00031 kg/kkg (lb/1000 lb) sulfide and 0.0052 kg/kkg (lb/1000 lb) manganese based on an effluent flow of 1043 l/kkg (125 gal/1000 lb) of ferromanganese produced.

New source performance standards for the blast furnace (ferromanganese) subcategory should be the same as those described as the best available technology economically achievable since further reduction of flow rates is impractical at this time.

The initial investment reported by the one blast furnace (ferromanganese) plant surveyed was \$2,215,000 for waste water treatment, plus an annual operating expense of \$811,900. Estimated costs for a typical ferromanganese plant producing 744 kkg/day (820 ton/day) of product and treating waste water at increasing levels of technology are as follows:

line chlorination or biodegradation; neutralization; breakpoint chlorination; filtration; treatment of the blowdown via lime-soda softening techniques with the softened water then returned to the recycle system.

The degree of effluent reduction attainable by the application of the various levels of technology are as follows:

	Percent reduction of pollutant load					
	TSS	CN	Phenol	NH <sub>3</sub>	S	Mn
(A)*.....	98	28	82	43	43	96
(B)*.....	99+	99	99	97	99	99+
(C)*.....	99+	99+	99+	99+	99+	99+

Technology level	Cumulative costs (1971 dollars)	
	Initial investment	Annual operating
(A) Scrubber recycled, cooler once through.....	963,000	333,000
(B) Scrubber and cooler recycled, blowdown untreated.....	2,689,000	686,000
(C) Scrubber and cooler recycled, blowdown treated.....	3,010,000	1,209,000

(6) Subpart F—Basic Oxygen Furnace (Semi-Wet Air Pollution Control Methods) Subcategory. The known significant pollutants or constituents of waste water generated by the basic oxygen furnace (semi-wet) subcategory are suspended solids and fluorides, both of which are scrubbed out of furnace gas streams during contact with process water streams.

Control and treatment technology currently practiced in industry normally consists of coagulation and sedimentation using polymers or magnetic flocculation; mechanical removal of sludge continuously; and tight recycle systems with no discharge of process waste water pollutants to navigable waters.

The degree of effluent reduction attainable by the application of the various levels of technology are as follows:

Technology level	Percent reduction of pollutant load	
	TSS	Fluoride
Thickening, once through.....	75	10
Thickening plus polymer, once through.....	80	13
Recycle—no discharge.....	100	100

Application of the best practicable control technology currently available for the basic oxygen furnace (semi-wet) subcategory results in no discharge of process waste water pollutants to navigable waters. This is attained in practice by use of a coagulation and sedimentation chamber with flocculant polymer addition; continuous drag-out of settled solids; and tight recycling of overflows back to the gas cleaning process, with fresh water make-up and no blowdown. The system is kept in balance by controlling water consumption to avoid excess flow rates which would overload the



treatment system, yet always insuring enough water to provide proper gas conditioning.

The attainable effluent reduction based on the application of the best available technology economically achievable is shown to be no discharge of process waste water pollutants to navigable waters, for the reasons cited above. Also, new source performance standards applicable to basic oxygen furnace (semi-wet) subcategory would logically be no discharge of process waste water pollutants to navigable waters. The technology recommended is currently practiced at a number of existing plants, and should be required of any new plants.

The initial investment for treatment facilities reported by the two semi-wet basic oxygen furnace plants surveyed were \$400,000 and \$1,108,000 with annual operating costs of \$451,900 and \$157,700 respectively. Estimated treatment costs for a typical plant in the basic oxygen furnace (semi-wet) subcategory producing 4426 kkg/day (4880 ton/day) of steel are:

Technology level	Cumulative costs (1971 dollars)	
	Initial investment	Annual operating
Thickening, once through.....	507,000	107,000
Thickening + polymer, once through.....	534,000	164,000
Recycle—no discharge.....	722,000	203,000

(7) Subpart G—Basic Oxygen Furnace (Wet Air Pollution Control Methods) Subcategory. The known significant pollutants or constituents of waste water generated by the basic oxygen furnace (wet) subcategory are suspended solids and fluorides, both of which are scrubbed out of furnace gas streams during contact with process water streams.

Current control and treatment technology practiced in industry includes coagulation and sedimentation, normally with flocculant polymer addition. Overflows from the thickeners are discharged once-through by some of the operating plants. Many of the basic oxygen furnace (wet) plants recycle their treated waters back to the process, allowing 5 to 25 percent of the recycled flows as blowdown to be discharged untreated. A few existing plants provide pH neutralization and filtration as treatments for their blowdown. Additional blowdown treatment for elimination of fluorides could be accomplished by the use of lime addition and/or activated alumina adsorption columns.

The effluent reduction attainable by the application of the various levels of technology are as follows:

Technology level	Percent reduction of pollutant load	
	TSS	Fluoride
Thickener, once through.....	96	-----
Thickener + polymer, once through.....	98	-----
Recycle with untreated blow-down.....	99.8	96
Recycle with treated blowdown.....	99.9	94

The best practicable control technology currently available for the basic oxygen furnace (wet) subcategory consists of a thickener with polymer addition to the feed and vacuum filtration of the thickener underflow. The bulk of the thickener overflow is recycled, while less than ten percent of this recycle flow is blown down without further treatment. Expected loads of suspended solids in the discharged effluent would be 0.0104 kg/kkg (lb/1000 lb), based on a blowdown rate of 209 l/kkg (25 gal/1000 lb) of steel.

The best available technology economically achievable includes all components of the treatment system described as best practicable control technology currently achievable, plus further treatment of the blowdown by lime precipitation of fluorides, followed by sedimentation and neutralization. Expected loads of suspended solids and fluorides in the discharged effluent would be 0.0052 and 0.0042 kg/kkg (lb/1000 lb) respectively, based on a blowdown rate of 209 l/kkg (25 gal/1000 lb) of steel produced.

New source performance standards applicable to the basic oxygen furnace (wet) subcategory of the iron and steel industry point source category are the same as the limitations based on best available technology economically achievable. Further reduction of flows in a wet dedusting system is not practical at this time.

The initial investment for treatment facilities reported by the three basic oxygen furnace operations surveyed ranged from \$297,000 to \$1,730,000 with annual operating expenses ranging from \$42,300 to \$371,300 respectively. Estimated costs for a typical plant in the basic oxygen furnace (wet) subcategory producing 6884 kkg/day (7590 ton/day) of steel are:

Technology level	Cumulative costs (1971 dollars)	
	Initial investment	Annual operating
Thickener, once through.....	1,389,000	402,000
Thickener + polymer, once through.....	1,336,000	539,000
Recycle with untreated blow-down.....	1,773,000	630,000
Recycle with treated blowdown.....	2,136,000	713,000

(8) Subpart H—Open Hearth Furnace Subcategory. The known significant pollutants or characteristics of process waste water generated by the open hearth furnace subcategory are suspended solids, fluorides, zinc, pH and nitrates. All of these contaminants are scrubbed out of furnace gas streams during contact with process water streams.

Base level control and treatment technology currently practiced by industry on the comparatively few (most open hearth dust collection systems are totally dry) open hearth furnace wet dedusting systems includes thickening of process waters and vacuum filtration of thickener underflows. Improvements to this once-through system consist of polymer addition and/or magnetic flocculation to

Several open hearth plants have installed recycle systems to recirculate thickener overflows back to the gas cleaning system, blowing down a minor fraction of the total flow without treatment. Other technologies to further reduce pollutant loads, not currently practiced by open hearth operators, include lime treatment for zinc and fluorides reduction with sedimentation and neutralization of treated blowdowns. An advanced blowdown treatment could include activated alumina adsorption of fluorides and biological denitrification of nitrates.

The effluent reduction attainable by the application of the various levels of technology are as follows:

Technology level	Percent reduction of pollutant load			
	TSS	F	Zn	NO <sub>3</sub>
Thickening—once through.....	96	-----	20	-----
Thickening + polymer—once through.....	97.5	-----	20	-----
Recycle—untreated blowdown.....	99.8	58	92	64
Recycle—treated blowdown.....	99.9	92	99.9	80

Note.—Zn, zinc; NO<sub>3</sub>, nitrate ion.

The best practicable control technology currently available for the open hearth furnace subcategory of the iron and steel industry point source category consists of a thickener with polymer addition and vacuum filtration of the underflows from the thickener. The bulk of the overflows are recycled to the process following pH adjustment with lime, while 8 to 10 percent of the total recycle flow is discharged. Effluent loads from this system would be 0.0104 kg/kkg (lb/1000 lb) suspended solids based on a discharge flow of 209 l/kkg (25 gal/1000 lb) of steel produced.

The best available technology economically achievable includes all parts of the system described above as best practicable control technology currently achievable, plus lime precipitation of fluorides and biological denitrification of nitrates. Final effluent loads from this treatment technique would be 0.0052 kg/kkg (lb/1000 lb) suspended solids, 0.0042 kg/kkg (lb/1000 lb) fluorides, 0.0094 kg/kkg (lb/1000 lb) nitrates, and 0.0010 kg/kkg (lb/1000 lb) zinc, based on a discharge flow of 209 l/kkg (25 gal/1000 lb) of steel produced.

New source performance standards applicable to the open hearth furnace operations subcategory of the iron and steel industry category are the same as the limitations based on the application of best available technology economically achievable. Further reduction of flows from a wet open hearth furnace operation is not practical at this time.

The initial investment for waste water treatment facilities reported by the two wet open hearth plants surveyed were \$974,000 and \$1,925,000 with annual operating expenses of \$267,300 and \$418,800 respectively. Estimated costs for a typical open hearth furnace operation producing 6,712 kkg/day (7,400 ton/day) of steel and using the various levels of technology described above would be:

Technology level	Cumulative costs (1971 dollars)	
	Initial investment	Annual operating
Thickening, once through.....	892,000	212,000
Thickening + polymer, once through.....	919,000	258,000
Recycle, untreated blowdown.....	1,425,000	361,000
Recycle, treated blowdown.....	2,992,000	670,000

(9) Subpart I—Electric Arc Furnace (Semi-Wet Air Pollution Control Methods) Subcategory. The known significant pollutants or constituents of waste waters generated by the electric arc furnace (semi-wet) subcategory are suspended solids, zinc and fluorides, all of which are scrubbed out of furnace gas streams during contact with process water streams.

Current control and treatment technology practiced in semi-wet electric arc furnace operations consists of coagulation and sedimentation using polymers and/or magnetic flocculation, mechanical removal of sludges, and tight recycle systems with no discharge of pollutants to receiving streams. Both semi-wet plants surveyed were attaining no discharge of process waste water pollutants. The first recycles all process waters back to the spark box spray system and the second utilizes close control over the moisture addition system to produce no excess waste water from the spray system. Instead, a sludge of sufficient density to allow direct solids disposal is generated.

The best practicable control technology currently available and widely practiced in this industry consists of a tight recycle system with no blowdowns, utilizing a settling chamber with mechanical removal of solids, and polymer addition and/or magnetic flocculation to enhance settling of solids. An alternate technique would use a thickener, with vacuum filtration of thickener underflows. In either case, no discharge of pollutants to the stream would result.

The effluent reduction attainable by the application of the best available technology economically achievable is no discharge of process waste water pollutants to navigable waters, for the reasons cited above. Also, new source performance standards applicable to electric arc furnace (semi-wet) subcategory are no discharge of process waste water pollutants to navigable waters. The technology recommended is currently practiced at existing plants, and should be required of any new plants.

Initial investments and operating costs for the recycled spray water system were \$341,000 and \$70,000 respectively, while the costs for the controlled moisture addition systems were \$133,000 and \$22,700 respectively. Estimated costs for a typical operation in the electric arc furnace (semi-wet) subcategory producing 1487 kkg/day (1640 ton/day) of steel and treating waste waters by a total recycle technique with no discharge would be an initial investment (1971 dollars) of \$616,000 and an annual operating cost of \$136,000. One hundred percent reduction of water pollution loads is achieved

by the typical plant, and is achieved by known operating plants.

(10) Subpart J—Electric Arc Furnace (Wet Air Pollution Control Methods) Subcategory. The known significant pollutants or constituents of waste water generated by the electric arc furnace (wet) subcategory are suspended solids, zinc and fluorides, all of which are scrubbed out of furnace gas streams on contact with process water streams.

Typical control and treatment technology practiced in industry includes classification and sedimentation using flocculant polymers. Overflows from the thickener are discharged once-through by a few plants. Most of the plants in the electric arc furnace (wet) subcategory recycle the bulk of their process waste waters, allowing a continuous blowdown of 10–25 percent to pass out of the system untreated. A few operating plants (10 percent of total production) do provide filtration and pH adjustment of blowdowns prior to discharge.

The effluent reductions attainable by the application of the above levels of technology are:

Technology	Percent reduction of pollutant load		
	TSS	Fluoride	Zinc
Thickener—once through.....	97	-----	20
Thickener + polymer—once through.....	98	-----	20
Recycle with untreated blow-down.....	99	22	90
Recycle with treated blow-down.....	99.8	79	99.9

The best practicable control technology currently available consists of a thickener with polymer addition to the feed and vacuum filtration of the thickener underflow. The bulk of the thickener overflow is recycled to the process, while 8 to 10 percent is discharged without further treatment. Expected concentrations of suspended solids in the discharged effluent are 0.0104 kg/kkg (lb/1000 lb) based on a blowdown rate of 209 l/kkg (25 gal/1000 lb) of steel.

The best available technology economically achievable includes all components of the treatment system described as best practicable control technology currently achievable, plus treatment of blowdown by lime precipitation of fluorides and zinc, clarification, and neutralization. Expected loads of suspended solids, zinc and fluorides in the discharged effluent are 0.0052, 0.0010, and 0.0042 kg/kkg (lb/1000 lb) respectively, based on a blowdown rate of 209 l/kkg (25 gal/1000 lb) of steel produced.

New source performance standards applicable to the electric arc furnace (wet) subcategory of the iron and steel industry category are the same as the limitations based on the application of the best available technology economically achievable. Further reduction of flows in a wet dedusting system is not practical at this time.

The two electric arc furnace (wet) plants visited during the survey reported initial waste water treatment investments of \$3,275,000 and \$1,250,000 with

annual operating costs of \$555,500 and \$421,900. Estimated costs for a typical plant in the electric arc furnace (wet) subcategory producing 1650 kkg/day (1820 ton/day) of steel are as follows:

Technology level	Cumulative costs (1971 dollars)	
	Initial investment	Annual operating
Thickener—once through.....	494,000	112,000
Thickener plus polymer—once through.....	521,000	122,000
Recycle with untreated blow-down.....	716,000	162,000
Recycle with treated blowdown.....	1,002,000	222,000

(11) Subpart K—Vacuum Degassing Subcategory. The known significant pollutants or constituents of the waste water generated in the vacuum degassing operation are suspended solids, lead, nitrate, manganese and zinc, all of which are scrubbed out of the gases under vacuum by direct contact with process waters. Current control and treatment technology practiced in industry includes once-through sedimentation practiced by less than ten percent of the operations; recycle, usually over a cooling tower, with minimal blowdown practiced by approximately eighty percent of the industry; treatment of blowdown flows by filtration practiced by five to ten percent of the industry; and advanced treatment of blowdown, including biological denitrification where nitrogen blankets are used to prevent oxidation of degassed steel.

Effluent reductions attainable through the application of the various levels of technology are:

Technology level	Percent reduction of pollutant load				
	TSS	Pb	NO <sub>3</sub>	Mn	Zn
Sedimentation, once through.....	50	17	-----	25	33
Recycle, cooling tower, untreated blowdown.....	91	85	60	82	85
Recycle, cooling tower, treated blowdown.....	99.8	99.9+	80	99.5	99.7

The best practicable control technology currently available for vacuum degassing operations consists of sedimentation with recycle of solids to sinter; recycle and cooling of process waters over cooling towers; lime treatment to precipitate metals; and filtration of treated blowdown prior to discharge. Effluents from such a system would contain less than 0.0052 kg/kkg (lb/1000 lb) suspended solids based on a discharge flow rate of 104 l/kkg (12.5 gal/1000 lb) of steel degassed.

The best available technology economically achievable includes all components of the treatment system described above, plus additional lime treatment, clarification and filtration, along with denitrification by biological means if nitrate concentrations exceed 4 mg/l. Effluents from this system would contain less than 0.0026 kg/kkg (lb/1000 lb) suspended solids, 0.00005 kg/kkg (lb/1000 lb) lead, 0.0005 kg/kkg (lb/1000 lb) zinc, 0.0005 kg/kkg (lb/1000 lb) manganese, and 0.0005 kg/kkg (lb/1000 lb) nitrate.



1000 lb) manganese, 0.0005 kg/kg (lb/1000 lb) zinc and 0.0047 kg/kg (lb/1000 lb) nitrates, based on a discharge flow rate of 104 l/kg (12.5 gal/1000 lb) of steel degassed.

New source performance standards applicable to the vacuum degassing operation subcategory of the iron and steel industry category are the same as the limitations based on the application of the best available technology economically achievable. Further reduction of flows is not practical at this time.

Actual costs of two vacuum degassing operation waste treatment systems surveyed were reported as \$626,000 and \$187,000 initial investment, with annual operating expenses of \$136,900 and \$78,200. Estimated costs for a typical vacuum degassing operation waste water treatment system at various levels of technology are listed below. The degassing operation processes 472 kkg/day (520 ton/day) of steel.

Technology level	Cumulative costs (1971 dollars)	
	Initial investment	Annual operating
Sedimentation—once through	260,000	46,000
Recycle, cooling tower, blow-down, no treatment	684,000	144,000
Recycle, cooling tower, blow-down treatment	991,000	229,000

(12) Subpart L—Continuous Casting Subcategory. The known significant pollutants or constituents of the spray system waste water from the continuous casting subcategory are suspended solids and oil and grease, both of which originate during contact with the sprayed water.

Current control and treatment technology encompasses three levels of treatment widely used. A few plants use only a once through system incorporating a scale pit with a drag-out conveyor for scale, and an oil skimmer for removal of floating oils. Additional control includes the use of a recycle system and passing scale pit overflows over a cooling tower and back to the spray system, with a minor portion going to blowdown untreated. Again, only ten to fifteen percent of the operating plants practice this technique. Most continuous casting operations also provide high flow, rapid sand filtration, either for blowdowns from the system or, in many cases, to the entire recycling process water flow, yielding effluents and process waters of high quality. This has been established as the base level practice.

The effluent reduction attainable by the application of the various levels of technology are:

	Percent reduction of pollutant load	
	TSS	Oils and grease
Once-through	84	50
Recycle—no treatment of blow-down	99	97
Recycle—treatment of blow-down	99.9	99.9

The best practicable control technology currently available for continuous casting operations is used by the majority of plants. It consists of a sedimentation basin with continuous dragout of settled solids and an oil skimmer for floating oils, recycle loop utilizing cooling tower, and flat bed, sand, or mixed media filtration of the entire recycle flow, with minimal blowdown. Effluents from such a system should contain less than 0.0260 kg/kg (lb/1000 lb) suspended solids and less than 0.0078 kg/kg (lb/1000 lb) oils and greases, based on flows of 521 l/kg (62.5 gal/1000 lb) of steel.

The best available technology economically achievable and new source performance standards applicable to continuous casting include all parts of the above system, plus an additional pressure filtration step to treat the blowdown stream. Effluents from this system would be expected to contain less than 0.0052 kg/kg (lb/1000 lb) of either oils and grease or suspended solids, based on the same flow as above.

Actual costs of the two continuous casting operations surveyed were initial investments of \$1,406,000 and \$2,062,600, with annual operating costs of \$307,700 and \$870,100. Estimated costs for a typical 970 kkg/day (1070 ton/day) continuous casting operation at various levels of technology are:

Technology level	Cumulative costs (1971 dollars)	
	Initial investment	Annual operating
Once through	389,000	71,000
Recycle—no treatment of blow-down	1,981,000	300,000
Recycle—treatment of blow-down	2,060,000	417,000

(iii) Thirty day and daily maximums. The unit effluent load limitations were developed by determining the minimum unit effluent volumes that could be achieved by the application of good water use practices and by a determination of the residual pollutant concentrations that remain after the application of the appropriate treatment technologies. The product of these is the unit effluent load limitations proposed. The limitations thus developed represent values not to be exceeded by any thirty (30) consecutive days average. The maximum daily effluent loads per unit of production were established so as not to exceed these thirty consecutive days values by a factor of more than two. In the absence of sufficient performance data from the industry to establish these factors on a statistical basis, the factor of two was chosen in consideration of the operating variations allowed for in selecting the 30 consecutive days average limitations.

(iv) Nonwater quality aspects of water pollution control. Consideration has been given to the nonwater quality aspects of water pollution control. The increased use of recycle systems and stripping columns have the potential for increasing the loss of volatiles to the atmosphere.

Recycle systems are so effective in reducing waste water volumes and hence waste loads to and from treatment systems and in reducing the size and cost of treatment systems that a tradeoff must be accepted. Recycle systems requiring the use of cooling towers have contributed significantly to reductions of effluent loads while contributing only minimally to air pollution problems. Stripper vapors have been successfully recovered as usable by-products or they can be routed to incinerators. Careful operation of either system can avoid or minimize air pollution problems.

Consideration has also been given to the solid waste aspects of water pollution controls. The processes for treating the waste waters from this industry produce considerable volumes of sludges. Much of this material is inert iron oxide which can be reused profitably. Other sludges not suitable for reuse must be disposed of to land fills since most of the sludge consists of chemical precipitates which could be little reduced by incineration. Being precipitates they are by nature relatively insoluble and non-hazardous substances requiring minimal custodial care.

In order to ensure long term protection of the environment from harmful constituents, special consideration of disposal sites should be made. All landfill sites should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geological conditions may not reasonably ensure this, adequate mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment. A program of routine periodic sampling and analysis of leachates is advisable. Where appropriate the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

The effect of water pollution control measures on energy requirements has also been determined. The additional energy required in the form of electric power to achieve the effluent limitations proposed herein amounts to slightly over two (2) percent of the electrical power used by the steel industry in 1972.

(v) Economic impact. The regulations proposed herein apply only to the process waste water effluents of the raw steel making operations. The Phase II study of the forming and finishing operations as well as the foundry industry is underway and is expected to be completed in the next few months. This phase will consider thermal limitations on the process and noncontact cooling waters of all operations in the industry.

The costs and methods for fugitive runoff controls for the raw steel making operations have already been developed but action on this has been deferred until the total water pollution control costs for all operations has been developed.

The annual costs to achieve the regulations proposed herein are estimated at 0.37 percent of the 1972 gross revenues of the steel industry. This is in addition

to the \$127 million annual operating costs (including amortization) which it is estimated that the industry is already spending. The total estimated costs for water pollution control will be available only after the Phase II study is completed.

However, the preliminary estimate is that the additional annual costs (including amortization) for the remaining forming and finishing operations, for thermal limitations, and for fugitive runoff controls will be approximately three to four times those proposed herein for the steel making operations or 295 million per year. Total annual costs (including amortization) for water pollution controls after 1983, including operation and amortization of existing facilities, are estimated at \$551 million or 2.45 percent of the 1972 gross revenue. Of this amount, \$377 million (or 1.68 percent) will be incremental to the current rate of expenditures.

As presented in the table, an initial capital investment of approximately \$144.9 million with annual capital and operating costs of \$39.9 million would be required by the industry to achieve BPCTCA guidelines. An additional capital investment of approximately \$122.3 million and a total annual capital amortization and operating cost of \$82.3 million would be needed to achieve BATEA guidelines. Costs may vary depending upon such factors as location, availability of land and chemicals, flow to be treated, treatment technology selected where competing alternatives exist, and the extent of preliminary modifications required to accept the necessary control and treatment devices.

The operating costs (including amortization) for air pollution controls for the steel industry, as presented in the Council on Environmental Quality report of March, 1972 titled "Economic Impact of Pollution Control—A Summary of Recent Studies" shows costs building up to \$693 million dollars per year for 1976. This is equivalent to 3.1 percent of the 1972 gross revenue of the industry.

The total annual costs (including amortization) for air and water pollution controls for all operations of the steel industry is thus estimated at 1.24 billion per year after 1983 or 5.54 percent of gross revenues for 1972. This includes the \$292 million or 1.3 percent of gross revenue for 1972 which it is estimated that the industry is currently spending annually for air and water pollution controls.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Steel Making Segment of the Iron and Steel Manufacturing Point Source Category" details the analysis undertaken in support of the regulations being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available

for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653) The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission, effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of its major standards setting actions and was provided with detailed background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where, because of the length of these materials, such publication is impracticable, the material may be made available in an alternate format.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Steel Making Segment of the Iron and Steel Manufacturing Point Source Category" contains information available to the Agency concerning the major environmental effects of the regulation proposed below, including: (1) The pollutants presently discharged into the Nation's waterways by manufacturers of iron and steel and the degree of pollution reduction obtainable from implementation of the proposed guidelines and standards (see particularly Sections IV, V, VI, IX, X and XI); (2) the anticipated effects of the proposed regulation on other aspects of the environment including air, subsurface waters, solid waste disposal and land use, and noise (see particularly Section VIII); and (3) options available to the Agency in developing the proposed regulatory system and the reasons for its selecting the particular levels of effluent reduction

which are proposed (see particularly Sections VI, VII, and VIII).

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines for the Integrated Iron and Steel Industry" contains an estimate of the costs of pollution control requirements and an analysis of the possible effects of the proposed regulations on prices, production levels, employment, communities in which iron and steel manufacturing plants are located, and international trade. In addition, the above described Development Document describes, in Section VIII, the cost and energy consumption implications of the proposed regulations.

The two reports described above in the aggregate exceed 100 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of comments received and the Agency's response to them. As has been indicated, both documents are available for inspection at the Agency's Washington and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the proposed regulations who have placed themselves on a mailing list for this purpose. Finally, as long as the supply remains available, additional copies may be obtained from the Agency as described above.

When regulations for the iron and steel industry are promulgated in final form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations guidelines and standards proposed for the iron and steel manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) Ohio River Valley Sanitation Commission; (3) New England Interstate Water Pollution Control Commission; (4) Delaware River Basin Commission; (5) Hudson River Sloop Restoration, Inc.; (6) Conservation Foundation; (7) Environmental Defense Fund, Inc.; (8) Natural Resources Defense Council; (9) The American Society of Civil Engineers;



(10) Water Pollution Control Federation; (11) National Wildlife Federation; (12) The American Society of Civil Engineers; Engineers; (13) U.S. Department of Commerce; (14) U.S. Department of the Interior; (15) Water Resources Council; (16) U.S. Department of Housing and Urban Development; (17) American Iron and Steel Institute; (18) American Coke and Coal Chemicals Institute; and (19) Association of Iron and Steel Engineers.

The following organizations responded with comments: U.S. Department of Commerce, U.S. Department of Interior, U.S. Water Resources Council, Delaware River Basin Commission, West Trenton, New Jersey, Arizona Department of Health, California Water Resources Control Board, Colorado Department of Health, Georgia Environmental Protection Division, Hawaii, Department of Health, Illinois Division of Water Pollution Control, Kentucky Department of Natural Resources, Maine Department of Environmental Protection, Michigan Department of Natural Resources, Nebraska Department of Environmental Control, New York Division of Pure Waters, North Carolina Department of Natural and Economic Resources, Pennsylvania Department of Environmental Resources, Texas Water Quality Board, Washington Department of Ecology, League of Women Voters of Illinois, Chicago, Illinois, U.S. Pipe and Foundry Co., Birmingham, Alabama, American Iron and Steel Institute, Washington, D.C., and Allied Chemical Corporation, Morris-town, New Jersey.

Many comments were received on the contractors proposed regulations and draft report. The regulations proposed herein represent a major revision of the material initially distributed for review. Dependent upon the reviewing group, comments ranged from the extreme of the standards being too loose to the other extreme of being unduly restrictive. The primary issues raised in the development of these proposed effluent limitations guidelines and standards of performance, and the treatment of these issues herein are as follows.

(1) The contractors initial proposed regulations and draft report were criticized for specifying effluent limitations for BPCTCA that were more restrictive than the average of the best plants.

The average of the plants studied was adhered to where possible, but in the instances where plants were not applying good water conservation practices, were not utilizing available waste treatment facilities, or were not making optimum use of treatment facilities, such plants were deleted from the averages, or if appropriate, all plants in a subcategory were declared inadequate with respect to water conservation practices or treatment. In these instances, the BPCTCA limitations were based on the effluent quality attainable by the use of demonstrated treatment technology. Technology transferred from other industries or within the steel industry was used only as the basis for achieving some of the proposed BATEA and NSPS limitations.

(2) It has been recommended that the

Interim Guidance (A&B) issued by the EPA Office of Permit Programs be adopted rather than the limitations proposed in the contractors draft report.

The guidelines proposed herein are based on an in-depth study inclusive of sampling programs at selected plants displaying in various degrees the best practicable treatment technology. The selected operations are covered in more detail in the present study in contrast to the broad categorization of coke, iron, and steel manufacturing covered in the A and B Guidance. The other operations associated with the industry will be covered in detail in Phase II. The A and B numbers were developed primarily on industry and EPA technical discussions and a previous "state of the art" study by the same contractor and covered only a few parameters in contrast to the proposed guidelines. The B limitations are much less restrictive than the A limitations which for the most part are equivalent to the BPCTCA limitations proposed herein and are much less restrictive than the BATEA and NSPS limitations proposed. The proposed limitations are based on good water conservation practices, treatment technology capabilities, treatment costs, and economic impact. The adoption of less restrictive requirements would not be consistent with the requirements of the Act.

(3) An industry source contends that an additional capital cost of \$1.5 billion is needed to achieve compliance with the "A" level of the EPA Interim Guidance for all operations.

The EPA estimated costs are approximately \$144.9 million for the initial capital investment to achieve BPCTCA proposed guidelines and an additional \$122.3 million dollars to meet BATEA proposed guidelines for the steelmaking operations only. The industry believes that the EPA estimated costs are low. However, our estimate of additional capital cost to achieve BPCTCA and BATEA limitations for all operations (raw steel making, forming and finishing, thermal limitations, and fugitive runoff control) is 1,540 million or a total capital investment of 2,300 million including the control facilities already in place.

The EPA cost estimates are based on treatment facilities contained within a "battery limit" site location on a "green field" site. Land acquisition costs and expansion of existing support facilities are not included in cost estimates. Special local conditions such as building code requirements, safety requirements, labor rates, contractual agreements, etc., are not included in cost estimates.

In general, cost estimates do reflect an on-site "battery limit" treatment plant with electrical substation and equipment for powering the facilities, all necessary pumps, treatment plant interconnecting feed pipe lines, chemical treatment facilities, foundations, structural steel, and control house. Access roadways within battery limits area are included in estimates based upon 1 1/2" thick bituminous wearing course and 4" thick subbase with sealer, binder, and gravel surfacing. A 9 gauge chain link fence with three strand

barb wire and one truck gate was included for fencing in the treatment facilities area. The cost estimates also include a 15 percent contingency, 10 percent contractor's overhead and profit, and engineering fees of 15 percent.

(4) It has been contended that the BPCTCA limits are minimal and overall BATEA standards should be imposed by July, 1977.

Application of the BATEA numbers by 1977 is not consistent with the requirements of the Act. The proposed BPCTCA and BATEA guidelines can be applied in an add-on fashion so as not to impose an undue hardship on the industry. However, economics have dictated that the application of some treatment technologies be deferred until 1983 and that some high concentrations of pollutants representing a low percentage of the initial load, be tolerated in the interim. This is necessary to give this and the many other industries facing tighter controls an opportunity to spread these large capital requirements for water pollution controls over a longer period of time and to make it possible for the equipment suppliers and construction firms to provide and build the required facilities with less of the strain and disruption that would be inherent in a crash program.

(5) Several groups objected to the use of net numbers as was done in the contractors initial draft report. One group pointed out that this insures downstream degradation of the waterway.

The technical report has been reworked and the effluent numbers are presented on an absolute basis. This is appropriate since the concentration of a pollutant remaining after a given treatment is relatively independent of the concentration in the raw waste or the source of the pollutant.

(6) The proposed regulations have been criticized for not covering all operations of the industry.

The Phase II study of the industry is underway and will consider the forming and finishing operations, the nonintegrated mill operations, foundry operations, thermal limitations (both process and noncontact cooling waters) and fugitive runoffs. A Group II industry study will consider effluent limitations on mining operations.

(7) Comments have been received to the effect that the very limited data makes a sound statistical evaluation of the data doubtful.

The sampling program of this industry study was designed to provide a basis for determining the adequacy or accuracy of a larger data base expected to be available from the permit applications and from data provided by the industry. These sources contributed only a limited amount of data of value to the study. Within the required time constraints for collection of data, it was impossible to expand the sampling and analytical work to cover more plants, or even to collect more samples from the same plants. However, it is felt that the overall type sampling performed provides a good representation of steel mill waste waters and that this data, together with data

from demonstration projects and the contractors many years of experience in water and waste treatment in this and other industries, provides an adequate basis for the proposed regulations.

(8) The regulations initially proposed by the contractor and the technical document on which they were based were criticized for requiring the use of technology not proven in the steel industry and in some cases were said to be based only on pilot plant results and that alternate treatment technologies were not evaluated.

The EPCTCA limitations proposed herein are much less restrictive than those proposed by the contractor and can be achieved by the application of treatment technology in use in the steel industry today. The BATEA limitations proposed herein are only slightly less restrictive than those proposed by the contractor. The reductions made were made to avoid reliance on two transfer technologies (activated alumina adsorption for fluoride removal and blowdown softening as a means to accomplish total recycle without discharge) of questionable value or applicability. The BATEA limitations proposed herein are based on demonstrated water conservation and treatment practices and on the use of four transfer technologies and one pilot technology with the latter being proposed as one of two alternates either of which can achieve the BATEA limitations.

Thirteen treatment models to achieve the effluent quality proposed for each subcategory (including an alternate for the by-product coke subcategory) have been developed. The development included not only a determination that a treatment facility of the type indicated for each subcategory could achieve the effluent quality proposed but it included a determination of the capital investment and the total annual operating costs for the average size facility. In all subcategories these models are based on the combination of process changes and unit (waste treatment) operations in an "add-on" fashion as required to control the significant waste parameters. The process changes and the unit operations were each selected as the least expensive means that could be devised to accomplish their particular function and thus their combination into a treatment model presents the least expensive method for control for a given subcategory.

In only one subcategory, by-product coke, was an alternate developed to provide an option for a high capital investment and high operating cost biological system as compared to the low capital investment low operating cost physical-chemical system) to achieve the BPCTCA limitations for 1977. This alternate was developed because the multistage biological system, which would be an add-on to the BPCTCA single stage biosystem, is the most economical way to achieve the BATEA limitations for 1983.

However, to achieve the BATEA limitations the alternate relies on the use of treatment technology that has been developed only to the pilot stage or as

steps utilized individually, but not in the combination required in this model on this type of waste on a full-scale basis. The effluent limitations have been established such that either alternate can achieve the effluent qualities on which the BPCTCA and BATEA limitations are based.

A cost analysis indicates that the limitations on byproduct coke operations can most economically be achieved by applying alternate I to achieve BPCTCA and alternate II to achieve BATEA. Costs were therefore developed on the basis of depreciations of the BPCTCA system in 6 years (1977-1983). This not only saves enough on annual operating costs from the present to 1983 to more than offset the increased capital cost incurred in converting from one control technology to the other in 1983 (switching from physical-chemical to biological means of control), but it also minimizes the total costs during the interim period while other possible alternates are evaluated and allows for flexibility in the event that BATEA limitations are later revised to lower values or to no discharge of process waste water pollutants to navigable waters.

The 13 treatment models are comprised of combinations of as many of 24 basic process changes, operating modes, or unit (waste treatment) operations as are required to control all significant pollutants in a given subcategory. Of the 24 basics only 4 involves technology transfer from other areas and only one involves pilot technology. This is used only on one alternate, to achieve BATEA limitations as discussed above. None of the transferred technologies are employed to achieve BPCTCA in any subcategory. All four transferred technologies are practiced to achieve the BATEA limitations only in five subcategories including one technology transferred only from one steel industry subcategory to another.

In the 13 treatment models the 24 basics are used over and over. These are listed in the attached and are summarized as follows:

	Technology applications			
	Demonstrated	Transferred	Pilot	Total
Base level.....	48	.....	.....	48
BPCTCA.....	33	.....	.....	33
BATEA.....	38	9	1	48
Total.....	119	9	1	129

Among the transferred technologies alkaline chlorination, which is recommended by the By Products Coke subcategory on a flow of 835 l/kg (100 gal/1000 lb) or less, is used at one blast furnace installation with a flow of 19,180 l/kg (2300 gal/1000 lb) and has been broadly applied for years in the electroplating industry on very small flows, thus demonstrating that this technology can reasonably be applied at the flow rates expected. Breakpoint chlorination has been broadly applied for years in the water treating industry. Activated carbon adsorption has been applied full scale in the petroleum industry and other

industries. Biological denitrification has been used full-scale for nitrate reduction in domestic waste treatment. All four transferred technologies are recommended for use only to achieve BATEA limitations.

(9) The effluent limitations have been developed from a determination of minimum unit effluent volumes and minimum concentrations achievable by treatment technology. The feasibility of achieving these low unit effluent volumes has been questioned.

While unit effluent volumes and concentrations are not limited as such, the effluent limitations are most likely to be met by achieving those flows and concentrations on which the limitations are based. The limitations can, however, be met by achieving correspondingly lower concentrations if flows are exceeded or vice-versa.

The proposed limitations have been based on higher effluent volumes per unit of production than was recommended by the contractor's draft report in the by-product coke (BPCTCA), blast furnace, vacuum degassing, and continuous casting subcategories.

Where effluent volumes per unit of production were considered excessive on the plants visited a lower rate was used. The sintering operation is an example. The plant visited was discharging 475 l/kg (57 gal/1000 lb) from the combined blast furnace sinter plant waste treatment. This was equivalent to a blowdown of 33 percent of the 1420 l/kg (171 gal/1000 lb) recycle rate. The effluent limitations were based on a flow of 209 l/kg (25 gal/1000 lb) which is equivalent to a 15 percent blowdown. This blowdown rate is well above that achieved by several recycle systems already in use.

(10) One of the major considerations that must be deferred pending completion of the Phase II study of the remaining steel mill operations is the economic impact of the total costs for water pollution control for the industry.

These costs have been estimated and discussed above under paragraph (v) Economic Impact.

(11) Another point of disagreement with the contractor's initial proposed effluent limitations was the designation of a limitation only on cyanides amenable to chlorination rather than on total cyanides.

The effluent limitations proposed herein for BPCTCA are based on demonstrated treatment technologies and now include a total cyanide limitation. The BATEA limitations proposed herein are based on the capabilities of treatment models which include cyanide destruction by alkaline chlorination and breakpoint chlorination or by multi-stage biological treatment. These treatments will destroy the free cyanide which is the most toxic form. The ability of the treatments to reduce the complex, i.e. less toxic, cyanide compounds to the levels indicated is less certain. Additional information will be needed before limitations can be placed on total cyanides for the BATEA limitations based on



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these treatment technologies indicated. Preferably this information should be obtained after full scale facilities of the above types have been installed, operated, and the results analyzed.

The BATEA cyanide limitations are to be achieved by destruction of the cyanides and not by the conversion of cyanides to the complex form. While the complex cyanides can under certain conditions be converted to the more toxic free cyanide form, the rates and conditions are such as to make the discharge of complex cyanide less hazardous under normal conditions than the discharge of free cyanides.

(12) The effluent limitations proposed herein have been criticized for not including a limit on soluble iron.

The concentration of iron appearing in the effluent is a function of the chemical form in which it is present and on the pH and temperature of the effluent. In the steel making operations the iron is present in the very insoluble oxide form and on this basis soluble iron did not need to be established as a control parameter for these operations. The suspended solids limitations place a limit on the iron present in the insoluble form.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306, and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 21, 1974, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning

public review procedures published on August 6, 1973 (38 FR 21202).

Dated: January 31, 1974.

JOHN QUARLES,  
Acting Administrator.

It is proposed to amend 40 CFR Chapter I by adding a new Part 420 to read as follows:

## PART 420—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

### Subpart A—By-Product Coke Subcategory

- Sec. 420.10 Applicability; description of the By-Product Coke Subcategory.
- 420.11 Specialized Definitions.
- 420.12 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.
- 420.13 Effluent limitations guidelines representing the degree of effluent quality attainable by the application of the best available technology economically achievable.
- 420.14 Standards of performance for new sources.
- 420.15 Pretreatment standards for new sources.

### Subpart B—Beehive Coke Subcategory

- 420.20 Applicability; description of the Beehive Coke Subcategory.
- 420.21 Specialized definitions.
- 420.22 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.
- 420.23 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.
- 420.24 Standards of performance for new sources.
- 420.25 Pretreatment standards for new sources.

### Subpart C—Sintering Subcategory

- 420.30 Applicability; description of the Sintering Subcategory.
- 420.31 Specialized definitions.
- 420.32 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.
- 420.33 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.
- 420.34 Standards of performance for new sources.
- 420.35 Pretreatment standards for new sources.

### Subpart D—Blast Furnace (Iron) Subcategory

- 420.40 Applicability; description of the Blast Furnace (Iron) Subcategory.
- 420.41 Specialized definitions.
- 420.42 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

- Sec. 420.43 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.
- 420.44 Standards of Performance for new sources.
- 420.45 Pretreatment standards for new sources.

### Subpart E—Blast Furnace (Ferromanganese) Subcategory

- 420.50 Applicability; description of the Blast Furnace (Ferromanganese) Subcategory.
- 420.51 Specialized definitions.
- 420.52 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.
- 420.53 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.
- 420.54 Standards of performance for new sources.
- 420.55 Pretreatment standards for new sources.

### Subpart F—Basic Oxygen Furnace (Semi Wet Air Pollution Control Methods) Subcategory

- 420.60 Applicability; description of the Basic Oxygen Furnace (Semi Wet) Subcategory.
- 420.61 Specialized definitions.
- 420.62 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.
- 420.63 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.
- 420.64 Standards of performance for new sources.
- 420.65 Pretreatment standards for new sources.

### Subpart G—Basic Oxygen Furnace (Wet Air Pollution Control Methods) Subcategory

- 420.70 Applicability; description of the Basic Oxygen Furnace (Wet) Subcategory.
- 420.71 Specialized definitions.
- 420.72 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.
- 420.73 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.
- 420.74 Standards of performance for new sources.
- 420.75 Pretreatment standards for new sources.

### Subpart H—Open Hearth Furnace Subcategory

- 420.80 Applicability; description of the Open Hearth Furnace Subcategory.
- 420.81 Specialized Definitions.
- 420.82 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.
- 420.83 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.

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## Subpart A—By-Product Coke Subcategory

§ 420.10 Applicability; description of the by-product coke subcategory.

The provisions of this subpart apply to all coke making operations conducted by the heating of coal in slot type ovens in the absence of air to produce coke.

§ 420.11 Specialized definitions.

For the purposes of this subpart:

(a) The term "cyanideA" shall mean those cyanides amenable to chlorination as described in "1972 Annual Book of ASTM Standards," 1972. Standard D2036-72, Method B, page 553.

(b) The term "product" shall mean coke.

(c) The abbreviations listed shall have the following meaning: (i) The term "kg" shall mean kilogram(s); (ii) the term "kkg" shall mean 1000 kilogram(s); (iii) the term "lb" shall mean pound(s); and (iv) "TSS" shall mean total suspended nonfilterable solids.

§ 420.12 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

(a) Based upon the application of the best practicable control technology currently available the effluent quality required to be achieved under section 301(b)(1)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
Cyanide T-----	Maximum for any 1 day: 0.0438 kg/kg of product (0.0438 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 0.0219 kg/kg of product (0.0219 lb/1,000 lb).
Phenol-----	Maximum for any 1 day: 0.0029 kg/kg of product (0.0029 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 0.0015 kg/kg of product (0.0015 lb/1,000 lb).
Ammonia-----	Maximum for any 1 day: 0.1825 kg/kg of product (0.1825 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 0.0912 kg/kg of product (0.0912 lb/1,000 lb).
BOD5-----	Maximum for any 1 day: 0.2190 kg/kg of product (0.2190 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 0.1095 kg/kg of product (0.1095 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.0219 kg/kg of product (0.0219 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 0.0109 kg/kg of product (0.0109 lb/1,000 lb).

Effluent characteristic	Effluent limitation
TSS-----	Maximum for any 1 day: 0.0730 kg/kg of product (0.0730 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 0.0365 kg/kg of product (0.0365 lb/1,000 lb).
ph-----	Within the range 6.0 to 9.0.

(b) Application of the factors listed in section 304(b)(1)(B) will require variation from the effluent limitation set forth in this section for any point source subject to such effluent limitation only for those coke plants utilizing desulfurization units. The limitation specified may be exceeded up to 15 percent by those facilities equipped with gas desulfurization units to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by these facilities.

§ 420.13 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.

(a) Based upon the application of the best available technology economically achievable, the effluent quality required to be achieved under section 301(b)(2)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
Cyanide A-----	Maximum for any 1 day: 0.0002 kg/kg of product (0.0002 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 0.0001 kg/kg of product (0.0001 lb/1,000 lb).
Phenol-----	Maximum for any 1 day: 0.0004 kg/kg of product (0.0004 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 0.0002 kg/kg of product (0.0002 lb/1,000 lb).
Ammonia-----	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).
BOD5-----	Maximum for any 1 day: 0.0166 kg/kg of product (0.0166 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 0.0083 kg/kg of product (0.0083 lb/1,000 lb).
Sulfide-----	Maximum for any 1 day: 0.0003 kg/kg of product (0.0003 lb/1,000 lb).
	Maximum average of daily values for any period of 30 consecutive days: 0.0001 kg/kg of product (0.0001 lb/1,000 lb).



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Effluent characteristic	Effluent limitation	Effluent characteristic	Effluent limitation
Oil and grease.	Maximum for any 1 day: period shall not exceed 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).	Oil and grease.	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).
TSS.	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).	TSS.	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).
pH.	Within the range 6.0 to 9.0.	pH.	Within the range 6.0 to 9.0.

(b) Application of the factors listed in section 304(b)(2)(B) will require variation from the effluent limitation set forth in this section for any point source subject to such effluent limitations, only for those coke plants utilizing desulfurization units. The limitations specified may be exceeded up to 25 percent by those facilities equipped with gas desulfurization units to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by these facilities.

## § 420.14 Standards of performance for new sources.

(a) Based upon the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, the effluent quality required to be achieved by new sources under section 306(e) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
Cyanide A.	Maximum for any 1 day: 0.0002 kg/kg of product (0.0002 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0001 kg/kg of product (0.0001 lb/1,000 lb).
Phenol.	Maximum for any 1 day: 0.0004 kg/kg of product (0.0004 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0002 kg/kg of product (0.0002 lb/1,000 lb).
Ammonia.	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).
BOD <sub>5</sub> .	Maximum for any 1 day: 0.0166 kg/kg of product (0.0166 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0083 kg/kg of product (0.0083 lb/1,000 lb).
Sulfide.	Maximum for any 1 day: 0.0003 kg/kg of product (0.0003 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0001 kg/kg of product (0.0001 lb/1,000 lb).

(b) Application of the factors listed in section 306(b)(1)(B) will require variation from the effluent limitation set forth in this section for any point source subject to such effluent limitations only for those coke plants utilizing desulfurization units. The limitations specified may be exceeded up to 25 percent in the case of facilities equipped with gas desulfurization units to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by these facilities.

## § 420.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the By Product Coke subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this chapter, except that for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 420.14, 40 CFR, Part 420. Provided, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

## Subpart B—Beehive Coke Subcategory

### § 420.20 Applicability; description of the beehive coke subcategory.

The provisions of this subpart apply to all coke making operations conducted by the heating of coal with the admission of air in controlled amounts for the purpose of producing coke. There are no by-product plants associated with the beehive operation.

### § 420.21 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production

of coke in the beehive coke subcategory. (b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

### § 420.22 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

### § 420.23 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

### § 420.24 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

### § 420.25 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Beehive Coke subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this title except that for the purpose of this section, § 128.133 of this title shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 420.24, 40 CFR, Part 420. Provided, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

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## Subpart C—Sintering Subcategory § 420.30 Applicability; description of the sintering subcategory.

The provisions of this subpart apply to all sintering operations conducted by the heating of iron bearing wastes (mill scale and dust from blast and steelmaking furnaces) together with fine iron ore, limestone, and coke fines in an ignition furnace to produce an agglomerate for charging to the blast furnace.

### § 420.31 Specialized definitions.

For the purposes of this subpart:

(a) The term "product" shall mean sinter.

(b) The abbreviations listed shall have the following meaning: (1) The term "kg" shall mean kilogram(s); (2) the term "kkg" shall mean 1000 kilograms; (3) the term "lb" shall mean pound(s); and (4) "TSS" shall mean total suspended nonfilterable solids.

### § 420.32 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

(a) Based upon the application of the best practicable control technology currently available the effluent quality required to be achieved under section 301 (b)(1)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS.	Maximum for any 1 day: period shall not exceed 0.0208 kg/kg of product (0.0208 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0104 kg/kg of product (0.0104 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.0042 kg/kg of product (0.0042 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0021 kg/kg of product (0.0021 lb/1,000 lb).
pH.	Within the range 6.0 to 9.0.

### § 420.33 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically available.

(a) Based upon the application of the best available technology economically achievable, the effluent quality required to be achieved under section 301(b)(2) (A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS.	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).

Effluent characteristic	Effluent limitation
Oil and grease.	Maximum for any 1 day: period shall not exceed 0.0042 kg/kg of product (0.0042 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0021 kg/kg of product (0.0021 lb/1,000 lb).
Sulfide.	Maximum for any 1 day: period shall not exceed 0.00012 kg/kg of product (0.00012 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00006 kg/kg of product (0.00006 lb/1,000 lb).
Fluoride.	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).
pH.	Within the range 6.0 to 9.0.

### § 420.34 Standards of performance for new sources.

(a) Based upon the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, the effluent quality required to be achieved by new sources under section 306(e) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS.	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
Oil and grease.	Maximum for any 1 day: 0.0042 kg/kg of product (0.0042 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0021 kg/kg of product (0.0021 lb/1,000 lb).
Sulfide.	Maximum for any 1 day: period shall not exceed 0.00012 kg/kg of product (0.00012 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00006 kg/kg of product (0.00006 lb/1,000 lb).
Fluoride.	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).
pH.	Within the range 6.0 to 9.0.

### § 420.35 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Sintering subcategory which is an industrial user of a publicly owned

treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this chapter, except that for the purpose of this section, § 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 420.34, 40 CFR, Part 420. Provided, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

## Subpart D—Blast Furnace (Iron) Subcategory

### § 420.40 Applicability; description of the blast furnace (iron) subcategory.

The provisions of this subpart apply to all iron making operations in which iron ore is reduced to molten iron in a blast furnace.

### § 420.41 Specialized definitions.

For the purposes of this subpart:

(a) The term "cyanideA" shall mean those cyanides amenable to chlorination as described in "1972 Annual Book of ASTM Standards," 1972, Standard D2036-72, Method B, page 553.

(b) The term "product" shall mean iron.

(c) The abbreviations listed shall have the following meaning: (1) The term "kg" shall mean kilogram(s); (2) the term "kkg" shall mean 1000 kilograms; (3) the term "lb" shall mean pound(s); and (4) "TSS" shall mean total suspended nonfilterable solids.

### § 420.42 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

(a) Based upon the application of the best practicable control technology currently available the effluent quality required to be achieved under section 301 (b)(1)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS.	Maximum for any 1 day: 0.0521 kg/kg of product (0.0521 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0260 kg/kg of product (0.0260 lb/1,000 lb).
Cyanide T.	Maximum for any 1 day: 0.0156 kg/kg of product (0.0156 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0078 kg/kg of product (0.0078 lb/1,000 lb).



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Effluent characteristic	Effluent limitation
Phenol-----	Maximum for any 1 day: 0.0042 kg/kg of product (0.0042 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0021 kg/kg of product (0.0021 lb/1,000 lb).
Ammonia-----	Maximum for any 1 day: 0.1303 kg/kg of product (0.1303 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0651 kg/kg of product (0.0651 lb/1,000 lb).
pH-----	Within the range 6.0 to 9.0.

§ 420.43 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.

(a) Based upon the application of the best available technology economically achievable the effluent quality required to be achieved under section 301(b) (2) (A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS-----	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
Cyanide A-----	Maximum for any 1 day: 0.00026 kg/kg of product (0.00026 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00013 kg/kg of product (0.00013 lb/1,000 lb).
Phenol-----	Maximum for any 1 day: 0.00052 kg/kg of product (0.00052 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00026 kg/kg of product (0.00026 lb/1,000 lb).
Ammonia-----	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
Sulfide-----	Maximum for any 1 day: 0.00031 kg/kg of product (0.00031 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00016 kg/kg of product (0.00016 lb/1,000 lb).
Fluoride-----	Maximum for any 1 day: 0.0208 kg/kg of product (0.0208 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0104 kg/kg of product (0.0104 lb/1,000 lb).
pH-----	Within the range 6.0 to 9.0.

#### § 420.44 Standards of performance for new sources.

(a) Based upon the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, the effluent quality required to be achieved by new sources under section 306(e) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS-----	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
Cyanide A-----	Maximum for any 1 day: 0.00026 kg/kg of product (0.00026 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00013 kg/kg of product (0.00013 lb/1,000 lb).
Phenol-----	Maximum for any 1 day: 0.00052 kg/kg of product (0.00052 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00026 kg/kg of product (0.00026 lb/1,000 lb).
Ammonia-----	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
Sulfide-----	Maximum for any 1 day: 0.00031 kg/kg of product (0.00031 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00016 kg/kg of product (0.00016 lb/1,000 lb).
Fluoride-----	Maximum for any 1 day: 0.0208 kg/kg of product (0.0208 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0104 kg/kg of product (0.0104 lb/1,000 lb).
pH-----	Within the range 6.0 to 9.0.

#### § 420.45 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Blast Furnace (Iron) subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this chapter, except that for the purpose of this section, § 128.133 of this chapter, shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified

in § 420.44, 40 CFR, Part 420: *Provided, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.*

#### Subpart E—Blast Furnace (Ferromanganese) Subcategory

##### § 420.50 Applicability; description of the blast furnace (ferromanganese) subcategory.

The provisions of this subpart apply to all iron making operations in which iron/manganese ore is reduced to molten ferromanganese in a blast furnace.

##### § 420.51 Specialized definitions.

For the purposes of this subpart: (a) The term "cyanide A" shall mean those cyanides amenable to chlorination as described in "1972 Annual Book of ASTM Standards," 1972, Standard D2036-72, Method B, page 553.

(b) The term "product" shall mean ferromanganese.

(c) The abbreviations listed shall have the following meaning: (1) The term "kg" shall mean kilogram(s); (2) the term "kgg" shall mean 1000 kilograms; (3) the term "lb" shall mean pound(s); and (4) "TSS" shall mean total suspended nonfilterable solids.

§ 420.52 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

(a) Based upon the application of the best practicable control technology currently available the effluent quality required to be achieved under Section 301 (b) (1) (A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS-----	Maximum for any 1 day: 0.2086 kg/kg of product (0.2086 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.1043 kg/kg of product (0.1043 lb/1,000 lb).
Cyanide T-----	Maximum for any 1 day: 0.0625 kg/kg of product (0.0625 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0312 kg/kg of product (0.0312 lb/1,000 lb).
Phenol-----	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).
Ammonia-----	Maximum for any 1 day: 0.4172 kg/kg of product (0.4172 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.2086 kg/kg of product (0.2086 lb/1,000 lb).
pH-----	Within the range 6.0 to 9.0.

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§ 420.53 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.

(a) Based upon the application of the best available technology economically achievable, the effluent quality required to be achieved under section 301(b) (2) (A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS-----	Maximum for any 1 day: 0.0208 kg/kg of product (0.0208 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0104 kg/kg of product (0.0104 lb/1,000 lb).
Cyanide A-----	Maximum for any 1 day: 0.00052 kg/kg of product (0.00052 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00026 kg/kg of product (0.00026 lb/1,000 lb).
Phenol-----	Maximum for any 1 day: 0.00104 kg/kg of product (0.00104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00052 kg/kg of product (0.00052 lb/1,000 lb).
Ammonia-----	Maximum for any 1 day: 0.0208 kg/kg of product (0.0208 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
Sulfide-----	Maximum for any 1 day: 0.00082 kg/kg of product (0.00082 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00031 kg/kg of product (0.00031 lb/1,000 lb).
Manganese-----	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
pH-----	Within the range 6.0 to 9.0.

#### § 420.54 Standards of performance for new sources.

(a) Based upon the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, the effluent quality required to be achieved by new sources under section 306(e) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS-----	Maximum for any 1 day: 0.0208 kg/kg of product (0.0208 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0104 kg/kg of product (0.0104 lb/1,000 lb).

#### Subpart F—Basic Oxygen Furnace (Semi Wet Air Pollution Control Methods) Subcategory

##### § 420.60 Applicability; description of the basic oxygen furnace (semi wet) subcategory.

The provisions of this subpart apply to all steelmaking operations conducted

by the manufacturer of carbon steel in basic oxygen furnaces equipped with a semi-wet dust collection system.

##### § 420.61 Specialized definitions.

For the purposes of this subpart: (a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of carbon steel in a basic oxygen furnace equipped with a semi-wet dust collection system.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The term "semi-wet" as associated with basic oxygen furnaces shall mean those systems which employ a spray chamber to spray water in excess of the amounts evaporated to condition furnace off-gases to a temperature where the fume and dusts can be removed by dry dust collection equipment. Because excess spray water is used in the spray chamber, an aqueous discharge from that chamber occurs.

§ 420.62 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of best practicable control technology currently available by a point source subject to these provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

#### § 420.63 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.64 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.65 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.66 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.67 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.



#### § 420.65 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Basic Oxygen Furnace (Semi-Wet Air Pollution Control Methods) subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this chapter, except that for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 420.64, 40 CFR, Part 420: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

#### Subpart G—Basic Oxygen Furnace (Wet Air Pollution Control Methods) Subcategory

##### § 420.70 Applicability; description of the basic oxygen furnace subcategory.

The provisions of this subpart apply to all steelmaking operations conducted for the manufacture of carbon steel in a basic oxygen furnace equipped with a wet dust collection system.

##### § 420.71 Specialized definitions.

For the purposes of this subpart:

(a) The term "wet" as associated with basic oxygen furnaces shall mean those off-gas dust cleaning systems which use entirely wet gas cooling and dust removal operations to scrub contaminants from furnace off-gases, and which produce an aqueous discharge from this operation.

(b) the term "product" shall mean steel.

(c) The abbreviations listed shall have the following meaning: (1) The term "kg" shall mean kilogram(s); (2) the term "kkg" shall mean 1000 kilograms; (3) the term "lb" shall mean pound(s); and (4) "TSS" shall mean total suspended nonfilterable solids.

##### § 420.72 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

(a) Based upon the application of the best practicable control technology currently available the effluent quality required to be achieved under section 301 (b) (1) (A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0208 kg/kg of product (0.0208 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Within the range 6.0 to 9.0.
Fluoride	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb). Within the range 6.0 to 9.0.
pH	Within the range 6.0 to 9.0.

#### § 420.73 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.

(a) Based upon the application of the best available technology economically achievable, the effluent quality required to be achieved under section 301(b) (2) (A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb). Within the range 6.0 to 9.0.
Fluoride	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb). Within the range 6.0 to 9.0.
pH	Within the range 6.0 to 9.0.

##### § 420.74 Standards of performance for new sources.

(a) Based upon the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, the effluent quality required to be achieved by new sources under section 306(e) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb). Within the range 6.0 to 9.0.
Fluoride	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb). Within the range 6.0 to 9.0.
pH	Within the range 6.0 to 9.0.

##### § 420.75 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Basic Oxygen Furnace (Wet Air Pollution Control Methods) subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this chapter, except that for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 420.74, 40 CFR, Part 420: *Provided*, That, if

the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

#### Subpart H—Open Hearth Furnace Subcategory

##### § 420.80 Applicability; description of the open hearth furnace subcategory.

The provisions of this subpart apply to all steelmaking operations conducted for the manufacture of carbon steel in an open hearth furnace equipped with wet dust collection systems.

##### § 420.81 Specialized definitions.

For the purposes of this subpart:

(a) The term "product" shall mean steel.

(b) The abbreviations listed shall have the following meaning: (1) The term "kg" shall mean kilogram(s); (2) the term "kkg" shall mean 1000 kilograms; (3) the term "lb" shall mean pound(s); and (4) "TSS" shall mean total suspended nonfilterable solids.

##### § 420.82 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

(a) Based upon the application of the best practicable control technology currently available the effluent quality required to be achieved under section 301 (b) (1) (A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0208 kg/kg of product (0.0208 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Within the range 6.0 to 9.0.
Fluoride	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb). Within the range 6.0 to 9.0.
pH	Within the range 6.0 to 9.0.

##### § 420.83 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.

(a) Based upon the application of the best available technology achievable, the effluent quality required to be achieved under section 301(b) (2) (A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb). Within the range 6.0 to 9.0.
Fluoride	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb). Within the range 6.0 to 9.0.
pH	Within the range 6.0 to 9.0.

#### Effluent characteristic

Nitrate (as NO<sub>3</sub>).

Maximum for any 1 day: 0.0187 kg/kg of product (0.0187 lb/1,000 lb).

Maximum average of daily values for any period of 30 consecutive days: 0.0094 kg/kg of product (0.0094 lb/1,000 lb).

Zinc

Maximum for any 1 day: 0.0021 kg/kg of product (0.0021 lb/1,000 lb).

Maximum average of daily values for any period of 30 consecutive days: 0.0010 kg/kg of product (0.0010 lb/1,000 lb).

pH

Within the range 6.0 to 9.0.

##### § 420.84 Standards of performance for new sources.

(a) Based upon the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, the effluent quality required to be achieved by new sources under section 306(e) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
Fluoride	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).
Nitrate (as NO <sub>3</sub> )	Maximum for any 1 day: 0.0187 kg/kg of product (0.0187 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0094 kg/kg of product (0.0094 lb/1,000 lb).
Zinc	Maximum for any 1 day: 0.0021 kg/kg of product (0.0021 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0010 kg/kg of product (0.0010 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb).

Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).

Maximum for any 1 day: 0.0187 kg/kg of product (0.0187 lb/1,000 lb).

Maximum average of daily values for any period of 30 consecutive days: 0.0094 kg/kg of product (0.0094 lb/1,000 lb).

Maximum for any 1 day: 0.0021 kg/kg of product (0.0021 lb/1,000 lb).

Maximum average of daily values for any period of 30 consecutive days: 0.0010 kg/kg of product (0.0010 lb/1,000 lb).

Within the range 6.0 to 9.0.

##### § 420.85 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Open Hearth Furnace subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this chapter, except that for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 420.84, 40 CFR, Part 420: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

#### Subpart I—Electric Arc Furnace (Semi-Wet Air Pollution Control Methods) Subcategory

##### § 420.90 Applicability; description of the electric arc furnace subcategory.

The provisions of this subpart apply to all steelmaking operations conducted for the manufacture of carbon steel utilizing electric arc furnaces equipped with semi-wet dust collection systems.

##### § 420.91 Specialized definitions.

For the purposes of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of carbon steel in an electric arc furnace equipped with a semi-wet dust collecting system.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The term "semi-wet" as associated with electric arc furnaces shall mean the dust collection systems which use a spray chamber to spray water in excess of the amounts evaporated to condition furnace off-gases to a temperature where the fume and dusts can be removed by dry dust collection equipment. Because excess spray water is used in the spray chamber, an aqueous discharge occurs.

##### § 420.92 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically available by a point source subject to these provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

##### § 420.93 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

#### § 420.94 Standards of performance for new sources.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

##### § 420.95 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Electric Arc Furnace (Semi-Wet Air Pollution Control Methods) subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this chapter, except that for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 420.94, 40 CFR, Part 420: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

#### Subpart J—Electric Arc Furnace (Wet Air Pollution Control Methods) Subcategory

##### § 420.100 Applicability; description of the electric arc furnace subcategory.

The provisions of this subpart apply to all steelmaking operations conducted for the manufacture of carbon steel utilizing electric arc furnaces equipped with wet furnace off-gas dust collection.

##### § 420.101 Specialized definitions.

For the purposes of this subpart:

(a) The term "wet" as associated with electric arc furnaces shall mean those furnace off-gas dust cleaning systems which use entirely wet gas cooling and dust removal operations to scrub contaminants from furnace off-gases, producing aqueous discharges from the operation.

(b) The term "product" shall mean steel.

(c) The abbreviations listed shall have the following meaning: (1) The term "kg" shall mean kilogram(s); (2) the term "kkg" shall mean 1000 kilograms; (3) the term "lb" shall mean pound(s); and (4) "TSS" shall mean total suspended nonfilterable solids.



§ 420.102 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

(a) Based upon the application of the best practicable control technology currently available the effluent quality required to be achieved under section 301(b)(1)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0208 kg/kg of product (0.0208 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0104 kg/kg of product (0.0104 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 420.103 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.

(a) Based upon the application of the best available technology economically achievable, the effluent quality required to be achieved under section 301(b)(2)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
Fluoride	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).
Zinc	Maximum for any 1 day: 0.0021 kg/kg of product (0.0021 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0010 kg/kg of product (0.0010 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 420.104 Standards of performance for new sources.

(a) Based upon the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, the effluent quality required to be achieved by new sources under section 306(e) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).

Effluent characteristic	Effluent limitation
Fluoride	Maximum for any 1 day: 0.0083 kg/kg of product (0.0083 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0042 kg/kg of product (0.0042 lb/1,000 lb).
Zinc	Maximum for any 1 day: 0.0021 kg/kg of product (0.0021 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0010 kg/kg of product (0.0010 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 420.105 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Electric Arc Furnace (Wet Air Pollution Control Methods) subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this chapter, except that for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 420.104, 40 CFR, Part 420: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

#### Subpart K—Vacuum Degassing Subcategory

§ 420.110 Applicability; description of the vacuum degassing subcategory.

The provisions of the subpart apply to all operations conducted by applying a vacuum to molten steel to further refine the steel produced.

§ 420.111 Specialized definitions.

For the purposes of this subpart:

(a) The term "product" shall mean steel.

(b) The abbreviations listed shall have the following meaning: (1) The term "kg" shall mean kilogram(s); (2) the term "kg/kg" shall mean 1000 kilograms; (3) the term "lb" shall mean pound(s); and (4) "TSS" shall mean total suspended nonfilterable solids.

§ 420.112 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

(a) Based upon the application of the best practicable control technology currently available the effluent quality required to be achieved under section 301(b)(1)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 420.113 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.

(a) Based upon the application of the best available technology economically achievable, the effluent quality required to be achieved under section 301(b)(2)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0052 kg/kg of product (0.0052 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0026 kg/kg of product (0.0026 lb/1,000 lb).
Zinc	Maximum for any 1 day: 0.0010 kg/kg of product (0.0010 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0005 kg/kg of product (0.0005 lb/1,000 lb).
Manganese	Maximum for any 1 day: 0.0010 kg/kg of product (0.0010 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0005 kg/kg of product (0.0005 lb/1,000 lb).
Lead	Maximum for any 1 day: 0.00010 kg/kg of product (0.00010 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00005 kg/kg of product (0.00005 lb/1,000 lb).
Nitrate (as NO <sub>3</sub> )	Maximum for any 1 day: 0.0094 kg/kg of product (0.0094 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0047 kg/kg of product (0.0047 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 420.114 Standards of performance for new sources.

(a) Based upon the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, the effluent quality required to be achieved by new sources under section 306(e) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0052 kg/kg of product (0.0052 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0026 kg/kg of product (0.0026 lb/1,000 lb).

§ 420.121 Specialized definitions.

For the purposes of this subpart: (a) The term "product" shall mean steel.

(b) The abbreviations listed shall have the following meaning: (1) The term "kg" shall mean kilogram(s); (2) the term "kg/kg" shall mean 1000 kilograms; (3) the term "lb" shall mean pound(s); and (4) "TSS" shall mean total suspended nonfilterable solids.

§ 420.122 Effluent limitations guidelines representing the effluent quality attainable by the application of the best practicable control technology currently available.

(a) Based upon the application of the best practicable control technology currently available the effluent quality required to be achieved under section 301(b)(1)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0521 kg/kg of product (0.0521 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0260 kg/kg of product (0.0260 lb/1,000 lb).
Oil and grease	Maximum for any 1 day: 0.0156 kg/kg of product (0.0156 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0078 kg/kg of product (0.0078 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 420.123 Effluent limitations guidelines representing the effluent quality attainable by the application of the best available technology economically achievable.

(a) Based upon the application of the best available technology economically achievable, the effluent quality required to be achieved under section 301(b)(1)(C) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).

Effluent characteristic	Effluent limitation
Oil and grease	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 420.124 Standards of performance for new sources.

(a) Based upon the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, the effluent quality required to be achieved by new sources under section 306(e) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitation
TSS	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
Oil and grease	Maximum for any 1 day: 0.0104 kg/kg of product (0.0104 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0052 kg/kg of product (0.0052 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 420.125 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Continuous Casting subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this chapter, except that for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 420.124, 40 CFR, Part 420: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

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Effluent characteristic	Effluent limitation
Zinc	Maximum for any 1 day: 0.0010 kg/kg of product (0.0010 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0005 kg/kg of product (0.0005 lb/1,000 lb).
Manganese	Maximum for any 1 day: 0.0010 kg/kg of product (0.0010 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0005 kg/kg of product (0.0005 lb/1,000 lb).
Lead	Maximum for any 1 day: 0.00010 kg/kg of product (0.00010 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.00005 kg/kg of product (0.00005 lb/1,000 lb).
Nitrate (as NO <sub>3</sub> )	Maximum for any 1 day: 0.0094 kg/kg of product (0.0094 lb/1,000 lb). Maximum average of daily values for any period of 30 consecutive days: 0.0047 kg/kg of product (0.0047 lb/1,000 lb).
pH	Within the range 6.0 to 9.0.

§ 420.115 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the Vacuum Degassing subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128 of this chapter, except that for the purpose of this section, § 128.133 of this chapter, shall be amended to read as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 420.114, 40 CFR, Part 420: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

#### Subpart L—Continuous Casting Subcategory

§ 420.120 Applicability; description of the continuous casting subcategory.

The provisions of this subpart apply to all operations in which steel is continuously cast.



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PART I



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## FEBRUARY 26

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Department of Labor—Business Research Advisory Council's Committee on Occupational Safety and Health Statistics to be held at Washington, D.C. .... 5822; 2-15-74

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## FEBRUARY 27

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AEC—Standards Subcommittee of the U.S. Nuclear Data Committee to be held at Gaithersburg, Maryland (open) ..... 5224; 2-11-74

HEW—Food and Drug Administration Medical Advisory Committees to be held at Rockville, Maryland (open first hour) ..... 5220; 2-11-74

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## Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

NOTE: There were no laws signed by the President during the week.

## Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

### Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 752—ADVERSE ACTIONS BY AGENCIES

#### Clarification of Meaning of the Term Political Reasons

##### Correction

In FR Doc. 74-2723 appearing at page 4063 in the issue for Friday, February 1, 1974, the seventh line of § 752.304(b)(3) in the third column on page 4063 now reading "physical handicap, the Commission de-" should read "physical handicap, the Commission determines the validity of the allegation \* \* \*".

### Title 7—Agriculture CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Docket No. AO-105-A37; Milk Order 63]

#### PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

##### Order Amending Order

**Findings and determinations.** The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Quad Cities-Dubuque marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price

of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) **Additional findings.** It is necessary in the public interest to make this order amending the order effective not later than March 1, 1974. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued December 18, 1973, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued January 24, 1974. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1974, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559)

(c) **Determinations.** It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

## ORDER RELATIVE TO HANDLING

*It is therefore ordered,* That on and after the effective date hereof, the handling of milk in the Quad Cities-Dubuque marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1063.7 is revised to read as follows:

#### § 1063.7 Producer.

"Producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted to a nonpool plant pursuant to 1063.14(b), except:

(a) A producer handler as defined in any order (including this part) issued pursuant to the Act;

(b) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II utilization; and

(c) Any person with respect to milk produced by him that is diverted from a pool plant to an other order plant if the other order designates such person as a producer under that order with respect to such milk.

2. In § 1063.10, paragraph (a) is revised to read as follows:

#### § 1063.10 Pool plant.

(a) A distributing plant from which.

(1) The volume of Class I packaged fluid milk products, except filled milk, disposed of during the month either on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets or moved to other plants, less receipts of packaged fluid milk products, other than filled milk, from other pool distributing plants, is not less than 45 percent (40 percent during each of the months of February through August) of the total Grade A fluid milk products, except filled milk, received at such plant, exclusive of receipts of packaged fluid milk products from other pool distributing plants and receipts from other order plants assigned pursuant to § 1063.46(a)(4)(ii) and the corresponding step of § 1063.46(b); and

(2) Not less than 15 percent of net receipts specified in subparagraph (1) of this paragraph is so disposed of during the month in the marketing area on



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routes, except that a plant that meets such minimum requirement under this subparagraph during each of the months of September through January need dispose of only 10 percent or more of such receipts in the marketing area on routes during each of the following months of February through August.

3. Section 1063.14 is revised to read as follows:

§ 1063.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk from a producer that is:

- (a) Received at a pool plant; or
- (b) Diverted by the operator of a pool plant or by a cooperative association to a nonpool plant other than a producer-handler plant, subject to the following conditions:

(1) For pricing purposes under this part such milk shall be accounted for as received by the diverting handler at the location of the plant to which diverted: *Provided*, That milk diverted to a plant located less than 75 miles (by the shortest highway distance as determined by the market administrator) from the pool plant from which diverted or to a plant at which a higher uniform price would be applicable, shall be deemed to be received by the diverting handler at the location of the plant from which diverted; and

(2) In any of the months of September through January, milk diverted from the farm of a producer on days in excess of the number of days that milk was delivered to a pool plant from such farm during the month shall not be producer milk.

4. In § 1063.52(a), the words "subparagraph (3)" are changed to "subparagraphs (3) and (4)" and the last word "and" is deleted in subparagraph (2), the period is changed to a semicolon followed by the word "and" in subparagraph (3), and a new subparagraph (4) is added as follows:

§ 1063.52 Location adjustments to handlers.

(a) \* \* \*

(4) At a plant located within the Central Illinois marketing area as specified in Part 1050, add any amount by which the price specified in § 1063.50(b) is exceeded by the applicable Class I price at the same location pursuant to Part 1050 regulating the handling of milk in the Central Illinois marketing area.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: March 1, 1974.

Signed at Washington, D.C., on February 14, 1974.

CLAYTON YEUTTER,  
Acting Secretary.

[FR Doc.74-3944 Filed 2-19-74; 8:45 am]

Title 14—Aeronautics and Space  
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-EA-52, Amdt. 39-1790]

PART 39—AIRWORTHINESS DIRECTIVES  
Canadair Aircraft

On page 29089 of the FEDERAL REGISTER for October 19, 1973, the Federal Aviation Administration published a proposed rule to amend, revise and renumber AD 65-44 applicable to Canadair CL-44-D4 and CL-44-J type airplanes. Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published.

This amendment is effective February 26, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1421 and 1423); sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 12, 1974.

JAMES BISPO,  
Deputy Director,  
Eastern Region.

CANADAIR. Applies to CL-44-D4 and CL-44-J airplanes certificated in all categories. Compliance required as indicated.

To prevent cracks in the main landing gear uplock actuator cylinder on the Canadair Models CL-44-D4 and CL-44-J aircraft, resulting in the inability to extend the landing gear, accomplish the following:

1. Prior to accumulation of 3,500 hours time in service on the main landing gear uplock actuator cylinders, modify the aircraft in accordance with Canadair Service Bulletin No. CL-44-D4-381, revised September 28, 1968, observing the shimming requirements of Canadair Service Information Circular No. 317-CL-44-D4, dated August 28, 1964, or in accordance with an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

2. For those aircraft modified as described in paragraph 1, the following apply:

a. An uplock actuator cylinder installed in a primary uplock actuator must be replaced prior to the accumulation of 8,000 hours in service in primary uplock actuators. Service time accumulated on uplock cylinders prior to accomplishment of Canadair Service Bulletin No. CL-44-D4-381, must be counted as part of the aforementioned 8,000 hours.

b. Cylinders removed from primary uplock actuators including unmodified, single cylinder uplock systems, may be used in emergency uplock actuators provided that:

(a) Cylinders are subjected to a dye-penetrant inspection, and are found to be free from cracks.

(b) Satisfactory dye-checked cylinders are reidentified to distinguish them from new cylinders.

(c) Cylinders do not exceed 18,000 hours total combined service time in primary and emergency systems.

c. A new actuator cylinder installed in an emergency uplock system has an unrestricted service life.

[FR Doc.74-3922 Filed 2-19-74; 8:45 am]

[Docket No. 10915; Amdt. 91-121]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Emergency Locator Transmitters

The purpose of this amendment to 91.52(a)(2) of the Federal Aviation Regulations is to extend the compliance date for carrying an emergency locator transmitter (ELT) on most types of general aviation airplanes.

Section 91.52(a)(2) currently specifies December 30, 1973, as the date for compliance. However, on January 2, 1974, an amendment to section 610(d) of the Federal Aviation Act of 1958 (Pub. L. 93-239) became effective which extended the compliance date for ELT equipment until June 30, 1974.

Since this amendment is necessary to make a regulatory compliance date consistent with a statutory requirement, grants relief, and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days notice.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, and 1424); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

In consideration of the foregoing, 91.52(a)(2) of the Federal Aviation Regulations is amended, February 20, 1974, by deleting the phrase "December 30, 1973," and substituting the phrase "June 30, 1974," therefor.

Issued in Washington, D.C., on February 5, 1974.

ALEXANDER P. BUTTERFIELD,  
Administrator.

[FR Doc.74-3921 Filed 2-19-74; 8:45 am]

Title 19—Customs Duties

CHAPTER I—U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-65]

PART 16—LIQUIDATION OF DUTIES  
Tomato Products From Greece

A notice published in the FEDERAL REGISTER of March 28, 1972 (37 FR 6360), as Treasury Decision 72-88 imposed countervailing duties on tomato products which benefit, directly or indirectly, from the payment or bestowal of a bounty or grant within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), and which have been imported, directly or indirectly, from Greece on and after May 13, 1972.

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The notice stated that because information regarding the exact amount of the bounties or grants was incomplete, declarations of the net amount of the bounties or grants ascertained and determined or estimated to have been paid or bestowed upon the exportation of tomato products from Greece would be published in subsequent issues of the Customs Bulletin.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable tomato products was suspended pending declarations of the net amount of the bounties or grants paid or bestowed.

In accordance with section 303 of the Tariff Act of 1930, the net amounts of the bounties or grants paid or bestowed, directly or indirectly, on tomato products imported, directly or indirectly, from Greece on and after May 13, 1972, have been ascertained and determined or estimated, and such net amounts are hereby declared to be as shown in Appendix A.

Until further notice, upon the entry for consumption, or withdrawal for consumption of such dutiable tomato products imported directly or indirectly from Greece on and after May 13, 1972, which benefit from such bounties or grants, if such bounty or grant has been or will

be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such tomato products, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration. The suspension of liquidation imposed by Treasury Decision 72-88 is hereby rescinded.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the line reading "Greece—Tomato products" the number of this Treasury Decision in the column headed "Treasury Decision" and the words "Declared rates" in the column headed "Action."

(R.S. 251, secs. 303, 624; 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] G. R. DICKERSON,  
Acting Commissioner of Customs.

Approved: February 13, 1974.

JAMES B. CLAWSON,  
Acting Assistant Secretary of the Treasury.

APPENDIX A  
Tomato Paste and Tomato Sauce:  
Bounty or grant

Percentage of dry tomato extract	Drachmas per metric ton, unpacked
15.....	750
16.....	800
17.....	850
18.....	900
19.....	950
20.....	1,000
21.....	1,050
22.....	1,100
23.....	1,150
24.....	1,200
25.....	1,250
26.....	1,300
27.....	1,350
28.....	1,400
29.....	1,450
30.....	1,500
31.....	1,550
32.....	1,600
33.....	1,650
34.....	1,700
35.....	1,750
36.....	1,800
37.....	1,850
38.....	1,900
39.....	1,950
40.....	2,000

When tomato paste or tomato sauce is entered in a range of concentration, for example, 30 percent-32 percent, the median concentration (31 percent) shall be used in assessing countervailing duties.

Tomato Juice: 330 drachmas per metric ton, unpacked.  
Peeled Tomatoes: 330 drachmas per metric ton, unpacked.

[FR Doc.74-4043 Filed 2-19-74; 8:45 am]

Title 24—Housing and Urban Development  
CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-202]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Indiana.....	Allen.....	Unincorporated areas.				Feb. 14, 1974.
Louisiana.....	St. Charles Parish.....	do.				Emergency. Feb. 8, 1974.
Texas.....	Bexar.....	Universal City, city of.				Feb. 14, 1974.
Wisconsin.....	Rusk.....	Ladysmith, city of.				Emergency. Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: February 8, 1974.

[FR Doc.74-3869 Filed 2-19-74; 8:45 am]

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.



**Title 40—Protection of Environment**  
**CHAPTER I—ENVIRONMENTAL**  
**PROTECTION AGENCY**

**SUBCHAPTER E—PESTICIDE PROGRAMS**

**PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**Subpart D—Exemptions From Tolerances**  
**CERTAIN INERT INGREDIENTS IN PESTICIDE FORMULATIONS**

**Correction**

In FR Doc. 74-1933 which appeared at page 2758 in the issue of Thursday, January 24, 1974 and corrected on page 4663 in the issue of Wednesday, February 6, 1974, paragraph 2 of the correction should read as follows:

"2. Insert '(e)' after the third line of stars in paragraph (d)."

**Title 43—Public Lands: Interior**  
**CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR**  
**APPENDIX—PUBLIC LAND ORDERS**

[Public Land Order 5412]

[Idaho 2883]

**IDAHO**

**Powersite Restoration No. 690; Partial Revocation of Powersite Reserves Nos. 305 and 362**

By virtue of the authority contained in section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. 818 (1970), and pursuant to the determination of the Federal Power Commission in DA-600-Idaho, it is ordered as follows:

1. Executive Orders of October 22, 1912, and May 27, 1913, creating Powersite Reserves Nos. 305 and 362, respectively, are hereby revoked so far as they affect the following described lands:

**BOISE MERIDIAN**

**POWERSITE RESERVE NO. 305**

T. 26 N., R. 1 E.,  
 Sec. 2, SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 3, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

**POWERSITE RESERVE NO. 362**

T. 26 N., R. 1 E.,  
 Sec. 4, lots 1 thru 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 6, lots 6 thru 9;  
 Sec. 16, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 17, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 18, lots 1 thru 8, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 19, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 21, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 T. 26 N., R. 1 W.,  
 Sec. 1, lots 1 thru 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 2;  
 Sec. 3, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 10, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 12, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 13, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 14, N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 15, N $\frac{1}{2}$ N $\frac{1}{2}$ .

The total areas described aggregate 6,007 acres.

All of the above described lands except S $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 3, T. 26 N., R. 1 E., are either patented, State school lands, or are in the Nez Perce National Forest.

In DA-600-Idaho, the Federal Power Commission determined that the above described lands have no significant power value, and that subject lands should be restored.

2. The State of Idaho has waived its right to select any of the lands described above for highway right-of-way or material site for the maintenance of highways, as provided by the Act of June 10, 1920, 16 U.S.C. 818.

3. The following described lands which were restored to entry under Restoration Order No. 776 of April 23, 1934, subject to the terms and conditions of section 24 of the Federal Power Act, are hereby relieved of the restrictions of said section 24:

**BOISE MERIDIAN**

T. 27 N., R. 1 E.,  
 sec. 34, N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 sec. 35, N $\frac{1}{2}$ SW $\frac{1}{4}$ .

The above area contains 200 acres.  
 4. At 10 a.m. on March 19, 1974, the following described public land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 19, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing:

**BOISE MERIDIAN**

T. 26 N., R. 1 E.,  
 sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$ .

The above area contains 80 acres.  
 Inquiries concerning these lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Boise, Idaho 83702.

**JACK O. HORTON,**  
*Assistant Secretary*  
*of the Interior.*

FEBRUARY 11, 1974.

[FR Doc.74-3932 Filed 2-19-74;8:45 am]

[Public Land Order 5413]

[Arizona 7468]

**ARIZONA**

**Revocation of National Forest Withdrawal; Revocation of Withdrawal for Forest Service Administrative Site; Withdrawal for Bureau of Land Management Administrative Site**

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Presidential Proclamation No. 809 of May 22, 1908, enlarging the Dixie National Forest to include lands in the State of Arizona; Executive Order No. 3972 of March 18, 1924, transferring lands formerly included within the Mt. Trumbull Division of the Dixie National Forest as

fixed and defined by Proclamation No. 1334 of May 10, 1916, and designating said lands as part of the Kaibab National Forest; and Secretarial Order of October 27, 1925, including additional lands in Arizona within the boundaries of the Kaibab National Forest, are hereby revoked so far as they affect the following described lands:

**KAIBAB NATIONAL FOREST**

**GILA AND SALT RIVER MERIDIAN**

T. 34 N., R. 8 W.,  
 Sec. 4, lots 1 thru 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
 Secs. 5, 6, 7, 8;  
 Sec. 9, W $\frac{1}{2}$ ;  
 Secs. 17 and 18;  
 Sec. 19, E $\frac{1}{2}$ ;  
 Sec. 20;  
 T. 35 N., R. 8 W.,  
 Sec. 20, E $\frac{1}{2}$ ;  
 Secs. 21 and 22;  
 Sec. 23, W $\frac{1}{2}$ ;  
 Sec. 26, W $\frac{1}{2}$ ;  
 Secs. 27 and 28;  
 Sec. 29, E $\frac{1}{2}$ ;  
 Sec. 31, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 32, E $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 33;  
 Sec. 34, N $\frac{1}{2}$ ;  
 Sec. 35, NW $\frac{1}{4}$ ;  
 T. 34 N., R. 9 W.,  
 Secs. 1 thru 4, 9;  
 Secs. 10 thru 13;  
 Sec. 14, NE $\frac{1}{4}$ ;  
 T. 35 N., R. 9 W.,  
 Sec. 33, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 35, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 36, S $\frac{1}{2}$ S $\frac{1}{2}$ .

The areas described aggregate 17,642.55 acres in Mohave County.

Of the lands described in paragraph 1, the NW $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 19, T. 34 N., R. 8 W., and the SE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 9, T. 34 N., R. 9 W., are patented lands.

2. Secretarial Order of November 19, 1908, withdrawing national forest land as an administrative site, is hereby revoked so far as it affects the following described land:

**NIXON SPRING ADMINISTRATIVE SITE**

A tract described by metes and bounds as 1 acre in approximately sec. 28, T. 35 N., R. 8 W., Gila and Salt River Meridian.

The Nixon Spring Administrative Site was subsequently surveyed as being located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 33, T. 35 N., R. 8 W.

3. Subject to valid existing rights, the following described land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of the Interior:

**NIXON SPRING ADMINISTRATIVE SITE**

T. 35 N., R. 8 W.,  
 sec. 33, part NW $\frac{1}{4}$ SE $\frac{1}{4}$ , described in the Secretarial Order of November 19, 1908, by metes and bounds, located in approximately sec. 28, T. 35 N., R. 8 W., Gila and Salt River Meridian.

The area described aggregates one acre.

4. At 10 a.m. on March 21, 1974, the public lands shall be open to operation of the public land laws, subject to valid

existing rights, any existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 21, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The unreserved public lands described in paragraph 1 of this order have been and continue to be open to applications and offers under the mineral leasing laws, and to location and entry under the United States mining laws.

Inquiries concerning the lands shall be addressed to the Chief, Division of Technical Services, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

**JACK O. HORTON,**  
*Assistant Secretary of the Interior.*

FEBRUARY 13, 1974.

[FR Doc.74-3941 Filed 2-19-74;8:45 am]

[Public Land Order 5414]

[Utah 0147788]

**UTAH**

**Powersite Restoration No. 650; Partial Revocation of Powersite Reserve No. 107**

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. 818 (1970), and pursuant to a determination of the Federal Power Commission in DA-192-Utah, it is ordered as follows:

1. The departmental order of January 21, 1910, as confirmed by Executive Order of July 2, 1910, creating Powersite Withdrawal No. 107, is hereby revoked so far as it affects the following described lands:

**ASHLEY NATIONAL FOREST**

**SALT LAKE MERIDIAN**

T. 2 N., R. 20 E.,  
 sec. 1, lots 1, 2, 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 sec. 11, lots 1 thru 6;  
 sec. 12, lot 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 sec. 13, lots 1, 2, 3, W $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 sec. 24, lot 1;  
 T. 3 N., R. 20 E.,  
 Sec. 35, lots 1 thru 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 T. 2 N., R. 21 E.,  
 Sec. 5, W $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 8, lots 1, 8 thru 12;  
 Sec. 11, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 12, lots 1, 2, 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 13, lot 1;  
 Sec. 14, lots 1 and 2;  
 Sec. 15, lots 1, 2, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 19, lots 3 thru 8;  
 Sec. 20, lots 1 thru 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 21, lots 1 thru 4, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 22, lots 1 thru 4, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ;  
 T. 3 N., R. 21 E.,  
 Sec. 17, lots 1, 2, 3, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 20, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 21, W $\frac{1}{2}$ ;  
 Sec. 28, N $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 29, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 30, lots 1 thru 11;  
 Sec. 31, lots 2 thru 9;  
 T. 2 N., R. 22 E.,  
 Sec. 7, lots 2 thru 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 9, lots 1 thru 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 10, lot 1, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 15, lots 1 thru 4, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 17, lots 1, 2, 3;  
 Sec. 18, lots 1 thru 5, NE $\frac{1}{4}$ .

The areas described aggregate approximately 6,759.21 acres.

2. The Federal Power Commission in its determination in DA-192-Utah, also vacated the withdrawal made for Power Project No. 165 in its entirety. The segregative effect of said withdrawal is hereby lifted as to the following described lands:

**SALT LAKE MERIDIAN**

T. 2 N., R. 20 E.,  
 Sec. 1, lots 1, 2, 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 T. 3 N., R. 20 E.,  
 Sec. 13, lot 4, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 14, lots 1 and 2;  
 Sec. 23, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 25, lots 1, 2, 4;  
 Sec. 26, lots 1, 2, 3, 4;  
 T. 2 N., R. 21 E.,  
 Sec. 5, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 6, lots 1 thru 12;  
 Sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 14, lots 1 and 2;  
 T. 3 N., R. 21 E.,  
 Sec. 13, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 14, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 15, lots 1 thru 7, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 17, lots 1 thru 4, S $\frac{1}{2}$ ;  
 Sec. 18, lots 1 thru 6, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 19, lots 1 and 2, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Secs. 20 and 21;  
 Sec. 22, lots 1 thru 10, E $\frac{1}{2}$ ;  
 Sec. 23, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 24;  
 Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 Sec. 27, lots 1 thru 9, E $\frac{1}{2}$ ;  
 Sec. 28;  
 Sec. 30, lots 1 thru 11;  
 Sec. 31, lots 1 thru 9, S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 33, lots 1 and 2, S $\frac{1}{2}$ N $\frac{1}{2}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
 T. 3 N., R. 22 E.,  
 Sec. 19, lots 1, 2, 3;  
 Sec. 30, lot 1.

The areas described aggregate approximately 9,141.55 acres.

The total of the areas described above aggregates approximately 15,900.76 acres in Daggett County.

3. All of the above described lands are in the Ashley National Forest, and have been withdrawn for the Fleming Gorge National Recreation Area under the jurisdiction of the Department of Agriculture, pursuant to the Act of October 1, 1908, 32 Stat. 904, and some of the lands have been withdrawn for reclamation purposes. Accordingly, none of the lands involved are open to entry and any use of these lands will be governed by the provisions of that Act, and the provisions of existing withdrawals.

**JACK O. HORTON,**  
*Assistant Secretary of the Interior.*

FEBRUARY 13, 1974.

[FR Doc.74-3940 Filed 2-19-74;8:45 am]

[Public Land Order 5415]

[Oregon 10548]

**OREGON**

**Partial Revocation of Reclamation Project Withdrawal**

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. sec. 416 (1970), it is ordered as follows:

1. The order of the Secretary dated August 16, 1905, withdrawing lands for the Umatilla Project, is hereby revoked so far as it affects the following described lands:

**WILLAMETTE MERIDIAN**

T. 4 N., R. 28 E.,  
 sec. 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 T. 5 N., R. 28 E.,  
 sec. 34, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 T. 5 N., R. 29 E.,  
 sec. 19, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate 70 acres in Umatilla County.

2. All of the lands described are embraced in allowed homestead entries.

**JACK O. HORTON,**  
*Assistant Secretary of the Interior.*

FEBRUARY 13, 1974.

[FR Doc.74-3939 Filed 2-19-74;8:45 am]

**Title 49—Transportation**

**CHAPTER X—INTERSTATE COMMERCE COMMISSION**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[Ex Parte No. MC-43 (Sub-No. 2)]

**PART 1057—LEASE AND INTERCHANGE OF VEHICLES**

**Adjustment of Compensation for Equipment Leased by Motor Carriers of Property Because of Rising Fuel Costs**

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 14th day of February, 1974.

This rulemaking proceeding, instituted on our own motion on January 30, 1974, and published at 39 FR 4488, looks toward the modification of our regulations governing the lease and interchange of vehicles (49 CFR Part 1057). The change proposed would require that the compensation paid for leased equipment by certain motor common or contract carriers of property subject to part II of the Interstate Commerce Act, 49 U.S.C. 301 et seq., be adjusted to reflect rising fuel costs where the lessor is responsible for supplying the fuel. To accomplish this, the following two new sentences would be added at the end of § 1057.4(a)(5) which now requires that compensation paid by the lessee for the rental of equipment be specified in the lease:

Compensation paid by the lessee shall, on and after \_\_\_\_\_, 1974 (the effective date of the proposed regulation), and notwithstanding any other arrangement therefor, be increased by an amount equal to the increased costs of fuel purchased at lawful



prices and borne by the lessor, provided the lessor is responsible for supplying the fuel consumed in operations conducted under the lease. The amount of such increase shall be: (1) Added to the compensation paid the lessor for the leased equipment; and (2) computed by subtracting from the lawful prices actually paid or to be paid by the lessor for fuel consumed in the operations for which the equipment is leased, the lawful price or prices of the same type of fuel under the same pricing practice in effect on May 15, 1973.

The initiating notice and order, incorporated herein by reference, fixed February 20, 1974, as the date on or before which written data, views, or arguments may be submitted on the proposed rule. As a result of the adoption by the Senate on February 5, 1974, of Joint Resolution No. 185 introduced in response to the emergency arising out of an expanding work stoppage among independent truckers, a corrected order shortening the comment period to February 13, was served February 6, 1974, and published at 39 FR 4787.

The Joint Resolution, later adopted by the House of Representatives and then signed by the President on February 8, 1974 (Pub. L. 93-249), requires that our final order in this matter take effect no later than February 15, 1974.

All comments submitted with respect to the proposed modification have been given due consideration. Those parties submitting such representations are identified in the appendix hereto. In sum, their representations reveal the following major inquiries and criticisms with respect to the proposed action: (1) That we lack the statutory power here to specify the compensation to be paid for leased equipment or to alter the terms of existing rental contracts; (2) that the considered rule is unclear in scope and would not benefit lessors of equipment used in agricultural or perishable operations; (3) that the proposed rule has been rendered unnecessary in view of our entry on February 7, 1974, of Special Permission Order No. 74-2525, which will be discussed subsequently herein, or that the action taken herein must, at the least, be tied to the Special Permission Order; (4) that the considered regulation is rigid and complex, and soon would prove to be a source of many disputes over compensation among carrier lessees and equipment lessors; (5) that the proposed rule would cause the expenses of carriers leasing equipment to increase and such expenses ultimately must be borne by the shipping public and consumers; (6) that the financial stability of many carrier lessees would be jeopardized by the considered regulation; (7) that our contemplated action fails to recognize that consideration already has been given to increased fuel costs and that many equipment lessors already have been adequately compensated for such increases; (8) that the proposed modification would be difficult to enforce and there is no effective machinery for resolving disputes that will arise under it; (9) that the proposed rule should be modified to allow lessors and lessees mutually to agree on additional com-

pensation to offset increased fuel costs and to waive the protections and benefits intended; (10) that any rule such as the one proposed should not be retroactive and should have a fixed termination date; and (11) that the proposed regulations would have a negative environmental effect.

#### DISCUSSION

**Jurisdiction.** Our authority to promulgate regulations governing the lease of motor vehicle equipment, including the compensation paid therefor, was judicially confirmed by the Supreme Court in *American Trucking Associations, Inc. v. United States*, 344 U.S. 298 (1953). It has since been legislatively recognized by the approval on August 3, 1956, of Public Law No. 957 (70 Stat. 983) amending section 204 of the Interstate Commerce Act. Not only does that statutory amendment expressly preclude us from regulating the duration of, or the compensation paid for, the lease of equipment used in agricultural or perishable operations, as more fully set forth in 49 CFR 1057.4(a) (3) (1), but it also serves to acknowledge our ability to exercise such power with respect to all other equipment leased to common and contract carriers by motor vehicle licensed by us.

The right to contract would not be unconstitutionally impaired were the proposed regulation adopted. By its terms, the prohibition against "impairing the obligation of contracts", found in Article I, section 10, clause 1 of the United States Constitution, runs only to the actions of a State. The argument that this Commission may not constitutionally alter the terms of contracts to the extent that they apply to compensation paid for leased equipment is thus without foundation. The Supreme Court itself, in the cited proceeding, expressly rejected the argument that the due process clause of the Fifth Amendment to the Constitution, insofar as it pertains to the deprivation of property, prohibits this Commission from adopting regulations governing the lease and interchange of vehicles.<sup>1</sup>

The essential elements of due process of law are notice and an opportunity to participate in the rulemaking process. Our notice instituting this proceeding, and our actions here, fully satisfy those requirements.

It has been further asserted here that we are powerless to act in the instant situation unless we first schedule and hold oral hearings in which the carriers and other interested persons may present and test evidence as to the presence or absence of a need for the proposed fuel ad-

<sup>1</sup> The Court had this to say at page 322 of its Opinion:

"... The rule-making power is rooted in and supplements Congress' regulatory scheme, which in turn derives from the commerce power. The fact that the value of some going concerns may be affected, therefore, does not support a claim under the Fifth Amendment, if the rules and the Act be related, as we have said they are, to evils in commerce which the federal power may reach."

justment in the compensation carriers pay to their equipment lessors. The Interstate Commerce Act does not, by its terms, require an oral hearing in this matter, and section 205(e) thereof [49 U.S.C. 305(e)] specifically recognizes that all interested parties are to be afforded an "opportunity for intervention in any such proceeding for the purpose of making representations to the Commission or for participating in a hearing, if a hearing is held." (Italic added.) Because an oral hearing herein is required neither by statute nor, as seen earlier, by the Constitution, the procedure followed herein in prescribing a rule having future effect and applicability is in keeping with the requirements of the Administrative Procedure Act, 5 U.S.C. 553.

Our initiating notice and order further referred to the transportation problems to which the contemplated regulation would be responsive, the importance of "purchased transportation"—leased equipment—to regulated motor carriers and the public dependent upon their services, and our duty under the National Transportation Policy declared by the Congress, 49 U.S.C. preceding section 1, to develop, coordinate, and preserve a national transportation system adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense. Since that time, Pub. L. 93-249, approved February 8, 1974, recognized the national emergency arising out of the expanding work stoppage among independent truckers, and looked to this Commission to take effective steps to alleviate that emergency. The argument that we remain powerless to act on a timely and reasonable basis cannot be accepted. An oral hearing in this proceeding, in our judgment, would serve no useful purpose, is not required, and will not be scheduled.

**Scope and applicability of the proposed rule.** Before discussing in detail the comments received with respect to the proposed rule, it should be noted at this point that our regulatory authority is limited and that the parameters of our statutory powers appear to be widely misunderstood by many of those interested in the outcome of this proceeding. The Supreme Court held in *American Trucking Associations, Inc. v. United States*, supra, that the power to regulate equipment leasing lies within the broad provisions of the Interstate Commerce Act even though such authority was not then explicitly set forth therein. This was basically because the regulation of the leasing practices of carriers subject to our jurisdiction was deemed to be vital to our ability effectively to enforce the Act. By the same token, our leasing regulations and any proposed modifications therein cannot extend beyond those who are engaged in transportation subject to our regulatory control.

Insofar as we are here concerned, transportation services provided by licensed motor common and contract carriers of property basically consist of the physical interstate movement of consignments of freight from one place to another. Parties to contracts of carriage

are limited to the shipper, receiver, and carrier or carriers involved. Demands for transportation service often are seasonal or otherwise variable, and, thus, from time to time service demands exceed available equipment supplies. To satisfy the service demands of their customers and to avoid the necessity of financing and otherwise supporting excessive transportation capacity during periods of reduced demand, many motor carriers resort to equipment leasing to smooth out the peaks and valleys of their operations. Numerous such carriers also rely heavily on leased equipment for conducting substantial portions of their regular operations.

Whether equipment is leased with or without a driver, the service is actually performed for the shipper and receiver, and it is provided by the lessee-carrier. No privity of contract exists between equipment-lessors and shippers and receivers when a regulated carrier utilizes leased equipment. Contractual rights and obligations of lessors are limited to those derived from their contract with carrier-lessees. The failure fully to comprehend these relationships—wherein the licensed carrier serves the shipping and receiving public and the carrier obtains equipment from the lessor or independent owner-operator for use in that service—seems to have led to a widespread misunderstanding as to the nature and scope of the proposed modification in our leasing regulations here under consideration. These same misconceptions have carried over to certain of our Special Permission Orders providing for expedited procedures for publishing rate increases in the form of surcharges to reflect increased fuel costs.

Additional confusion seems to have developed over the use in the notice and order instituting this proceeding of the term "pass through." We also are aware that the meaning of the term "surcharge" as used in the context of the Special Permission procedures described in the succeeding section of this report has presented some difficulty. Both terms, of course, refer to adjustments to be made for increased costs of fuel. The instant proceeding, however, is limited in application to the actual amount to be added to the compensation paid or to be paid an equipment lessor by the licensed carrier in order to reflect actual increases in fuel costs borne by the lessor for fuel consumed in operations conducted with his leased equipment. A freight-rate "surcharge", in contrast, refers to a percentage increase in freight rates, up to 6 percent in Special Permission Order No. 74-2525, by which rates published in a tariff may be increased by regulated motor common carriers (including the lessee referred to above) and charged to shippers or receivers of property. It thus becomes readily apparent that the instant proceeding is concerned with fuel-cost adjustments as between the equipment lessor and the carrier-lessee (and not the shipper as some apparently have believed), while the special-permission surcharge procedure relates to such an

adjustment as between the carrier and those who ultimately pay the freight charge. With the above clarifications in mind, we shall summarize the equipment and types of operations to which our leasing regulations apply or do not apply.

The provisions of part II of the Interstate Commerce Act authorize us to prescribe regulations with respect to the lease of equipment only by regulated common and contract carriers by motor vehicle. Section 204(f), however, specifically precludes us from regulating the duration of a lease or the compensation paid by such carriers for the use of certain equipment regularly utilized in agricultural or perishable operations.<sup>2</sup> Hence, any regulation adopted in this proceeding will have limited application and will not apply to compensation paid for such motor vehicles as are within the limitations set forth in 49 CFR 1057.4(a) (3) (1)—basically those which are regularly used in the transportation of exempt agricultural commodities and perishable products thereof.

In recognition of the limited scope of our relevant statutory authority, it has been proposed in this proceeding that we recommend to Congress the amendment of the Interstate Commerce Act to embrace the transportation of currently exempt commodities. It is maintained that the proposed regulation would only benefit roughly 50 percent of the owner-operators who happen to lease their equipment to regulated carriers; that independent truckers who transport exempt traffic will continue to have to bear the entire burden of the recent fuel increases; that this class of trucker is no less entitled to relief; and that the public is no less dependent upon them. We believe that this matter deserves the prompt and careful study and consideration of the Congress and, while we do not now take a position with respect to

<sup>2</sup> Section 204(f) provides as follows:

(f) Nothing in this part shall be construed to authorize the Commission to regulate the duration of such lease, contract, or other arrangement for the use of any motor vehicle, with driver, or the amount of compensation to be paid for such use—(1) where the motor vehicle so to be used is that of a farmer or of a cooperative association or a federation of cooperative associations, as specified in section 203(b) (4a) or (5), or is that of a private carrier of property by motor vehicle as defined in section 203(a) (17) and is used regularly in the transportation of property of a character embraced within section 203 (b) (6) or perishable products manufactured from perishable property of a character embraced within section 203(b) (6), and such motor vehicle is to be used by the motor carrier in a single movement or in one or more of a series of movements, loaded or empty, in the general direction of the general area in which such motor vehicle is based; or (2) where the motor vehicle so to be used is one which has completed a movement covered by section 203(b) (6) and such motor vehicle is next to be used by the motor carrier in a loaded movement in any direction, and/or in one or more of a series of movements, loaded or empty, in the general direction of the general area in which such motor vehicle is based.

whether legislative relief is necessary in this regard, we commend this recommendation to the Congress' immediate attention.

**The effect of Special Permission Order No. 74-2525.** It is evident that some of those who have either commented publicly or submitted representations in this proceeding misconceive the purport of Special Permission Order No. 74-2525. Public statements to the effect that all rates now may automatically be increased by 6 percent and those to the effect that all compensation for leased equipment may be raised by that percentage are erroneous. Certain other distinctions which exist between the Special Permission Order and the proposed rule change have been treated earlier herein. At this point, however, it is necessary to observe that, as here material: (1) the Special Permission Order allows rate increases to be published by motor common carriers of property on one-day's notice; (2) that such increases will be allowed up to 6 percent; and (3) that revenues produced by such percentage surcharges as are allowed are to be passed-through to those who directly bear the burden of increased fuel costs. The rule here proposed, on the other hand, is directed toward compensating, with or without publication of such surcharges by motor common carriers, lessors of equipment who participate in the transportation of property by motor common and contract carriers.

Experience of this Commission under Special Permission Order No. 74-1825, as amended, revealed—and attention was drawn to this fact in the initiating order herein as well as in the amendment of the original order and the adoption of Special Permission Order No. 74-2525—that a number of carriers failed to avail themselves of the opportunity to publish increased rates under the expedited procedures authorized. In recognition of the needs (a) for authority to publish rate increases on one-day's rather than 10-days' notice, and (b) for eliminating the necessity to supply supporting data obtainable primarily through experience under increased fuel costs, Special Permission Order No. 74-2525 revoked the earlier-authorized procedures and adopted the procedures which now apply for all motor common carriers. Carriers still are not required to publish such increases although it was expected—and recent experience amply bears out that expectation—that more would do so than had been the case under the former procedures.

Nevertheless, the problem of inadequately compensating lessors of equipment still exists and the potentiality of its contributing to work stoppages directly affecting regulated carriage and indirectly affecting all transportation and commerce continues. Those participants who now argue that issuance of our latest special permission order negates any need for the relief under consideration in this proceeding ignore the possibilities that carriers, for competitive and other reasons, may not file for

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increases in the form of surcharges and that carriers may file for surcharges which will not result in adequate compensation to the owner-operators. They also overlook the fact that owner-operators reportedly are responsible for more than 20.5 percent of the total intercity miles operated by authorized contract carriers not subject to the Special Permission Order. Hence, representations to the effect that this proceeding should be discontinued because of the adoption of Special Permission Order No. 74-2525 are based on invalid assumptions and are, therefore, rejected.

**Complexity of the proposed rule.** By far the vast preponderance of the representations received from motor carriers licensed by us complain that the contemplated relief is overly complicated and burdensome to the carriers who utilize leased equipment in their operations, and that the regulation in the form proposed in our initiating notice and order fails to take account of those fuel-cost adjustments previously made by the carrier-lessees and passed on to the owner-operators. These two major issues form the nucleus of the substantive criticisms directed to the initially proposed rule, and it is on these problems that we shall next focus our attention. We might also point out here that the regulation we adopt has been modified in at least a partial response to these problems.

Certain of the arguments advanced by respondents and others that the proposed modification is too complex for reasonable application rest on the premises: (1) That carrier-lessees would have to be informed of an almost infinite number of "lawful" prices of fuel in effect throughout the country on May 15, 1973; (2) that computations based on the differences between the lawful fuel prices paid on May 15, and the lawful prices paid after the effective date of the proposed rule, present similar difficulties and also invite certain types of illegal and fraudulent activity, obviate the incentive of users of fuel to seek out the cheapest sources of available fuel, and would cause lessees to underwrite, and the shipping public ultimately to bear, the added costs engendered by such problems and activities; (3) that the proposed rule leaves those who would be bound by it without a meaningful remedy for minimizing or eliminating its misuse; and (4) that consideration should be given to the establishment of monthly averages based on average fleet base prices of fuel.

As we view it, however, the carrier-lessees would not, as has been suggested, have to go to any great length to obtain information as to the pertinent fuel prices lawfully in effect on May 15, 1973. That date was selected, in part, because it antedates the period of severe fluctuation in fuel prices and because it would be representative of the dramatic increases in fuel costs that many equipment lessors have heretofore been required to absorb. The carriers' existing records would first provide an excellent source of information on such prices, as is evidenced by a

number of the representations submitted in the proceeding demonstrating that the carriers, for State tax and other purposes, maintain extensive records as to the costs of fuel consumed in their operations. Such records should prove to be immensely helpful in all instances where operational patterns have not changed substantially since the base date. Each lessee would have sufficient economic justification, and therefore can be expected, to examine the claims of lessors based on what appear to be unreasonably low base period prices and to investigate and challenge the authenticity of them. Similarly, lessees would be expected to investigate and question what appear to be unreasonably high current prices for fuel, based on the information readily available to them. Average prices of fuel for purchases on the base May 15 date and after the effective date of the rule, mileage records for the same or similar operations, and average amounts of fuel consumed in the past in operations of the same or similar equipment could serve as guidelines to alert lessees to unreasonably high fuel-adjustment claims. The base-date cost would not change and, for those owner-operators whose equipment regularly is leased, the computations would be complicated to a limited extent only by the amounts paid for purchases made in the future. And this aspect of the problem does not appear insurmountable, for at least one respondent organization, consisting of household goods carriers, reportedly maintains for its members current information regarding the prices and practices of about 800 fuel-stops throughout the country.

It must be remembered that this Commission's leasing regulations specifically require carrier-lessees to exercise complete possession, dominion, and control over operations conducted with leased equipment. 49 CFR 1057.4(a)(4). Thus, a carrier-lessee may—and, where necessary, it will be expected to—specify routing and fuel stops to be utilized by those who lease equipment to it under the regulations. The responsibility and commensurate authority to control operations conducted with leased equipment, and to choose the equipment lessor in the first instance, also adequately enable carrier-lessees to control most, if not all, of the potentially abusive practices of unscrupulous lessors about which fears have here been expressed by the responding carriers.<sup>3</sup>

It must also be borne constantly in mind, in appraising the extent of the burdens that would be placed upon the carrier-lessees by our adoption here of an appropriate fuel-adjustment rule, that the carriers' ability to augment their own equipment fleet is largely a privilege and

not a right under the statute.<sup>4</sup> The continuation of this privilege (which has been called into question by a number of the parties here) carries with it a number of significant economic and competitive advantages against which the added burdens of which they complain must be weighed. Those advantages include, but are not limited to, the ability: To expand or contract their operating fleets as demands for service fluctuate; to minimize the need for maintenance facilities, parts inventories, and service personnel; to conduct operations from smaller terminal facilities and equipment parking areas; to stimulate productivity in the driver work force; to avoid taxes; and in some instances to avoid licensing fees.

Suggestions that monthly or other averages of fuel-price increases should be employed, that additional fuel allowances should be based on mileage, and that other methods of computing such adjustments not discussed elsewhere herein should be given greater weight, all fail to accord sufficient attention to the basic thrust of the proposed rule change. As has been pointed out earlier herein, equipment lessors should be allowed an adjustment in compensation only for those fuel prices actually paid and then only to the extent that such prices have increased since the base period. The use of averages and other devices, while they might appear to provide greater ease of computation in certain instances, tend not to be realistic in the sense of making the equipment lessors whole. It was the absence of a means for the lessors being made whole which was the common foundation for this Commission's action in instituting this proceeding and for the independent truckers' recent protests. Accordingly, we are not persuaded by contentions which fail to embrace that basic premise. In recognition of the abundance of opposition to the proposed rule on the grounds that it is likely to be cumbersome in application for certain types of operations, however, we will later discuss the feasibility of an alternative plan designed to achieve the sought goal with a minimum of complexity.

Some representations contain assertions that the proposed rule fails to take into account the facts (a) that certain lessors of equipment may not have purchased fuel on May 15, 1973, (b) that their equipment may have been purchased new or replaced and leased for the first time subsequent to that date, or (c) that some lessors may hereafter lease their equipment for the first time.

It must be recognized that not all equipment now in service was fueled on May 15, 1973. The owner-operator of such

<sup>3</sup> This appears to be an adequate response, too, to the argument of Bray Lines, Incorporated, to the effect that independent owner-operators would be required, by the proposed rule, to take on more of an employee relationship with lessees than is permitted under criteria established by the National Labor Relations Board.

<sup>4</sup> The contention, raised by one of the parties hereto, that section 206(a) of the act, 49 USC 308(a), specifically safeguards the right of the carrier to add to its equipment by leasing or otherwise, and precludes Commission control over the carrier's leasing practices, was specifically rejected by the Supreme Court in the American Trucking Associations case, supra.

equipment may then have been on vacation, ill, or otherwise unable to drive. The equipment may have been undergoing repairs or maintenance servicing and therefore not operated. And the equipment in service on that date may have since been retired, wrecked, or sold.

The proposed modification basically is intended to alleviate an inequitable situation—one in which an owner-operator can no longer economically operate in the absence of some form of relief from rapidly-rising fuel costs. The May 15 date was selected because that is the date on which pricing controls on fuels were modified by the Cost of Living Council and for the reasons alluded to earlier herein. Thus, the purpose of the rule would be served were it made to apply to the price actually paid or an obligation undertaken to pay for the purchase of fuel last preceding May 15, 1973. In the event a lessor of equipment leased his equipment for the first time on a date subsequent to May 15, 1973, or hereafter leases his equipment for the first time, the purpose of the rule would be served if the critical price for application of the rule were to be the price paid for the lessor's first purchase of fuel subsequent to May 15th.

Allegations are made that the proposal overlooks the complexity of applying it in a situation in which a trip is begun or ended with a partially filled fuel tank, with or without intermediate refills, with the fuel thus consumed purchased at the same or different prices. Whenever a full tank of fuel is completely consumed in an operation conducted with leased equipment, no problem would seem to be presented. Whether purchased at the same or different prices, the total cost of the fuel can readily be computed. However, when a trip is commenced or terminated with a partially filled fuel tank, it would be necessary to compare the overall mileage of the trip with the total amount of fuel consumed and document in the lessee's record of payment of compensation the fuel-consumption averaging employed for the beginning or end of the trip or both, as the case may be.

**Fuel-cost adjustments previously made in carriers' compensation for leased equipment.** As noted earlier, the intent of the proposed modification is to remedy an inequitable situation by providing additional compensation to those equipment lessors who are responsible for fuel expenses under a lease, and to do so to the extent that the amount currently paid for such fuel exceeds the costs thereof on May 15, 1973. Contrary to the fears expressed by numerous participants in this proceeding, we do not intend to require double compensation in those instances where the compensation paid by a carrier for leased equipment already has been adjusted in whole or in part for the specific purpose of reimbursing the lessor for increased fuel costs. The intent of the rule may best be illustrated by the following three examples:

Assume 31 cents was paid by the lessor for each gallon of fuel purchased on May 15, 1973, and the current price for the same is 44 cents-per-gallon:

(a) If no adjustment has been made in the compensation paid for equipment leased after May 15th, the additional amount which should be reimbursed to the lessor would be 13 cents-per-gallon multiplied by the number of gallons consumed in operations performed under the lease.

(b) If the compensation for leased equipment has been adjusted upward to an extent which equals or exceeds 13 cents-per-gallon by passing on to the lessor fuel-cost rate increases or surcharges, no additional reimbursement would be allowed.

(c) If the compensation paid for leased equipment has been adjusted upward by an amount equivalent to 7 cents-per-gallon, the reimbursement to the lessor would be 6 cents-per-gallon times the number of gallons consumed in operations conducted under the lease.

A number of respondents argue strenuously that they have acted responsibly during the period since May 15, 1973, by periodically increasing the compensation they pay to owner-operators of equipment to offset increased fuel costs. The form of these increases, they say, has a broad range and includes such things as raising rates (which would be beneficial to lessors compensated on a percentage-of-revenue basis), increasing mileage allowances, and absorbing such other expenses as fuel taxes that may have increased, licensing fees, and certain expenses incurred in conducting empty vehicle operations. Therefore, they maintain that any rule adopted herein should allow them to reduce fuel-cost adjustments computed thereunder by the amount or amounts of increased compensation which their equipment lessors already enjoy.

To the extent that such increased compensation has taken forms other than a percentage of specific rate increases, however, there would be no practicable way to ascertain whether such prerequisites as the carrier's payment of licensing fees or the absorption of other expenses are the direct result of increased fuel costs or attributable to the success of the owner-operator in negotiating some other basis for added compensation or fringe benefit. As a consequence, the rule we here adopt will not take these fringe benefits into account in arriving at a proper fuel-adjustment formula for application to the compensation paid under an equipment lease. The carrier-lessee and the equipment-lessor will be free to renegotiate such fringe benefits as may have been predicated on the recently dramatic increases in the price of fuel to avoid over-compensation for such price increases.

Those participants who urge us to allow lessors and lessees mutually to agree on fuel adjustments imply in their representations that adoption of the proposed rule would preclude their freely negotiating with owner-operators mutually acceptable leases. It is true, of course, that parties to equipment leases have been relatively free to negotiate the terms and conditions of the leases. A number of respondents point with justifiable pride to their already having made

appropriate fuel adjustments in their arrangements prior to the initiation of this proceeding. The failure of some to do so, however, contributed to the public need for a mandatory fuel-adjustment rule to be added to our leasing regulations. This fact, taken in conjunction with the distinctions discussed earlier herein between the proposed rule and the special permission order, and the recognized unevenness that has characterized the bargaining positions of the carrier and the independent trucker, amply demonstrate the plain public necessity for not allowing in the future the same degree of latitude as was enjoyed in negotiating the terms of leases to the extent that they govern compensation of owner-operators. That is a matter which, because of the overriding public interest, can no longer be left completely in the hands of the parties to the lease.

Further clarification also might be helpful insofar as certain methods of determining compensation are concerned. In the event compensation is paid for leased equipment on a percentage-of-revenue basis (i.e., the lessor is paid a given percentage of the freight charges applicable to and derived from the transportation service provided), an additional adjustment for increased fuel costs nevertheless may be required. An owner-operator should not, in our judgment, be required to absorb any part of the dramatic increases in fuel costs that have occurred since May 15, 1973. Where the base amount of compensation (the percentage of revenue unadjusted for increased fuel costs) plus the amount of the percentage surcharge obtained by the carrier, and passed through to the lessor, pursuant to the special permission procedures are not adequate to compensate the lessor for his actual increased fuel costs, an additional reimbursement must be paid the lessor by the carrier lessor pursuant to the rule we here adopt. By the same token, where the amount of the percentage surcharge obtained by a motor common carrier, and passed through to the lessor, under the special permission procedures adequately compensates the owner-operator for the increased fuel costs expressed by him, the fuel-adjustment rule we here promulgate contemplates that no additional compensation need be paid by the carrier to the lessor on the basis of this rule. This relatively minor revision in the substance of the proposed regulation should, for a time at least, alleviate many of the concerns expressed by certain of the carrier respondents as to the paperwork burdens confronting both them and their equipment lessors, without detracting significantly from the principal thrust of this proceeding—the reimbursement of the owner-operator for his increased fuel costs.

We might add at this juncture that an alternative system of compensating owner-operators, proffered by Cartwright Van Lines, Inc., is deserving of

<sup>5</sup> In that event, the carrier can seek to obtain appropriate rate increases in accordance with our standard tariff-filing procedures.



further consideration. Although we do not envision it as presently having sufficient merit as would constitute it a viable alternative to the rule adopted herein, it would seem to have several distinct and worthwhile advantages, especially with respect to fuel adjustments to be made in the future pursuant to procedures authorized by Special Permission Order No. 74-2525. In essence, Cartwright's suggestion is that fuel cost data, which by law it (and presumably most, if not all, other regulated carriers) presently must supply on a monthly or quarterly basis to various State regulatory bodies, might serve as a factual basis against which the impact of fuel price increases might be assessed. Percentage increases or decreases based upon such actual fuel-purchase data might well be utilized by this Commission in establishing future guidelines for fuel-cost adjustments. Therefore, the proposal will be given further study in that connection by this Commission.

Another point should be explained with respect to the proposed rule and the application of it to those situations in which equipment lessors are compensated by the percentage-of-revenue method. It has come to our attention that carrier-lessees at times fail to allow owner-operators to examine their extended freight by the applicable rate or rates for the bills (an extended freight bill reveals the gross weight of the shipment multiplied commodities involved). Were we to allow this practice to continue, many equipment owners may be improperly deprived not only of their full base compensation but also of the benefits intended to be given them by the modification proposed in this proceeding. Thus, we wish to make it clear that an opportunity on the part of lessors to examine, as a matter of right, the extended freight bills is inherent in and indispensable to faithful compliance by carrier-lessees with the rule adopted herein, whenever the lease agreement provides for compensation based on a percentage of the revenue. In those instances where shipment weights or rates are not immediately determinable, or where rating and billing are performed elsewhere than the point of origin or destination of the lease operation, reasonable opportunity must be accorded to carrier-lessees to obtain sufficient information, compute the changes, and to perform the billing function.

**Increased expenses for equipment lessees.** Several respondents and carrier associations aver that the administrative and other cost burdens that would be generated by the adoption of the proposed rule ought not be borne fully by carrier-lessees. They say that the clerical and other expenses resulting from application of the considered regulation will have to be recovered if the efficient and economical operations of carriers are to be sustained.

The proposed rule is designed to adjust compensation for leased equipment to reflect increased fuel costs. We are not persuaded that the arguments advanced in certain of the comments—such as that

more time, clerical help, stationery, and the like will be needed—represent sufficient justification for reducing the compensation paid by the carrier-lessees to the equipment suppliers. Such arguments overlook three significant facts. The first is that because actual fuel costs are inescapable expenses in transportation, attention therefore must be given to efficiency of operation in order to hold such costs in line. Lessees, not lessors, control the operations and the level of that control determines the carriers' relative operational efficiency. The second point is that clerical and other costs would continue under the proposed rule to remain under the control of the lessees rather than the lessors. The ability to eliminate unnecessary cost burdens would rest with the lessees and, thus, the suggested apportioning of those costs between lessors and lessees would run counter to sound business practices. And third, carrier expenses—reduced to the fullest extent possible by managerial skills—must be passed on to the users of transportation rather than in the direction of those who participate in its provision. To do otherwise would leave the equipment lessors in the totally untenable position of having to pay rising fuel prices without any opportunity to recover the higher costs from those who employ their equipment and services. The eventual result, as illustrated in the recent past, would be that the independent trucker—a recognized small businessman—is forced out of the business and all segments of the public suffer.

Arguments to the effect that adoption of the proposed modification will interfere with the financial stability of certain carrier-lessees appear to have little merit. This is because carriers are free, but are not required, to lease equipment. Moreover, the situation, as we foresee it, is not unlike those in the past in which carriers have had to face many other increases in their operating costs. Meeting payrolls, for example, which continue to represent a higher proportion of the expense dollar as compared to fuel costs, has presented no insurmountable problems for most carriers when new labor contracts call for increased wages and fringe benefits. In addition, the expedited procedures for filing for rate surcharges to reflect increased fuel costs (even though, as stated by certain carrier respondents here, those surcharges involve additional clerical and other expenses to the carrier which may not be recouped thereunder) would appear generally, although certainly not in all instances, to provide carriers with a means for quickly restoring a measure of normality to their respective cash-flow patterns. Faithful compliance with this Commission's existing credit regulations (49 CFR Part 1322) and use of the expedited surcharge as well as our standard rate increase procedures undoubtedly would place carriers in a reasonably tolerable situation during this critical period of time.

**Settlement of disputes and enforcement difficulties.** The rule of reason should apply to the settlement of disputes over compensation to be paid for

leased equipment. Owner-operators' claims for funds should be handled in the fashion that normally has prevailed in the past. Carrier-lessees should not be allowed improperly to withhold compensation including surcharges and fuel-cost adjustment amounts. Except where prevailing practices have been otherwise, settlement should reflect closely the time required in the past for settling accounts, the time within which the carrier-lessee receives payment of its charge from shippers and receivers (in compliance with existing credit regulations), and a reasonable but short period of time for allowing computation to be made and other administrative functions to be performed.

Enforcement difficulties do not appear to be insurmountable. Complaints of owner-operators will of course, reflect upon the fitness of carrier-lessees to the extent that they prove to be valid. Some of the other avenues available to enforce strict compliance with the regulations adopted in this proceeding include inspection of or reference to such things as: (a) Carriers' accounts and records, including copies of fuel purchase receipts and equipment leases; (b) drivers' daily logs; (c) information developed in investigations of fuel-pricing by the Internal Revenue Service; (d) data compiled by the Cost of Living Council; (e) records of State ports of entry and other State departments or agencies responsible for the collection of fuel taxes; and (f) records of other carriers for fuel purchases at specific vending points.

In the event of abusive practices on the part of lessors of equipment over whom we have no direct regulatory authority, no new problems of an insurmountable nature are foreseen. This Commission will continue to require lessees whom we regulate to have the responsibility to audit their cost data which may be filed with this Commission to support proposed rate increases. And, as noted earlier, carriers would seem to have sufficient economic motivation to question bills submitted to them for seemingly inflated fuel costs.

**Exemptions.** The Household Goods Carriers' Bureau and Movers' & Warehousemen's Association of America, Inc., ask on behalf of their members, that because of the unique status of owner-operators in the field of household goods transportation the proposed rule should not be applied to movers. They point out that present regulations contain special provisions recognizing the peculiarities of operations of household goods carriers and that these latter peculiarities, coupled with the asserted fact that independent owner-operators now share increased revenue which will be adequate to meet rising fuel costs, justify so limiting the application of the proposed rule.

To the extent that these arguments are based on rate increases that have been filed since May 15, 1973, they are not unlike those of other respondents participating in this proceeding. They have been taken fully into account in drafting the regulation here finally adopted. We must disagree, however, with

the movers' contention that the peculiarities of their operations warrant an exemption. It is true, of course, that movers of household goods do provide a unique type of service. But many other specialized carriers do also. These carriers' unique character does not extend to fuel consumption and the price of fuel recently has risen sharply. This would appear to have placed all owner-operators in an inequitable position. Inasmuch as righting this inequity is the basic thrust of the rule adopted herein, the movers' request for exclusion is denied.

We also find without merit the request by National Automobile Transporters Association for a specific provision stating that the proposed rule does not apply when the terms of leases are mutually agreed upon and when owner-operators are not involved. The sought relief would appear to add yet a further complication to the regulation adopted herein without serving any real purpose. Previous decisions of this Commission have recognized that automobile transporters experience wide fluctuations in traffic throughout the year; that such carriers have found it advantageous to meet these fluctuating requirements by leasing equipment with drivers from other such motor carriers; and that this practice keeps experienced driver personnel busy during slack periods and aids the carriers in meeting peak service demands which vary among carriers. Lease and Interchange of Vehicles by Motor Carriers, 64 M.C.C. 361, 370 (1955). Thus, the fuel-cost adjustments provided for in the rule adopted herein will tend to even themselves out among the carriers and no need appears for the requested exemptions.

**Effective and termination dates.** We earlier observed that Public Law 93-249 calls for the order entered herein to be "made effective not later than February 15, 1974." Accordingly, all transportation provided on and after the date with leased equipment by motor common and contract carriers of property subject to part II of the Interstate Commerce Act should be governed by our lease and interchange regulations as modified in this proceeding. And all compensation paid by carriers for leased equipment operated on and after that date should be increased in accordance therewith. This will preclude the possibility of any retroactive effect being given the adopted regulation, as feared by a number of those submitting comments in this proceeding. At this time we foresee no need for further legislative action to either expressly adopt the regulation herein promulgated or to bar judicial review thereof, as suggested by PROD, an organization of independent truckers.

Several participants in this proceeding urge that any regulation adopted herein should have a fixed termination date. It ought to be noted here that the special energy procedures for the filing of fuel-cost rate increases in the form of percentage surcharges reflect, with respect to motor common carriers, a change in this Commission's position on the matter of termination dates. Moreover, the no-

tice and order instituting this proceeding clearly indicates that present information points to the fact that the energy shortage is, in all likelihood, an ongoing problem. Arbitrarily selecting a termination date would therefore serve no valid purpose at this time. Furthermore, the fuel adjustment proposed is closely allied to the special permission procedures now available to carriers. Inasmuch as the regulations governing the lease of equipment and the special permission order are subject to our further order, no termination date need be fixed at this time for the proposed modification.

**Environmental impact.** One of the points raised by Wilson Freight Company in its representation is that adoption of the proposed rule will have an adverse impact upon the quality of the human environment if the fuel surcharge is not provided as an alternative for changing lease rental obligations. Wilson's position is based on the assumption that collective bargaining agreements in all probability will have to be renegotiated and that this is likely to cause transportation to be disrupted on a broader scale than has been the case to date. The result, it says, will have an adverse economical and environmental impact.

We cannot agree with Wilson's argument. Rather, we share the view expressed by the Bureau of Enforcement that adoption of the proposed rule, or a modified version of it, should prove to have a favorable, though insignificant, impact upon the quality of the environment. Leasing of equipment by regulated motor carriers long has provided the industry with a flexible capability that has contributed not only to the industry's ability to respond to changing public needs, but also to reduce transportation capacity during periods of reduced demand. The proposed rule is intended to serve the interests of equipment lessees so that this transportation resource will be preserved and the efficiencies and economies inherent in it will continue to be available for public benefit. Rather than being disruptive of transportation service and commerce, our announcement of a proposed rule requiring an adjustment in compensation to reflect increased fuel costs contributed at least in part to the resumption of motor transportation earlier this month. Accordingly, we conclude that this is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

#### CONCLUSION

Based on the foregoing discussion we are persuaded that adoption of a modification in our regulations governing the lease of equipment so as to provide for an appropriate fuel adjustment is required at this time. The numerous and vigorous comments submitted in this proceeding by all interested parties, coupled with the many interrelated considerations we have touched upon in this order, convince us that some rephrasing of the proposed regulation is necessary in order to remedy what is today an inequi-

table situation without at the same time creating or causing further inequities in our national system of transportation. Accordingly, the proposed rule will be rephrased to read as set forth in the ordering paragraph below.

Wherefore and good cause appearing therefor:

*It is ordered,* That part 1057 of Subchapter A to Chapter X, of Title 49 of the Code of Federal Regulations be, and it is hereby, modified by adding the following new sentences at the end of paragraph (a) (5) of § 1057.4:

#### § 1057.4 Augmenting equipment.

(a) . . . .  
(5) . . . . Subject to the exemption provisions of paragraph (a) (3) (i) of § 1057.4, and except to the extent that amounts paid for the same operations to the lessor in the form of specific fuel cost adjustments pursuant to the provisions of the Interstate Commerce Commission's Special Permission Order No. 74-2525, entered February 7, 1974, and modified February 8, 1974, or designated surcharge procedures, compensation paid by the lessee shall, on and after February 15, 1974, be increased by an amount equal to the increased costs of fuel purchased at lawful prices and borne by the lessor, provided the lessor is responsible for supplying the fuel consumed in operations conducted under the lease. The amount of such increase shall be: (i) Added to the compensation paid the lessor for the leased equipment; and (ii) computed by: (A) Subtracting from the lawful prices actually paid or to be paid by the lessor (and authenticated by him by presentation to the lessee of valid receipts for fuel actually purchased) and consumed in the operations for which the equipment is leased, the lawful price paid by the lessor of the same type of fuel in effect on May 15, 1973, provided fuel was purchased by him on that date; and (B) reducing such difference by any amounts as are paid for the same operations to the lessor in the form of specific fuel-cost adjustments resulting from increases in the carriers' rates or charges obtained subsequent to May 15, 1973. In the event fuel was not purchased by the lessor on May 15, 1973, the purchase date to be used in lieu thereof for the computations required in (ii) above shall be: (a) The date of the purchase of fuel last preceding May 15, 1973; or, (b) if the equipment was first leased on a date subsequent to May 15, 1973, the date of the lessor's first purchase of fuel for operations conducted under a leasing arrangement.

*It is further ordered,* That all motor common and contract carriers subject to part II of the Interstate Commerce Act, respondents herein, be, and they are hereby, notified and required to modify their contracts, leases, or other arrangements pertaining to the lease of equipment so as to conform them to the regulations adopted above.

*It is further ordered,* That the rules herein prescribed be, and they are hereby, prescribed to become effective on February 15, 1974, and will apply on all

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leases of equipment as set forth therein on and after the said effective date.

And it is further ordered, That this proceeding be, and it is hereby, discontinued.

(49 Stat. 543, as amended, and 70 Stat. 983)

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

#### APPENDIX

The names of those who filed representations in this proceeding are listed below. Names indented are those of participants who filed joint statements with parties listed immediately above them.

Ace Lines, Inc.  
Decker Truck Line, Inc.  
Machinery Haulers Association  
Mallinger Truck Line, Inc.  
Mid Seven Transportation Company, Inc.  
The Mickow Corporation  
Umthun Trucking Co.  
Alleghany Corporation, doing business as Jones Motor  
Alterman Transport Lines, Inc.  
American Transport, Inc.  
Boat Transit, Inc.  
Columbine Carriers, Inc.  
Condor Contract Carriers, Inc.  
Continental Contract Carrier Corp.  
Curtis, Inc.  
Denver Southwest Express, Inc.  
Hilt Truck Line, Inc.  
Huston Truck Line, Inc.  
Independent Transportation, Inc.  
Interstate Contract Carrier Corporation  
Jay Lines, Inc.  
Jo/Kel, Inc.  
Momsen Trucking Co.  
National Carriers, Inc.  
National Trailer Convoy, Inc.  
Unzicker Trucking, Inc.  
W. J. Digby, Inc.  
American Trucking Associations, Inc.  
Arkansas Best Freight System, Inc.  
Associated Transport, Inc.  
Gateway Transportation Co., Inc.  
Hennis Freight Lines, Inc.  
Johnson Bros. Truckers, Inc.  
Mason and Dixon Lines, Inc.  
McLean Trucking Company  
Ryder Truck Lines, Inc.  
Arrow Truck Lines, Inc.  
Baggett Transportation Company  
Belford Trucking Co., Inc.  
Bray Lines, Incorporated  
Bureau of Enforcement, Interstate Commerce Commission  
Cartwright Van Lines, Inc.  
Common Carrier Conference — Irregular Route  
Caravan Refrigerated Cargo, Inc.  
Certain-Teed Products Corporation  
C & H Transportation Co., Inc.  
F-B Truck Line Co.  
Ligon Specialized Hauler, Inc.  
Miller Transfer & Rigging Co.  
E. L. Murphy Trucking Co.  
Belger Cartage Service, Inc.  
Hunt Transportation  
Underwood Machinery Transport, Inc.  
Diamond Transportation  
International Transport, Inc.  
Ace Lines, Inc.  
Wales Transportation, Inc.  
Warren Transportation, Inc.  
Interstate Contract Carrier  
Eck Miller Transportation Corporation  
Home Transportation Company  
A. J. Metier Hauling & Rigging, Inc.  
Superior Trucking Co., Inc.  
Artim Transportation System, Inc., Operator of the Glenn Cartage Company

R. J. Jeffries Trucking Co., Inc.  
Parkhill Truck Company  
Colonial Refrigerated Inc.  
Colonial Refrigerated Transportation Inc.  
Central Transport, Inc.  
Quality Carriers, Inc.  
Beaver Transport, Co.  
Subler Transfer, Inc.  
Coldway Food Express, Inc.  
Riggs Food Express, Inc.  
Truck Transport, Inc.  
Henry Zellmer  
Orbit Transport, Inc.  
Norbet Trucking Corp.  
Winston Carriers, Inc.  
Emprise Trucking Inc.  
Interstate Roadrunner, Inc.  
Lott Motor Lines, Inc.  
Fredonia Express, Inc.  
Gregory Heavy Haulers, Inc.

Colorado Meat Dealers Association  
Contract Carrier Conference  
Crete Carrier Corp.  
Daily Express, Inc.  
Shaffer Trucking Inc.  
Deaton, Inc.  
Eagle Motor Lines, Inc.  
Eagle Trucking Company  
Eazor Express  
Frozen Food Express, Inc.  
Hahn Truck Line, Inc.  
Heavy-Specialized Carriers Conference  
Household Goods Carrier's Bureau  
International Brotherhood of Teamsters,  
Chauffeurs, Warehousemen, and Helpers  
Interstate Motor Freight System  
Brada Miller Freight System, Inc.  
Kraft Foods Division of Kraftco Corporation  
Leonard Bros. Trucking Co., Inc.  
Lightning Express, Inc.

Augie Passieu Trucking, Inc.  
B & P Motor Express, Inc.  
Blairsville Transport, Inc.  
Bond Transport, Inc.  
Carroll Transport, Inc.  
Ed Werner-Donaldson Transfer & Storage Co.  
Edward W. Chadderton t/d/b/a/Ed

Chadderton Trucking  
H. L. Draper Trucking, Inc.  
J. Miller Express, Inc.  
John F. Scott Company  
Peerless Transport Corp.  
Robert Cole Trucking Company  
Standard Motor Freight, Inc.  
Suwak Trucking Company  
Werner Continental, Inc.  
W. S. Thomas Transfer, Inc.  
Midwest Emery Freight Systems, Inc.  
Midwestern Dist. Inc.  
Movers' & Warehousemen's Association of America, Inc.  
Movers Round Table  
National Automobile Transporters Association

National Industrial Traffic League  
National Steel Carriers Association  
National Tank Truck Carriers, Inc.  
Prod, Inc.  
Prunty Motor Express, Inc.  
Case Driveway, Inc.  
Red Ball, Inc.  
Refrigerated Transport, Co., Inc.  
Clay Hyder Trucking Lines, Inc.  
Florida Refrigerated Service, Inc.  
Hurliman Trucking Company, Inc.  
J & M Transportation Co., Inc.  
Watkins-Carolina Express, Inc.  
Watkins Motor Lines, Inc.

Steel Carriers Conference, Inc.  
Steel Carriers Tariff Association, Inc.  
Swift & Company  
Tower Lines, Inc.  
Trans-Cold Express, Inc.  
Wilson Freight Company

[FR Doc.74-4024 Filed 2-19-74; 8:45 am]

#### Title 50—Wildlife and Fisheries

### CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Amagansett National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period February 15, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

#### NEW YORK

##### AMAGANSETT NATIONAL WILDLIFE REFUGE

Foot access along the refuge beachfront is permitted during daylight hours for the purpose of nature study, photography, and shell collecting. Interior access beyond the beachfront for the purpose of environmental education studies is permitted by Special Use Permit on a reservation basis. Permits may be obtained from the Refuge Manager, Target Rock National Wildlife Refuge, Target Rock Road, Lloyd Neck, Huntington, Long Island, New York 11743, or the Refuge Manager, Morton National Wildlife Refuge, R.D. 359, Noyac Road, Sag Harbor, Long Island, New York 11963. The use of motorized vehicles on the refuge is not permitted. Parking is limited to designated Town of East Hampton parking areas in accordance with town regulations. Pets are not permitted on the refuge.

The refuge, comprising 35.8 acres, is delineated on a map available from the Refuge Manager, Target Rock National Wildlife Refuge, Target Rock Road, Lloyd Neck, Huntington, Long Island, New York 11743, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 8, 1974.

[FR Doc.74-3991 Filed 2-19-74; 8:45 am]

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Brigantine National Wildlife Refuge, New Jersey

The following special regulations are issued and are effective during the period February 15, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

#### NEW JERSEY

##### BRIGANTINE NATIONAL WILDLIFE REFUGE

Foot and vehicular access is permitted on designated travel routes during daylight hours, for the purposes of nature study, wildlife observation, photography and hiking. The refuge beach has no lifeguards. Swimming will be at the visitor's own risk. Pets are allowed if on a leash not exceeding 10 feet in length.

Refuge public use areas, comprising more than 19,385 acres, and respective permissible activities, are designated on maps available at refuge headquarters, Oceanville, New Jersey or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 8, 1974.

[FR Doc.74-3929 Filed 2-19-74; 8:45 am]

#### PART 33—SPORT FISHING

##### Brigantine National Wildlife Refuge, New Jersey

The following special regulations are issued and are effective during the period February 15, 1974 through December 31, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### NEW JERSEY

##### BRIGANTINE NATIONAL WILDLIFE REFUGE

Saltwater sport fishing is permitted from the beach on Holgate Peninsula and Little Beach Island, except from those areas posted as closed.

Freshwater sport fishing from the South Dike of the West Pool is permitted during daylight hours from July 20 through September 21, 1974. The possession of fish or minnows for use as bait is not permitted. Freshwater fishermen may park at the headquarters and South Tower parking areas only.

Sport fishing shall be in accordance with all applicable State regulations.

Areas open to sport fishing, comprising 7.5 miles of tidal shoreline and one mile of freshwater shoreline, are delineated on maps available at refuge headquarters, Oceanville, New Jersey or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, as set forth in Title 50, Code of

Federal Regulations, Part 33, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 8, 1974.

[FR Doc.74-3928 Filed 2-19-74; 8:45 am]

#### PART 33—SPORT FISHING

##### Certain Wildlife Refuges

The following special regulations are issued and are effective on February 15, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### ALABAMA

##### CHOCTAW NATIONAL WILDLIFE REFUGE

Sport fishing on the Choctaw National Wildlife Refuge, Jackson, Alabama, is permitted only on the areas designated by signs as open to fishing. These open areas are shown on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

- (1) The sport fishing season is open year-round on all refuge waters except those posted as closed by signs.
- (2) Fishing is permitted during daylight hours only.

#### ARKANSAS

##### WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, DeWitt, Arkansas, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,592 acres are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

- (1) The sport fishing season on the refuge extends from March 16, 1974, through October 31, 1974.
- (2) Boats without owner's name plate affixed in a conspicuous place may not be left overnight.
- (3) Taking of frogs is prohibited.
- (4) All fishermen must exhibit their fishing license, fish, and vehicle and boat contents to Federal and State officers upon request.
- (5) It is unlawful to fail to run trotlines every 24 hours and remove catch therefrom. Lines not being properly tended shall be confiscated and removed from the water.

#### LOUISIANA

##### DELTA NATIONAL WILDLIFE REFUGE

Sport fishing and sport shrimping on the Delta National Wildlife Refuge, Ven-

ice, Louisiana, are permitted only on the areas designated by signs as open to fishing. These open areas, comprising approximately 48,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing and sport shrimping shall be in accordance with all applicable State regulations except the following special conditions:

- (1) The sport fishing and sport shrimping season on the refuge shall be closed during the waterfowl hunting season.
- (2) Fishing and shrimping permitted during daylight hours only.
- (3) Sport shrimp trawls are restricted to a maximum of 25 feet.
- (4) Air-thrust boats are prohibited.

#### MISSISSIPPI

##### NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Brooksville, Mississippi, is permitted on all refuge waters not specifically posted as closed to entry. These open areas, comprising 2,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

- (1) The sport fishing season on the refuge extends from March 1 through October 31, 1974.
- (2) Fishing permitted during daylight hours only.

(3) A daily permit (50 cents) is required by the Mississippi Game and Fish Commission to fish in Bluff and Loakfoma Lakes and tailwaters of the spillways.

(4) No limb lines or limb hooks are permitted in Bluff and Loakfoma Lakes.

(5) All trotlines will be removed from the refuge by the close of the refuge fishing season.

(6) Private boats may not be left overnight on the refuge.

(7) No snag lines permitted.

#### TENNESSEE

##### HATCHIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Hatchie National Wildlife Refuge, Brownsville, Tennessee, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 100 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

- (1) The sport fishing season on the refuge extends from April 1, 1974, through November 14, 1974.
- (2) Fishing permitted during daylight hours only.



## RULES AND REGULATIONS

## PART 33—SPORT FISHING

Prime Hook National Wildlife Refuge,  
Delaware

The following special regulation is issued and is effective during the period February 15, 1974 through December 31, 1974.

§ 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

## DELAWARE

## PRIME HOOK NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in accordance with all applicable State regulations. Boats, with or without motors, are permitted for fishing freshwater streams and ponds. Boats may be launched from designated access points or public roads.

The refuge is delineated on maps available at refuge headquarters or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 8, 1974.

[FR Doc.74-3927 Filed 2-19-74; 8:45 am]

## Title 6—Economic Stabilization

## CHAPTER I—COST OF LIVING COUNCIL

## PART 152—COST OF LIVING COUNCIL

## PHASE IV PAY REGULATIONS

Pay Adjustments Affecting Employees in  
the Food Industry

Part 152 is amended in Subpart H to make certain interpretive changes in the special rules applicable to the food industry.

Section 152.72 is amended by adding a new paragraph (d) to make clear that "pay adjustments affecting employees in the food industry" does not include pay adjustments with respect to employees in an appropriate employee unit in which more than 50 percent of the employees were primarily engaged on January 10, 1973, in the operation of an establishment classified under Standard Industrial Classification Code 3411 (Metal Cans and Shipping Containers), 3466 (Crowns and Closures), or 2655 (Fiber Cans, Tubes, Drums, Similar Products). The effect of this amendment is to clarify the fact that pay adjustments to employees described therein are covered by Subpart B of Part 152, Pay Adjustments Subject to Voluntary Controls.

Because the immediate implementation of Executive Order No. 11730 is required, and because the purpose of these

regulations is to provide immediate guidance as to Cost of Living Council decisions, the Council finds that publication in accordance with normal rule making procedures is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit comments regarding these amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

This amendment is effective January 11, 1973.

Issued in Washington, D.C., February 14, 1974.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

Section 152.72 is amended by adding new paragraph (d) as follows:

§ 152.72 Pay adjustments affecting employees in the food industry.

(d) For purposes of paragraph (b) of this section, "Pay adjustments affecting employees in the food industry" does not include pay adjustments with respect to employees who are members of an appropriate employee unit in which more than 50 percent of the employees, on January 10, 1973, were engaged primarily in the operation of an establishment classified under Standard Industrial Classification Code 3411 (Metal Cans and Shipping Containers), 3466 (Crowns and Closures), or 2655 (Fiber Cans, Tubes, Drums, Similar Products).

[FR Doc.74-4021 Filed 2-15-74; 9:51 am]

PART 150—COST OF LIVING COUNCIL  
PHASE IV PRICE REGULATIONSFerrous Scrap and Ferroalloy Scrap  
Exemption

The purpose of this amendment is to provide a full exemption for prices charged for all scrap metal under the Phase IV price regulations.

Obsolete scrap, that scrap which is an unprocessed used product, has been exempt since the beginning of the Phase IV program, 6 CFR 150.54(c). Section 150.54(p), as it currently stands, exempts copper scrap and copper based alloy scrap and § 150.54(v) exempts nonferrous scrap and nonferrous alloy scrap.

Prompt and processed obsolete ferrous scrap and ferroalloy scrap were the only metal scraps not subject to an exemption. The Cost of Living Council has determined that it is now appropriate to provide an exemption for ferrous and ferroalloy scraps. The Council takes this action because a large portion of these

scrap metals are sold to the ultimate consumer by firms which are exempt from price regulations because they have 60 or fewer employees. Thus a number of marketing and pricing distortions have arisen, the most important of which was the development of a two-tiered price structure. As the gap between the controlled price and the market price for producer scrap (prompt scrap) widened in recent weeks, firms have chosen not to sell to outside customers, but to ship to other plants for intra-firm uses. Not only has this reduced supplies by the amount in transit but it has also created pricing distortions within market areas. This exemption will put all sellers of scrap on an equal footing.

To the extent this amendment is inconsistent with Cost of Living Council Phase IV Price Rulings 1973-2, 1973-15, 1973-18, and 1973-21, those rulings are superseded.

Under §§ 150.11(e) and 150.161(b), a firm remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless in its most recent fiscal year it derived both less than \$50 million in annual sales or revenues from the sale or lease of nonexempt items and 90 percent or more of its sales and revenues from the sale of exempt items or exempt sales.

The Council retains the authority to reestablish price controls over any of the industries exempted by this amendment if price behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under § 150.162, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of this amendment is to provide immediate guidance as to Cost of Living Council decisions, the Council finds that the publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective February 15, 1974.

Issued in Washington, D.C., on February 15, 1974.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

## RULES AND REGULATIONS

In 6 CFR Part 150, § 150.54(p) is amended to read as follows:

§ 150.54 Certain price adjustments.

(p) *Scrap metals.* Prices charged for prompt metal scrap and processed obsolete metal scrap are exempt.

[FR Doc.74-4139 Filed 2-15-74; 5:14 pm]

PART 150—COST OF LIVING COUNCIL  
PHASE IV PRICE REGULATIONSPART 152—COST OF LIVING COUNCIL  
PHASE IV PAY REGULATIONS

## Exemption of Nonrubber Footwear

The purpose of this amendment is to exempt nonrubber footwear from Phase IV price regulations and to add a parallel exemption under the Phase IV pay regulations.

The price exemption extends to prices charged by manufacturers for the products as listed in Group No. 314, which includes Industry Nos. 3142, 3143, 3144 and 3149 of the Standard Industrial Classification Manual, 1972 edition. The affected products include men's and women's footwear, house slippers, athletic shoes, and miscellaneous nonrubber footwear.

The Council's action in exempting the above products was preceded by individual discussions with the four largest firms in the nonrubber shoe industry, Brown Shoe Company, United States Shoe Corporation, Interco Inc. and Genesco Corporation. These firms account for about 26 percent of industry sales. As a result of these discussions, these firms have agreed to limit wholesale price increases for nonrubber footwear through September 1, 1974 to a weighted average of no more than 2 percent above currently authorized levels. In addition, the firms agreed to continue to maintain wage and salary increases in a manner generally consistent with the regulations of the Economic Stabilization Program.

The separate agreements reached between the Council and the four largest firms are expected to be sufficient to restrain prices in general. Strong competition, both from imports and among the U.S. producers, should act to restrain prices for the industry overall, even in the face of sharply rising costs. Furthermore because the firms with whom the Council has agreements are the natural price leaders for the industry, it is expected that smaller firms will also be restrained from implementing inflationary price increases.

In developing the list of items, the sale of which is exempt under these amendments, the Council relied on the SIC Manual system. Only the sale by the manufacturer of the specific items listed in the amendment to § 150.54 is exempt. Other items which may be generally similar but are not listed do not come within the scope of these amendments.

Under §§ 150.11(e) and 150.161(g), a firm remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless in its most recent fiscal year it derived both less than \$50 million in annual sales or revenues from the sale or lease of nonexempt items and 90 percent or more of its sales and revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the nonrubber footwear manufacturing industry. The exemption is set forth in new § 152.401. The exemption is inapplicable to any such employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the nonrubber footwear manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the exemption. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25% or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the shoe manufacturing industry or in support thereof. In cases of uncertainty of application, inquiries concerning the scope or coverage of the wage exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

The Council retains the authority to reestablish price and wage controls over any of the industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule making procedure is impractical and that good cause exists for making this amendment effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

PART 28—PUBLIC ACCESS, USE, AND  
RECREATIONMackay Island National Wildlife Refuge,  
North Carolina and Virginia

The following special regulations are issued and are effective during the period from February 15, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation: for individual wildlife refuge areas.

## NORTH CAROLINA AND VIRGINIA

## MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Entry on foot, bicycle, or by motor vehicle is permitted during daylight hours on designated travel routes for the purpose of nature study, photography, and hiking. Entrance by boat into the refuge during daylight hours is permitted for the above purposes only from May 1 through October 18. Pets on a leash not exceeding 10 feet in length are permitted.

The refuge, comprising 6,974 acres, is delineated on a map available from the Refuge Manager, Back Bay National Wildlife Refuge, Pembroke #2 Bldg., Suite 218, 287 Pembroke Office Park, Virginia Beach, Virginia 23462 or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 8, 1974.

[FR Doc.74-3930 Filed 2-19-74; 8:45 am]

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In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein effective February 15, 1974.

Issued in Washington, D.C., on February 15, 1974.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

1. In 6 CFR Part 150, § 150.54 is amended to add a new paragraph (nn) to read as follows:

§ 150.54 Certain price adjustments.

(nn) *Nonrubber Footwear.* The prices which manufacturers of the following products charge for those products are exempt: Nonrubber footwear products listed in the SIC Manual, 1972 edition, in Group No. 314.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.40i to read as follows:

§ 152.40i Shoe manufacturing industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the shoe manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the shoe manufacturing industry.* For purposes of this section, "Establishment in the shoe manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Group Number 314 (Footwear, Except Rubber) which is primarily engaged in the manufacture of any product described under such Group Number.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the shoe manufacturing industry or in support of such operation only if such employee is employed at an establishment in the shoe manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of §§ 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the shoe manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the shoe manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the op-

eration of an establishment in the shoe manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the shoe manufacturing industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after February 15, 1974.

[FR Doc. 74-4140 Filed 2-15-74; 5:15 pm]

## Title 10—Energy

### CHAPTER II—FEDERAL ENERGY OFFICE FUEL ALLOCATION AND PRICING

#### Miscellaneous Amendments

The amendments and revisions published herein are designed to correct omissions and clerical errors in Parts 205, 210, 211 and 212 of the Federal Energy Office regulations published on January 15, 1974 (39 FR 1924). As part of these corrections, the addresses for Regional offices of FEO are updated in § 205.12. A new paragraph (c) is added to § 210.62 to classify certain business practices as illegal circumventions of the regulations set forth in Parts 211 and 212. This paragraph was inadvertently omitted when the Cost of Living Council Petroleum Price regulations were recodified in Title 10. A definition of "octane number" which had also been inadvertently omitted from Part 212 is added to § 212.31.

Because the purpose of these amendments is to provide technical corrections to FEO regulations, the FEO finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments and revisions effective upon publication.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 47, 39 FR 24)

In consideration of the foregoing, Parts 205, 210, 211 and 212 of Chapter II of Title 10 of the Code of Federal Regulations are amended and revised as set out herein, effective 11:59 p.m., January 14, 1974.

Issued in Washington, D.C., on February 15, 1974.

WILLIAM N. WALKER,  
General Counsel,  
Federal Energy Office.

#### PART 205—ADMINISTRATIVE PROCEDURES

1. Paragraph (f) of § 205.8 to read as follows:

§ 205.8 Subpoenas: witness fees.

(f) In case of refusal to obey a subpoena served upon any person under the

provisions of this part, the FEO may request the Attorney General to seek the aid of the District Court of the United States for the district in which such person is found to compel such person, after notice, to appear and give testimony, or to appear and produce documents, or both.

2. Paragraph (b) of § 205.12 is revised to read as follows:

§ 205.12 Addresses for filing documents with the FEO.

(b) All petitions, appeals, complaints and reports submitted to the Regional Office should be directed to the following address, as appropriate:

#### REGION 1

Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut; Regional Office, FEO, 150 Causeway Street, Boston, Mass. 02114.

#### REGION 2

New York, New Jersey, Virgin Islands, Puerto Rico; Regional Office, FEO, 26 Federal Plaza, New York, N.Y. 10007.

#### REGION 3

Pennsylvania, Delaware, Virginia, West Virginia, Maryland, District of Columbia; Regional Office, FEO, Federal Office Building, 1421 Cherry Street, Philadelphia, Pa. 19102.

#### REGION 4

North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Canal Zone; Regional Office, FEO, 1720 Peachtree St., N.W., Atlanta, Georgia 30309.

#### REGION 5

Michigan, Illinois, Wisconsin, Minnesota, Indiana, Ohio; Regional Office, FEO, 175 West Jackson St., Chicago, Ill. 60604.

#### REGION 6

Texas, Louisiana, Arkansas, Oklahoma, New Mexico; Regional Office, FEO, 212 North Saint Paul St., Dallas, Tex. 75201.

#### REGION 7

Iowa, Nebraska, Missouri, Kansas; Regional Office, FEO, Federal Office Bldg., 611 Grand Street, Kansas City, Missouri 64106.

#### REGION 8

Montana, Wyoming, North Dakota, South Dakota, Colorado, Utah; Regional Office, FEO, 645 Parfet Street, Denver, Colorado 80225.

#### REGION 9

California, Nevada, Arizona, Hawaii, American Samoa, Guam, Trust Territory of the Pacific Islands; Regional Office, FEO, Fox Plaza Bldg., 1390 Market Street, San Francisco, California 94102.

#### REGION 10

Washington, Alaska, Oregon, Idaho; Regional Office, FEO, Federal Office Bldg., 909 First Ave., Room 3098, Seattle, Wash. 98104.

3. Paragraph (a) of § 205.13 is revised to read as follows:

§ 205.13 Where to file.

(a) Except as otherwise specifically provided, documents which may be filed with FEO by suppliers or wholesale purchasers pursuant to this part shall be filed with the appropriate Regional Office of FEO except that documents shall be

filed with the National Office of FEO which relate to:

(1) The allocation and pricing of crude oil pursuant to Subpart C of Part 211, and the provisions of Part 212 of this chapter.

(2) Refinery mix controls imposed pursuant to Subpart C of Part 211.

(3) The allocation and pricing of aviation fuel pursuant to Subpart H of Part 211, and the provisions of Part 212 of this chapter, which are filed by civil air carriers and public air carriers.

(4) The allocation and pricing of residual fuel oil pursuant to Subpart I of Part 211, and the provisions of Part 212 of this chapter, which are filed by electrical utilities.

(5) The allocation and pricing of Bunker fuel pursuant to Subpart J of Part 211, and the provisions of Part 212 of this chapter, which are filed by members of the maritime shipping industry.

(6) The allocation and pricing of petrochemical feedstocks pursuant to Subpart J of Part 211, and the provisions of Part 212 of this chapter.

(7) The allocation and pricing of other products pursuant to Subpart K of Part 211, and the provisions of Part 212 of this chapter.

§ 205.2 [Amended]

4. Paragraph (d) of § 205.22 is amended deleting the final word "conversion" and inserting in lieu thereof the word "conversion".

5. Paragraph (i) of § 205.24 is amended to read as follows:

§ 205.24 FEO criteria.

(i) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

6. Paragraph (b) of § 205.122 is amended to read as follows:

§ 205.122 Initial action by FEO.

(b) When the FEO denies a petition for modification or rescission, in whole or in part, it will serve upon the applicant a copy of its order which will contain a statement of the grounds for denial and advise the applicant that he may file an appeal pursuant to Subpart H of this part.

7. Section 205.165 is revised to read as follows:

§ 205.165 State criteria.

A recommendation by a State that a petition for adjustment or assignment be granted shall be based on the FEO criteria for allocation set forth in § 205.24 of this part.

#### PART 210—GENERAL ALLOCATION AND PRICE RULES

8. Section 210.2 is amended to change the time "e.s.t." to read "d.s.t."

§ 210.31 [Amended]

9. Paragraph (a) of § 210.31 is amended by deleting the final word "title" and inserting in lieu thereof the word "Chapter."

10. Section 210.32 is amended in the definition of "average daily production" and "Stripper well lease" in paragraph (b) to read as follows:

§ 210.32 Stripper well leases.

(b) *Definitions.* . . . .  
"Average daily production" means the qualified maximum total production of domestic crude petroleum and petroleum condensates, including natural gas liquids, produced from a property during the preceding calendar year, divided by a number equal to the number of days in that year times the number of wells which produced crude petroleum and petroleum condensates, including natural gas liquids, from that property in that year. To qualify as maximum total production, each well on the property must have been maintained at the maximum feasible rate of production, in accordance with recognized conservation practices, and not significantly curtailed by reason of mechanical failure or other disruption in production.

"Stripper well lease" means a "property" whose average daily production of crude petroleum and petroleum condensates, including natural gas liquids, per well did not exceed 10 barrels per day during the preceding calendar year.

11. Section 210.33 is amended to read as follows:

§ 210.33 Exports and imports.

Bonded fuels, as defined in Subpart B of Part 211 of this Chapter, are exempt from the provisions of Parts 211 and 212 of this chapter.

12. Section 210.62 is amended by adding a paragraph (c) to read as follows:

§ 210.62 Normal business practices.

(c) Any practice which constitutes a means to obtain a price higher than is permitted by the regulations in this chapter or to impose terms or conditions not customarily imposed upon the sale of an allocated product is a violation of these regulations. Such practices include, but are not limited to devices making use of inducements, commissions, kickbacks, retroactive increases, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, trade understandings, falsification of records, substitution of inferior commodities or failure to provide the same services and equipment previously sold.

13. Section 210.81 is amended as follows:

§ 210.81 Violations.

Any practice which circumvents or contravenes or results in a circumvention or contravention of the requirements of any provision of the regulations of this chapter or any order issued pursuant thereto is a violation of the regulations of this chapter.

14. Section 210.82 is amended in paragraph (a) (2) to read as follows:

§ 210.82 Sanctions.

(a) *General.*

(2) Each day that a violation of the provisions of this chapter or any order issued pursuant thereto continues, there shall be deemed to be a separate violation within the meaning of the provisions of this chapter relating to criminal fines and civil penalties.

#### PART 211—MANDATORY PETROLEUM ALLOCATION

15. Paragraph (c) of § 211.1 is amended to read as follows:

§ 211.1 Scope.

(c) *State set-asides.* State set-asides are provided for middle distillates, residual fuel oil, motor gasoline and propane.

16. Section 211.51 is amended in the definitions set forth below to read as follows:

§ 211.51 General definitions.

"Base period" means the historical period designated in Subparts C through K of this part.

"Base period use" means base period volume or adjusted base period volume.

"Independent refiner" means a refiner who (a) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to November 27, 1973, more than 70 percent of his refinery input of domestic crude oil or 70 percent of his refinery input of domestic and imported crude oil from producers who do not control, are not controlled by, and are not under common control with such refiner, and (b) marketed or distributed in such quarter and continues to market or distribute a substantial volume of gasoline refined by him through branded independent marketers or nonbranded independent marketers.

"Local governmental unit" means any county, city, or other political subdivision of a State, and any special purpose district.

"Lubricants" means all grades of lubricating oils for industrial, commercial and automotive use, and lubricating greases which are sold to semifluid products consisting of a dispersion of a thickening agent in a liquid lubricant. This product includes all lubricants reported to the Bureau of Mines, United States Department of Interior as such, with the exception of a product controlled under Subparts other than Subpart K.

17. Section 211.62 is amended in the definition of "Refining capacity" to read as follows:

§ 211.62 Definitions.

"Refining capacity" means, for each refinery, the greater of that capacity reported to the Bureau of Mines as of Jan-



uary 1, 1973, or the actual crude oil runs (on a calendar day average basis) as reported monthly to the Bureau of Mines for January through October, 1973. A refiner who has received a starter allocation under section 25 of the Oil Import Regulations (32A CFR OI Reg. 1-25) and/or who has requested and received certification of his new or incremental refinery capacity from the FEO pertaining to a new refinery, expansion or reactivation subsequent to the January 1, 1973 capacity report to the Bureau of Mines, may elect to have his net new capacity added to the capacity as reported to the Bureau of Mines on January 1, 1973; provided, however, that for the first reporting period, FEO certification shall not be required as provided in § 211.66. Any refiner's capacity which has become inoperable since the January 1973 report to the Bureau of Mines shall be deducted from refinery capacity.

18. Section 211.65 is amended in paragraphs (h) and (i) to read as follows:

§ 211.65 Method of allocation.

(h) Each refiner whose estimate of allocable crude supplies to become available during the calendar quarter would result in a supply/capacity ratio exceeding the FEO's published ratio is required to offer for sale and to sell crude oil to refiner-buyers in amounts sufficient to reduce its supply/capacity ratio to the national supply/capacity ratio.

(i) The volumes on the refiner-buyer and refiner-seller lists shall be modified in a subsequent calendar quarter, by adding or subtracting, as appropriate, the difference between the estimated crude oil runs during the preceding calendar quarter and the actual volumes of crude oil run by refiners during the preceding calendar quarter.

19. Paragraph (a) of § 211.81 is amended to read as follows:

§ 211.81 Scope.

(a) This subpart provides for the allocation of propane and propane-butane mixes produced in or imported into the United States. This subpart does not apply to:

- (1) Ethane;
- (2) Sales of bottled propane; and
- (3) Propane in mixtures of light hydrocarbons produced in a refinery when used in that refinery as other than a feedstock.

20. Section 211.103(a)(2) is revised to read as follows:

§ 211.103 Allocation levels.

(a) . . .

(2) One hundred (100) percent of base period use for all other business activities.

21. Section 211.125 is amended in paragraph (c)(2)(i) to read as follows:

§ 211.125 Method of allocation.

(c) . . .

(2) . . .

(i) Each space-heating end-user shall be entitled to an initial fill-up at its first delivery after these regulations become effective, if sufficient supplies are available.

PART 212—MANDATORY PETROLEUM PRICING REGULATIONS

22. Section 212.1 is amended by revising paragraph (b) to read as follows:

§ 212.1 Scope.

(b) The price rules of the Economic Stabilization Program, Title 6 of the Code of Federal Regulations, remain effective until 11:59 p.m., d.s.t., January 14, 1974 with respect to sales of covered products and the leasing of real property used in the retailing of gasoline.

23. Section 212.31 is amended by adding, in the appropriate alphabetical order, a definition of "Octane number" which reads as follows:

§ 212.31 Definitions.

"Octane number" means the octane number derived from the sum of Research (R) and Motor (M) octane numbers divided by two (R+M)/2. The research octane (R) and motor octane number (M) shall be as described in the American Society for Testing and Materials (ASTM) "Standard Specifications for Gasoline" D439-70, and subsequent revisions, and ASTM Test Methods D 2699 and D 2700.

24. Section 212.88 is amended to read as follows:

§ 212.88 Allocated crude pricing.

(a) Scope. This section applies to each sale of crude oil made pursuant to the provisions of § 211.65 of this chapter.

(b) Rule. Notwithstanding the general rules described in this subpart, the price at which crude oil shall be sold when required in § 211.65 of Part 211 of this chapter, in Districts I-IV during each month shall be the weighted average price of all crude oil delivered to a seller for Districts I-IV, and in District V the weighted average price of all crude oil delivered to a seller for that District, plus a handling fee, equal to 6 percent of each calculated weighted average price, plus any transportation adjustment specified in paragraph (b)(1) of this section, plus a gravity adjustment as specified in paragraph (b)(2) of this section. Each refiner-seller making such a sale shall calculate its price under paragraph (c) of this section, and shall maintain records, which shall be made available to the FEO upon request, listing the volumes and delivered prices of all crude oil delivered to its refineries during each month.

(1) Actual addition transportation expenses incurred to move the crude oil

to the purchaser's refinery shall be paid by the purchaser. Actual transportation expenses saved as a result of moving the offered crude oil directly to the purchaser's refinery shall be deducted from the selling price, if customarily included in such price.

(2) Each refiner-seller shall calculate a weighted average gravity ("API") for all crude oil estimated to be delivered to its refineries in Districts I-IV and District V. The gravity differential of crude oil offered for sale and used in calculations under this paragraph shall be the weighted average price plus or minus \$0.02 per barrel per API in Districts I-IV and \$0.05 per barrel per API in District V that the crude oil being offered for sale is above or below the weighted average API of estimated runs of all crude oil for the forthcoming calendar quarter for the refiner-seller in Districts I-IV and V.

(c) Calculations. For the purpose of calculating the weighted average delivered price, the delivered cost of all domestic crude oil, at the point of purchase, plus any gathering or trucking allowance, pipeline tariffs, water transportation costs, terminalling costs and exchange differentials paid to deliver the crude oil to the seller's refineries. For imported crude oil, the delivered price shall be the landed cost plus any pipeline tariffs, water transportation costs, terminalling costs, exchange differentials, and including import fees, insurance, duty, and taxes paid to deliver such crude oil to the seller's refineries.

(d) Allocation of costs. Each refiner-seller which makes a sale of crude oil under the provisions of § 211.65 of this chapter, may, notwithstanding the provisions of § 212.83(c)(2) of this subpart, increase the measurement of its cost of crude oil calculated in § 212.83(c)(2) and represented by the symbol "A", by an amount equal to 84 cents per barrel of crude oil sold to comply with the provisions of § 211.65 of this chapter.

(e) Reflection of costs. Refiners required to sell crude oil under § 211.65 of this chapter shall be allowed to increase their product prices to reflect increased crude oil costs of all available crude oil prior to making crude oil sales to comply with § 211.65.

25. Section 212.111 is amended by revising paragraph (a)(2) to read as follows:

§ 212.111 New item and lease rule.

(a) General—New item.

(2) New Market. An item which the firm concerned has previously sold is a new item with respect to its offer for sale or lease to any market to which it did not sell or lease it at any time during the 1-year period immediately preceding the first date on which the firm offers it for sale or lease. For purposes of this section, a "market" is one or more members of any one of the following groups: refiners; retailers; consumers; manufacturers; or service organizations.

[FR Doc.74-4198 Filed 2-19-74; 12:12 am]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Revision of Refinery Yield Control Program

This revision of the program for refinery product yield in § 211.71 is designed to expand and clarify the nature and extent of that program. The provisions heretofore stated in § 211.71 focused specifically on the output of gasoline as a fraction of all products refined from crude oil. While this revision does not prevent a focus upon a particular product, the FEO has noted declines in other product output which merit similar attention. For this reason, the language of revised § 211.71 addresses any product found to be in short supply, enabling FEO to deal with the range of allocated refined products and residual fuel oils and allowing for adjustments to output levels when necessary.

Specifically the revision provides for the creation—on a refinery basis and on a product basis—of an "adjustment factor" for particular products. An established adjustment factor is subject to modification from time to time. As need arises, FEO will establish and publish the factor, indicating the extent of its applicability. The fraction will be a yardstick for the desired output of the specified refinery product.

As in the prior program the factor may be applied as a maximum, to avert loss of a needed product supply, or as a minimum to assure continued supply of product. The factor will be a percentage adjustment applied to the ratio of barrels of product output to total crude runs to stills, and a base period for the ratio will be established at the time this factor is announced. Refiners may seek FEO approval to combine efforts to meet the specific adjustment factor.

Under the Emergency Petroleum Allocation Act, P.L. 93-159, the FEO may adjust the quantity of crude allocated to refiners in a manner which assures the continuation of historical product mix patterns and the accomplishment of the objectives of the Act. Revised § 211.71, therefore, also authorizes adjustments in the allocated quantities of crude to refiners which meet or fail to meet the adjustment specified under the yield program.

Finally, the provision in the prior regulation relating to exceptions has been deleted since exception requests are all governed by the general rules in Part 205. It should be noted, however, that the FEO will consider as grounds for an exception the fact that under certain circumstances technological problems may preclude a refiner from achieving the specified adjusted percentage yield.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum allocation rules and regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575;

Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order 47, 39 FR 24 as amended.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., February 19, 1974.

JOHN C. SAWHILL,  
Deputy Administrator,  
Federal Energy Office.

1. Section 211.71 is revised to read as follows:

§ 211.71 Mandatory Refinery Yield Control Program.

(a) Purpose. The refinery yield control program is designed to require each refiner to utilize available supplies of crude oil in a manner best suited to ensure adequate production levels of refined petroleum products and residual fuel oils which are or may be in short supply, consistent with the objectives of this chapter.

(b) Scope. This section applies as specified to the production of refined petroleum products and residual fuel oil from crude oil by each refiner in the United States.

(c) Product yield controls.—(1) Definitions. As used in this section—  
"Adjustment factor" means the percentage established by the FEO by which the base percentage yield of a particular refined petroleum product or residual fuel oil is multiplied to obtain the adjusted percentage yield of that particular product or residual fuel oil.

"Adjusted percentage yield" means the product of the base percentage yield of a particular refined petroleum product or residual fuel oil multiplied by the adjustment factor for that product or residual fuel oil.

"Base percentage yield" means the ratio which the total number of barrels of a particular refined petroleum product or residual fuel oil produced by a refiner during a specified base period bears to the refiner's total crude runs to stills in that base period and expressed as a percentage.

"Crude runs to stills" means the total barrels of refinery input to crude oil distillation units processed by the refiner and measured in accordance with Bureau of Mines form 6-1300-M.

(2) Adjustment of base percentage yield. Whenever a refined petroleum product or residual fuel oil is or will be in short supply, the FEO may require refiners to adjust their base percentage yield of that product or residual fuel oil in order to increase the relative output of that product or residual fuel oil in short supply. If the FEO determines that an adjustment to the base percentage yield of a particular refined petroleum product or residual fuel oil is necessary, the FEO shall publish an adjustment factor by which each refiner must multiply its base percentage yield of that product or residual fuel oil to obtain the

adjusted percentage yield of that product or residual fuel oil.

(3) Joint compliance. Upon approval by the FEO, two or more refiners may adjust their base percentage yield of a particular refined petroleum product or residual fuel oil on a pooled basis, such that the combined production of that product or residual fuel oil by the two or more refiners would equal the combined production of those refiners if each refiner had separately equaled or exceeded its adjusted percentage yield of that product or residual fuel oil.

(d) Allocation of crude oil. The FEO may adjust the quantities of crude oil allocated among refiners under § 211.65 in a manner designed to ensure desired production levels of refined petroleum products or residual fuel oil in short supply for which an adjustment factor has been established. Such adjustments shall be designed to meet the objectives of this chapter and of the Act, such that refiners which increase production in excess of their adjusted percentage yield of that product or residual fuel oil, or less than the adjusted percentage yield of that product or residual fuel oil may be allocated greater or lesser quantities of crude oil during the next allocation quarter, respectively.

[FR Doc.74-4200 Filed 2-19-74; 12:13 pm]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Gasoline Prices—Non-Product Costs

Part 212 of the Federal Energy Office regulations is amended to permit retail gasoline dealers and refiners to increase their prices of gasoline sold at retail by one cent per gallon to reflect non-product cost increases per gallon of gasoline attributable to reduced supplies of gasoline. This amendment recognizes that the fixed costs of doing business for retailers of gasoline have caused the retailers' margins to decrease on a per gallon basis as supplies of gasoline have been reduced.

To implement this change, § 212.93(b)(1) is amended to allow retailers and reseller-retailers of gasoline, beginning with March 1974, to charge one cent per gallon of gasoline in excess of the price otherwise allowable, during any month immediately following a month in which the seller received a volume of gasoline that was less than 85 percent of its adjusted base period volume. A seller, however, may still not increase its May 15, 1973 selling price more than once in any calendar month to reflect allowable price increases.

Section 212.82(b)(2) has also been changed to permit a refiner which retails gasoline to include in the definition of "allowable costs" increased non-product costs per gallon of gasoline which are attributable to the retail marketing of gasoline during any month immediately following a month in which a refiner had an allocation fraction of less than 85 percent, but only to the extent that those costs allow an increase in the price of gasoline above base prices by an amount not in excess of one cent

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per gallon. A price increase justified by the amended § 212.82(b)(2) still may only be implemented after it has been prenotified in accordance with the provisions of Subpart I of Part 212.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum price regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order 47, 39 FR 24)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., February 19, 1974.

JOHN C. SAWHILL,  
Deputy Administrator,  
Federal Energy Office.

1. Section 212.82 is amended in paragraph (b)(2) to read as follows:

§ 212.82 Price rule.

(b) Price increases.

(2) For the purpose of determining whether net allowable costs have been incurred which permit the charging of a price in excess of the base price, base

costs shall be compared with current costs. Current costs which exceed base costs may be used to justify a price in excess of the base price. "Allowable costs" under this section mean non-product costs attributable to refining operations under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned and exclude any costs attributable to marketing operations except as follows:

(i) Non-product costs attributable to the marketing of special products may be included as allowable costs to the extent that those costs allow an increase in the prices of special products above the prices otherwise permitted to be charged for such products pursuant to the provisions of this section by an amount not in excess of one cent per gallon with respect to retail sales and one half cent per gallon with respect to all other sales; and

(ii) Non-product costs per gallon of gasoline attributable to the retail marketing of gasoline may also be included as allowable costs immediately following a month in which a refiner had an allocation fraction (as defined in § 211.51 of this chapter) of less than 85 percent but only to the extent that those costs per gallon of gasoline allow an increase in the price of gasoline above the prices otherwise permitted to be charged for gasoline pursuant to the provisions of this section, including subparagraph (i), above, by an amount not in excess of one cent per gallon with respect to retail sales.

2. Section 212.93(b) is amended in paragraph (1) to read as follows:

§ 212.93 Price rule.

(b) . . .

(1) With respect to special products: (i) Beginning with January, 1974, with respect to retail sales, a seller may charge one cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, and, with respect to all other sales a seller may charge one-half cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section to reflect non-product cost increases which the seller incurred after May 15, 1973.

(ii) Beginning with March 1974, with respect to retail sales of gasoline, a seller may, during any month immediately following a month in which the seller received a volume of gasoline that is less than 85 percent of its adjusted base period volume as defined in § 211.51 of this Chapter, charge one cent per gallon of gasoline in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including subparagraph (i), above, to reflect non-product cost increases per gallon of gasoline.

(iii) A seller may not increase its May 15, 1973 selling prices to each class of purchaser more than once in any calendar month to reflect increased costs or the amounts permitted pursuant to paragraphs (b)(1)(i) and (b)(1)(ii) of this section, but may implement the increase on any day during that month.

[FR Doc.74-4199 Filed 2-19-74; 12:13 pm]

## Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

[7 CFR Part 924]

[Docket No. AO-317-A1]

#### FRESH PRUNES GROWN IN WASHINGTON AND OREGON

##### Notice of Hearing on Proposed Amendment of Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674)), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Third Floor Auditorium, Pacific Power & Light Building, 7 North 3rd Street, Yakima, Washington, beginning at 8:30 a.m., local time, February 28, 1974, with respect to proposed amendment of the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in the Counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington, and all counties in Washington lying east thereof, and in Umatilla County in the State of Oregon. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions which relate to the proposed amendment, hereinafter set forth, and to any appropriate modifications thereof.

The Washington-Oregon Fresh Prune Marketing Committee, the administrative agency established pursuant to the marketing agreement and order, submitted the following amendatory proposals and requested a hearing thereon.

1. Redesignate and revise § 924.45 to read:

§ 924.45 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, and marketing research and development projects, designed to assist, improve or promote the marketing, distribution, and consumption or efficient production of fresh prunes. The expense of such projects shall be paid from funds collected pursuant to § 924.41.

2. Revise paragraph (a)(3) of § 924.52 to read:

§ 924.52 Issuance of regulations.

(a) . . .

(3) Fix the size, capacity, weight, dimensions, markings, strength of material, or pack of the container, or containers, which may be used in the packaging or handling of fresh prunes;

The Fruit and Vegetable Division, Agricultural Marketing Service has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Portland Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1218 SW Washington Street, Portland, Oregon 97205 or from the Washington-Oregon Fresh Prune Marketing Committee, 601 West A Street, P.O. Box 2056, Yakima, Washington 98901.

Dated: February 14, 1974.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.74-4000 Filed 2-19-74; 8:45 am]

[7 CFR Parts 1004, 1002]

[Docket Nos. AO-160-A50, AO-71-A67]

#### MILK IN THE MIDDLE ATLANTIC AND NEW YORK-NEW JERSEY MARKETING AREAS

##### Notice of Reconvened Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

The hearing with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas designated herein, notice of which was published in the FEDERAL REGISTER dated December 21, 1973 (38 FR 35006), was held in Allentown, Pennsylvania, January 23-25, 1974, and in Downingtown, Pennsylvania, January 28-February 1, 1974, and February 5-7, 1974.

When the hearing was recessed on February 7, 1974, the Administrative Law Judge announced that the hearing would reconvene on March 5, 1974, at the same location at Downingtown, Pennsylvania, or at another location to be named by

her and published in the FEDERAL REGISTER.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the said public hearing will be reconvened commencing at 9 a.m., local time, on March 5, 1974, at the Franklin Motor Inn, 22nd Street and Benjamin Franklin Parkway, Philadelphia, Pennsylvania.

Signed at Washington, D.C., on: February 14, 1974.

DOROTHEA A. BAKER,  
Administrative Law Judge.

[FR Doc.74-4001 Filed 2-19-74; 8:45 am]

#### Commodity Credit Corporation

[7 CFR Part 1421]

DRY EDIBLE BEANS

#### Proposed Loan and Purchase Program for 1974 Crop

Notice is hereby given that the Secretary of Agriculture proposes to make determinations for the 1974 crop of dry edible beans, including whether a price support operation shall be undertaken, and if so, the loan level, program eligibility requirements, storage requirements and detailed operating provisions.

Statutory authority relating to such a program appears in sections 301, 303, 401, and 403 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1447, 1449, 1421, and 1423), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c).

Section 301 of the Agricultural Act of 1949 authorizes the Secretary to make available through loans, purchases, or other operations support to producers for any non-basic commodity for which support is not mandatory at a level not in excess of 90 per centum of the parity price for the commodity. In determining in the case of any commodity for which price support is discretionary whether a price support operation shall be undertaken and the level of such support, section 401 of the Act requires that consideration be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of

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the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand. Section 303 requires that, in determining the level of support, particular consideration shall be given to the levels at which competing agricultural commodities are being supported.

Commodity and producer eligibility requirements, storage requirements and detailed operating provisions necessary to carry out a program in the event one is undertaken are also being reviewed for 1974. Provisions of this kind under current programs may be found in regulations governing loans, purchases, and other operations for grain and similarly handled commodities which appear in Title 7, Part 1421 of the Code of Federal Regulations.

Prior to making any of the foregoing determinations, consideration will be given to data, views, and recommendations which are submitted in writing to the Director, Cotton, Rice, and Oilseeds Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions must, in order to be sure of consideration, be received by the Director not later than March 15, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C., on February 13, 1974.

GLENN A. WEIR,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[FR Doc. 74-3998 Filed 2-19-74; 8:45 am]

#### Rural Electrification Administration

[7 CFR Part 1701]

#### TELEPHONE CABLE FOR AERIAL AND UNDERGROUND DUCT APPLICATIONS

##### Proposed Revision in REA Specification

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), including the amendment thereto enacted by Pub. L. 93-32, REA proposes to issue Bulletin 345-13 to announce a revision in REA Specification PE-22 for telephone cable for aerial and underground duct applications. On issuance of REA Bulletin 345-13, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revision of PE-22 may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before March 22, 1974. All written submissions made pursuant to this notice will be made available for

#### PROPOSED RULES

public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revision of REA Specification PE-22 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345-13 announcing the revision of the specification is as follows:

##### REA BULLETIN 345-13

REA SPECIFICATION FOR TELEPHONE CABLE FOR AERIAL AND UNDERGROUND DUCT APPLICATIONS, PE-22

I. Purpose. To announce a revision in REA Specification PE-22 for Telephone Cable for Aerial and Underground Duct Applications.

II. General. REA Specification PE-22 has recently been revised to:

1. Allow the use of copper shielding as an equal alternate to coated aluminum.
2. Change the percent increases in melt index for propylene/ethylene copolymer jacketing compounds.
3. Change the requirements for the shipment of cables under pressure or containing pulling eyes.
4. Include Appendix 2 covering electrical performance requirements for cables containing a compartmental core separator.
5. Change the methods of repairing conductor insulation.
6. Change the jacket-to-shield adhesion requirements for coated aluminum.

The revised specification becomes effective July 1, 1974. All cables for aerial and underground duct applications bid or ordered by REA borrowers after that date shall comply with the revised REA Specification PE-22 dated March 1974. This does not preclude the adoption of the revised specification by manufacturers prior to the effective date.

III. Availability of specification. Copies of the revised PE-22 will be furnished by REA upon request. Questions concerning the revised specification may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447-3827.

Dated: February 13, 1974.

C. R. BALLARD,  
Administrator—Telephone.

[FR Doc. 74-3945 Filed 2-19-74; 8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Social Security Administration

[20 CFR Part 404]

[Reg. 4]

#### FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart K—Employment—Wages—Self-Employment—Self-Employment Income

##### CREDITABILITY OF WAGES FOR SOCIAL SECURITY PURPOSES

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments reflect the amendments to the Social Security

Act made by section 203 of Pub. L. 92-336 enacted July 1, 1972; several sections of Pub. L. 92-603 enacted October 30, 1972; section 203 of Pub. L. 93-66 enacted July 9, 1973; and section 5(a) of Pub. L. 93-233 enacted December 31, 1973; which: (1) Include as wages payments made after 1972 to an employee of a Federal Home loan bank; and (2) include as wages payments made after 1972 to a temporary or intermittent employee of the Government of Guam, or any instrumentality which is wholly owned thereby; and (3) exclude as wages payments made after 1972 for services performed in the employ of a private, nonprofit auxiliary organization of a school, college, or university if the services are performed by a student who is both enrolled in and regularly attending classes at the school, college, or university; and (4) provide for the maximum amount creditable as wages for social security purposes for calendar years after 1971; and (5) exclude from wages payments made by an employer after 1974 to an employee in a month following the month of attainment of age 62 in which no work was performed; and (6) excluded from wages payments made by an employer after 1972 to a disabled employee for a period after the year of entitlement to disability insurance benefits in which he performed no work; and (7) provide for deemed wages of \$300 in each quarter after 1956 in which an individual is paid wages for services as a member of a uniformed service; and (8) exclude from wages payments made after December 1972 by an employer to a survivor or estate of a former employee.

Prior to final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before March 22, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Sec. 205, 209, 210, 220, and 1102 of Social Security Act, as amended, 53 Stat. 1368, 49 Stat. 625, 64 Stat. 502, 81 Stat. 833, 49 Stat. 647; 42 U.S.C. 405, 409, 410, 429, and 1302.)

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

Dated: January 10, 1974.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: February 14, 1974.

CASPAR W. WEINBERGER,  
Secretary of Health, Education,  
and Welfare.

Subpart K, Regulations No. 4 of the Social Security Administration, as

amended (20 CFR Part 404), is further amended as set forth below.

1. Section 404.1013 is amended by revising paragraph (e) (2) (ii) to read as follows:

##### § 404.1013 Services in employ of United States or instrumentalities thereof.

(2) . . .

(ii) In the employ of a Federal land bank association (formerly national farm loan association), a production credit association, a Federal Reserve bank, or a Federal credit union; and after 1959, in the employ of a Federal land bank, a Federal intermediate credit bank and a bank for cooperatives; and, after 1972, in the employ of a Federal Home Loan bank. Services performed as an employee of a Federal Home Loan Bank during the period January 1, 1967, through December 31, 1972, are not excepted from employment if the employee is employed by the Federal Home Loan bank on January 1, 1973, and the taxes imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 with respect to such services are paid by July 1, 1973, or at a later date provided in an agreement entered into prior to July 1, 1973, with the Secretary of the Treasury or his delegate;

2. Section 404.1014a is amended by revising paragraph (b) to read as follows:

##### § 404.1014a Services in the employ of the Governments of American Samoa and Guam.

(b) *Guam.* Services in the employ of the government of Guam, its political subdivisions, or any instrumentality of any one or more of the foregoing wholly owned thereby, performed by an officer or employee thereof (including a member of the legislature of such government or political subdivision) are exempted from employment; provided, however, that services performed after 1972 by such employee properly classified as a temporary or as an intermittent employee are not excepted from employment unless performed by an elected official, a member of the legislature, or a patient or inmate in a hospital or penal institution, or are covered by a retirement system established by a law of Guam.

3. Section 404.1019 is amended by revising paragraph (b) to read as follows:

##### § 404.1019 Students employed by schools, colleges, or universities.

(b) Services performed in the employ of a school, college, or university as defined in paragraph (a) of this section (whether or not such organization is exempt from income tax) are excepted from employment, if the services are performed by a student who is both enrolled in and regularly attending classes at such school, college, or university. Effective for services performed after 1972 in the em-

#### PROPOSED RULES

ploy of a private, nonprofit auxiliary organization of such a school, college, or university which is organized and operated exclusively for the benefit of, to perform functions of, or to carry out the purposes of the school, college, or university and is operated, supervised, or controlled by or in connection with the school, college, or university are also excepted from employment, if the services are performed by a student who is both enrolled in and regularly attending classes at the school, college, or university.

4. Section 404.1027 is amended by revising paragraphs (a) (1), (n) (1), and (q) (2) and by adding paragraph (u) to read as follows:

##### § 404.1027 Exclusions from wages.

(a) *Annual wage limitation.* (1) The term "wages" does not include that part of the remuneration paid by an employer to an employee within any calendar year:

- (i) After 1950 and prior to 1955 which exceeds the first \$3,600 of remuneration;
- (ii) After 1954 and prior to 1959 which exceeds the first \$4,200 of remuneration;
- (iii) After 1958 and prior to 1966 which exceeds the first \$4,800 of remuneration;
- (iv) After 1965 and prior to 1968 which exceeds the first \$6,600 of remuneration;
- (v) After 1967 and prior to 1972 which exceeds the first \$7,800 of remuneration;
- (vi) After 1971 and prior to 1973 which exceeds the first \$9,000 of remuneration;
- (vii) After 1972 and prior to 1974 which exceeds the first \$10,800 of remuneration;
- (viii) After 1973 and prior to 1975 which exceeds the first \$13,200 of remuneration; or
- (ix) After 1974 which exceeds an amount equal to the contribution and benefit base as determined under section 230 of the Act which is effective for such calendar year;

(exclusive of remuneration excepted from wages in accordance with paragraphs (b) through (u) of this section) paid within the calendar year by an employer to the employee for employment performed by him at any time after 1936.

(n) *Payments to employees for non-work periods.*

(1) The term "wages" does not include any payment (other than vacation or sick pay) made by an employer to an employee for a period throughout which the employment relationship exists between the employer and the employee, but in which the employee does no work for the employer (including employees subject to call for the performance of work), nor any payment made to a corporate officer solely for holding office during a period in which no work was performed, if such payment is made:

- (i) In the case of a man, after the calendar month in which he attains age 65, or for payments after 1974, after the calendar month in which he attains age 62; or

(ii) In the case of a woman, after the calendar month in which she attains age 62, or for payments made before November 1956, after the calendar month in which she attains age 65; or

(iii) In the case of a disabled employee regarding payments made after December 1972, the employee is at the time of payment entitled to disability insurance benefits under the Social Security Act, entitlement to which began prior to the calendar year in which such payment is made.

(q) *Payments to members of the uniformed services.* . . .

(2) An individual is deemed to have been paid in each calendar quarter occurring after 1956 in which he was paid wages for service as a member of a uniformed service, wages of \$300 in addition to the wages actually paid to him for such service.

(u) *Payments by employer to survivor or estate of former employee.* The term "wages" does not include any payment made after December 31, 1972, by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died.

[FR Doc. 74-3985 Filed 2-19-74; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-SO-12]

##### VOR FEDERAL AIRWAY

##### Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign the west alternate to V-35 between Sugarloaf Mountain, N.C., and Holston Mountain, Tenn.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 22, 1974 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW, Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign V-35W from Sugarloaf Mountain

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to Holston Mountain via the INT of Sugarloaf Mountain 301°T(303°M) and Holston Mountain 209°T(211°M) radials. This realignment would conform to revised terminal procedures for Asheville, N.C., Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 13, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 74-3925 Filed 2-19-74; 8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 74-SO-7]

#### FEDERAL AIRWAY

##### Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal Airway from Huntsville, Ala., to Rome, Ga.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 22, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate V-382 from Huntsville, Ala., direct to Rome, Ga. Pilots are presently flying this direct route. By designating it as an airway, the communications workload would be reduced for both the pilot and the controller.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 13, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 74-3923 Filed 2-19-74; 8:45 am]

#### [ 14 CFR Part 91 ]

[Docket No. 13543, Notice No. 74-6]

#### AIRCRAFT FLYING BENEATH TERMINAL CONTROL AREAS

##### Proposed Airspeed Limitation

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to clarify the regulation regarding air speed limitations for aircraft flying beneath a terminal control area (TCA). No substantive change would result.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before April 22, 1974 will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

Amendment 91-78, which became effective on June 25, 1970, prescribed the air traffic rules for the separation, segregation, and control of aircraft operated within TCA's. One of the air traffic rules enacted by that amendment is contained in § 91.70(c), which reads "No person may operate aircraft in the airspace beneath the lateral limits of any terminal control area at an indicated airspeed of more than 200 knots (230 m.p.h.)."

As described in the preamble to Amendment 91-78, the purpose of the speed limit is to reduce the potential adverse effects caused by the compression of VFR traffic which might occur beneath the TCA floor and within VFR corridors through the TCA. It is the purpose of this proposed change to make it clear that all of the airspace underlying the TCA and the airspace within the VFR corridors through the TCA is subject to the 200 knot speed limit. It is proposed to express the concept more directly and not rely on the words "beneath the lateral limits" for this purpose.

(Sec. 307(c), 313(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(c) and 1354(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 91.70(c) of Part 91 of the Federal Aviation Regulations to read as follows: "(c) No person may operate an aircraft in the airspace underlying a Terminal Control Area, or in a VFR corridor designated through a Terminal Control Area, at an indicated airspeed of more than 200 knots (230 m.p.h.)."

Issued in Washington, D.C., on February 11, 1974.

RAYMOND G. BELANGER,  
Director,  
Air Traffic Service, AT-1.

[FR Doc. 74-3924 Filed 2-19-74; 8:45 am]

#### National Highway Traffic Safety Administration

##### [ 49 CFR Part 571 ]

[Docket No. 73-34; Notice 2]

#### SCHOOL BUS BODY JOINT STRENGTH

##### Extension of Comment Period

The purpose of this notice is to extend the period for comments to the notice published January 22, 1974 (39 FR 2490), proposing a motor vehicle safety standard that will require a higher level of school bus body joint strength.

A request for a 30-day extension of the comment period was submitted by the School Bus Manufacturers Institute. The petition pointed out that the additional time was necessary in order to allow a more complete review of the proposal.

The NHTSA has found the request to have merit, and the comment period is extended to March 18, 1974.

The NHTSA does not intend or anticipate that this extension will result in a change in the standard's proposed effective date of January 1, 1976.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51 and 501.8)

Issued: February 15, 1974.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc. 74-4076 Filed 2-15-74; 4:17 pm]

#### FEDERAL HOME LOAN BANK BOARD

##### [ 12 CFR Part 584 ]

[No. 74-61]

#### MULTIPLE SAVINGS AND LOAN HOLDING COMPANIES

##### Proposed Procedures Regarding Services and Activities

JANUARY 30, 1974.

The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, considers it desirable to propose an amendment to Part 584 of the Rules and Regulations for Savings and Loan Holding Companies (12 CFR Part 584), for the purposes described below. Accordingly, the Board hereby proposes to amend said Part 584 by adding a new § 584.2-1 thereto, immediately following § 584.2, to read as set forth below.

Section 408(c)(2) of the National Housing Act, as amended, provides, in part, that no multiple savings and loan holding company or subsidiary thereof which is not an insured institution shall commence any business activity other than five activities listed herein, or "furnishing or performing such other services

or engaging in such other activities as the Corporation may approve or may prescribe by regulation as being a proper incident to the operations of insured institutions and not detrimental to the interests of savings account holders therein". Paragraph (b) of proposed new § 584.2-1 sets forth the activities that the Board, pursuant to said section 408(c)(2) (F), proposes to prescribe by regulation as being "preapproved" services and activities for multiple savings and loan holding companies and their non-insured subsidiaries other than service corporations. (Services and activities of service corporation subsidiaries of multiple savings and loan holding company subsidiary insured institutions are prescribed by § 584.2(c) (12 CFR 584.2(c)).

Paragraph (c) of proposed new § 584.2-1 sets forth the procedures which the Board proposes to require multiple savings and loan holding companies to follow before commencing the services and activities set forth in § 584.2-1(b). Under § 584.2(c)(1), in substance, the company would file a notice of intent to commence such a service or activity. If the company were commencing the service or activity by establishing it de novo, it could do so unless the Corporation objects before the close of 30 calendar days after receipt of the notice of intent. If the company were commencing the service or activity by acquiring a going concern, it could do so unless the Corporation objects before the close of 60 calendar days after receipt of the notice of intent. In the case of either de novo entry or entry by acquisition, the Director of the Holding Companies Section of the Board's Office of Examinations and Supervision could permit commencement of the service or activity at an earlier date and could extend the 30 or 60 days periods for an additional 15 days.

Paragraph (c)(2) of proposed new § 584.2 would provide that the Corporation may require a multiple savings and loan holding company or a subsidiary thereof which has commenced a service or activity pursuant to § 584.2-1 to modify or terminate, in whole or in part, such service or activity. Paragraph (c)(3) of proposed new § 584.2-1 would provide that a service or activity commenced pursuant to § 584.2-1 shall not be altered in any material respect unless a notice of intent to do so is filed under the same procedures required in paragraph (c)(1) of proposed new § 584.2-1.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by March 22, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

#### § 584.2-1 Services and activities of multiple savings and loan holding companies.

(a) General. For the purposes of § 584.2(b)(6), the Corporation hereby prescribes for multiple savings and loan holding companies, or subsidiaries thereof which are neither insured institutions nor service corporation subsidiaries of subsidiary insured institutions, services and activities which are deemed for such purposes to be a proper incident to the operations of insured institutions and not detrimental to the interests of savings account holders therein. Services and activities of service corporation subsidiaries of multiple savings and loan holding company subsidiary insured institutions are prescribed by § 584.2(c).

(b) Prescribed services and activities. Subject to the provisions of paragraph (c) of this section, a multiple savings and loan holding company or subsidiary thereof which is neither an insured institution nor a service corporation of a subsidiary insured institution may furnish or perform the following services and engage in the following activities to the extent that it has legal power to do so:

(1) Originating, purchasing, selling and servicing any of the following:

(i) Loans, and participation interests in loans, secured by first liens on real estate, including brokerage and warehousing of such real estate loans;

(ii) Mobile home chattel paper (written evidence of both a monetary obligation and a security interest of first priority in one or more mobile homes, and any equipment installed or to be installed therein), including brokerage and warehousing of such chattel paper;

(iii) Loans, with or without security, for the altering, repairing, improving, equipping or furnishing of any residential real estate; and

(iv) Educational loans;

(2) Subject to the provisions of § 584.3, furnishing or performing clerical, accounting and internal auditing services primarily for its affiliates;

(3) Subject to the provisions of § 584.3, furnishing or performing the following services primarily for its affiliates, and for any insured institution and service corporation subsidiary thereof, and for other multiple holding companies and affiliates thereof:

(i) Data processing;

(ii) Credit information, appraisals, construction loan inspections and abstracting;

(iii) Development and administration of personnel benefit programs, including life insurance, health insurance, and pension or retirement plans;

(iv) Research, studies, and surveys;

(v) Purchase of office supplies, furniture and equipment;

(vi) Development and operation of storage facilities for microfilm or other duplicate records; and

(vii) Advertising and other services to procure and retain both savings accounts and loans;

(4) Acquisition of unimproved real estate lots, and acquisition of other unimproved real estate for the purpose of prompt development and subdivision, for (i) construction of improvements, (ii) resale to others for such construction, or (iii) use as mobile home sites;

(5) Development, subdivision and construction of improvements on real estate acquired pursuant to subparagraph (4) of this paragraph (b), for sale or rental;

(6) Acquisition of improved real estate and mobile homes to be held for rental;

(7) Acquisition of improved real estate for remodeling, rehabilitation, modernization, renovation, or demolition and rebuilding for sale or for rental;

(8) Maintenance and management of improved real estate; and

(9) Underwriting or reinsuring contracts of credit life or credit health and accident insurance in connection with extensions of credit by the savings and loan holding company or any of its subsidiaries, or extensions of credit by any insured institution or service corporation subsidiary thereof, or any other multiple savings and loan holding company or subsidiary thereof.

(c) Procedures for commencing services or activities. (1) Before a multiple savings and loan holding company or a subsidiary thereof may commence performing or engaging in a service or activity prescribed by paragraph (b) of this section, either de novo or by an acquisition of a going concern, it shall file a notice of intent to do so in a form prescribed by the Corporation. The original and one copy of such notice shall be filed with the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C., 20552, and two copies of such notice shall be sent to the Supervisory Agent. The activity or service may be commenced unless before the close of the calendar-day period stipulated in the next sentence, the Corporation finds that the service or activity proposed would not be, in the circumstances, a proper incident to the operations of insured institutions or would be detrimental to the interests of savings account holders therein. The period shall be 30 calendar days after the date of receipt of such notice, in the case of a de novo entry, and 60 calendar days after the date of receipt of such notice, in the case of an acquisition of a going concern. The Director may extend the appropriate calendar-day period for a period not to exceed 15 calendar days on the basis of the circumstances in a particular case. The Director or Supervisory Agent may request additional information from such holding company or subsidiary after receipt of notice, but the Corporation need not consider additional information forthcoming from the holding company or subsidiary as a result of such a request which is received by the Director less than 10 calendar days before the end of the original or extended calendar-day period. The Director may permit such



holding company or subsidiary to commence the activity at an earlier date on the basis of the circumstances in a particular case.

(2) The Corporation may require a multiple savings and loan holding company or subsidiary thereof which has commenced a service or activity pursuant to this section to modify or terminate, in whole or in part, such service or activity as the Corporation finds necessary in order to ensure compliance with the provisions and purposes of this part

and of section 408 of the National Housing Act, as amended, or to prevent evasions thereof.

(3) Except as may be otherwise provided in a resolution by or on behalf of the Corporation in a particular case, a service or activity commenced pursuant to this section shall not be altered in any material respect from that described in the notice filed under subparagraph (1) of this paragraph (c), unless before making such alteration notice of intent to do so is filed in compliance with the appro-

priate procedures of said subparagraph (1) of this paragraph.

(Sec. 402, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL]

EUGENE M. HERRIN,  
Assistant Secretary.

[FR Doc.74-3966 Filed 2-19-74; 8:45 am]

## Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF THE INTERIOR Bureau of Land Management POTENTIAL FUTURE OUTER CONTINENTAL SHELF OIL AND GAS LEASING Request for Comments

In order to implement President Nixon's directive to lease ten million acres in 1975, and in order to implement more fully the purposes and objectives of the Outer Continental Shelf Lands Act, all concerned parties representing the oil and gas industry and the general public are invited and encouraged to submit information concerning areas of interest for offshore oil and gas leasing and to identify problem areas. This is being done in order to help ensure that scarce resources for exploration and development can be employed on the most promising areas consistent with environmental safeguards. Regulations or procedures necessary to implement the other actions announced by the President in his Energy Message relating to Outer Continental Shelf (OCS) leasing will be subsequently published for public comment before they become effective and are not part of this request for comment.

Oil and gas resources of the continental margin, including those beyond the 200 meter depth contour, subject to jurisdiction of the United States are to be considered. Precise continental shelf boundaries between the U.S. and opposite or adjacent states have not, with some exceptions, been agreed. Accordingly certain areas are or may be subject to dispute. No decision has been made to undertake leasing in actually or potentially disputed areas while efforts are being made to reach agreement with the nations concerned. In this connection reference is made to the last sentence of Department of State Public Notice 320 appearing in 35 FR 3301 of February 20, 1970.

Leasing in the Cook Inlet of Alaska and on the Atlantic OCS is contingent on resolution of the litigation between the Federal Government and the State of Alaska and Atlantic coastal states regarding areas of jurisdiction or an alternative resolution of the issues. Further, the President's Council on Environmental Quality is conducting studies of the environmental impact of oil and gas production on the continental shelf of the Atlantic Ocean and the Gulf of Alaska. No leasing in these areas will be permitted unless it is determined that oil and gas exploration and development can proceed in an environmentally satisfactory manner. However, information concerning OCS areas of interest is being

requested at this time in order to identify areas of special resource potential and of environmental value. It is the intention of the Department of Interior to conduct a call for tract nominations on more specific areas after consideration of the comments resulting from this request and, where appropriate, after resolution of State/Federal jurisdiction disputes

and a determination from the CEQ Atlantic and Gulf of Alaska studies that development can proceed in those areas in an environmentally satisfactory manner. Information received in response to this request will also be considered in determining future leasing plans.

The areas to be commented on are as follows:

	Approximate location
Atlantic Coast OCS areas:	
1. North Atlantic.....	Bay of Fundy to Cape Code north of 40° N. latitude and south of 1°
2. Mid-Atlantic.....	Cape Cod to Cape Hatteras between 40° N. to 35° N. latitude.
3. South Atlantic.....	Cape Hatteras to Key West south of 35° N. latitude.
Gulf of Mexico OCS areas:	
4. East Gulf.....	East of 88° W. longitude.
5. Central Gulf.....	Between 88° W. to 93° W. longitude.
6. West Gulf.....	West of 93° W. longitude to Mexican border.
Pacific OCS areas:	
7. Southern California Borderland.....	South of 34° N. latitude to Mexican border (except Santa Barbara Channel).
8. Santa Barbara.....	Santa Barbara Channel.
9. North and Central California.....	North of 34° N. latitude to California-Oregon border (except Santa Barbara Channel).
10. Washington-Oregon.....	Between California-Oregon border and Canadian border.
Alaska OCS areas:	
11. Cook Inlet.....	South of 60° N. latitude.
12. Southern Aleutian Shelf.....	West of 153° W. longitude.
13. Gulf of Alaska.....	North of 56° N. latitude, east of 153° W. longitude.
14. Bristol Bay.....	South of 58° N. latitude, east of 165° W. longitude.
15. Bering Sea Shelf.....	U.S. waters south of 66° N. latitude.
16. Beaufort Sea.....	Between 142° W. and 160° W. longitude.
17. Chukchi Sea.....	U.S. waters north of 66° N. latitude, west of 160° W. longitude.

<sup>1</sup> The line drawn from a point at: 42°19.9' N. latitude, 67°46.9' W. longitude, thence to 42°9.3' N. latitude, 67°40.0' W. longitude, thence 41°42.4' N. latitude, 67°28.8' W. longitude, and ending at 41°15.3' N. latitude, 66°58.9' W. longitude.

Other Areas of interest may be commented upon by appropriate area designation.

#### AREAS OF OIL AND GAS RESOURCE POTENTIAL

The following information is requested:

- Rank by order of oil and gas potential the areas of interest listed above.
- Outline of geologic structures of areas of interest shown on appropriate maps. All such information will remain confidential on request. Bureau of Land Management official leasing maps may be obtained from: (1) Gulf of Mexico Outer Continental Shelf Office, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113; (2) Pacific Outer Continental Shelf Office, 300 North Los Angeles Street, Los Angeles, California 90012; or, (3) Alaska

Outer Continental Shelf Office, 121 W. Firewood Lane, Room 270, P.O. Box 1159, Anchorage, Alaska 99510.

3. For each area of interest, estimated time periods required to achieve initial and peak production after a discovery is made, and identification of specific factors that may constrain development for these areas.

#### AREAS OF ENVIRONMENTAL CONCERN

The following information is requested:

1. Rank with areas of greatest environmental concern first the above areas and indicate specific environmental values which exist and damages which might be incurred.

2. If possible, indicate the location on maps of specific environmental features or hazards to be considered in these areas if their resource potential is devel-



oped (locations where maps can be obtained listed above).

3. Indicate specific actions which may be taken to reduce or eliminate potential conflicts with oil and gas exploration and development activities.

The information should be submitted no later than May 1, 1974, in envelopes or packets marked "Request for Comments on Potential Future, Outer Continental Shelf Oil and Gas Leasing." The information should be submitted to Director, Attention 730, Bureau of Land Management, Washington, D.C. 20240. Copies of the information should also be sent to the Chief, Conservation Division, No. 600, U.S. Geological Survey, National Center, Reston, Virginia 22092.

GEORGE C. TURCOTT,  
Associate Director,  
Bureau of Land Management.

Approved: February 15, 1974.

JOHN C. WHITAKER,  
Acting Secretary of the Interior.

[FR Doc.74-4126 Filed 2-15-74;4:51 pm]

[Wyoming 0310786]

#### WYOMING

##### Opening Land to Small Tract Application

FEBRUARY 11, 1974.

1. Pursuant to Small Tract Classification Wyoming 0310786 dated September 14, 1971, the following described land will be opened to small tract application as set out below, for sale under the Small Tract Act of June 1, 1938, as amended; 43 U.S.C. 682a-e (1970):

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 40 N., R. 78 W.,  
Sec. 30, lot 7.

The above described parcel contains 4.79 acres.

The land is located in Natrona County near Midwest, Wyoming. It is bordered on the east and south by U.S. Highway 87 and State Highway 387.

2. At 10 a.m. on February 21, 1974, the land will be open to applications to purchase the lot under the Small Tract Act. All valid applications received at or prior to 10 a.m. on February 21, 1974, will be considered as simultaneously filed at that time. All applications filed after that time will be considered in the order of filing.

3. Applicants must file, in duplicate, with the Chief, Lands and Mining Section, Bureau of Land Management, PO Box 1828, Cheyenne, Wyoming, application Form 2730-1 filled out in compliance with instructions on the form. The application must be accompanied by a relinquishment of the existing small tract lease W-0310786 embracing the land, conditioned upon conveyance of title. Copies of the application form can be secured from the above-named official. The application must be accompanied by a filing fee of \$10 and the purchase money for the land in the amount of \$29,000. Failure to transmit these payments with the application will render the application invalid. Advance pur-

chase payments will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

4. The patent (the title transfer document), when it issues, will contain a reservation of all minerals to the United States, and will be subject to rights-of-way of record and the rights of prior oil and gas permittees.

DANIEL P. BAKER,  
State Director.

[FR Doc.74-3938 Filed 2-19-74;8:45 am]

#### National Park Service CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

##### Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, February 23, 1974, at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long, Glen Echo, Maryland (Chairman)  
Mrs. Caroline Freeland, Bethesda, Maryland  
Hon. Vladimir A. Wahbe, Baltimore, Maryland  
Mr. John C. Lewis, Hamilton, Virginia  
Mr. Burton C. English, Berkeley Springs, W. Va.

Mr. James G. Banks, Washington, D.C.  
Mr. Joseph H. Cole, Washington, D.C.  
Mrs. Dorothy Grotz, Arlington, Virginia  
Mr. Anthony Abar, Annapolis, Maryland  
Mr. Ronald A. Clites, LaVale, Maryland  
Mrs. Mary Miltenberger, Cumberland, Maryland

Dr. James H. Gilford, Frederick, Maryland  
Mr. Grant Conway, Brookmont, Maryland  
Mr. Edwin F. Wesely, Chevy Chase, Maryland  
Mr. John C. Frye, Gapland, Maryland  
Mr. Justice Douglas, Washington, D.C. (Special Consultant)

Mr. Rome F. Schwagel, Keedysville, Maryland  
Mr. Donald Frush, Hagerstown, Maryland

The matters to be discussed at this meeting include:

1. Dickerson Report.
2. Cumberland Report.
3. Superintendent's Report.
4. Status of the Master Plan.
5. Special Use Permits.
6. Status of Land Acquisition Program.
7. Report—Fort Duncan Historical Site.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 15 persons will be able to attend the sessions. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to

submit written statements, may contact Richard L. Stanton, Assistant Director, Cooperative Activities, National Capital Parks, at 202-426-6715. Minutes of the meeting will be available for public inspection two weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Date: February 13, 1974.

ROBERT M. LANDAU,  
Liaison Officer, Advisory Com-  
missions, National Park Service.

[FR Doc.74-3988 Filed 2-19-74;8:45 am]

#### DEPARTMENT OF AGRICULTURE

##### Forest Service

#### BEARTOOTH WILDERNESS, ABSAROKA WILDERNESS, AND CUT-OFF MOUNTAIN WILDERNESS

##### Notice of Proposed Establishment

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890-892 (16 U.S.C. 1131-1132)), that a public hearing will be held, beginning at 9 a.m. on March 27, 1974, in the Cody Club Auditorium, Cody, Wyoming; on March 29, 1974, in the Petro Theatre, Eastern Montana College, Billings, Montana; and March 30, 1974, in Winans School Auditorium, 1015 West Clark, Livingston, Montana, on a proposal for a recommendation to be made by the Secretary of Agriculture to the President of the United States that a recommendation be submitted to the Congress for establishment of the Beartooth Wilderness, Absaroka Wilderness, and Cut-off Mountain Wilderness, comprised of 516,815 acres. The proposed Beartooth, Absaroka, and Cut-off Mountain Wildernesses are located in the Custer and Gallatin National Forests in the Counties of Carbon, Park, Stillwater, and Sweet Grass, Montana.

A brochure containing a map and information about the proposed Wildernesses may be obtained from the following:

Custer National Forest, 2602 1st Avenue North, Billings, Montana 59103.

Gallatin National Forest, Federal Building, Bozeman, Montana 59715.

Regional Forester, Northern Region, Federal Building, Missoula, Montana 59801.

Individuals and organizations may express their views by appearing at these hearings or, following the hearings, may submit written comments for inclusion in the official record to the Regional Forester, Federal Building, Missoula, Montana 59801, by April 30, 1974.

Those wishing to present oral statements at the hearings should notify the Regional Forester, Federal Building, Missoula, Montana 59801, by March 15, 1974, stating at which hearing location the views will be expressed.

Dated: February 13, 1974.

JOHN R. MCGUIRE,  
Chief, Forest Service.

[FR Doc.74-3999 Filed 2-19-74;8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### National Institutes of Health

#### NATIONAL HEART AND LUNG INSTITUTE

##### Notice of Workshop

The National Heart and Lung Institute is conducting a workshop March 4 and 5, 1974. The purpose of the workshop is to consider the role of endothelium in atherogenesis and to discuss possible implications for treatment. Participants will be from several countries, including Japan.

The workshop will be held at the National Institutes of Health in Bethesda, Maryland, Building 31, Conference Room 9 at 9 a.m. Admission is open, but subject to limitations of space in the conference room.

For further information please contact Dr. G. C. McMillan, NHLI, Landow Building, Room C-808, telephone (301) 496-1978.

Dated: February 10, 1974.

ROBERT S. STONE,  
Director.

National Institutes of Health.

[FR Doc.74-3933 Filed 2-19-74;8:45 am]

#### TASK FORCE ON THE ASSESSMENT OF AUTOMATED BLOOD PRESSURE MEASURING DEVICES

##### Notice of Meeting

The National Heart and Lung Institute wishes to announce the third meeting of the Task Force on the Assessment of Automated Blood Pressure Measuring Devices. The meeting will take place on April 26, 1974, from 8:30 a.m. to 5:00 p.m., in Conference Room 10, Building 31, National Institutes of Health, Bethesda, Maryland. The purpose of the meeting will be to continue discussion of automated blood pressure measuring devices as they relate to the needs of a mass screening program. Attendance by the public will be limited to space available.

For further information please contact Dr. Bernard H. Doff, NHLI, Landow Building, Room A-922, telephone 496-5421.

Dated: February 8, 1974.

ROBERT S. STONE,  
Director.

National Institutes of Health.

[FR Doc.74-3934 Filed 2-19-74;8:45 am]

#### Office of the Assistant Secretary for Health EXCLUSIVE PATENT LICENSE

##### Notice of Proposed Issuance

Pursuant to § 6.3, 45 CFR Part 6, notice is hereby given of intent to issue a limited-term, revocable, exclusive patent license in and to an invention of Charles Heidelberger entitled "5-Trifluoromethyluracil, Derivatives Thereof, and Processes for Preparing the Same," limited in scope, however, to the topical use of the compound for the treatment of herpes infections of the eye.

#### SUPPRESSION STRATEGY FOR CONTROL OF SOUTHERN PINE BEETLE IN THE SOUTHEASTERN UNITED STATES

##### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the suppression strategy for control of southern pine beetle in the Southeastern United States, USDA-FS-DES(Adm)-74-1.

The environmental statement concerns a proposed analysis of the need and desirability for a Southeastern Area-wide suppression program by identifying the resources threatened, describing the techniques and benefits of suppression, and assessing the environmental impact of suppression activity.

This draft environmental statement was filed with CEQ on February 4, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 323, 12th St. & Independence Ave., SW., Washington, D.C. 20260.  
USDA, Forest Service, Division of Forest Pest Control, 1621 N. Kent St., Room 1205-B, Arlington, Va. 22209.

Comments must be received not later than 45 days after the filing date with CEQ in order to be considered in the preparation of the final environmental statement.

M. W. KAGEORGE,  
Acting Area Director,  
Southeastern Area.

[FR Doc.74-3973 Filed 2-19-74;8:45 am]

##### Office of the Secretary

#### NEW ORLEANS COTTON EXCHANGE

##### Order Vacating Designations as a Contract Market

Pursuant to section 7 of the Commodity Exchange Act (7 U.S.C. 11), I hereby vacate the designations of the New Orleans Cotton Exchange of New Orleans, Louisiana, as a contract market for cotton and cottonseed oil effective April 1, 1974. The said exchange, which was designated as a contract market for cotton on September 13, 1936, and for cottonseed oil on December 8, 1940, has requested that such designations be vacated.

Issued this 14th day of February, 1974.

CLAYTON YEUTTER,  
Assistant Secretary for  
Marketing and Consumer Services.

[FR Doc.74-4002 Filed 2-19-74;8:45 am]

#### WOOL ASSOCIATES OF THE NEW YORK COTTON EXCHANGE, INC.

##### Order Vacating Certain Designation as a Contract Market

Pursuant to section 7 of the Commodity Exchange Act (7 U.S.C. 11), I hereby

vacate the designation of the Wool Associates of the New York Cotton Exchange, Inc., as a contract market for wool tops effective April 1, 1974. The said exchange, which was designated as a contract market for wool tops on June 1, 1938, has requested that such designation be vacated.

The said exchange shall remain designated as a contract market for wool, after April 1, 1974, having previously been so designated.

Issued this 14th day of February, 1974.

CLAYTON YEUTTER,  
Assistant Secretary for  
Marketing and Consumer Services.

[FR Doc.74-4003 Filed 2-19-74;8:45 am]

#### DEPARTMENT OF COMMERCE

##### Social and Economic Statistics Administration

#### CENSUS ADVISORY COMMITTEE ON PRIVACY AND CONFIDENTIALITY

##### Notice of Public Meeting

The Census Advisory Committee on Privacy and Confidentiality will convene on February 25, 1974, at 9:00 a.m. in Room 4830, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The Census Advisory Committee on Privacy and Confidentiality was established on October 7, 1971, to advise the Director, Bureau of the Census, on policy and procedure concerning the purpose and scope of census inquiries and on all aspects of privacy and confidentiality as they relate to the statistical work of the Bureau.

The Committee is composed of 15 members appointed by the Secretary of Commerce.

The agenda for the meeting is: (1) Archives procedure for handling Census of 1900 records, (2) potential effect on respondent cooperation if informed data will be made available after a fixed term, (3) Bureau of Labor Statistics procedures in regard to confidentiality, and (4) discussion of American Civil Liberties Union position regarding privacy.

Attendance will be limited to available space. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. Mathew E. Erickson, Legal Advisor, Bureau of the Census, Room 3039, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233) Telephone: 301-763-2818.

EDWARD D. FAILOR,  
Administrator, Social and Economic Statistics Administration.

FEBRUARY 14, 1974.

[FR Doc.74-4050 Filed 2-19-74;8:45 am]



Any objection thereto, together with request for opportunity to be heard, if desired, should be directed to Charles C. Edwards, M.D., the Assistant Secretary for Health, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before March 22, 1974. Interested parties may obtain a copy of the patent directed to this invention upon request in writing to the party hereinabove named.

AUTHORITY: 45 CFR 6.3.

Dated February 13, 1974.

CHARLES C. EDWARDS,  
Assistant Secretary for Health.

[FR Doc.74-3983 Filed 2-19-74; 8:45 am]

Office of Education  
GRANTS TO STATE AND LOCAL  
EDUCATIONAL AGENCIES

Closing Date for Receipt of Applications;  
Correction

In the notice of closing date for receipt of applications under Part C, Title V, ESEA, Grants to State and Local Educational Agencies, published at 39 FR 4497, (February 4, 1974), paragraph 5 should be corrected as follows:

"Applications forwarded by State educational agencies must be received by the Division of State Assistance, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202, on or before the closing date."  
(20 U.S.C. 867-867c)

Dated: February 13, 1974.

JOHN OTTINA,  
U.S. Commissioner of Education.  
[FR Doc.74-3958 Filed 2-19-74; 8:45 am]

Office of the Secretary  
CHILD AND FAMILY DEVELOPMENT  
RESEARCH REVIEW COMMITTEE

Notice of Reestablishment

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, the Office of the Secretary announces the reestablishment of the Child and Family Development Research Review Committee. This committee consists of twenty (20) members, including the Chairman, selected from authorities knowledgeable in the fields of child development, psychology, sociology, psychiatry, pediatrics, social work, and anthropology. The purpose and function of the Committee are to establish a system for re-

view of grant applications in the field of child development, to assist the Director, Office of Child Development, in setting priorities for funding grant applications, and to advise the Secretary, Assistant Secretary for Human Development, and Director, Office of Child Development, concerning the review of research proposals.

Dated February 12, 1974.

THOMAS S. MCFEE,  
Acting Assistant Secretary for  
Administration and Manage-  
ment.

[FR Doc.74-3982 Filed 2-19-74; 8:45 am]

CONSUMER ADVISORY COUNCIL

Notice of Meeting Open to the Public

Pursuant to Pub. L. 92-463 of October 6, 1972, notice is hereby given that there will be a public meeting of the Consumer Advisory Council to the Office of Consumer Affairs, U.S. Department of Health, Education, and Welfare, which will commence at 10 a.m. on February 21 in Room 5104, New Executive Office Building, 17th and H Streets NW., Washington, D.C. 20506, and continue on the morning of February 22 in the same location.

The Consumer Advisory Council was established under Section 5 of Executive Order No. 11583 issued February 24, 1971, to advise the Director of the Office of Consumer Affairs with respect to policy matters relating to consumer interests, the effectiveness of Federal programs and operation which affect the interests of consumers, problems of primary importance to consumers and ways in which unmet consumer needs can appropriately be met through Federal Government action.

The meeting is open to the public with the number of persons admitted subject to reasonable limitation according to space available. The agenda will include official swearing-in of new Council members, and discussions of the consumers interests in health insurance proposals, energy programs, international trade in textiles, and metric-conversion.

Signed in Washington, D.C., this 12th day of February 1974.

VIRGINIA H. KNAUER,  
Director, Office of Consumer  
Affairs and Executive Secre-  
tary, Consumer Advisory  
Council.

[FR Doc.74-3984 Filed 2-19-74; 8:45 am]

DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing  
Production and Mortgage Credit—Fed-  
eral Housing Commissioner (Federal  
Housing Administration)

[Docket No. N-74-218]

MORTGAGE AND LOAN INSURANCE  
PROGRAMS

Policy Statement on Thermal Insulation  
Requirements

The Department of Housing and Urban Development is publishing here-with proposed changes in thermal insulation requirements.

Part A consists of a change in the Minimum Property Standards for one and two living unit new construction. The cited numbers refer to the paragraph numbers in the basic Minimum Property Standards which are available in local HUD Offices. Part B changes mortgage insurance requirements relating to existing single family properties.

Because of the exigencies of the existing energy situation, the Secretary has found it unnecessary to provide the usual 30 day period for comments. However, comments received on or before March 12, 1974 will be considered in the formulation of the final language.

Interested persons are invited to participate in the making of proposed changes by submitting written data, views or statements to the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All material received on or before March 12, 1974, will be considered. Copies of any comments received will be available for examination during business hours at the above address.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., February 14, 1974.

SHELDON B. LUBAR,  
Assistant Secretary for Housing  
Production and Mortgage  
Credit.

A. REVISION OF MINIMUM PROPERTY STANDARDS  
FOR ONE AND TWO LIVING UNITS

INTERIM REVISION NO. 51b

714 Thermal Insulation.

714-1 Building insulating materials shall comply with the following standards:

This card shall be completed and posted in a conspicuous place upon completion of the installation of the insulation.  
(pneumatic or poured insulation, not applicable to sidewall insulation.)

R-value—To obtain an insulation resistance (R) value of (see note below) —	Minimum thickness— insulation shall be not less than—	Maximum net coverage <sup>1</sup> —Contents of bag shall not cover more than—	Weight per square foot— The weight per square foot of installed insulation shall be not less than—
R-22.....	(4)	(4)	(4)
R-19.....	(3)	(3)	(3)
R-11.....	(2)	(2)	(2)

<sup>1</sup> For gross coverage: 16 in o.c. Add 11 percent to maximum net coverage. Ceiling joists: 24 in o.c. Add 7 percent to maximum net coverage.  
<sup>2</sup> Minimum thickness.  
<sup>3</sup> Square feet.  
<sup>4</sup> Pounds per square foot.

Builder's and Applicant's Statement and Signature  
This is to certify that the insulation has been installed in conformance with the requirements indicated on this card to provide a value R = \_\_\_\_\_ using \_\_\_\_\_ bags of insulation to cover \_\_\_\_\_ sq. area.

Date \_\_\_\_\_  
Company name (builder) \_\_\_\_\_  
Company name (applicant) \_\_\_\_\_  
Builder's signature \_\_\_\_\_  
Applicant's signature \_\_\_\_\_

(Batts and/or blankets)  
R-value \_\_\_\_\_  
Minimum thickness \_\_\_\_\_

To obtain an insulation resistance (R) of (see note below):  
R-20.....  
R-11.....  
R-7.....  
R-6.....  
Do.....  
Do.....

<sup>1</sup> For other than blanket type insulation.

Builder's and Applicant's Statement and Signature

This is to certify that the insulation has been installed in conformance with the requirements indicated herein to provide an R-value of \_\_\_\_\_ in ceiling, \_\_\_\_\_ in exterior walls, \_\_\_\_\_ in floors or crawl space perimeters.

Date \_\_\_\_\_  
Company name (builder) \_\_\_\_\_  
Company name (applicant) \_\_\_\_\_  
Builder's signature \_\_\_\_\_  
Applicant's signature \_\_\_\_\_

F.S. HH-1-551.  
F.S. HH-1-524.  
F.S. LLL-1-535 or ASTM C-208, Class C.  
F.S. HH-1-530.  
F.S. HH-1-574.  
F.S. HH-1-1030.  
F.S. HH-1-321.  
F.S. HH-1-526.  
FHA UM-37.  
F.S. HH-1-1282.  
AIMA 1B Spec. #1.  
F.S. HH-1-515.  
F.S. HH-1-585.  
FHA UM-30.  
CS-180.

Cellular glass.....  
Expanded polystyrene insulation board.....  
Fiberglass.....  
Insulation board (urethane).....  
Insulation, thermal (perlite).....  
Mineral fiber, pouring or blowing.....  
Mineral fiber, blanket.....  
Mineral fiber (roof).....  
Perlite, silicone treated loose fill.....  
Reflective, thermal.....  
Structural fiberboard insulating roof deck.....  
Cellulose, vegetable and wood fiber, blanket or fill.....  
Vermiculite.....  
Vermiculite, water repellent loose fill.....  
Wood fiber blanket.....

Notes:  
a. Expanded perlite: F.S. HH-1-526 may be modified to permit the basic material to be a mineral substance made of rock, slag, or a mixture thereof, processed from a natural state into fibrous or cellular form, with a minimum density of 8 lbs per cubic foot.

b. Perlite insulation: Shall comply with the FRA test procedure. Test Procedures to Determine Acceptability of Perlite Insulation for Concrete Floor on Ground," dated June 1968.  
714-2 Labeling.  
714-2.1 Mineral Fiber Insulation shall be labeled as follows:  
a. Blanket type, or combination blanket with reflective facing:  
(1) Name of manufacturer or distributor.  
(2) Insulation type.  
(3) Thermal resistance "R" value of insulation fiber at the labeled insulation thickness.  
b. Type I blankets with no membrane cover may either bear a label on a partial membrane facing or may be branded with vertical stripes. Three stripes indicates the thermal resistance R equals 19.

c. Types II and III blankets with non-reflective and reflective membrane coverings respectively, shall be labeled with appropriate "R" value of 7, 11, or 19. No other "R" value is acceptable.  
d. Thermal resistance "R" values apply to mineral fiber insulation only, and not to the building structure.  
714-2.2 Reflective Insulation:  
a. Blanket Type.  
(1) Name of manufacturer or distributor.  
(2) Insulation type.  
(3) Thermal resistance "R" value. (R value to include single or multi-layers, foil or kraft backed, one or both sides.)  
(4) Designate direction of heat flow.

714-2.3 Identification labeling and marking of all other acceptable building insulating material shall comply with their appropriate standard listed in paragraph 714.1.  
714-2.4 Upon completion of the installation of insulation, a card similar to that shown in Figure 7b shall be completed and executed by the insulation applicator and by the builder, and shall be posted at a conspicuous location within the dwelling.

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## 714-3 Insulation of Living Units.

714-3.1 All buildings which are heated or cooled mechanically shall be constructed to comply with the maximum "U" value contained in Tables 7-11a through d.

TABLE 7-11a.—Maximum "U" values of ceiling and wall sections of various constructions.

Winter degree days <sup>1</sup>	Flat roof deck <sup>2</sup>	Masonry wall construction		Frame wall construction		Doors and windows
		Ceilings	Walls	Ceilings	Walls	
4,500 or less <sup>3</sup>	0.14	0.05	0.17	0.08	0.08	1.15
4,501 to 8,000	.09	.05	.10	.05	.08	.65
8,001 or more	.09	.04	.10	.04	.08	.68

<sup>1</sup> Winter degree days and summer cooling hours may be obtained from the "NAHB Insulation Manual for Home and Apartments." Manuals are available from NAHB Research Foundation, Inc., Rockville, Md. 20850, or National Mineral Wool Insulation Association, 211 East 51st St., New York, N.Y., 10022. Other recognized sources of degree day and summer cooling data may be used.

<sup>2</sup> Indicates construction with rigid roof insulation and exposed structural system. When roof cavity is available use column for ceilings.

<sup>3</sup> Buildings to be mechanically cooled in areas having 400 or more summer cooling hours shall be insulated as area for 4,501 to 8,000 winter degree days, except for glazing.

## 714-3.2 Floor Sections, Foundation Walls and Slabs-on-Grade.

a. For floors over unheated basements, unheated garages or ventilated crawl spaces with operable louvers, the "U" value of floor section shall not exceed the value shown in Table 7-11b. (See Note (1).)

TABLE 7-11b.—Maximum "U" value of floor sections over unheated basements, unheated garages or crawl spaces

Winter degree days	Structural slab	Wood and metal framing
2,500 or less	(1)	(1)
2,501 to 4,500	0.15	0.10
4,501 or more	.12	.08

(1) No requirement.

(1) A basement, crawl space or garage shall be considered unheated unless it is provided with a positive heat supply to maintain a minimum temperature of 50 F. b. Basement or Crawl Space Foundation Walls.

Insulation may be omitted from floors over heated basement areas, or heated crawl spaces if foundation walls are insulated. Foundation walls of heated basements need not be insulated except where habitable rooms are provided. The "U" value of foundation wall sections shall not exceed the value shown in Table 7-11c.

TABLE 7-11c

Maximum "U" Values of the Foundation Wall Sections of Heated Basement or Heated Crawl Space.

Winter Degree Days	Maximum "U" Value
2500 or less	No Requirement.
2501 to 4500	0.24
4501 or More	.17

## c. Crawl Space Plenums.

When a crawl space is used as a supply or return plenum, the crawl space perimeter wall shall be insulated to provide a maximum heat loss of 35 Btuh per lineal foot of perimeter wall assuming a crawl space air temperature of 70 F for return plenums and 110 F for supply plenums.

## d. Loose Fill.

Blowing and poured type loose fill may be used in attic spaces where the pitch in roof design is not less than 2½ on 12 feet and there is at least 30 inches of clear headroom at the roof ridge. ("Clear Headroom" is defined as the distance from the top of the bottom chord of the truss or ceiling joists to the underside of the roof sheathing). When eave vents are installed, adequate baffling of the vent opening must be provided so as to deflect the incoming air above the surface of the installed blown or poured insulation. Baffles shall be made of wood or other durable material and shall be installed at the soffit on a 60 degree angle from the horizontal.

909-3.5 Weatherstrip windows to prevent infiltration of the undesirable outdoor elements.

Caulk around window frames with a non-hardening sealant.

909-4.5 All exterior doors shall be provided with a tight threshold and weatherstripping to prevent infiltration of undesirable outdoor elements.

Caulk around exterior door frame with a non-hardening sealant.

1003-3.2 Inside Winter Design Temperature shall be not less than 70 F and Summer Design Temperature not greater than 75 F. Heat loss and heat gain calculations shall be made using the winter design dry bulb at 99% and summer design dry bulb at 1% shown in the current ASHRAE Handbook of Fundamentals.

## 1003-3.3 Slab-on-Ground Floors.

For Slab-on-ground floors the edge heat loss around the perimeter of heated spaces shall not exceed a maximum value per lineal foot of exposed edge of 50 Btuh for heated slabs and 42 Btuh for unheated slabs. Calculations of heat loss around slab edges shall be made using the following formula:

$$H = F \times P$$

Where:

H = Heat loss of the slab edge (Btuh).

F = Heat loss coefficient from Table 10-1

(Btuh) per lineal foot of exposed edge

P = Perimeter or exposed slab edge (lineal feet).

TABLE 10-1.—Slab Edge Heat Loss Coefficients (Btuh per Linear Foot)

Winter design temperature	Total width of insulation (inches)	F for unheated slab			F for heated slab <sup>1</sup>		
		R=5.00	R=2.75	R=2.50	R=5.00	R=2.75	R=2.50
-30° or colder	24	24	46	46	24	46	46
-25° F to -30° F	24	32	44	44	32	44	44
-20° F to -25° F	24	30	41	41	30	41	41
-15° F to -20° F	24	28	39	39	28	39	39
-10° F to -15° F	24	27	40	37	27	40	37
-5° F to -10° F	24	25	38	35	25	38	35
Zero to -5° F	24	24	36	32	24	36	32
+5° F to +10° F	24	22	33	30	22	33	30
+10° F to +15° F	18	21	31	42	25	38	50
+15° F to +20° F	12	21	31	42	25	38	50

<sup>1</sup> Slab floor with heating pipes or ducts in or immediately under slab.

<sup>2</sup> Where winter design temperatures are warmer than +15° F, perimeter insulation is not required. If installed in these areas (edge only) use values shown for +15° F to +20° F above.

## B. THERMAL INSULATION REQUIREMENTS FOR EXISTING SINGLE FAMILY PROPERTIES

Thermal Protection. Necessary corrective measures will be required to ensure that all existing properties possess the following minimum thermal protection:

1. Thermal protection for glazing and doors is required for all habitable heated areas in locations having more than 4500 winter degree days annually. This will be effected through the installation of storm doors and storm sash or inserts, or insulating glass. Material and installation may be the most economical locally acceptable, but must meet "U" values as prescribed for new construction. Storm doors need not be applied to double front doors, double French doors, sliding glass doors or any other door whose dimensions require custom manufacturing which is not generally available or the cost of which would be excessive. Casement and awning windows and other types of sash may be exempt on an individual basis in any instance due to discontinued sizes or unusual opening configurations for which no storm inserts are manufactured and for which the cost of custom manufacturing would be excessive.

2. (A) Ceiling insulation shall be provided over all habitable heated areas in locations having 2500 or more annual winter degree days in amounts as follows:

- (a) 2500 to 4500 degree days: 3½"
- (b) 4501 to 8000 degree days: 6"
- (c) 8001 or more degree days: 9"

(B) Ceiling insulation shall be provided over all habitable areas cooled by mechanical refrigeration. The amount of insulation shall be based upon annual summer cooling hours over 80 degree Fahrenheit as follows:

- (a) Less than 400 summer cooling hours: 3½"
- (b) 400 or more summer cooling hours: 6"

For homes both cooled by mechanical refrigeration and heated, the more stringent of the above requirements shall be met.

In all instances the adequacy of attic ventilation must be ascertained.

Exemption of the ceiling insulation requirement will be allowed for dwellings having flat roofs or other ceiling areas where installation is determined to be impractical.

3. Under floor insulation shall be required beneath all habitable heated areas in locations having 2500 or more annual winter degree days. Batts may be installed between floor joists as follows:

- (a) 2500 to 4500 degree days: 2½" batts.
- (b) Above 4500 degree days: 3½" batts.

Exemption of under floor installation will be allowed where reflective foil insulation is already installed. If the crawl space is adequately equipped with closeable vents, vapor barrier and closeable access door the appraiser may exempt this insulation requirement, however, in this event any crawl space inadequacy must be brought up to architect.

turally acceptable standards through regular repair requirements.

4. The HUD estimated cost of energy conservation improvements will be included in cost and value. The improvements must be completed, and approved, prior to firm commitment.

In event the improvements are not completed and inspected prior to firm commitment, a firm contract bid by the installer must be presented prior to issuing the firm commitment. The firm contract price will also serve as the amount to escrow should there be any delay in completing the conservation requirements between firm commitment and insurance endorsement.

Thermal protection may be installed by the seller or the purchaser instead of by a contractor or tradesman. In such instances the cost estimate made by the appraiser for this installation will be used for mortgage calculations. In event the work is delayed beyond firm commitment due to a shortage of materials the escrow amount will be equal to 150% of the total estimated cost.

The energy conservation requirement may be waived only after it has been determined that a firm contract cannot be obtained within sixty days of date of firm commitment due to the inability of the industry to provide the required conservation items within sixty days because of a shortage of material and labor. This determination must be made by a survey of the local industry to be conducted by the field office for the particular item claimed to be in short supply.

[FR Doc.74-4005 Filed 2-19-74;8:45 am]

## DEPARTMENT OF TRANSPORTATION

## Federal Highway Administration

## WYOMING

## Notice of Proposed Action Plan

The Wyoming State Highway Department has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration; (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available

for public review at the following locations:

1. Public Information Office, Wyoming State Highway Department, Box 1708, Cheyenne, Wyoming 82001.
2. Wyoming State Highway Department, District No. 1, P.O. Box 1005, Laramie, Wyoming 82070.
3. Wyoming State Highway Department, District No. 2, P.O. Box 2199, Casper, Wyoming 82601.
4. Wyoming State Highway Department, District No. 3, P.O. Box 1260, Rock Springs, Wyoming 82801.
5. Wyoming State Highway Department, District No. 4, P.O. Box 668, Sheridan, Wyoming 82801.
6. Wyoming State Highway Department, District No. 5, P.O. Box 351, Basin, Wyoming 82410.
7. Wyoming Division Office—FHWA, O'Mahoney Federal Center, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.
8. FHWA Regional Office—Region 8, Building 40, Denver Federal Center, Denver, Colorado 80225.
9. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building—Room 3246, 400 7th Street, SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before March 22, 1974.

Issued on February 14, 1974.

NORBERT T. FREEMAN,

Federal Highway Administrator.

[FR Doc.74-3961 Filed 2-19-74;8:45 am]

## Federal Railroad Administration

[FRA Waiver Petition No. HS-74-1]

## LOUISIANA SOUTHERN RAILWAY CO.

## Notice of Petition for Exemption From Hours of Service Act

The Louisiana Southern Railway Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. 61, 62, 63 and 64. Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-74-1, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before March 18, 1974, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C., on February 12, 1974.

DONALD W. BENNETT,

Chief Counsel,

Federal Railroad Administration.

[FR Doc.74-3953 Filed 2-19-74;8:45 am]

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**ATOMIC ENERGY COMMISSION  
ADVISORY COMMITTEE ON REACTOR  
SAFEGUARDS SUBCOMMITTEE ON  
BABCOCK AND WILCOX WATER RE-  
ACTORS**

**Notice of Meeting**

FEBRUARY 15, 1974.

In accordance with the purposes of section 29 of the Atomic Energy Act (42 U.S.C. 2039), the Advisory Committee on Reactor Safeguards' Subcommittee on Babcock and Wilcox Water Reactors will hold a meeting on March 5 and 6, 1974, at the Holiday Inn, Route 29, Madison Heights, Virginia 24572. The purpose of this meeting will be to review various topics applicable to Babcock and Wilcox Company designed pressurized water reactors.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

TUESDAY, MARCH 5, 1974, 2:30 P.M.—5:00 P.M.

Review of various topics common to pressurized water reactors (presentations by the AEC Regulatory Staff and B&W will be made and discussions with these groups will be held).

In connection with the above agenda item, the Subcommittee will hold an executive session at 2:00 p.m. on March 5, 1974, which will involve a discussion of its preliminary views, and an executive session at the end of the day on March 6, 1974, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS.

In addition, for the balance of the meeting on March 6 the Subcommittee will hold a closed session with the Regulatory Staff and B&W to discuss privileged information relating to plant design and corporate research. In the event the Subcommittee does not complete its discussion of various topics common to pressurized water reactors by the end of its session on March 5, it will continue the session which will be open to the public. An announcement will be made concerning this matter at the close of the meeting on March 5.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session will be held to discuss certain privileged information under exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a

manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 26, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon B&W topical reports and various other documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 3:30 p.m. and 5:00 p.m. on March 5, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 1, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection within several days at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (tel-

ephone 202-547-6222), upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545, on or after May 6, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-4025 Filed 2-15-74; 10:29 am]

**ADVISORY COMMITTEE ON REACTOR  
SAFEGUARDS SUBCOMMITTEE ON THE  
NORTH ANNA POWER STATION**

**Notice of Meeting**

FEBRUARY 14, 1974.

In accordance with the purposes of section 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards' Subcommittee on the North Anna Power Station will hold a meeting on March 5, 1974, at the Holiday Inn, Route 29, Madison Heights, Virginia 24572. The purpose of this meeting will be to review the geologic conditions at the Virginia Electric and Power Company's North Anna Power Station site, which is located in Louisa County, Virginia, about 24 miles southwest of Fredericksburg, Virginia.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

TUESDAY, MARCH 5, 1974, 9:00 A.M.—1:00 P.M.

Review of information pertaining to geologic conditions of the site (presentations by the AEC Regulatory Staff and the Virginia Electric and Power Company and its consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 26, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 11:00 a.m. and 1:00 p.m. on the day of the meeting, March 5, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 1, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection within several days at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and within nine days at the office of Mr. Dean Agee, Executive Secretary, Board of Supervisors, Louisa County Courthouse, Louisa, Virginia 23093. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone: 202-547-6222), upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commis-

sion Public Document Room, 1717 H Street NW., Washington, D.C. 20545, on or after May 6, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-4026 Filed 2-15-74; 10:29 am]

[Docket No. 50-247]

**INDIAN POINT NUCLEAR GENERATING  
UNIT 2**

**Issuance of Amended License**

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D, section A.9 and A.11, to 10 CFR Part 50, notice is hereby given that a memorandum and order dated January 29, 1974, by the Atomic Safety and Licensing Appeal Board in the above captioned proceeding authorizing issuance of an amended license to the Consolidated Edison Company of New York, Inc., for operation of the Indian Point Nuclear Generating Unit 2, located in Westchester County, New York, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C., and in the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548.

The memorandum and order of the Atomic Safety and Licensing Appeal Board modified in certain respects the initial decision of the Atomic Safety and Licensing Board dated September 25, 1973, and the contents of the final environmental statement relating to the licensing for operation of the Indian Point Nuclear Generating Unit 2, prepared by the Commission's Directorate of Licensing. Pursuant to the provisions of 10 CFR Part 50, Appendix D, Section A.11, the Initial Decision of the Atomic Safety and Licensing Board and the final environmental statement are deemed modified to the extent that condition 2.E.(2) relating to the time for submission of an evaluation of economic and environmental impacts of an alternative closed-cycle cooling system has been changed to December 1, 1974. As required by section A.11 of Appendix D, a copy of the memorandum and order which modifies the final environmental statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Pursuant to the above mentioned memorandum and order, the Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility Operating License DPR-26 to Consolidated Edison Company of New York, Inc., for operation of a pressurized water nuclear reactor known as the Indian Point Nuclear Generating Unit 2, at steady state reactor core power levels not in excess of 2758 megawatts thermal, in accordance with the provisions of the license and the technical specifications.

The Commission has made appropriate

findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Ch. I which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The amended license is effective as of its date of issuance and shall expire on October 14, 2006.

In addition to the memorandum and order, copies of (1) the initial decision dated September 25, 1973, (2) Amendment No. 4 to Facility Operating License DPR-26, (3) the report of the Advisory Committee on Reactor Safeguards dated September 23, 1970; (4) the Directorate of Licensing's Safety Evaluation dated November 16, 1970, and Supplements 1, 2, and 3 thereto, dated November 20, 1970, July 1971, and September 3, 1971, respectively; (5) the Final Facility Description and Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report dated August 6, 1970, and supplements thereto; (7) the Draft Environmental Statement dated April 13, 1972; and (8) the Final Environmental Statement dated September 1972, are available for public inspection at the above designated locations in Washington, D.C., and Montrose, New York. Single copies of the memorandum and order by the Atomic Safety and Licensing Appeal Board, the Initial Decision by the Atomic Safety and Licensing Board, the license, the Final Environmental Statement, and the Safety Evaluation may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Md., this 13th day of February 1974.

For the Atomic Energy Commission.

KARL KNIEL,  
Chief, Light Water Reactors  
Branch 2-2, Directorate of  
Licensing.

[FR Doc.74-3962 Filed 2-19-74; 8:45 am]

**URANIUM ENRICHMENT SERVICES  
AGREEMENTS**

**Execution**

On September 11, 1973 (38 FR 24937), the United States Atomic Energy Commission gave notice of its offer, pursuant to its Uranium Enrichment Services Criteria (38 FR 12180, May 9, 1973) to provide uranium enrichment services in facilities owned by the AEC, as authorized by the Atomic Energy Act of 1954, as amended (The Act).

In announcing the terms and conditions of the offer, the Commission's notice stated that the standard agreements covering such services will normally be executed eight years in advance of the initial delivery thereunder, but established a one-time transition period to accommodate customers requiring deliveries under the new agreement less



than eight years from the date of entering into such agreement. For cases in which the reactor requires initial delivery prior to July 1, 1978, the notice required that the execution of such agreements be no later than December 31, 1973.

In a limited number of cases, however, reactor operators who intended to execute such agreements pursuant to the Agreement for Cooperation in the Civil Uses of Atomic Energy between the United States and the International Atomic Energy Agency (IAEA) were unable to do so as a result of a requirement that the Board of Governors of the IAEA approve these arrangements. Since the Board of Governors has not met since September 1973, it was impossible for these agreements to be concluded by December 31, 1973.

The Commission has concluded that the failure of these reactor operators to meet the conditions of the Commission's one-time transition period was caused by factors entirely beyond their control. Accordingly, the Commission hereby amends its notice with respect to the one-time transition period (38 FR 24937, September 11, 1973) to permit the execution of standard long-term, fixed-commitment agreements after December 31, 1973, for cases in which the reactor requires initial delivery prior to July 1, 1978, with respect to which the reactor operator, or his Government, provides assurance to the Commission that enriching services for the reactor will, subject to the necessary approval by the Board of Governors of the IAEA, be obtained from the Commission under the standard terms of a long-term, fixed-commitment agreement, and under the following conditions:

1. The customer must agree to pay an additional charge, equivalent of the interest, at the per-annum rate (365-day basis) established from time to time by the Commission for general application to monies due the Commission, on the amount of the advance payment required under the agreement from and including January 1, 1974, through the dates of execution of the agreement.

2. Any such agreement must be executed by all necessary parties at the earliest practicable date but in no event later than June 30, 1974.

This notice shall be effective on February 20, 1974.

Dated at Germantown, Md., this 14th day of February 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,  
Acting Secretary  
of the Commission.

[FR Doc. 74-4060 Filed 2-19-74; 8:45 am]

#### CIVIL AERONAUTICS BOARD

[Docket 25990; Order 74-2-38; Agreement CAB 24124]

#### AMERICAN AIRLINES, INC. ET AL.

##### Order Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of February 1974.

Joint application of American Airlines, Inc., Eastern Air Lines, Inc. and Pan American World Airways, Inc. for approval of a capacity reduction agreement in the New York/Newark-San Juan market to implement the fuel allocation program.

American Airlines, Eastern Air Lines, and Pan American World Airways have submitted an application for prior Board approval, pursuant to Subpart P of the Board's rules of practice (14 CFR 302.1601 through 302.1608), of an agreement between them which would establish maximum scheduled frequency levels for service between New York/Newark and San Juan, Puerto Rico. Discussions which led to the adoption of this agreement were held, pursuant to Order 73-10-50 (October 12, 1973), as amended by Orders 73-10-79 (October 19, 1973) and 73-11-50 (November 13, 1973), on November 14, 1973 in Washington, D.C.<sup>1</sup>

Answers in opposition to Board approval of this agreement were filed by the Commonwealth of Puerto Rico and by the United States Department of Justice (DOJ).

The New York/Newark-San Juan market is already the subject of a May 9, 1973 capacity agreement approved by the Board for a period of six months by Order 73-8-59, August 10, 1973.<sup>2</sup> The agreement covered by this application would be implemented on January 31, 1974, subject to prior Board approval, and would terminate on June 14, 1974. The new agreement would establish lower maximum schedule limitations for the period of its effectiveness than those permitted by the May 9, 1973 agreement. The starting point for the new agreement is the "Planned Weekly Frequencies" (both wide-bodied and narrow-bodied) of the three carriers. The "Planned Weekly Frequencies" for each carrier, as set forth in the new agreement, are within the service limitations permitted under the May 9, 1973 agreement, as defined in that agreement for the period January 15, 1974-June 14, 1974. The new agreement provides for a reduction of the "Planned Weekly Frequencies" by an agreed number of "Weekly Equivalent Frequencies," as follows:

Carrier:	Reduction—Weekly equivalent frequencies
American	5
Eastern	7
Pan American	4

For purposes of determining the number of "Weekly Equivalent Frequencies,"

<sup>1</sup> Representatives of the Board and of the Commonwealth of Puerto Rico were observers at these discussions and a transcript thereof was filed with the Board, in conformance with the conditions attached to the Board's authorization of the discussions in the orders cited above.

<sup>2</sup> That agreement was consolidated for hearing with the transcontinental capacity agreement (see Order 73-7-147, July 27, 1973) and is now being considered in the Capacity Reduction Agreements Case, Docket 22908.

a wide-bodied aircraft counts as "2" and a narrow-bodied aircraft as "1." To achieve the agreed weekly reductions, it is contemplated that the carriers would drop the following weekly round-trip services: American—one B-747 and three B-707; Eastern—three L-1011 and one B-727-200; and Pan American—two B-747.

As in the previous agreement, extra sections may be operated but not held out to the public, and there is no restriction on the manner in which the carriers may use the weekly frequencies established therein. To meet passenger demand during the holiday period of April 5-23, 1974, the parties may substitute wide-bodied jets for narrow-bodied jets without restriction, except that such substitutions are not to be published, advertised or otherwise held out to the public.

In support of their agreement, the carriers contend that the fuel savings as a result of this agreement will be almost 180,000 gallons per week, and that the level of service called for under the agreement is reasonable, particularly in view of the emergency energy situation which confronts the nation. The agreement provides that the carriers are free to add extra sections in order to accommodate periods of exceptional demands. Furthermore, according to the carriers, the traffic experience last year and the projections for the coming months, demonstrate that capacity in these markets can be reduced without compromising the needs of the traveling public. The carriers allege that in the New York/Newark-San Juan market, the forecast traffic and capacity under the agreement will result in monthly load factors during the February-June 1974 period ranging between 57 percent and 69 percent, or an average for the five months of 65 percent.<sup>3</sup> While the seats in the 1974 months are forecast to be below the comparable months in 1973, the carriers expect passengers to be down by 5 percent. In support of this, they say that in the first 10 months of 1973 the New York/Newark-San Juan traffic was below the comparable month of 1972 during every month. For the entire 10 months, the 1973 traffic was 6 percent under the 1972 period. For these reasons, the carriers believe that the proposed 1974 agreement capacity is reasonable under the present circumstances.<sup>4</sup>

For the above reasons, the carriers contend that the agreement is required by a serious transportation need, in view of the Mandatory Fuel Allocation

<sup>3</sup> In February-June 1973 the monthly load factors between New York/Newark and San Juan were between 55 percent and 66 percent.

<sup>4</sup> At the present time both American and Eastern provide service between Newark Airport and San Juan. Both carriers will continue to offer Newark-San Juan service under the limitations in the instant agreement.

Program,<sup>5</sup> and that it will secure important public benefits by maintaining competition and avoiding the possibility of excessive unilateral reductions or withdrawals of service.<sup>6</sup> Furthermore, they say this agreement is similar to those which have recently been approved by the Board.

Puerto Rico opposes the agreement. It says its island status makes it especially dependent on a full and effective pattern of air transportation to satisfy the living needs of its citizens and to attract business and tourism, and that airline capacity reductions have a much greater impact on Puerto Rico than on many areas of the country. It says it did not oppose the capacity reduction agreements in this market in the past, but that one effect of those agreements has been a depression in the level of traffic in the market. Therefore, Puerto Rico feels that detrimental impact of the agreement herein outweighs any fuel savings involved. It says that this market is being treated in an unduly discriminatory fashion since it is the only one in the country to be subjected to a second capacity reduction agreement on top of one already in effect, while, it alleges, traffic volume and load factors in this market are higher than in some others which are covered by capacity agreements. Puerto Rico questions the authority of the carriers to modify their existing agreement in New York/Newark-San Juan since that agreement had already been approved by the Board and was the subject of a hearing proceeding. Finally, Puerto Rico says that the airline fuel situation has improved, and the fuel savings of the existing agreement should be a sufficient contribution from this market, and that this agreement does not meet the Local Cartage tests.

DOJ also opposes. It says that the carriers have not offered a justification for supplanting the existing agreement in this market, or for the inability of the carriers to unilaterally comply with the Mandatory Petroleum Allocation Program. Therefore, DOJ argues that the carriers have met neither the Local Cartage tests nor those of other decisions which require administrative agencies to consider antitrust policies as an element of the public interest, and that the Board should not approve the proposed agreement.

<sup>5</sup> The Mandatory Fuel Allocation Program, which was applicable to the fuel used by airlines was adopted by the Energy Policy Office on October 12, 1973 (EPO Reg. 1, 32A CFR Ch. XIII, 38 FR 28660), effective November 1, 1973. A revised Mandatory Petroleum Allocation Program was adopted by the Federal Energy Office on January 14, 1974 (39 FR 1924). Domestic trunkline air carriers are now allocated 95 percent of the amount of fuel they used in the corresponding months of 1972 (10 CFR 211, Subpart H), and the 1972 usages were estimated to be 10 percent less than the amount of fuel that normally would have been required in 1973.

<sup>6</sup> Compare, Local Cartage Agreement Case, 15 CAB 850, 52-53 (1952).

The air transportation industry is being faced with a shortage of fuel. As a result of this situation the air carriers must make fuel-saving adjustments to their schedules. The Board has already noted its concern that those cutbacks necessitated by the fuel shortage be made in a manner that provides the best service possible under the circumstances. Accordingly, it is the Board's belief that inter-carrier agreements on schedule reductions necessitated by the fuel emergency, which agreements can be analyzed and monitored by the Board to see that available capacity is operated under schedules that provide the most convenient service practicable under the circumstances, will best serve the public interest.

Based on the foregoing considerations, it is concluded that the agreement herein should be approved, subject to certain conditions. The service proposed in this agreement appears to reasonably satisfy the needs of the traveling public as well as to conserve the fuel supplies of the air carriers. Average load factors during 1973 in the agreement market have not exceeded 72 percent, and in the four months during which the agreement is to be effective the forecast load factors range from 57-69 percent.<sup>7</sup> Thus, it seems that as a result of the implementation of this agreement, the traveling public will continue to receive a reasonable frequency of service and the carriers will be a step closer toward reaching their allocated fuel levels.<sup>8</sup>

In response to Puerto Rico's comments, our analysis of the agreement indicates that it will not have a significant detrimental effect on the island, since Puerto Rico will continue to be served by many flights per day, and the indications are that the load factors on those flights will not exceed even 70 percent. We will impose reporting requirements on approval of the agreement in order to monitor its actual effects. As to the alleged traffic depressant effect of capacity reduction agreements, this phenomenon has not been demonstrated at this time. Puerto Rico has an opportunity to present evidence of such a consequence, if it exists, in the Capacity Reduction Agreement Case, Docket 22908, and the Board could thereafter take appropriate action. It does not seem that this market is being treated in an unduly discriminatory fashion. There is no reason why the parties to any agreement cannot revise their agreement or form a new one on the same subject matter at any time,<sup>9</sup> so long as all agreements, modifications, or cancellations are properly filed with the Board for approval. Each such agreement, modification, or cancellation will be evaluated

<sup>7</sup> Compare, Order 73-11-50 (November 13, 1973), at page 4.

<sup>8</sup> As we have noted previously, the Board will not tolerate the transfer of freed-capacity to non-agreement markets. See Order 73-10-110.

<sup>9</sup> As noted above, at page 1, the discussions which led to this agreement were authorized by Board orders.

on its merits. In this case, it appears that the agreement herein will have beneficial effects without imposing hardships on any party, and that the Board's guidelines,<sup>10</sup> will not be violated.<sup>11</sup> Finally, the suggested easing of the airlines' fuel problems can only be described as such in comparison to the more severe problems that were feared. There is little doubt that during the next several months, when this agreement will be effective, the supply of fuel available to the air carriers will be significantly less than that anticipated when the prior agreement was entered into.

In response to the comments filed by DOJ, we note that similar arguments have been raised by DOJ and rejected by the Board in considering previously approved fuel savings capacity reduction agreements. See Orders 74-1-41 (January 4, 1974) at pages 3-4; 74-1-21 (January 3, 1974) at page 3, note 10; 73-11-147 (November 30, 1973) at page 2; and 73-10-110 (October 31, 1973) at Appendix B, page 1. It has been determined that the advantages that will result from this agreement in terms of meeting problems raised by the fuel shortage outweigh the pro-competitive considerations advanced by DOJ.

Accordingly, it is ordered, That:

1. Agreement CAB 24124 be and it hereby is approved, subject to the following conditions:

(a) Jurisdiction shall be retained to modify, amend, or revoke approval at any time, or to take whatever other action may be appropriate in the public interest;<sup>12</sup>

(b) All schedule changes resulting from this agreement shall be reported to the Board within 7 days after the end of each month, in accordance with the format of Appendix A, below; copies of such reports shall be provided to all carriers requesting them;

(c) Within 15 days after the end of each calendar month, each applicant shall submit to the Board's Docket Section 3 copies of a report in the form required by Order 72-4-63 (April 13, 1972), stating for each market affected by this agreement and for each flight flown therein (including extra sections), by flight number, departure time, and aircraft type, the revenue passengers carried, number of seats flown, and load factor for each day of the week and for the month; and as an attachment to the

<sup>10</sup> See note 7, above.

<sup>11</sup> Our approval herein, based on the present sharp limitation on availability of aircraft fuel, involves considerations significantly narrower than the questions at issue in the pending investigation in Docket 22908. In this connection, we do not intend by our approval herein to limit in any way the issues presently being considered in that case. (See Order 73-11-84, November 19, 1974.)

<sup>12</sup> See note 5, above.

<sup>13</sup> The language of section 412(b) of the Act (49 U.S.C. 1382) requires the Board to disapprove any agreement, whether or not previously approved by it, that it finds to be adverse to the public interest or in violation of the Act.



report, each applicant shall report the number of times an aircraft being operated in these markets departed with 95 percent or more of its seats filled and the flight number and dates of such flights.<sup>14</sup>

(d) Within 28 days after the date of service of this order, American, Eastern and Pan American shall file with the Board's Docket Section and shall provide to each carrier requesting one, a report containing the following additional data for each of the markets affected by this agreement:

- Seats operated in 1972/1973 (November through June).
- Passengers carried in 1972/1973.
- Forecast passengers in 1973/1974.
- Projected seats in 1973/1974.
- Equipment type to be operated in each market.
- Calculations used in developing fuel savings in these markets.
- 1972 fuel use by month for the system of each carrier.
- 1972 fuel use by month in these agreement markets.

<sup>14</sup> For the purpose of the 95 percent reports, the applicants shall take into account both revenue and positive space non-revenue passengers. This report will enable the Board to monitor and analyze the carriers' load factors and schedules to insure that these markets are receiving a reasonable level of service.

(e) Schedule deletions resulting pursuant to the agreement herein approved which occur at John F. Kennedy International Airport and which result in the vacating of slots allocated by the Airline Scheduling Committees of that airport pursuant to authority granted in Order 72-11-72, shall not be refilled by the carrier applicants, nor be reallocated to other carriers by the Airline Scheduling Committees: *Provided, however*, That slots originally vacated may be reinstated by the vacating carrier to the extent such carrier vacates another flight at the same airport which operates plus or minus three hours of the flight to be reinstated.<sup>15</sup>

2. Except to the extent granted herein, all other requests relating to this agreement be and they hereby are denied.

This order shall be served on the United States Departments of Defense, Justice, and Transportation, the United States Postal Service, the Commonwealth of Puerto Rico, The Port Authority of New York and New Jersey, and all certificated route and supplemental air carriers. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

<sup>15</sup> See Order 73-12-32 (December 7, 1973), at page 7.

#### APPENDIX A

	Type of equipment				
	2-engine	3-engine narrow body	4-engine narrow body	3-engine wide body	4-engine wide body
Agreement markets					
Miles scheduled weekly in preceding general schedule filed with CAB.					
Changes contained in this general schedule.					
Miles scheduled weekly in this general schedule.					
Nongreement markets					
Miles scheduled weekly in preceding general schedule filed with CAB.					
Changes contained in this general schedule.					
Miles scheduled weekly in this general schedule.					

[FR Doc. 74-3904 Filed 2-19-74; 8:45 am]

[Docket No. 26282]  
**HUGHES AIR CORP. AND HUGHES AIRWEST**  
**Notice of Proposed Approval**  
Application of Hughes Air Corp. d/b/a Hughes Airwest pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 26282.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order below under delegated authority. Interested persons are hereby afforded until February 28, 1974, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., February 14, 1974.

[SEAL] WILLIAM B. CALDWELL, Jr.,  
Director, Bureau of  
Operating Rights.

#### ORDER OF APPROVAL

Hughes Air Corp. d/b/a Hughes Airwest requests that the Board disclaim jurisdiction exempt or approve, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) the sale by it to Union de Transportes Aeriennes (UTA) of eight Fairchild F27A aircraft for \$2,280,000.

In support of its request, Hughes Airwest states that the transaction will enable it to dispose of F27 aircraft at a time when they

have become surplus because of service reductions resulting from the energy shortage; that the transaction was entered into after arm's length bargaining; that the transaction does not adversely affect the Hughes Airwest finances or its ability to perform its certificated service responsibilities and that it does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, create a monopoly and thereby tend to restrain competition or jeopardize another air carrier. Furthermore, Hughes Airwest asserts that the eight aircraft do not represent a substantial part of its properties since they constitute only 16.7 percent of its total aircraft, 2.2 percent of the market value of all its aircraft, and 4.8 percent of its available seat miles. Hughes Airwest is in the midst of a program to modernize its aircraft fleet by replacing its F27 aircraft with DC-9's.

No comments relative to the application have been received.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than one day following the date of service of such publication; both in accordance with the requirements of section 408(h) of the Act.

Upon consideration of the foregoing it is concluded that Hughes Airwest is an air carrier and that UTA is a person engaged in a phase of aeronautics both within the meaning of section 408 of the Act and that the transaction is subject to section 408(a) (2) thereof. However, the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and thereby tend to restrain competition nor does it jeopardize another air carrier. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The transaction is similar to other sale and lease of aircraft by air carriers to foreign air lines which have been approved by the Board.<sup>1</sup> Under these circumstances the transaction does not appear inconsistent with the public interest.<sup>2</sup>

Pursuant to authority duly delegated by the Board in the Board's regulations 14 CFR 385.13 and 385.3 it is found that the transaction described herein should be approved under section 408 of the Act without a hearing and that the application otherwise should be dismissed.

Accordingly, it is ordered That:

1. The sale of eight F-27 aircraft by Hughes Airwest to UTA as described herein be and it hereby is approved; and

2. Except to the extent granted herein the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50 may file such petitions within ten days after the date of service of this order.

<sup>1</sup> The sale of these eight aircraft does not come within the rule of thumb expressed in Orders 70-11-13 and 14, November 4, 1970.

<sup>2</sup> Order 73-12-98, December 28, 1973, Docket 26144.

<sup>3</sup> In this regard we rely on the affirmations of Hughes Airwest that these aircraft are surplus to the service requirements of its certificate and Order 74-1-160, January 31, 1974.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc. 3987 Filed 2-19-74; 8:45 am]

#### [Docket No. 24421]

#### SERVICE TO SAIPAN CASE

##### Notice of Reassignment of Hearing

In view of the request of Administrative Law Judge Milton H. Shapiro that he be relieved on medical grounds of his assignment (39 FR 5224, February 11, 1974), to the hearing in this proceeding pursuant to Order 74-1-149, the matter is hereby reassigned before Administrative Law Judge Greer M. Murphy. Presently fixed procedural dates, including those of prehearing conference and hearing, remain in effect. Further communications should be addressed to Judge Murphy.

Dated at Washington, D.C., February 13, 1974.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.

[FR Doc. 74-3986 Filed 2-19-74; 8:45 am]

#### COMMISSION ON CIVIL RIGHTS MAINE STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine State Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. on February 26, 1974, at the Maine Teachers Association, 35 Community Drive, Augusta, Maine 04331.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to hear progress reports from each Subcommittee of the Maine SAC.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 12, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc. 74-3994 Filed 2-19-74; 8:45 am]

#### NEVADA STATE ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nevada State Advisory Committee (SAC) to this Commission will convene at 7:30

p.m. on February 26, 1974, at the Holiday Inn, 3740 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purposes of this meeting shall be (1) to review plans for the forthcoming factfinding meeting on prison conditions in the State of Nevada, and (2) to discuss problems in the Reno city schools.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 12, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc. 74-3995 Filed 2-19-74; 8:45 am]

#### NEW HAMPSHIRE STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire State Advisory Committee (SAC) to this Commission will convene at 6:00 p.m. on March 4, 1974, at the New Hampshire Highway Hotel, Concord, New Hampshire 03301.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss final plans in preparation for the New Hampshire SAC's forthcoming meeting on penal institutions scheduled for March 7 and 8, 1974.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 13, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc. 74-3996 Filed 2-19-74; 8:45 am]

#### NEW HAMPSHIRE STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a fact-finding meeting of the New Hampshire State Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. on March 7 and reconvene at 9:00 a.m. on March 8, 1974, in Conference Room 304 of the Federal Building, 55 Pleasant Street, Concord, New Hampshire 03301. These sessions shall be open to the public.

Closed or executive SAC sessions may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect persons residing in the State of New Hampshire with special emphasis on the conditions in New Hampshire penal institutions as they relate to the civil rights of inmates; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to New Hampshire penal institutions as they relate to the civil rights of inmates; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin with respect to New Hampshire penal institutions; and to related areas.

These meetings will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 14, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc. 74-3997 Filed 2-19-74; 8:45 am]

#### NEW JERSEY STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a fact-finding meeting of the New Jersey State Advisory Committee will convene at 9:00 a.m. on February 21, 1974, in the Reception Area of the Youth Reception and Correction Center, Highbridge Road, Yardville, New Jersey 08620. These sessions shall be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect persons residing in the State of New Jersey with special emphasis on the conditions in New Jersey penal institutions as they relate to the civil rights of inmates; to appraise denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to New Jersey penal institutions as they relate to the civil rights of inmates; and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin with respect to New Jersey penal institutions; and to related areas.

A closed session to discuss matters which may tend to defame, degrade, or incriminate individuals will be held at

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7:30 p.m. on February 20, 1974, at the Holiday Inn, Route 130, Bordentown, New Jersey 08505. This session will not be open to the public.

These meetings will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 12, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.74-3991 Filed 2-19-74; 8:45 am]

#### NEW JERSEY STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a fact-finding meeting of the New Jersey State Advisory Committee will convene on February 22, 1974, at 9:00 a.m. in Courtroom No. 3, Second Floor of the United States Courthouse and Post Office Building, 402 East State Street, Trenton, New Jersey 08608. These sessions shall be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect persons residing in the State of New Jersey with special emphasis on the conditions in New Jersey penal institutions as they relate to the civil rights of inmates; to appraise denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to New Jersey penal institutions as they relate to the civil rights of inmates; and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin with respect to New Jersey penal institutions; and to related areas.

A closed session to discuss matters which may tend to defame, degrade, or incriminate individuals will be held at 8:00 a.m. on February 22, 1974, in Courtroom No. 3, Second Floor of the United States Courthouse and Post Office Building, 402 East State Street, Trenton, New Jersey 08608. This session will not be open to the public.

These meetings will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 12, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.74-3992 Filed 2-19-74; 8:45 am]

#### NEW YORK STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations

of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 3:00 p.m. on February 19, 1974, in Room 1639, 26 Federal Plaza, New York, New York 10007.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to formulate plans for a proposed fact-finding meeting on social services in the Asian American community.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 12, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.74-3989 Filed 2-19-74; 8:45 am]

#### NORTH CAROLINA STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Carolina State Advisory Committee (SAC) to this Commission will convene at 2:30 p.m. on February 22, 1974, at the Pullen Memorial Baptist Church, Hillsboro Street and Cox Avenue, Raleigh, North Carolina 27605.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting shall be to formulate plans for a proposed fact-finding meeting on penal institutions in the State of North Carolina.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 13, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.74-3993 Filed 2-19-74; 8:45 am]

#### RHODE ISLAND STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island State Advisory Committee (SAC) to this Commission will convene at 4:30 p.m. on February 20, 1974, at the Central Congregational Church, 296 Angell Street, Providence, Rhode Island 02906.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss a draft of the Rhode Island SAC report on state and local government.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 12, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.74-3990 Filed 2-19-74; 8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

[OPP 32000/12]

##### RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (81 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before April 22, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 22.

#### APPLICATIONS RECEIVED

EPA File Symbol 4-EKI. Bonide Chemical Co., Inc., 2 Wurz Avenue (Off Commercial Drive), Yorkville, New York 13495. *Bonide Rat Killer Bricks*. Active Ingredient: Diphacinone 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4-EGN. Bonide Chemical Co., Inc., 2 Wurz Avenue (Off Commercial Drive), Yorkville, New York 13495. *Bonide Zineb Fungicide*. Active Ingredient: Zineb (zinc ethylene bisdithiocarbamate) 75% (Metallic zinc equivalent 17.7%). Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 359-828. Chipman Division of Rhodia Inc., 120 Jersey Avenue, New Brunswick, New Jersey 08903. *Zolone WP*. Active Ingredient: Phosalone [O,O-diethyl S-(6-chloro-2-oxo-1-benzoxazolin-3-yl) methyl] phosphorodithioate] 25.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 240-ERE. Daly-Herring Company, P.O. Box 428 Kinston, North Carolina 28501. 25% *Malathion Dust Base*. Active Ingredient: Malathion (O,O-dimethyl dithiophosphate of diethyl Mercaptosuccinate) 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 728-RRR. Pearson & Company, P.O. Box 7151, Mobile, Alabama 36607. *Pearson's Diel-Ram "H"*. Active Ingredients: Heptachlor 25.000%; Related Compounds 9.247%; Thiram (Tetramethylthiuramdisulfide) 33.670%; Aluminum Powder 3.333%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 728-RRG. Pearson & Company, P.O. Box 7151, Mobile, Alabama 36607. *Pearson's Melon & Pine Seed Protectant "L"*. Active Ingredients: Thiram (Tetramethylthiuramdisulfide) 64.27%; Lindane (Isomers of Benzene hexachloride) 0.89%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 728-RRE. Pearson & Company, P.O. Box 7151, Mobile, Alabama 36607. *Pearson's Seed-Saver "H"*. Active Ingredients: Heptachlor 19.50%; Hardwood Oils 9.00%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated February 12, 1974.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc.74-3798 Filed 2-19-74; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

##### PANEL 7—CTAC COMMITTEE

##### Notice of Meeting

FEBRUARY 12, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Panel 7 Committee on Wednesday, February 20, 1974, to be held at MCI Telecommunications Corporation, 1150 17th Street NW., Washington, D.C., beginning at 9:30 a.m.

- (1) Chairman's Report.
- (2) Review of Minutes of November 13, 1973 Meeting.
- (3) Report on Four Working Groups:
  - a. Group A: Television: R. Schwartz.
  - b. Group B: Non-Television: R. Gall.
  - c. Group C: Spectrum Utilization: C. Sampson.
  - d. Group D: Interconnection: H. Selvin.
- (4) General Review and Discussion of Work to Date.
- (5) Establish Milestones for Next Meeting.
- (6) New Business.
- (7) Establish Date, Time and Place for Next Meeting.

Any member of the public may attend or may file written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. S. B. Effros, FCC, 1919 M Street NW., Washington, D.C. 20554—Telephone: 202-632-6468.

#### FEDERAL COMMUNICATIONS COMMISSION

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-3980 Filed 2-19-74; 8:45 am]

#### FEDERAL POWER COMMISSION

[Docket Nos. RI74-62, et al.]

##### CHEVRON OIL CO. ET AL.

Hearing on and Suspension of Proposed Changes in Rates, and Rate Changes To Become Effective Subject to Refund<sup>1</sup>

FEBRUARY 13, 1974.

Respondents have filed proposed changes in rates and charges for jurisdiction.

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

Appendix—A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf <sup>2</sup>	Rate in effect subject to refund in docket No.
RI74-62	Chevron Oil Co.	27	1 to 11	Transwestern Pipeline Co. (Kermit and South Kermit Fields, Winkler County, Tex.) (Permian Basin).	\$9,923	1-14-74		4-15-74	\$26.5825	\$28.7396 RI74-72.
RI74-62	do.	28	1 to 11	do.	5,672	1-14-74		4-15-74	\$26.5825	\$28.7396 RI74-62.
RI74-62	do.	29	1 to 11	do.	126,191	1-14-74		4-15-74	\$26.5825	\$28.7396 RI74-62.
RI74-134	Mobil Oil Corp.	26	1 to 22	El Paso Natural Gas Co. (Kermit Field, Winkler County, Tex.) (Permian Basin).	4,500	1-21-74		7-21-74	\$36.50	37.91

<sup>2</sup> Unless otherwise stated, the pressure base is 14.65 lb./in.<sup>2</sup>.

<sup>1</sup> Substitute increase for prior increase to 29.6411 cents per M ft.<sup>3</sup> filed Oct. 15, 1973 and suspended in Docket No. RI74-62.

<sup>3</sup> Subject to quality adjustments and gathering allowance, if applicable, pursuant

to Opinion No. 662.

<sup>2</sup> Includes Btu adjustment.

<sup>4</sup> Date prior filing becomes ESR in Docket No. RI74-62.



The proposed rate increase of Mobil Oil Corporation exceeds the applicable area ceiling rates for the Permian Basin and is suspended for five months.

The remaining proposed increases are substitute increases based on a change in the amount of Btu adjustment and they are suspended subject to the existing suspension proceeding to be effective on the date the prior increase would become effective subject to refund.

[FR Doc. 74-3952 Filed 2-19-74; 8:45 am]

[Docket No. RP68-16]

#### CITIES SERVICE GAS CO.

##### Notice of Filing of Refund Report

FEBRUARY 12, 1974.

Take notice that on January 17, 1974, Cities Service Company (Cities) filed a report which, according to Cities, was required by paragraph (E) of the Commission's order issued January 30, 1969, in Docket No. RP68-16.

Cities states that the report consists of the following:

(a) A letter of explanation to the customers;

(b) A computation showing the amount of refund to jurisdictional customers; and

(c) A tabulation of sales to customer companies and the refund applicable to such sales.

Cities states that the report shows that it refunded to its jurisdictional customers entitled thereto a total of \$1,101,673.97.

Cities states that copies of the report were mailed to each of the customers receiving a refund together with the refund check. Cities also states that a copy of the report has been mailed to state regulatory commissions having jurisdiction.

Cities enclosed with the the filing copies of releases from each of 39 of our customers with respect to such refund. Cities states that releases have not been obtained from 23 customers but will be mailed to the Commission upon receipt.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMS,  
Secretary.

[FR Doc. 74-3948 Filed 2-19-74; 8:45 am]

[Docket Nos. RP69-6, etc.]

#### EL PASO NATURAL GAS CO.

##### Order Approving Settlement, Reserving Issue for Hearing, and Consolidating Dockets

FEBRUARY 14, 1974.

On June 29, 1973, the Presiding Administrative Law Judge certified to the Commission a proposed Stipulation and Agreement (Agreement) which purports to settle all issues in a number of dockets relating to the El Paso Natural Gas Company (El Paso) Southern Division System, except the issue of rate design in Docket No. RP72-150, which is proposed to be reserved for hearing contingent upon approval of the Agreement. The record includes the testimony and exhibits filed by El Paso and the Commission Staff in Docket No. RP72-150 on all issues other than rate design and further includes direct testimony of El Paso related to an Exploration and Development Fund proposal and cross examination of this testimony.

Public notice of the Agreement was issued on June 25, 1973, with comments due on or before August 24, 1973. The Commission Staff made oral comments upon the record at a pre-hearing conference on June 8, 1973, in which the Staff expressed its support of the proposed Agreement, while taking no position as to El Paso's proposed E & D Reserve Fund. All other comments filed were in support of the Agreement except those filed by Nevada Power Company (Nevada) on July 13, 1973, and Mr. W. M. Bennett of California (Mr. Bennett) on August 24, 1973. Nevada's and Mr. Bennett's objections relate only to the proposed E & D Reserve Fund and will be discussed below.

We shall describe briefly the proceedings in the dockets which would be affected by the proposed Agreement.

##### Docket No. RP69-6

This proceeding involves a \$29,677,486 general increase for El Paso's Southern Division System and was phased for hearing and decision. The Phase I issues involved determination of (1) the appropriate rate of return for El Paso and (2) the proper method of calculating the amount of prepayments to be included in El Paso's rate base. Phase II involved the remaining cost of service issues. In addition to the \$29.7 million rate increase, El Paso was permitted in Docket No. RP69-20, eight rate adjustments at various dates to reflect changes in the cost of gas purchased from Southern Division System producer-suppliers during the approximate 13 month locked-in period.

##### Docket No. RP70-11

This proceeding involves a \$36,510,247 general increase for El Paso's Southern Division System. In addition to the \$36.5 million rate increase, El Paso was permitted in this docket six rate adjust-

ments at various dates to reflect changes in the cost of gas purchased from Southern Division System producer-suppliers during the approximate 12 month locked-in period. Like that in Docket No. RP69-6, this proceeding was also phased. Following waiver of the intermediate decision procedure as to the Phase I issues relating to rate of return and prepayments, the Commission consolidated the Phase I issues in both Docket Nos. RP 69-6 and RP70-11 and disposed of such issues through Opinion Nos. 582 and 582-A.<sup>1</sup> El Paso sought judicial review of Opinion Nos. 582 and 582-A in the United States Court of Appeals for the Fifth Circuit. The Court affirmed the Commission's Opinions.<sup>2</sup> The Phase II cost of service issues in Docket No. RP69-6 were consolidated for decisional purposes with those cost of service issues in Docket No. RP70-11 which were common with the Phase II cost of service issues in Docket No. RP69-6.

These issues were disposed of by Opinion Nos. 600 and 600-A<sup>3</sup> and El Paso has sought judicial review of these opinions in the United States Court of Appeals for the District of Columbia Circuit.<sup>4</sup>

The cost of service issues in Docket No. RP70-11 which were not common with those in Phase II of Docket No. RP69-6 were disposed of by Opinion No. 635,<sup>5</sup> together with like or common issues in Docket No. RP71-13, and El Paso has sought judicial review of this opinion in the United States Court of Appeals for the District of Columbia Circuit.<sup>6</sup>

##### Docket No. RP71-13

This proceeding involves a \$43,917,654 general increase for El Paso's Southern Division System. The issues in this proceeding which were not common with those in Docket No. RP70-11 and disposed of by Opinion No. 635 were the subject of an initial decision of an Administrative Law Judge issued January 11, 1972. That decision is now before the Commission on exceptions. In addition to the \$43.9 million rate increase, El Paso was permitted in this docket seven rate adjustments at various dates to reflect changes in the cost of gas purchased from Southern Division System producer suppliers.

##### Docket No. RP72-150

This proceeding involves a \$5,895,052 general increase for El Paso's Southern Division System in effect for a locked-in period beginning January 1, 1973, and continuing through November 1, 1973.

44 FPC 73; 44 FPC 763.

El Paso Natural Gas Company v. Federal Power Commission, 449 F. 2d 1245 (5th Cir. 1971).

46 FPC 454; 47 FPC.

El Paso Natural Gas Company v. Federal Power Commission, No. 72-1645.

48 FPC ----. Rehearing denied by order issued January 13, 1973.

El Paso Natural Gas Company v. Federal Power Commission, No. 73-1186.

In this proceeding, a prehearing conference was held on December 12, 1972, at which time El Paso's evidentiary case-in-chief was submitted for the record. On March 16, 1973, answering evidence of the Commission Staff was served.

##### Docket No. RP72-155

This proceeding involves a purchased gas adjustment clause filed by El Paso, which was consolidated with Docket No. RP72-150 for the purposes of a determination as to whether the cost of service included in the filing at Docket No. RP72-150 justified approval of the purchased gas adjustment clause as filed.

##### OTHER AFFECTED PROCEEDINGS

In addition to the above dockets which involve major rate increases and the filing of PGA clauses, the agreement would also terminate proceedings in Docket Nos. RP72-130, RP72-153, RP73-15, RP73-19, RP73-20, RP73-21 and RP73-44 wherein El Paso proposed changes in various FS (Field Sales) rate schedules between itself and Pioneer Natural Gas Company and Southern Union Gas Company involving the proposed conversion of the rate charged under these various FS rate schedules to a basis keyed to the rate in effect from time to time under El Paso's Rate Schedule X-1.

The proposals in Docket Nos. RP72-130, RP72-153, RP73-15, RP73-19, RP73-20, and RP73-21 were accepted by the Commission, at various dates, subject to the outcome of the Docket No. RP71-13 proceedings, and the RP73-44 proposal was accepted subject to the outcome of the Docket No. RP72-150 proceedings.

Finally, Docket No. RP73-75 involves a complaint filed by Southwest Gas Corporation requesting that it be permitted to receive natural gas service from El Paso under Rate Schedule G, rather than under Rate Schedule A-1-X, which was consolidated with the Docket No. RP72-150 proceedings.

##### DISCUSSION

The settlement cost of service, rates and capitalizations applicable to the various dockets are shown in attached Appendices A through O. Within 45 days of Commission approval of the Agreement, El Paso will file a plan of refunds with the Commission applicable to the period March 7, 1969 through November 1, 1973. These refunds will be computed to individual customers based upon their purchases from El Paso during this refund period. The parties have agreed to reserve for trial the issue of jurisdictional rate design in Docket No. RP72-150 and have provided that upon the final determination by the Commission of the reserved rate design issue, refunds, if any, including interest at 7 percent per annum, shall be determined by comparing total charges to each customer computed at such ultimately determined rates as applied to actual billing determinants, with total charges to each customer computed at the settlement rates provided in Docket No. RP72-150.

El Paso proposes to establish a reserve fund to support El Paso's exploration

activities over and above presently budgeted activities. Funds for this reserve are to be established by providing, as part of the settlement cost of service in Docket No. RP71-13, an allowance for exploration expense calculated by including a charge of 1.28¢ per Mcf for the sales volumes associated with the locked-in period for that docket. This allowance, so calculated totals \$31.5 million for that locked-in 31 month period of which \$17.1 million is reflected in the settlement cost of service.

Once the reserve fund is established, seventy-five (75) percent of exploration expenses associated with unsuccessful ventures and located in certain areas are proposed to be charged to that Reserve. In future rate determinations concerning successful ventures, 75 percent of production obtained from leases acquired on or after October 8, 1969, which are unproven as of the effective date of the Agreement and leases acquired after such effective date shall be accorded cost of service treatment and the remaining 25 percent of such production shall be accorded area rate treatment.

Nevada and Mr. Bennett filed objections to the proposed Agreement taking exception to the establishment of the "E & D Reserve Fund" provision. Nevada states that absent the establishment of the "E & D Reserve Fund", El Paso would be required to refund approximately \$62.8 million of excessive rates and charges made and collected in Docket No. RP71-13 during the locked-in period March 31, 1971, through December 31, 1972. Of this amount, El Paso proposes to refund only \$31.3 million and utilize \$31.5 million to underwrite a portion of its unsuccessful exploratory efforts as set out in the agreement.

Nevada argues that: (1) Under section 4(e) of the Natural Gas Act, the refund of excessive rates and charges is mandatory, and the Commission has no discretion to permit retention thereof; and (2) even assuming the Commission does have discretion, it would be an abuse of that discretion in this instance to allow the Company to retain dollars which would otherwise be refunded.

Nevada supports its arguments by stating its view that the proposed retention of \$31.5 million comes from the excessive revenues collected during the locked-in period and not from the cost of service, as El Paso claims, since the additional 1.28¢ per Mcf E & D allowance was not part of the rates filed and collected subject to refund in Docket No. RP71-13. Further, Nevada states that under the proposal, there is no commitment by El Paso that the consumers are to be beneficiaries of additional volumes, or that El Paso would pay back the consumers' capital contributions to the extent that no new dedications of gas materialize, or that El Paso would commit greater sums to exploration than it now intends to spend. Thus, the burden of absorbing the risks, according to Nevada, shifts from El Paso to the consumers. Nevada also argues that, since its requirements are classified as low priority and, there-

fore, subject to substantial curtailment, chances are that Nevada's involuntary contribution to the "E & D Fund" will result in very little, if any, benefit to them.

Mr. Bennett filed general comments in opposition to the utilization of refund dollars to establish an "E & D Reserve Fund". Mr. Bennett opposes the establishment of the Fund utilizing withheld refund dollars as: (1) Being contrary to law, (2) an abuse of the Commission's discretion, and (3) in excess of the jurisdiction of this agency.

Our review of the proposed Agreement, the Comments filed by the various parties, the cost of service and capitalization filed in support of the Agreement, and the record as certified on June 29, 1973, indicates that the resolution of the issues effected by the Agreement is in the public interest and the rates proposed therein are not excessive. We shall therefore accept the Agreement and permit the tariff sheets proposed therein to become effective pursuant to the terms of the Agreement. El Paso states, and we shall so direct, that within 45 days following the date upon which the order of the Commission approving the Agreement becomes final and no longer subject to judicial review, it will file with the Commission a report of refunds due its jurisdictional customers, computed as the difference between the rates collected during the various periods covered by the subject dockets and the settlement rates shown in the attached Appendices<sup>7</sup> applied to actual volumes delivered.

With regard to the objections of Nevada and Mr. Bennett, we indicated in Opinion No. 666, Mississippi River Transmission, we shall consider the record in individual cases in the light of our responsibilities under the Natural Gas Act to assure an adequate and continuing gas supply to the nation's consumers at the lowest reasonable cost. Essentially, the principle we have established is that in return for the higher rate, customers must receive compensatory benefit. We have not required that the benefit in each case must be devised in the same manner. The primary benefit associated with the establishment of the Fund is, of course, that such exploration and development efforts may yield additional new reserves whose benefits would inure to the entire system. Moreover, if oil is discovered, the Agreement provides that the customers will receive a credit to cost of service of 75 percent of revenues resulting from the sale of such oil.

Nevada complains that it would receive very little of any gas which may become available as a result of the E & D Fund since its use of gas has been adjudged by this Commission to be of low priority.<sup>8</sup> If we were to accept Nevada's rationale, this Commission would be frustrated in its attempt to establish programs for exploration and development of new gas reserves since on every pipeline system relative priorities for the use of gas have

<sup>7</sup> Filed as part of the original document.

<sup>8</sup> See: curtailment proceedings in Docket No. RP72-6.



been established. Significantly, Southwest Gas Corporation, purchasing directly from El Paso and selling to Nevada, has not objected to the E & D Fund. Moreover, no customer of El Paso or state Commission objected to the proposed Agreement. We do not believe that the objections raised by either Nevada or Mr. Bennett (which are substantially similar to Nevada's) warrant the elimination of the proposed E & D Fund.

We disagree that section 4(e) of the Natural Gas Act would prohibit this Commission from using its discretion in encouraging exploration and development through a vehicle such as the proposed E & D Fund contained in this Agreement. It would seem to the Commission that it is only of semantical importance whether the retention of funds associated with the E & D proposal is viewed as a portion of the excessive rates and charges collected in Docket No. RP71-13 as Nevada claims, or whether it is viewed as an allowance for exploration in the Docket No. RP71-13 cost of service, as El Paso contends. During a period of continuing and acute shortage of natural gas, we believe that the public interest requires that this Commission encourage exploration and development to the fullest extent consistent with its regulatory powers and responsibilities.

Finally, we note that general rate increases related to the Southern Division system and filed in Docket Nos. RP73-104 and RP74-57 were consolidated along with Docket No. RP73-84 by Commission order of January 8, 1974, and procedural dates were directed therein. We believe that the issue of rate design reserved for hearing in the Agreement should be consolidated with this on-going proceeding in the interests of avoiding relitigation of the issue of proper rate design for the Southern Division System.

#### The Commission finds.

(1) Approval, as hereinafter ordered, of the settlement in these proceedings on the basis of the Agreement certified on June 29, 1973, is just and reasonable and in the public interest in carrying out the provisions of the Natural Gas Act and the tariff sheets included therein should be made effective pursuant to the provisions of such Agreement.

(2) Good cause exists to consolidate the issue of rate design reserved for hearing under the terms of the Agreement with the proceeding in Docket Nos. RP73-104 and RP74-57.

#### The Commission orders.

(A) El Paso's motion for approval of the proposed Agreement is granted, the proposed Settlement Agreement incorporated by reference herein is accepted, and the tariff sheets included therein shall become effective pursuant to the terms of such Agreement.

(B) El Paso shall comply with all terms and conditions of the Agreement.

(C) The issue of rate design reserved for hearing in Docket No. RP72-150 under the terms of the Agreement shall be consolidated with the proceeding presently set in Docket Nos. RP73-104 and RP74-57, and shall follow the procedural schedules as presently directed therein.

((D) El Paso shall file within 45 days following the date upon which this order becomes final a report of refunds due its jurisdictional customers as per the terms and conditions of the Agreement approved herein.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-3946 Filed 2-19-74; 8:45 am]

[Docket No. E-8618]

#### IOWA-ILLINOIS GAS AND ELECTRIC CO. Notice of Filing of Participation Agreement

FEBRUARY 13, 1974.

Take notice that Iowa-Illinois Gas and Electric Company (Company), on February 4, 1974, filed a Participation Power Agreement between Board of Water and Light Trustees, Muscatine, Iowa (Board), Company, and Iowa Power and Light Company (Iowa Power), proposed to become effective May 1, 1974.

Company states that the Agreement provides for participation power and energy transactions from Board's Muscatine Generating Station to, and through, Company's system to Iowa Power during periods and for quantities stated in the Agreement. According to Company, purchases are provided for the periods May through October in the years 1974-1978, inclusive, as may be modified by Board to increase or reduce quantities available to specified amounts. Company further states that of the stated amounts of capacity to be purchased by Company, Iowa Power is entitled to 20 MW for the period May through October, 1974, and up to 15 MW for the period May through October 1976. Participation capacity charges billed Iowa Power by Company for periods of Iowa Power's entitlement are those billed Company by Board. The rate is, and will be, identical with that for similar service in the MAPP Agreement, Schedule B (Iowa-Illinois Rate Schedule FPC No. 33), according to Company. Company additionally stated that the participation energy charge, or charge for substitute energy, are based on incremental cost plus 10 percent, a standard rate in other agreements to which the parties of this Agreement are parties.

Company alleges that copies of the filing were mailed to the other parties to the Agreement, and to the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make pro-

testants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-3947 Filed 2-19-74; 8:45 am]

[Docket No. CP72-251]

#### NORTHERN NATURAL GAS CO. Modification of Draft Environmental Impact Statement

FEBRUARY 13, 1974.

This case concerns a proposed underground project for the storage of natural gas in Dallas County, Iowa. The Northern Natural Gas Company has applied for a certificate of public convenience and necessity to permit it to carry out a testing program for the project, and it has indicated that if the test results are in its judgment satisfactory, it will thereafter apply to us for a certificate authorizing the construction of the full project.

The application before us relates to the testing program only. That application, initially filed on April 24, 1972, has since been the subject of numerous supplements, as well as of a major amendment filed on September 5, 1973. On the basis of these filings, our Staff prepared and issued on December 10, 1973, a Draft Environmental Impact Statement, such statement having been designed to assess the environmental impacts of the full project, not just its testing phase. We think this coverage appropriate, inasmuch as we would be unwilling to grant a certificate for testing, even though the environmental impacts of such testing might themselves be acceptable, if the record developed with respect to the testing application were sufficient to permit us to conclude also that the environmental impacts of the full project were not acceptable.

During the interval between the filing of Northern's amendment on September 5, 1973, and the issuance of the Draft Environmental Impact Statement on December 10, 1973, Northern has conducted further drilling in the pertinent area, drilling for which it is not required to obtain an authorization from us. As a result of such drilling, the dimensions of the proposed, full storage project have been expanded. These new dimensions were first revealed when Northern, on December 10, 1973, filed its prepared testimony for the hearing in this case, then scheduled to commence on January 7, 1974, as provided in our order issued October 26, 1973. That prepared testimony indicated that the full project is now expected to involve 2,400 more acres than were contemplated in the September 5 amendment, and that a portion of the additional acreage would be under the town of Adel, Iowa. As a consequence of these changes in the full project, the Environmental Statement issued on December 10, being directed

toward a lesser project, is no longer adequate.

As a result of the information contained in Northern's evidentiary submittal of December 10, two motions have been filed with us. On December 18 our staff moved that the scheduled hearing dates—January 7, 1974, in Washington, and March 18, 1974, in Des Moines, the latter date having been fixed in our order of December 14, 1973—be indefinitely postponed. Such dates were indefinitely postponed by notice issued December 28. The Staff further asked that Northern be directed to amend its application to disclose fully the new details of the full project, viz,

... the additional land area affected, any additional injection-withdrawal wells proposed in this area, any environmental impacts and any safety hazards which might be encountered in the residential area of Adel, Iowa, the measures proposed to be taken to mitigate any such effects, and the relationship of the proposed storage field to the existing Redfield Storage Field.

Northern answered that its application had not been changed, so an amendment is unnecessary, but it expressed its willingness "to file the data referred to by the Staff as a supplement to its application". A second motion, filed January 18, 1974, by the Dallas County Gas Storage Association, an intervenor, asks that the period during which comments may be filed on the Draft Environmental Impact Statement be extended, pending Northern's amendment of its application and the Staff's corresponding revision of the Statement.

We believe that further information must be filed by Northern, in light of the significant changes recently made in the full project, and we further believe that the Draft Environmental Impact Statement should be revised in light of it. Whether the Statement may merely be amended, or whether it requires total revision, we leave to our Staff to answer, based on its assessment of the information to be hereafter filed by Northern. We understand that Northern's application for its testing program is itself unchanged, and we will not, therefore, require that Northern amend its application as such; but inasmuch as its application, as amended on September 5, 1973, contains environmental information pertaining to a post-test project that is no longer proposed, we must ask Northern to revise its environmental report to reflect fully its current plan.

Hearings should be rescheduled to commence soon, and we will ask the Presiding Administrative Law Judge to fix appropriate dates. We think it would be desirable, but not essential, if a new or revised Draft Environmental Impact Statement were issued and were the subject of notice before such hearings commence. It is in our view not essential, for the testing program is unchanged; but it would be desirable, inasmuch as all who may have an interest in the full, revised project would then have notice of its dimensions at the earliest, feasible procedural stage. In any event, our pro-

cedures make clear that a Final Environmental Impact Statement by our Staff will be required before the hearings on the testing application conclude, for such a Final Statement must be submitted in evidence and an opportunity for cross-examination on it must be afforded. Further, it is of course entirely clear that if a certificate for testing is granted, and if Northern later concludes that it will apply for authority to construct the full project, then an entirely new proceeding, with further hearings, and with a reassessment of environmental issues, will be required. New interventions would then be invited. In short, there will be numerous opportunities for concerned individuals to make their positions known.

We therefore ask the Presiding Administrative Law Judge to convene a further pre-hearing conference, in order to establish a schedule for the submission of further information, inclusive of environmental data, from Northern concerning the project as Northern now envisions it, and for the issuance of and notice concerning a new or revised Draft Environmental Impact Statement by our Staff. The date for the issuance of the new or revised Staff Draft Environmental Impact Statement should be approximately 45 days following the filing of Northern's further environmental information. In light of those dates, we further ask the Presiding Administrative Law Judge to fix the dates for hearings to commence in both Washington, D.C. and Des Moines, Iowa. If a new or revised Draft Environmental Impact Statement can be expected reasonably soon, then the hearings should be delayed until it is available. But if considerable delay would thereby result, we ask that the hearings be scheduled to begin before the new Statement is issued. We will also at this time afford an opportunity for further interventions.

We are anxious to have this case move forward. Although the project, if it were to be authorized, would take several years to construct, we believe that it may represent a means of assisting in alleviating the natural gas shortage. That being so, we hope that all parties will cooperate in moving this application forward toward an early decision.

Finally, we observe that in a case such as this, involving a testing phase, there are inherent difficulties in maintaining an always-current Environmental Impact Statement. The new or revised Draft Environmental Impact Statement that our Staff will issue in this case is not likely to reflect the full project for which Northern may later, after testing, apply. Similarly, as Northern conducts drilling in the weeks and months to come, the full project as even now foreseen may be changed. Because that is so, it may be impossible for the Environmental Statement for the full project to coincide at all times and in all details with the full project as then envisioned by Northern. The two cannot always move in lockstep. By the action we take today, we therefore do not mean to suggest that,

with every future change in Northern's plans, we will act to halt this proceeding. We would expect to do so only if as here, the changes are of great moment.

#### The Commission orders.

(A) The motions filed by the Staff on December 18, 1973, and by the Dallas County Gas Storage Association on January 18, 1974, are granted to the extent set forth above.

(B) The Presiding Administrative Law Judge should convene a further pre-hearing conference so as to fix dates at which hearings in this case shall commence in Washington, D.C., and in Des Moines, Iowa, such dates to be fixed in light of the dates on which Northern will file further environmental data and on which a new or revised Draft Environmental Impact Statement will become available.

(C) All interested persons desiring to be heard in this proceeding who are not already parties may file appropriate petitions to intervene on or before February 28, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-3950 Filed 2-19-74; 8:45 am]

[Docket No. G-9396, etc.]

SKELLY OIL CO. ET AL.

#### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

FEBRUARY 12, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.



## NOTICES

and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to

intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-9386 C 1-28-74	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	* 26.64	15.025
G-9884 CF 12-26-73	Atlantic Richfield Co. (successor to Cities Service Oil Co.), P.O. Box 2819, Dallas, Tex. 75221.	Natural Gas Pipeline Co. of Amer- ica, Northwest Camrick, Camrick Field, Texas and Beaver Counties, Okla.	* 19.7925	14.65
G-15912 D 1-28-74	Skelly Oil Co.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	(*)	-----
C161-287 E 1-22-74	Eason Oil Co. (successor to Monla Gas Co., Inc.), P.O. Box 18755, Oklahoma City, Okla. 73118.	Texas Gas Transmission Corp., Monroe Field, Ouachita, Union, and Morehouse Parishes, La.	17.3	15.025
C161-727 E 1-28-74	Texas International Petroleum Corp. (Operator), et al. (successor to Amerada Hess Corp.), P.O. Box 4520, Shreveport, La. 71104.	Texas Gas Transmission Corp., Bayou Chevreuil Field, Lafourche and St. John the Baptist Parishes, La.	* 23.25	15.025
C162-1330 E 1-16-74	Wood, McShane & Thams (successor to Shell Oil Co.), P.O. Box 1226, Midland, Tex. 79701.	El Paso Natural Gas Co., Leonard Queen South Field, Lea County, N. Mex.	* 15.0	14.65
C166-615 E 1-22-74	Eason Oil Co. (successor to Monla Gas Co., Inc.).	Arkansas Louisiana Gas Co., North Carlton Area, Ouachita Parish, La.	* 20.0	15.025
C173-451 D 1-31-74	Mobil Oil Corp. (Operator) et al., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77016.	Texas Eastern Transmission Corp., Provident City Field, Lavaca County, Tex.	(*)	-----
C174-165 (C571-340) F 1-13-73	Sun Oil Co. (successor to Anchor Production Co.), P.O. Box 2880, Dallas, Tex. 75221.	Panhandle Eastern Pipe Line Co., Northwest Avard Field, Woods County, Okla.	* 18.448	14.65
C174-821 (C166-884) F 11-14-73	Seaboard Well Service, Inc. (successor to Austral Oil Co., Inc., et al.), P.O. Box 51286, OCS, Lafayette, La. 70501.	Trunkline Gas Co., East Bancroft Field, Beauregard Parish, La.	* 11.8.0	15.025
C174-378 (C169-48) F 1-16-74	Petro-Lewis Funds, Inc. (successor to Forest Oil Corp.), 1600 Broad- way, Denver, Colo. 80202.	United Fuel Gas Co., Northwest Bourz Field, Lafourche Parish, La.	* 12.375	15.025
C174-380 (C162-910) B 1-10-74	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Texas Gas Pipe Line Corp., North Big Hill Field, Jefferson County, Tex.	Depleted	-----
C174-381 B 1-10-74	Fourway Oil Co., P.O. Drawer 2185, Longview, Tex. 75601.	Atlantic Richfield Co., Abell Field, Pecos County, Tex.	(*)	-----
C174-382 (C173-451) F 1-10-74	J-W Operating Co. (successor to Mobil Oil Corp.) Suite 542, 10303 Northwest Freeway, Houston, Tex. 77018.	Texas Eastern Transmission Corp., Provident City Field, Lavaca County, Tex.	* 25.0	14.65
C174-383 (C165-11) B 1-11-74	Geological Exploration Co., P.O. Box 1641, Longview, Tex. 75601.	Lone Star Gas Co., Penn Griffith/ Pettit Field, Rusk County, Tex.	Depleted	-----
C174-384 (G-4073) B 1-11-74	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a divi- sion of Tenneco Inc., Alamo Field, Hidalgo County, Tex.	Depleted	-----
C174-386 A 1-15-74	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	El Paso Natural Gas Co., L. Renz No. 4 Unit, Rio Arriba County, N. Mex.	* 28.5	15.025
C174-387 (C171-894) B 1-21-74	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Pioneer Gas Products Co., North- west Madill Field, Marshall County, Okla.	Contract ter- minated	-----
C174-388 (C171-883) B 1-21-74	Exxon Corp., P.O. Box 2180, Hous- ton, Tex. 77001.	Tennessee Gas Pipeline Co., a divi- sion of Tenneco Inc., East Pita Field, Kenedy County, Tex.	Nonproduc- tive	-----
C174-389 (C163-623) B 1-21-74	do.	Natural Gas Pipeline Co. of Amer- ica, South Angleton Field, Bra- zoria County, Tex.	Nonproduc- tive	-----
C174-390 (G-4523) B 1-21-74	do.	Lone Star Gas Co., Red Springs Field, Smith County, Tex.	(*)	-----
C174-391 (G-3486) B 1-21-74	Phillips Petroleum Co., Bartles- ville, Okla. 74004.	Tennessee Gas Pipeline Co., a divi- sion of Tenneco Inc., Lissie Field, Colorado and Wharton Counties, Tex.	Nonproduc- tive	-----
C174-392 A 1-23-74	Exxon Corp.	Columbia Gas Transmission Corp., Engene Island Block 314 Field, offshore Louisiana.	* 50.0	15.025

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.

## NOTICES

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C174-394 (C172-53) B 1-25-74	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Lone Star Gas Co., East Ayles- worth Field, Bryan County, Okla.	(*)	-----
C174-395 (C162-134) B 1-25-74	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Valley Gas Transmission, Inc., East Alta Mesa Field, Brooks County, Tex.	Nonproduc- tive	-----
C174-396 (C572-739) F 1-15-74	Union Texas Petroleum, a division of Allied Chemical Corp. (successor to Southern Hydrocarbons Production Co., Inc.).	Transcontinental Gas Pipe Line Corp., Orange Grove Field, Terre- bonne Parish, La.	* 26.875	15.025
C174-397 (C572-739) F 1-15-74	do.	Columbia Gas Transmission Corp., Orange Grove Field, Terrebonne Parish, La.	* 26.875	15.025
C174-399 (R167-80) B 1-17-74	Petroleum Corp. of Texas (Opera- tor) et al., P.O. Box 911, Brecken- ridge, Tex. 76024.	South Texas Natural Gas Gather- ing Co., South Donna Field, Hidalgo County, Tex.	Depleted	-----
C174-400 (C572-455) B 1-25-74	Oleum Inc., Drawer 2232, Long- view, Tex. 75601.	Cities Service Gas Co., North Nor- man Prue Field, Cleveland County, Okla.	Depleted	-----
C174-401 (C572-455) B 1-25-74	do.	do.	Depleted	-----
C174-402 (C571-338) B 1-24-74	Caruthers Operating Co., Inc., 505 Louisiana Bank Bldg., Shreve- port, La. 71101.	Southwest Gas Producing Co., Lis- bon Field, Claiborne Parish, La.	Contract terminated	-----
C174-403 (G-12287) F 1-25-74	Graham-Michaelis Drilling Co. (successor to Skelly Oil Co.), P.O. Box 247, Wichita, Kans. 67201.	Colorado Interstate Gas Co., a divi- sion of Colorado Interstate Corp., Hugoton Field, Finney County, Kans.	* 13.5	14.65
C174-404 (G-5303) F 1-25-74	do.	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Finney County, Kans.	* 13.0	14.65

<sup>1</sup> This acreage is being added to the contract in consideration for El Paso agreeing to release acreage which is the subject of an application to delete acreage being filed concurrently herewith in Docket No. G-15912.

<sup>2</sup> Applicant is willing to accept a certificate at an initial rate of 26.14 cents per M ft<sup>3</sup>, subject to upward and downward Btu adjustment; however, the contract price is 26.64 cents per M ft<sup>3</sup>, subject to upward and downward Btu adjustment.

<sup>3</sup> Rate in effect subject to refund in Docket No. R174-114.

<sup>4</sup> Subject to downward Btu adjustment.

<sup>5</sup> This acreage is being deleted from the contract in order to be added to another contract which is the subject of an application to add acreage being filed concurrently herewith in Docket No. G-9386.

<sup>6</sup> Subject to Btu adjustment.

<sup>7</sup> Subject to upward Btu adjustment; estimated adjustment is 2.1 cents per M ft<sup>3</sup>.

<sup>8</sup> Amendment to a pending application.

<sup>9</sup> Acreage assigned to United Oil and Gas Co. and J. C. West.

<sup>10</sup> Inclusive of Btu adjustment and tax reimbursement.

<sup>11</sup> Being renegotiated, because by revised contract summary filed Jan. 25, 1974, Applicant reflects a correction in the price.

<sup>12</sup> Being renegotiated, because by letter filed Jan. 28, 1974, Applicant shows a correction in the price.

<sup>13</sup> Applicant states that the well on the lease which is the subject of the contract will be reworked and an attempt made to complete it in another zone.

<sup>14</sup> Subject to upward and downward Btu adjustment.

<sup>15</sup> Applicant's interest in leases covered by the contract have either been assigned to others or canceled.

<sup>16</sup> Subject to upward Btu adjustment; estimated adjustment is 5.0 cents per M ft<sup>3</sup>.

<sup>17</sup> Assigned to Pioneer Gas Products Co.

<sup>18</sup> Subject to upward and downward Btu adjustment; estimated adjustment is 0.3486 cents per M ft<sup>3</sup>.

<sup>19</sup> Subject to downward Btu adjustment; estimated adjustment is 2.06 cents per M ft<sup>3</sup>.

<sup>20</sup> Subject to downward Btu adjustment; estimated adjustment is 1.27 cents per M ft<sup>3</sup>.

[FR Doc. 74-3891 Filed 2-19-74; 8:45 am]

[Rate Schedule Nos. 107, etc.]

**TEXAS OIL & GAS CORP., ET AL**  
**Notice of Rate Change Filings**

**FEBRUARY 12, 1974.**

Take notice that the producers listed in the Appendix A attached below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said

filings should on or before February 28, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.



Filing date	Producer	Rate schedule No.	Buyer	Area
Jan. 18, 1974...	Texas Oil & Gas Corp., Fidelity Union Tower Bldg., Dallas, Tex. 75201.	107	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Jan. 21, 1974...	American Petrofina Co. of America, P.O. Box 2159, Dallas, Tex. 75221.	72	Tennessee Gas Pipeline Co.	Do.
Do.....	Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.	16	El Paso Natural Gas Co.	Permian Basin.
Do.....	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	24	Texas Gas Transmission Corp.	Texas Gulf Coast.
Jan. 22, 1974...	Tenneco Oil Co., Tenneco Bldg., P.O. Box 2511, Houston, Tex. 77001.	289	United Gas Pipe Line Co.	Other Southwest.
Jan. 21, 1974...	Ruth Phillips Bisker, 1407 Main St., Suite 1300, Dallas, Tex. 75202.	4	Transcontinental Gas Pipe Line Corp.	Texas Gulf Coast.
Do.....	Granstein Co., Ltd., 1407 Main St., Suite 1300, Dallas, Tex. 75202.	4	do.....	Do.
Jan. 29, 1974...	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2129, Houston, Tex. 77001.	10	Lone Star Gas Co.	Other Southwest.
Do.....	Sim Oil Co., Southland Center, P.O. Box 2889, Dallas, Tex. 75221.	282	United Gas Pipe Line Co.	Texas Gulf Coast.
Do.....	Shell Oil Co., 1 Shell Plaza, P.O. Box 2163, Houston, Tex. 77001.	306	do.....	Do.
Do.....	Reserve Oil & Gas Co., 1806 Fidelity Union Tower, Dallas, Tex. 75201.	400	Texas Eastern Transmission Corp.	Do.
Do.....	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	26	Transcontinental Gas Pipe Line Corp.	Do.
Feb. 1, 1971....	Barnwell, Inc., P.O. Box 1748, Shreveport, La. 71166.	303	Tennessee Gas Pipeline Co.	Do.
Do.....	Texas, Inc., P.O. Box 52332, Houston, Tex. 77052.	1	Arkansas Louisiana Gas Co.	Other Southwest.
Feb. 4, 1974....	do.....	13	Kansas-Nebraska Natural Gas Co.	Hugoton-Anadarko.
Do.....	do.....	98	do.....	Do.
Feb. 5, 1974....	Acoma Oil Corp., Hamm Bldg., St. Paul, Minn. 55102.	1	Tennessee Gas Pipeline Co.	Texas Gulf Coast.

<sup>1</sup> Tentative designation of new contract to cover sales formerly made under Tenneco Oil Co. FPC gas rate schedule Nos. 87, 88, and 90.

<sup>2</sup> Tentative designation. Involves sales presently made under Shell Oil Co. FPC gas rate schedule numbers.

[FR Doc. 74-3890 Filed 2-19-74; 8:45 am]

[Docket Nos. RP71-29 and RP71-120]

#### UNITED GAS PIPE LINE CO.

##### Filing of Revised Tariff Sheets

FEBRUARY 12, 1974.

Take notice that on January 21, 1974, United Gas Pipe Line Company (United) tendered for filing Substitute Second Revised Sheet No. 72-A and Substitute Third Revised Sheet No. 72-A and simultaneously gave notice that it was withdrawing its Second Revised Sheet No. 72-A and Third Revised Sheet No. 72-A pursuant to the Commission order of January 11, 1974.

According to United, the Commission's objection to the two sheets which it is withdrawing was a section entitled "Substitute Fuel Payment Obligations" which United states has been eliminated from the two substitute sheets it is now filing. United requests that because Second Revised Sheet No. 72-A (being withdrawn) has been in effect subject to refund since June 1, 1972, it be given an effective date of June 1, 1972, for its Substitute Second Revised Sheet No. 72-A. Also, United alleges that because the ordered date for Third Revised Sheet No. 72-A (being withdrawn) was January 15, 1974, it is necessary, in order for its FPC Gas Tariff, First Revised Volume No. 1 to be complete, that its Substitute Third Revised Sheet No. 72-A be given an effective date

of January 15, 1974, and United requests that such effective date be given. Both substitute sheets are to be a part of United's FPC Gas Tariff, First Revised Volume No. 1.

In addition, United requests that §§ 154.22 and 154.51 of the Commission's regulations be waived.

United alleges that copies of this filing have been mailed to each party to these proceedings (RP71-29, RP71-120), to each of United's customers, and to the regulatory commissions of Louisiana, Texas, Alabama, Mississippi and Florida.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-3949 Filed 2-19-74; 8:45 am]

#### FEDERAL RESERVE SYSTEM AMERICAN BANCORPORATION

##### Acquisition of Bank

American Bancorporation, Columbus, Ohio, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire up to 100 percent of the voting shares (less directors' qualifying shares) of The American Bank of Central Ohio, Harrisburg, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Notice of subject application was published in the FEDERAL REGISTER on September 27, 1973 (38 FR 27550). Additionally, in accordance with section 3(b) of the Act (12 U.S.C. 1842(b)), notice of receipt of subject application was duly given to the Superintendent of Banks of the State of Ohio. Within the time prescribed by law, the Superintendent submitted to the Board in writing his statement expressing disapproval of the application. Accordingly, the Board, on October 25, 1973, ordered that a hearing be held on subject application pursuant to section 3(b) of the Act (38 FR 29650). The hearing commenced November 15, 1973, at the Federal Reserve Bank of Cleveland, at which time the Administrative Law Judge granted Applicant's unopposed motion for a continuance in order that Applicant might prepare and submit to the Board amendments to subject application.

Notice is hereby given that the amendments have been received by the Board and the application, as amended, may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the amended application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 28, 1974.

Board of Governors of the Federal Reserve System, February 13, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary  
of the Board.

[FR Doc. 74-4016 Filed 2-19-74; 8:45 am]

#### FARMERS AND MERCHANTS BANCSHARES, INC.

##### Formation of Bank Holding Company

Farmers and Merchants Bancshares, Inc., Crescent, Oklahoma, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 40 percent or more of the voting shares of Farmers and Merchants Bank, Crescent, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at

the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than March 6, 1974.

Board of Governors of the Federal Reserve System, February 7, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary  
of the Board.

[FR Doc. 74-3968 Filed 2-19-74; 8:45 am]

#### FIRST HAWAIIAN, INC.

##### Formation of Bank Holding Company

First Hawaiian, Inc., Honolulu, Hawaii, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of First Hawaiian Bank, Honolulu, Hawaii. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than March 8, 1974.

Board of Governors of the Federal Reserve System, February 8, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary  
of the Board.

[FR Doc. 74-3969 Filed 2-19-74; 8:45 am]

#### FIRST MELVILLE BANCORP, INC.

##### Formation of Bank Holding Company

First Melville Bancorp, Inc., New Bedford, Massachusetts, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of New Bedford, New Bedford, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than February 27, 1974.

Board of Governors of the Federal Reserve System, February 8, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc. 74-3970 Filed 2-19-74; 8:45 am]

#### SOUTHEAST BANKING CORP.

##### Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 80 percent or more of the voting shares of Pinellas Central Bank and Trust Company, Largo, Florida, and The Security Bank, Pinellas Park, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 7, 1974.

Board of Governors of the Federal Reserve System, March 9, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary  
of the Board.

[FR Doc. 74-3972 Filed 2-19-74; 8:45 am]

#### TEXAS COMMERCE BANCSHARES, INC.

##### Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Commerce Medical Bank, Houston, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than March 4, 1974.

Board of Governors of the Federal Reserve System, February 7, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary  
of the Board.

[FR Doc. 74-3967 Filed 2-19-74; 8:45 am]

#### TEXAS COMMERCE BANCSHARES, INC.

##### Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Southeast Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Texas Commerce Bancshares, Inc., is also engaged in nonbank activities including the ownership of properties, which include properties acquired for previous debts; approximately 17 acres of land acquired for future expansion purposes; a parking garage serving outside customers; land and an office building adjacent to its subsidiary banking office (leased to tenants); and leasehold improvements on a building sublet to tenants which is located adjacent to Applicant's subsidiary bank. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 11, 1974.

Board of Governors of the Federal Reserve System, February 11, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary  
of the Board.

[FR Doc. 74-3971 Filed 2-19-74; 8:45 am]

#### GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.:  
Temp. Reg. D-44]

##### ENERGY CONSERVATION

##### Federally Occupied Buildings and Facilities

1. *Purpose.* This regulation notifies Federal agencies of additional actions the General Services Administration is taking to conserve energy. It requires the cooperation and support of all executive departments and establishments in a Government-wide effort to alleviate the present critical shortage of energy resources.

2. *Effective date.* This regulation is effective on or before February 20, 1974.

3. *Expiration date.* This regulation expires June 30, 1974, unless sooner revised or superseded.

4. *Authority and applicability.* Pursuant to a directive from the Federal Energy Office (FEO) in a memorandum dated January 17, 1974, and Federal Management Circular 74-1, the provisions of this regulation apply to the management of space in all buildings owned or leased by executive departments and establishments and may be used as a guide by the legislative and judicial branches of the Federal Government.

5. *Background.* GSA Bulletin FPMR D-101, dated November 27, 1973, identified measures to conserve energy in public buildings during the summer and winter seasons. The President in his statement to the Nation on November 7, 1973, cited actions necessary to alleviate the present serious energy emergency.



While the initial steps taken under GSA Bulletin FPMR D-101 have provided a good start for the buildings and facilities energy conservation program, GSA, as the agency responsible for the efficient implementation of energy conservation measures in federally occupied buildings, will continue to provide leadership and guidance to ensure that these actions and other effective energy conservation practices are instituted.

6. *Agency action.* Heads of executive departments and establishments shall direct their management officials, facility managers, and individual employees to comply with the energy saving guidelines set forth below and others as promulgated by the Administrator of General Services. Actions which should be taken by agency heads under this program include:

a. Assigning a top management official as the agency Energy Conservation Coordinator if not done so previously to oversee and supervise this Government-wide effort as it pertains to the facilities under the agency's control. Federal agencies shall support the efforts of the Energy Conservation Coordinator by naming coordinators at each field facility;

b. Appointing monitors to ensure that individual room conditions are maintained within the prescribed guidelines;

c. Publicizing the use of stringent conservation practices through announcements at staff meetings, special notices posted on bulletin boards, and messages included in facility newsletters; and

d. Ensuring that the conservation measures listed in paragraph 7 are accomplished to realize immediate savings of energy.

7. *Conservation policies and procedures—*a. *Lighting.* Energy consumed for lighting shall be reduced by removing nonessential lamps and fixtures and by applying nonuniform lighting standards to existing lighting systems. During work-hours, overhead lighting will be reduced to no more than 50 foot-candles at work stations, 30 foot-candles in work areas, and 10 foot-candles in nonworking areas. Off-hour and exterior lighting except that essential for safety and security purposes (e.g., exit lights, lights in stairwells) shall be eliminated. Preference shall be given to the installation of more efficient lighting systems when constructing or remodeling space as a means of obtaining maximum energy savings.

b. *Cooling.* Energy consumed for cooling Government-owned and -leased space shall be reduced. During the cooling season, the setting on room and zone thermostats shall be held at 80°-82° F during working hours and permitted to go higher during nonworking hours. Necessary adjustments shall be made to cooling system controls so that the temperature in the space shall be maintained within this range without the use of reheat.

c. *Heating.* During the seasonably cold months temperature control devices shall be set to maintain temperatures of 65°-68° F during working hours and shall be turned off or lowered to allow temperatures of 55° F or less during non-

working hours but to avoid freezing conditions. Temperatures in warehouses and similar space shall be adjusted lower than 65°-68° F depending on the type of occupancy and the activity in the space.

d. *Outside air intake.* Outside air intake during heating and cooling seasons shall be reduced to the greatest extent feasible. Under most conditions, a 10 percent outside air intake will be adequate for general office space. Under certain outside air temperature and humidity conditions, the use of up to 100 percent outside air will be the most energy-economical method of operation. Special purpose space such as laboratories shall have the outside air intake reduced to the maximum extent possible consistent with the requirements of the mission.

e. *Interior or core systems.* Interior space in office buildings tends to have a heat buildup generated by lights, people, and equipment and thus does not usually require an added heat source during the heating season. Systems serving this type space usually use recirculated air mixed with some outside air for ventilation purposes. The amount of outside air shall not be increased, nor shall refrigeration be introduced for the sole purpose of lowering a temperature which might otherwise exceed 68° F.

f. *Heater blowers, threshold heaters, and portable space heaters.* The operation of heaters blowers, threshold heaters, and portable space heaters in Government-owned or -leased space is prohibited.

g. *Humidity.* Humidity control on cooling and heating systems shall be eliminated for general office space. Requirements for humidity control in special types of space or locations shall be handled on a case-by-case basis by the official responsible for the operation and maintenance of the facility, with the concurrence of the agency's Energy Conservation Coordinator.

h. *Temperature control.* Heating energy shall not be used to achieve the higher temperatures specified for cooling, and cooling energy shall not be used to achieve the lower temperatures specified for heating.

i. *Nighttime cleaning.* To the extent feasible, nighttime cleaning operations shall be rescheduled to daytime hours to decrease energy usage and to reduce the time buildings are illuminated. Occupant employees shall cooperate with cleaning personnel and turn off lights when they leave for the day and when space is unoccupied.

j. *Exceptions.* Exceptions to the policies prescribed above may be permitted for the accommodation of certain specialized equipment and space (e.g., computers, residential quarters, hospitals, and laboratories). Such exceptions may be granted only after consultation with appropriate technical personnel of the unit requiring the exception and upon presentation by the unit of necessary supporting evidence. Exceptions will be granted by the official responsible for operation and maintenance of the facility and must be concurred in by the agency's Energy Conservation Coordinator. In all instances where exceptions

are granted and concurred in by the agency's Energy Conservation Coordinator, he shall develop sufficient documentation detailing the reasons for the action.

8. *Other considerations.* a. Appropriate department and agency contracting officers shall ensure that lessors who provide building services and utilities to Government-leased space are advised that action to comply with the energy conservation policies prescribed in paragraph 7 is required.

b. Where feasible and where it does not interfere with the basic mission, agencies shall schedule overtime work prior to or at the end of normal working days instead of on nonworking days to save the excessive energy consumed as a result of building equipment startup.

9. *Reporting requirements.* a. Each agency shall report as specified in attachment A to the Director, Office of Energy Conservation, Federal Energy Office, Washington, D.C. 20461, its energy consumption in buildings and facilities under its control within 45 calendar days after the end of each quarter.

A copy shall simultaneously be sent to the General Services Administration (PB), Washington, D.C. 20407.

b. This report is in conformance with the provisions of FPMR 101-11.11 and has been assigned Interagency Reports Control Number 0021-GSA-OG-W.

10. *Assistance.* Each agency may request the assistance of GSA in complying with the provisions of this regulation by contacting the General Services Administration (PBOE), Washington, D.C. 20407, telephone number: (202) 962-3541.

11. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations should be submitted to the General Services Administration (PB), Washington, D.C. 20407, no later than April 1, 1974, for possible incorporation into the permanent regulation.

ARTHUR F. SAMPSON,  
Administrator of General Services.  
FEBRUARY 15, 1974.

CONVERSION FACTORS EMPLOYED OFFICE OF ENERGY CONSERVATION	
Energy content of fuels:	Btu
Anthracite coal, short ton...	25,400,000
Bituminous coal, short ton...	24,580,000
Distillate fuel oil (No. 2), per gallon	138,700
Residual fuel oil, per gallon...	149,700
Natural gas, per cubic foot...	1,031
Liquefied petroleum gas, per gallon (including propane and butane)	95,500
Electricity, Btu of fuel consumed at power plant per kWh delivered to consumer (assume 10,538 Btu/kWh station heat rate for all stations, 9% line loss as reported for 1971 by Edison Electric Institute)	11,600
Steam, Btu of fuel consumed at boiler plant per pound of steam delivered to consumer (assume 1,000 Btu per pound of steam generated, 82% boiler efficiency and 12% line loss)	1,390

Date _____	Quarter _____			
ENERGY CONSERVATION PERFORMANCE REPORT DEPARTMENT/AGENCY _____				
Building and facilities operations <sup>1</sup>	Use during quarter fiscal year 1973	Adjusted base <sup>2</sup>	Use during quarter fiscal year 1974	Percent reduction
<hr/>				
Electricity:				
kWhX10 <sup>6</sup> .....				
BtuX10 <sup>6</sup> .....				
Fuel oil:				
GalX10 <sup>6</sup> .....				
BtuX10 <sup>6</sup> .....				
Natural gas:				
cuFt. <sup>3</sup> X10 <sup>6</sup> .....				
BtuX10 <sup>6</sup> .....				
LPG or Propane:				
GalX10 <sup>6</sup> .....				
BtuX10 <sup>6</sup> .....				
Coal:				
Tons.....				
BtuX10 <sup>6</sup> .....				
Other:				
BtuX10 <sup>6</sup> .....				
Total Building and Facility Operations:				
BtuX10 <sup>6</sup> .....				

<sup>1</sup> All conversions are to be made using the conversion factors on page 1.  
<sup>2</sup> Actual fiscal year 1973 use adjusted for program changes.

[FR Doc. 74-4159 Filed 2-19-74; 10:48 am]

## NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR HISTORY AND PHILOSOPHY OF SCIENCE

### Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for History and Philosophy of Science to be held at 12 Noon on March 8 and 9:30 a.m. on March 9, 1974, in Room 517 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552 (b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10 (d) of Pub. L. 92-463.

For further information concerning this Panel, contact Mr. Ronald J. Overmann, Assistant Program Director, History and Philosophy of Science Program, Room 205, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,  
Assistant Director  
for Administration.

FEBRUARY 8, 1974.  
[FR Doc. 74-4004 Filed 2-19-74; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### ARBOREAL ASSOCIATES, INC.

#### Notice of Suspension of Trading

FEBRUARY 11, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

stock of Arboreal Associates, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:00 p.m. (e.d.t.) February 11, 1974, through February 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc. 74-3974 Filed 2-19-74; 8:45 am]

### COLUMBIA GAS SYSTEM, INC.

#### Proposed Amendments to Certificate of Incorporation; Solicitation of Proxies

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 12(e) of the Act and rule 62 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia's Certificate of Incorporation ("Certificate") presently authorizes 39,500,000 shares of common stock, par value \$10 per share, of which 32,430,612 shares are issued and outstanding, and 500,000 shares of preferred stock, par value \$50 per share, of which none are outstanding. Columbia now proposes to amend its Certificate to increase the number of authorized shares of common stock to 60,000,000, and the number of authorized shares of preferred stock to 10,000,000.

All external financing for the Columbia System is done at the parent company level, i.e., through the issue and

sale of securities of Columbia. The consolidated capitalization as of November 30, 1973, consisted solely of Columbia's debentures, other unsecured debt, and common equity, as shown below.

	Thousands	Percent
Long-term Debt: <sup>1</sup>		
Debentures	\$1,121,983	54.6
Term bank loan	50,000	2.4
Miscellaneous	8,707	.4
Total	1,180,690	57.4
Common equity	874,556	42.6
Total capitalization	2,055,246	100.0

<sup>1</sup> Including current maturities.

The long-term debt shown above is exclusive of \$60 million of subordinated bank notes issued pursuant to the Credit Agreement as of August 3, 1971, with a group of banks. According to present estimates, an additional \$140 million of notes will be issued under said Credit Agreement during the 3-year period 1974-76. The proceeds have been, and will be, used to make advance payments to BP Oil Corporation under an agreement for the development of oil and gas leases at Prudhoe Bay, Alaska, in connection with Columbia's program of procuring additional gas supplies. The total \$200 million advances, with interest, are to be repaid through the sale of crude oil; and the bank loans are to be liquidated as the advances are repaid (Holding Company Act Release No. 17213, August 2, 1971).

Columbia's outstanding debentures were issued under indentures dated June 1, 1950, and June 1, 1961, as supplemented from time to time. The various series of debentures mature in 25 years from the dates of issuance thereof; issuance of additional debentures is subject to certain limitations imposed by the indentures; and each series is subject to a substantial mandatory cash sinking fund. The term-bank-loan, shown above, was incurred for certain capital expenditures and is repayable over a period of 10 years (see Holding Company Act Release No. 18146, October 31, 1973).

Although its Certificate has since 1950 provided for the presently authorized 500,000 shares of preferred stock, Columbia states that none has heretofore been issued and sold because of the System's ability to finance its expansion programs with the type of securities noted above, plus internally generated cash. Columbia now considers, however, that with its expanding capital requirements, the use of preferred stock is desirable as an additional financing medium, and states that the use of that medium (i) will permit it to supplement funds derived from traditional sources, (ii) will assist it in maintaining appropriate coverage of interest charges currently made difficult by continuing high interest rates, (iii) will ease the burden which would otherwise be placed on its common stock, and earnings per share thereon, if the necessity for greater equity financing were to be met solely from that source, and (iv)



will help to support its current debenture rating.

The presently proposed Certificate amendment to increase the number of authorized common and preferred shares is designed to provide adequate scope for future financings through those media. Any actual issuance and sale of preferred stock, or of additional common stock, will be the subject of future filings under the applicable provisions of the Act.

So as to conform to existing provisions governing its preferred stock with the standards prescribed by the Commission's Statement of Policy for Preferred Stock promulgated under the Act in 1956 and 1970 (Holding Company Act Release Nos. 13106 and 16758), Columbia further proposes to amend its Certificate in respect of those provisions. Apart from one necessary deviation, the proposed amendments to the preferred stock provisions will result in substantial compliance with said Statement of Policy. The deviation, which concerns limitations on the incurrence of unsecured debt, is considered necessary in light of the fact, as noted above, that Columbia's debt financing is entirely in the form of unsecured obligations. Accordingly, the proposed provision limiting unsecured indebtedness will contain the standard restriction, namely, that without the consent of the holders of a majority of outstanding preferred stock, Columbia will not incur unsecured indebtedness if immediately thereafter (i) consolidated unsecured debt would exceed 20 percent of the sum of existing consolidated secured debt, capital stock, premiums thereon, and surplus, or (ii) unsecured debt with a maturity of less than 10 years would exceed 10 percent of such sum: *Provided, however*, That the term "unsecured debt" shall not be deemed to include (a) all debentures presently outstanding or hereafter issued, (b) all self-liquidating loans for inventory gas specifically approved from time to time under the Act, and (c) the above described \$50 million term bank loan and an aggregate of up to \$200 million subordinated bank notes issuable under the Credit Agreement of August 3, 1971. *And further provided*, That the term "secured debt" shall be deemed to include the debentures referred to in item (a) above, and any other debt which is, by its terms, secured debt.

The proposed amendments to Columbia's Certificate will require the approval of the holders of a majority of Columbia's outstanding common stock, and Columbia proposes to seek such approval through the solicitation of proxies to be voted at its next annual meeting of stockholders to be held April 18, 1974.

The fees, expenses, and commissions incurred or to be incurred in connection with proposed transactions will be supplied by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than

March 4, 1974, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-3976 Filed 2-19-74; 8:45 am]

[File No. 24NY-7187]

#### LOCATING DEVICES, INC.

#### Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

##### I

FEBRUARY 5, 1974.

Locating Devices, Inc. ("Locating"), is a New York corporation located at 95 Marcus Boulevard, Hauppauge, New York. It was organized on November 28, 1967, and was to engage in the business of manufacturing and selling of devices to provide fire houses with information concerning conflagrations, as well as designing, selling, leasing, installing and servicing of security devices for residential and industrial application.

On August 19, 1970, it filed a notification pursuant to Regulation A in connection with a proposed offering of 300,000 shares of its \$0.01 par value common stock at \$1.00 per share. The offering was to be conducted by Josephson Company as underwriter on a "best efforts all-or-none" basis. After several amendments to the notification, the terms of the proposed offering were changed to 150,000 shares at \$3.00 per share. In addition, Paul Forchheimer was substituted as underwriter, and was to conduct the offering on a "best efforts 50,000 shares or none" basis. The offering commenced on April 13, 1971.

On June 8, 1971, Locating filed an amendment (after Paul Forchheimer, the original underwriter, had returned all funds received from subscribers), changing the offering to 55,000 units (consisting of 55,000 shares of its \$0.01 par value common stock and warrants to purchase an additional 55,000 shares of common stock) at \$3.00 per unit. The offering was to be conducted by Executive Park Securities as underwriter in place of Paul Forchheimer, on a "best efforts all-or-one" basis. The offering re-commenced on June 28, 1971, and was completed on July 30, 1971, with the sale of all 55,000 units being offered.

##### II

The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The offering circular filed by Locating contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, in the following respects:

1. The offering circular states that no material change in the financial condition of the issuer occurred from the date of the financial statements when, in fact, the issuer sustained a substantial loss not reflected in the offering circular.

2. The offering circular omits to state that a portion of the net proceeds from the offering would be utilized to repay a loan to Paul Forchheimer, a former underwriter.

3. The offering circular omits to state that a material portion of the net proceeds from the offering would be utilized in payment of accounts payable.

B. The offering was made in violation of Section 17(a) of the Securities Act of 1933, as amended.

##### III

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended;

It is further ordered, Pursuant to rule 7 of the Commission's rule of practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof;

Notice is hereby given That any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If

no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-3975 Filed 2-19-74; 8:45 am]

#### PARK FUND, INC.

#### Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that The Park Fund, Inc. ("Applicant"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), has filed an application pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Delaware corporation on October 18, 1963, and registered under the Act by filing a Form N-8A Notification of Registration on June 15, 1964.

Applicant represents that pursuant to a Plan of Complete Liquidation and Distribution (the "Plan") adopted by its shareholders at a special meeting on March 5, 1973, it has liquidated and distributed to stockholders in redemption and cancellation of their shares all of its assets except those in a specially created Liquidation and Dissolution Reserve Fund ("Reserve Fund"), and those remaining to be distributed to shareholders not yet located. As of February 1, 1974, Applicant had only two shareholders remaining. The Plan provides that any assets remaining in the Reserve Fund after the payment of all expenses of liquidation and dissolution will be distributed pro rata to shareholders who have redeemed pursuant to the Plan. Following receipt of an Order of the Commission declaring that Applicant has ceased to be an investment company, Applicant will cause to be filed with the Secretary of State of the State of Delaware a Certificate of Dissolution terminating the existence of Applicant.

Applicant further represents that: (1) It is not in the business of issuing nor does it intend to issue or offer for sale, any security of which it is the issuer; (2) it is not engaged in, nor does it propose to engage in, any business of investing, reinvesting, owning, holding, or trading in securities; (3) it does not own, nor does it propose to acquire, any investment securities; and (4) subject to final settlement of its affairs pursuant to the General Corporate Law of Delaware, the Applicant intends that its existence shall forever be dissolved, expired and terminated.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 7, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following March 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-3977 Filed 2-19-74; 8:45 am]

#### PETROLEUM INVESTMENT CAPITAL CORP.

#### Notice of Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Petroleum Investment Capital Corporation ("Petroleum"), registered under the Act as a closed-end investment company and a licensee under the Small Business Investment Act of 1958, has ceased to be an investment company as defined in the Act.

Petroleum was organized under the laws of the State of Colorado on May 22, 1963. It filed its Notification of Registration on Form N-8A and its Registration Statement on Form N-5 under the Act only, on March 26, 1964. It made no filing pursuant to the Securities Act of 1933.

The Commission's records show that Petroleum raised capital through the issuance and sale of common stock and borrowings from the Small Business Administration ("SBA"). As of November 1, 1963, its outstanding common stock

was held beneficially and of record by eleven shareholders none of whom were corporations. Outstanding indebtedness to the SBA by the end of 1964 amounted to \$300,000. A proposed settlement agreement concerning repayment of such borrowings between the SBA and Petroleum was negotiated in 1969. Petroleum's activities since then have related to its proposed liquidation and dissolution, and it no longer has any stockholders.

Notice is further given that any interested persons may, not later than March 7, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Petroleum at the address stated above. Proof of such service (by affidavit or in case of any attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-3978 Filed 2-19-74; 8:45 am]

[Release No. 34-10634; File No. S7-512]

#### UNITED STATES SECURITIES MARKETS Request for Public Comment on Issues Concerning Foreign Access

*Introduction.* United States and foreign securities firms are presently engaged in active competition for, among other things, the securities business of foreign investors interested in buying and selling securities of United States issuers. Investment by foreign nationals in United States securities has increased significantly during the last decade, rising from net purchases of such securities in 1963 of approximately \$932,000 to net purchases of approximately \$2.1 billion in 1973,<sup>1</sup> a trend which seems likely

<sup>1</sup> United States Department of the Treasury, Treasury Bulletins for December 1964 and December 1973 at 95 and 121, respectively.



to continue at least in the immediate future. Foreign investor interest in United States securities coupled with the existence of fixed rates of commission in the United States has constituted at least one incentive for foreign entities engaged in a brokerage business (including, in many cases, banks) to seek access to the United States securities markets by means of membership on our national securities exchanges and qualification for the 40 percent professional discount from the fixed commission rate offered by exchange members to nonmember broker-dealers. Without exchange membership or availability of the professional discount, the cost of executing transactions in our exchange markets is higher for foreign securities firms than for most United States broker-dealers. This is not to say that foreign securities professionals may not have other reasons for seeking access to our markets, but the desire to compete for the business of buyers and sellers of United States securities would appear to be the chief reason. The national policy of the United States is to encourage competition in business generally, and the Commission, therefore, looks favorably on increased foreign professional participation in our securities markets. The Commission, however, must be satisfied that such participation is compatible with the public interest and the fair and honest functioning of those markets.

Foreign broker-dealer participation in our securities markets has taken many forms, including registration of foreign entities with the Commission as broker-dealers and membership by such broker-dealers in the National Association of Securities Dealers, Inc. (the "NASD"), ownership of United States registered broker-dealers by foreign persons and, in some cases, acquisition of membership by foreign entities and foreign-owned United States broker-dealers on certain of our national securities exchanges. Such participation by various foreign entities, governed and influenced by laws and business customs quite different in many cases from those of the United States, poses a number of difficult questions, all subsumed under the term "foreign access". Answers to these questions must be obtained by the Commission before it can ascertain whether, pursuant to the authority vested in the Commission under sections 2, 6, 7, 8, 9, 10, 15, 15A, 17, 19, 23(a) and 30 of the Securities Exchange Act of 1934 (the "Securities Exchange Act"), any changes should be made in its own rules, policies, practices and procedures or those of our national securities exchanges and the NASD with respect to the appropriate terms and conditions for foreign participation, by whatever means, in the United States securities markets. To obtain those answers, the Commission seeks the assistance of the international financial community, interested agencies of the United States government, and members of the public generally on the policy questions posed below.

**Background.** The Commission has not, in the past, formally considered direct or

indirect entry by foreign persons into the United States securities industry, whether by membership on a national securities exchange or otherwise, and has left the terms and conditions on which access to our markets should be made available to foreign persons to the national securities exchanges and the NASD as self-regulatory bodies. Qualified foreign broker-dealers as well as United States broker-dealers owned or controlled by foreign interests have registered as broker-dealers with the Commission. There has been, however, a considerable divergence of views as to whether, for example, foreign entities or United States entities controlled by foreigners should be admitted to any form of membership on national securities exchanges or be allowed to participate in benefits offered by those exchanges to certain nonmember broker-dealers, such as the 40 percent professional nonmember discount from the fixed commission rate for agency orders of public customers. Several regional exchanges have adopted comparatively liberal policies concerning the qualification of such entities to receive the 40 percent access discount,<sup>2</sup> including, in some cases, entities engaged in a commercial banking business in their jurisdictions of origin. On the other hand, the New York Stock Exchange and the American Stock Exchange have long standing policies against the admission of foreign entities to stock exchange membership (with a carefully circumscribed exception for Canadian broker-dealers) and have limited the extent to which foreign persons may own or participate in the profits of a member or a nonmember broker-dealer otherwise qualified to receive the 40 percent access discount.<sup>3</sup>

In its "Statement on the Future Structure of the Securities Markets," issued February 2, 1972, the Commission stated:

In view of the increasing internationalization of securities transactions, it is relevant to a discussion of exchange membership to consider whether brokers conducting a public business but controlled or owned by foreign entities should be permitted to become members of our exchanges. We believe that this question should be resolved in the context of reciprocal access to foreign securities ex-

<sup>2</sup> See, e.g., Boston Stock Exchange Constitution, Article XI, section 1, CCH BSE Guide, Paragraph 1251; Boston Stock Exchange Rules, Chapter XXXI, CCH BSE Guide, Paragraph 2290; Midwest Stock Exchange, Article 1, Rule 1, CCH MSE Guide, Paragraph 2021; Midwest Stock Exchange Rules, Article XXVIII, Rule 2, CCH MSE Guide, Paragraph 2552; PBW Stock Exchange By-Laws, Article XII, sections 12-1, 12-2, 13-1, 13-2, CCH PBW Guide, Paragraphs 1276, 1277, 1301, 1302; PBW Stock Exchange By-Laws, section 18-2, CCH PBW Guide, Paragraph 1452; Pacific Stock Exchange Constitution, Article VI, Sec. 1, CCH PSE Guide, Paragraph 1401, Pacific Stock Exchange Rule IV, CCH PSE Guide, Paragraph 3932.

<sup>3</sup> New York Stock Exchange Constitution, Article XV, section 2(b) and rules 318 and 385; CCH NYSE Guide, Vol. 2, Paragraphs 1702, 2318 and 2385; American Stock Exchange Constitution, Articles IV and VI and Rule 319, CCH ASE Guide, Vol. 2, Paragraphs 9032, 9048 and 9373.

changes, with a goal of open access under equivalent competitive conditions for all qualified brokers of all nations.<sup>4</sup>

On January 16, 1973, in Securities Exchange Act Release No. 9950, adopting Rule 19b-2 governing the proper uses of exchange membership, the Commission indicated its awareness of the difficulties that could arise in enforcing the provisions of Rule 19b-2 against foreign or foreign-controlled members of United States securities exchanges. There the following issues were raised concerning business conducted by a foreign-owned exchange member: (i) whether foreign broker-dealers or institutions should be able to obtain membership through subsidiaries on United States securities exchanges under any circumstances; (ii) whether orders placed by the foreign parent with its subsidiary member firm should be deemed categorically to be "affiliated" business merely because such orders are carried, for purposes of convenience or confidentiality, in the parent's name or whether exchanges should "look through" the foreign parent to determine the ultimate origin and nature of such orders;<sup>5</sup> and (iii) if such membership were permitted, whether exchanges would be able to assure themselves that orders designated as "public" securities business executed by the subsidiary member firm for its foreign parent in fact are orders for persons other than the foreign parent or "affiliated persons" thereof. With regard to the second of these questions, we indicated that we were inclined to interpret Rule 19b-2 to classify business by a foreign parent for unaffiliated customers as "public" business, but only if the exchange to which such an order is transmitted can satisfy itself and the Commission that such business actually is executed for a person other than an "affiliated person". We stated that "a self-serving document", such as a certification of the nature of the business done by both the subsidiary member firm and its foreign parent, by itself, would not appear to be adequate for this purpose. We did suggest, however, that an acceptable procedure might be for an exchange to obtain

... a limited waiver of any applicable secrecy laws or other confidential relationship for the purpose of permitting limited audits or inspections of the parent's records by representatives of the exchange in question, or, possibly, a responsible, disinterested third party such as a public accounting firm or a regulatory body of the foreign parent's domicile.<sup>6</sup>

Finally, we stated that any exchange desiring to permit a member to execute brokerage transactions for a foreign affiliate on the basis that those transactions were "public" in nature "must bear the burden of satisfying the Commission that all foreign-related inspection programs are realistically designed and are being actively enforced".<sup>7</sup> Other possibly

<sup>4</sup> Statement on the Future Structure of the Securities Markets, February 2, 1972, at 24.

<sup>5</sup> Securities Exchange Act Release No. 9950 at 162-165 (January 16, 1973).

<sup>6</sup> Id. at 164-165.

<sup>7</sup> Id.

<sup>8</sup> Id.

greater problems are posed by direct membership on a securities exchange by, and availability of the nonmember commission rate discount to, a broker-dealer organized under the laws of a foreign jurisdiction.

While a number of the questions set forth below for public comment are directly subject to our jurisdiction, we recognize that our inquiry may have ramifications extending beyond that jurisdiction.

**Issues to be addressed.** At the present time, the Commission is of the opinion that our securities markets will be best served if the broadest possible broker-dealer participation in those markets is encouraged. If foreign entities are willing to subject themselves fully to the regulatory requirements of our federal securities laws and such additional regulatory strictures as may be necessary to permit adequate surveillance of their activities (by the Commission upon exercise of its investigatory powers and otherwise) to ensure compliance with those laws and the rules and regulations of the Commission and the self-regulatory organizations, foreign broker-dealers can perform a valuable service to our securities markets by providing new capital to the United States securities industry and by promoting participation in our markets by an ever-widening class of foreign investors. The Commission recognizes, however, that an "open-door" policy with respect to foreign professional participation in our securities markets presents unique and difficult problems for the Commission and the self-regulatory bodies; the Commission must be assured that these problems are capable of solution before implementing such a policy. In view of the foregoing, the Commission requests comment on the following questions:

1. For what reasons do foreign persons, directly or indirectly, seek foreign membership on or foreign access to United States exchanges? Is there anything unique about the kind of business conducted by foreign broker-dealers or United States broker-dealers affiliated with foreign nationals, in the United States or elsewhere, or about the manner in which such business is conducted

<sup>8</sup> As used herein, the term "foreign membership" refers to membership on a United States securities exchange by an entity organized under the laws of a foreign country which is authorized to perform the functions of a broker-dealer under the laws of its country of origin (a "foreign broker-dealer") or by a broker-dealer organized under the laws of a state of the United States owned or controlled by or otherwise affiliated with foreign persons (a "United States broker-dealer affiliated with foreign nationals"); and the term "foreign access" refers to availability of a professional discount from the fixed commission rate (currently 40 percent) to a foreign broker-dealer or to a United States broker-dealer affiliated with foreign nationals for agency orders of public customers executed on an exchange. The term "exchange" means a United States national securities exchange registered with the Commission under Section 6 of the Securities Exchange Act.

which the Commission should consider in formulating policy on foreign membership and foreign access?

2. Should any exchange be permitted to allow foreign membership on or foreign access to its facilities, and, if so, upon what specific terms and conditions? Should the Commission require exchanges to adopt uniform rules on foreign membership or foreign access? If not, should general parameters be established by the Commission within which exchanges could formulate independent policies and rules governing foreign membership and foreign access, and, if so, what parameters? What would be the impact on our capital markets (particularly in terms of the liquidity of those markets) in the event foreign-broker-dealers and United States broker-dealers affiliated with foreign nationals are given greater access to our exchanges? Would United States issuers of securities benefit from such greater access? What effect would such greater access have on the capacity of our domestic markets to attract foreign investment dollars?

3. In light of the purposes and provisions of the Securities Exchange Act, general competitive policies embodied in federal laws, relevant treaties and due process requirements under the Constitution, does the origin of foreign broker-dealers or foreign ownership or control of United States broker-dealers, by itself or in combination with other factors, afford a valid basis for according different regulatory treatment to such broker-dealers (by limitation of their activities, the imposition of regulatory burdens uniquely applicable to the "class" of broker-dealers to which they belong or otherwise) for purposes of foreign membership or foreign access?

4. In light of the Commission's authority under the Securities Exchange Act, what conditions, limitations, or special procedures ought to be applicable to foreign broker-dealers or United States broker-dealers affiliated with foreign nationals registered under Section 15 of the Act? Should or must such entities be permitted to join the NASD, and, if so, upon what special terms and conditions, if any?

5. To what extent and in what manner, if at all, should rules formulated by the Commission or exchanges to govern foreign membership and foreign access take into account differences between United States and foreign accounting methods and practices and between United States and foreign business practices and customs generally?

6. Since in many foreign countries banks perform broker-dealer functions (and, in some cases, may be the only entities legally permitted to do so), is there any reason in United States law or policy (particularly in light of applicable treaties between the United States and other countries, general competitive policies embodied in Federal laws, and the national policy embodied in the National Banking Act of 1933 (the "Glass-Steagall Act")) for specially limiting or prohibiting foreign membership or foreign access by (a) foreign broker-dealers which are

banks or which are owned or controlled by or otherwise affiliated with foreign banks, or (b) United States broker-dealers owned or controlled by or otherwise affiliated with foreign banks? If not, should the Commission concern itself with the possible circumvention of the provisions of the Glass-Steagall Act by United States banks through ownership or control of, or other interests in, foreign banks which are permitted to achieve foreign membership or foreign access? For purposes of foreign membership or foreign access, should any distinction be made between foreign banks which, directly or indirectly, are engaged in commercial or other banking activities in the United States (by branch or otherwise) and those which are not? Would United States banks or broker-dealers be disadvantaged competitively (a) in the United States if foreign banks are permitted to achieve, directly or indirectly, foreign membership or foreign access, or (b) abroad (because of retaliatory measures or otherwise) if foreign banks are prevented from achieving foreign membership or foreign access?

7. What particular regulatory problems can be expected to arise for self-regulatory bodies and United States public investors in light of foreign laws (particularly "secrecy" laws) and practices if foreign membership and foreign access are permitted to continue or expand? To what extent have such problems been experienced in the past? Are these problems capable of resolution, and, if so, how? Particularly, how can foreign persons affiliated with United States or foreign broker-dealers which are permitted to achieve membership on or access to exchanges be subjected to adequate inspection and other regulatory supervision? Should special disclosures be required of such foreign broker-dealers and foreign affiliates of United States broker-dealers affiliated with foreign nationals, and, if so, in what manner? Can foreign courts, and is it likely that foreign courts will, enforce United States securities laws, or United States judgments based on violations of those laws, against such foreign persons? Who should bear the additional regulatory costs of surveillance of such foreign persons and of enforcement against them of United States securities laws? In what manner could such foreign persons, as a class or otherwise, be required to pay for such additional regulatory costs (e.g., by fee or special charge)?

8. With regard to the "public business" test set forth in Securities Exchange Act Rule 19b-2, what regulatory problems are presented by foreign broker-dealers and United States broker-dealers affiliated with foreign nationals for purposes of foreign membership and foreign access? How do these problems differ significantly from those presented by United States broker-dealers where foreign ownership or control is not involved? If such problems exist, how can they be resolved? Particularly, is it feasible to "look through" a foreign affiliate of a foreign broker-dealer or of a United States broker-dealer affiliated with foreign nation-



als to determine the ultimate origin and nature of orders executed on an exchange before classifying those orders as "public" or "affiliated" business? Is the concept of "affiliated person" enunciated in Securities Exchange Act Release No. 9950 (January 16, 1973), adopting Rule 19b-2, and explained in Securities Exchange Act Release No. 10391 (September 13, 1973), adequate to permit business done by foreign broker-dealers to be fairly characterized either as "public" or "affiliated" in light of the kinds of business relationships which exist and the types of business done in foreign countries?

9. Would any jurisdictional, regulatory and enforcement problems that may be presented by foreign membership and foreign access be diminished if the Commission were to require foreign broker-dealers and United States broker-dealers affiliated with foreign nationals seeking or enjoying membership on or economic access to an exchange to provide that exchange and the Commission periodically, in connection with contractual undertakings to make various disclosures and to subject themselves to the jurisdiction of United States courts, with (a) an opinion of United States counsel as to (i) the identities of "affiliated persons" of such entities and compliance by such entities with exchange rules concerning the utilization of membership and the nonmember access discount, and (ii) the amenability of such entities to service of process within the United States and the ability of United States courts to assert jurisdiction over such entities for the purpose of determining liabilities arising out of violations by such entities of the federal securities laws; and (b) an opinion of counsel licensed or admitted to practice in the relevant foreign jurisdiction as to (i) whether adequate steps have been taken to ensure that foreign "secrecy" laws or contractual obligations regarding confidentiality do not prevent disclosure by such entities of all information necessary to reveal the identities of their "affiliated persons" and of those beneficially interested in transactions to be effected by such entities on an exchange and to permit exercise of the Commission's investigatory powers under section 21 of the Securities Exchange Act, and (ii) the enforceability in such jurisdiction of any judgment based on violations of United States federal securities laws rendered by a United States court of competent jurisdiction? Would such a requirement be appropriate and practical? Would it be satisfactory, from a regulatory point of view, to require instead that exchanges themselves obtain such opinions with respect to different foreign countries and different kinds of foreign entities? Would it be appropriate to deny foreign access and foreign membership if satisfactory opinions of the kind described above could not be obtained? Are there satisfactory means other than opinions of counsel for determining the identities of foreign "affiliated persons" of foreign broker-dealers and United States broker-dealers affiliated with foreign nationals?

10. Is it necessary or desirable for the Congress to grant additional authority to the Commission to enhance its ability to (a) prohibit, condition or limit foreign membership and foreign access or to remove barriers thereto to the extent necessary or appropriate in the public interest or for the protection of investors or to maintain fair, orderly and honest markets, (b) condition or limit registration of foreign broker-dealers or United States broker-dealers affiliated with foreign nationals as broker-dealers under section 15 of the Securities Exchange Act, or (c) prohibit, condition or limit membership by such persons in the NASD?

11. What procedures are employed currently by exchanges permitting foreign membership and foreign access, in fulfillment of their regulatory duties, to effect appropriate surveillance and discipline of foreign broker-dealers and United States broker-dealers affiliated with foreign nationals to ensure compliance by such entities with the Securities Exchange Act, exchange constitutions and the rules and regulations promulgated thereunder, and do these procedures appear to be operating effectively? In the case of foreign access, do exchange obligations to regulate different categories of nonmember broker-dealers (if there are any such obligations) vary depending on whether foreign origin, ownership or control is involved?

12. Will the advent of competitively determined commission rates for all transactions regardless of size in May 1975 significantly reduce or eliminate incentives to foreign membership on exchanges, membership by foreign broker-dealers or United States broker-dealers affiliated with foreign nationals in the NASD, or registration of such persons as broker-dealers under Section 15 of the Securities Exchange Act? Are foreign broker-dealers or United States broker-dealers affiliated with foreign nationals which have acquired exchange memberships likely to retain or dispose of such memberships after elimination of fixed commission rates? Should the Commission defer any changes in its present policy of allowing exchanges to make independent decisions with respect to foreign membership (within certain minimum standards established by the Commission) until fixed commission rates have been eliminated?

13. Should either the Commission, the exchanges or the NASD, in formulating rules governing foreign membership and foreign access, consider whether and the extent to which foreign countries permit United States broker-dealers and foreign broker-dealers affiliated with United States nationals to (a) acquire membership on such countries' securities exchanges, (b) obtain a nonmember professional discount from any fixed rates of commissions required or permitted to be charged by members of such exchanges, or (c) engage in a public securities business in such countries? If so, how are such privileges to be compared with and measured against privileges extended in

the United States to foreign broker-dealers and United States broker-dealers affiliated with foreign nationals? If reciprocity is not afforded United States broker-dealers by a particular nation, should foreign broker-dealers organized under the laws of that nation or United States broker-dealers affiliated with foreign nationals of that nation nevertheless be permitted to achieve foreign membership or foreign access? If so, would any otherwise inappropriate restrictions or limitations imposed upon foreign broker-dealers of that nation or against United States broker-dealers owned or controlled by foreign nationals of that nation be appropriate under and within the scope of United States laws in light of the absence of such reciprocity?

14. In the event foreign membership and foreign access are permitted to continue or expand, does the Securities Exchange Act confer sufficient authority on the Commission and the Board of Governors of the Federal Reserve System to enable them to prevent evasion of margin regulations governing securities credit transactions (i.e., Regulations X, G, T and U) by foreign broker-dealers and foreign affiliates of United States broker-dealers affiliated with foreign nationals? Should such regulations apply to all foreign broker-dealers or foreign affiliates of United States broker-dealers affiliated with foreign nationals and customers of such entities or in some other way than such regulations apply to United States broker-dealers where foreign ownership or control is not involved? If so, what steps should be taken (including the adoption of additional regulations) to modify, if necessary, and to ensure compliance with the intent and purposes of, such regulations? If not, what impact will non-compliance with the margin regulations by such entities have on our securities markets and on competition within those markets?

The Commission requests that written views and data concerning the foregoing policy inquiries, substantiated to the greatest extent possible by appropriate citations to legal and other authorities, data as to the impact on our securities markets of exclusionary policies and, conversely, of policies encouraging participation in our markets, and other statistical data, be submitted to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, no later than April 5, 1974. Reference should be made to file number 87-512. Those desiring to submit written comments in response hereto should be advised that such responses need not be limited to the policy questions enumerated above, but may discuss such related issues and other matters relevant to the general area of "foreign access" as may appear appropriate.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

FEBRUARY 8, 1974.

[FR Doc. 74-3979 Filed 2-19-74; 8:45 am]

## TARIFF COMMISSION

[AA1921-139]

### PICKER STICKS FROM MEXICO Notice of Investigation and Hearing

Having received advice from the Treasury Department on February 6, 1974, that picker sticks from Mexico are being, or are likely to be, sold at less than fair value, the United States Tariff Commission on February 12, 1974, instituted investigation No. AA1921-139 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW, Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on Tuesday, March 19, 1974. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, March 14, 1974.

Issued: February 13, 1974.

By order of the Commission:

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc. 74-3937 Filed 2-19-74; 8:45 am]

## DEPARTMENT OF LABOR

Office of the Secretary

### ALL ITEMS CONSUMER PRICE INDEX

United States City Average

Pursuant to section 104(a)(4) of the Federal Election Campaign Act of 1971, Pub. L. 92-225, 86 Stat. 3, 47 U.S.C. 803, the Secretary of Labor has certified to the Comptroller General, and publishes in this notice in the FEDERAL REGISTER, the fact that the United States city average of the All Items Consumer Price Index (1967=100) increased 14.4 percent from its 1970 annual average of 116.3 to its 1973 annual average of 133.1.

PETER J. BRENNAN,  
Secretary of Labor.

[FR Doc. 74-3960 Filed 2-19-74; 8:45 am]

Office of the Secretary

### FEDERAL SAFETY ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given of a meeting to be held by the Federal Safety Advisory Council established to advise the Secretary of Labor with regard to occupational safety and health programs applicable to Federal employees (Executive Order 11612; 3 CFR, 1971 Comp., p. 195).

The meeting will begin at 9:30 a.m. on February 28, 1974, in Conference Room B in the Departmental Auditorium, Constitution Avenue NW., between 13th and 14th Streets NW., Washington, D.C.

During the course of the meeting the following subjects will be discussed serially:

- (1) New appointments and reappointments to the Federal Safety Advisory Council;
- (2) Election of Vice Chairman;
- (3) Federal Energy Conservation—Policies and Procedures; and
- (4) Reports on (a) the new Executive order, (b) Federal Safety and Health Regulations—Part 1960, and (c) "Safety '76" Program.

Members of the public are invited to attend the proceedings.

Any written data, views, or arguments received by the Council concerning the subjects to be considered on or before February 22, 1974, together with 25 duplicate copies will be provided to the members and will be included in the minutes of the meeting.

Interested persons wishing to address the Council at the meeting should submit a request to be heard together with 25 copies thereof no later than February 22, 1974, stating the nature of their intended presentation and the amount of time they will need. At the commencement of the meeting the chairman will announce the extent to which time will permit the granting of such requests.

Communications to the Council should be addressed as follows:

Mr. Gerald F. Scannell  
Director  
Office of Federal Agency Programs  
Room 900  
1726 M Street NW.  
Washington, D.C. 20210

Signed at Washington, D.C., this 14th day of February 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc. 74-4080 Filed 2-19-74; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 449]

### ASSIGNMENT OF HEARINGS

FEBRUARY 14, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35801 and No. 35808, United States Steel Corporation v. Penn. Central Transportation Company, Et Al., has been assigned for hearing on February 20, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119792 Sub-36, Chicago Southern Transportation Co., Inc., is continued to March 26, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7851 Sub 1, Joseph S. Triglia—Revocation of Certificates, now assigned February 27, 1974, is postponed to February 28, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-FC-74065, Riteway Transport, Inc., Phoenix, Arizona, Transferee, and Padre Freight Lines, Long Beach, California, Transferor, and MC-FC-74299, Riteway Transport, Inc., Phoenix, Arizona, Transferee, and Cibola Freight Lines, Phoenix, Arizona, Transferor, now assigned February 25, 1974, at Phoenix, Arizona, is cancelled.

I&S No. 8911, Freight Forwarder Class Rates, Between Florida & Various States, now assigned February 26, 1974, at Washington, D.C., is postponed to March 27, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138948, John L. Cannada, dba Cannada Bus Service, now assigned March 6, 1974, will be held in the Hartford Hilton Hotel, Club Room, 10 Ford Street, Hartford, Conn.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-4006 Filed 2-19-74; 8:45 am]

[Notice 26]

### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 12, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74675. By order of February 11, 1974, the Motor Carrier Board approved the transfer to Ready Bus Line Company, a corporation, La Crescent, Minn., of Certificate No. MC-124167 issued October 23, 1962, to Joe Ready, La Crescent, Minn., authorizing the transportation of passengers between La Crescent, Minn., and La Crosse, Wis. Darby, Brewer & Evavold, Chartered, At-



torneys. 59 On the Plaza West, Winona, Minn. 55987.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc. 74-4007 Filed 2-19-74; 8:45 am]

[Notice 24]  
**MOTOR CARRIER TEMPORARY  
AUTHORITY APPLICATIONS**

FEBRUARY 12, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, by March 7, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 263 (Sub-No. 212TA), filed February 4, 1974. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, P.O. Box 4048, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green, 2055 Garrett Way, Pocatello, Idaho 83201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Big Horn Carpet Mills at Crow Agency, Mont., as an off-route point in connection with carrier's authorized regular route operations, for 180 days.

NOTE.—Applicant states that the requested authority can be tacked with its MC-263 (Sub-No. 74).

SUPPORTING SHIPPER: Mohasco Industries, Inc., 57 Lyon Street, Amsterdam, N.Y. 12010. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 58549 (Sub-No. 19TA), filed February 1, 1974. Applicant: CLINE MUNDY, doing business as GENERAL MOTOR LINES, 1534 Granby Street NE., Roanoke, Va. 24016. Applicant's representative: Jerry D. Beard (same address

**NOTICES**

as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Stuart, Va., and Floyd, Va.: From Stuart, Va., over U.S. Highway 58 to junction of State Route 8 at or near Cruzes Store, Va., thence over State Route 8 to Floyd, Va., and return over the same routes, serving all intermediate points, for 180 days.

NOTE.—Applicant states that the requested authority can be tacked with its MC-58549 (Sub-No. 11) at Stuart and Floyd, Va. to enable a through service by interlining with other carriers at Roanoke and Martinsville, Va.

SUPPORTING SHIPPER: United Elastic Company, Division of J. P. Stevens Co., Inc., Stuart, Va. 24171. SEND PROTESTS TO: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 51146 (Sub-No. 358TA), filed February 4, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54308. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool products, insulating materials, and insulated air duct*, from Kansas City, Kans., to points in Kentucky, Michigan, and Indiana, for 180 days. SUPPORTING SHIPPER: CGS Group, Certain-Teed Products Corporation, Valley Forge, Pa. 19481 (J. V. Rosetti, Assistant Director of Transportation). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 76032 (Sub-No. 305 TA), filed February 1, 1974. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 81 M.C.C. 209 and 766 (except hides, and commodities in bulk), from Sterling, Colo., to points in Arizona, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and storage facilities of Sterling Colorado Beef Company, Inc., at Sterling,

Colo., for 180 days. SUPPORTING SHIPPER: Sterling Colorado Beef Company, P.O. Box 1728, Sterling, Colo. 80751. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 108884 (Sub-No. 28 TA), filed February 6, 1974. Applicant: ROGERS TRANSFER, INC., Route 46, P.O. Box 175, Great Meadows, N.J. 07838. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Erie County, N.Y., to New York, N.Y., Pennsylvania, Maryland, and the District of Columbia, for 180 days. SUPPORTING SHIPPERS: Rich Products Corp., Lawrence R. Frye, General Traffic Manager, P.O. Box 245, 1145 Niagara Street, Buffalo, N.Y. 14240; Abels Bagels, Inc., 299 Kehr Street, Buffalo, N.Y.; Freezer Queen Foods, Laddie W. Pratt, Traffic Manager, 975 Fuhrmann Blvd., Buffalo, N.Y. SEND PROTESTS TO: District Supervisor Joel Morris, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 111729 (Sub-No. 417 TA), filed February 4, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material related thereto* (excluding motion picture film used primarily for commercial theatre and television exhibition), Between Chamblee, Ga., on the one hand, and, on the other, points in Tennessee in and west of the counties of Dickson, Hickman, Lawrence, Lewis, and Montgomery, for 90 days. SUPPORTING SHIPPER: Eastman Kodak Company, 343 State Street, Rochester, N.Y. 14650. SEND PROTESTS TO: Anthony D. Glaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 124236 (Sub-No. 64TA), filed February 4, 1974. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer in pneumatic tank vehicles*, from Wortham, Tex. to Madill, Okla., for 180 days. SUPPORTING SHIPPER: American Plant Food Corp., P.O. Box 246, Wortham, Tex. 76693. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 128988 (Sub-No. 41TA), filed January 31, 1974. Applicant: JO/KEI, INC., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by manufacturers or distributors of electric and electronic products and devices, and *equipment, materials, and supplies* used in the manufacture, sale, and distribution thereof, from the facilities of Westinghouse Electric Corporation at or near Mansfield, Ohio, to points in Arizona, California, Nevada, Oregon, and Washington. RESTRICTION: Restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. SUPPORTING SHIPPER: Westinghouse Electric Corporation, Corporate Transportation, RD #5, Leger Road, Irwin, Pa. 15642. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128988 (Sub-No. 42TA), filed January 31, 1974. Applicant: JO/KEI, INC., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated plastic bars, blocks, rods, sheets, and articles*, from the facilities of Westinghouse Electric Corporation at or near Hampton, S.C., to points in Arizona, California, Nevada, Oregon, Washington, and Utah. RESTRICTION: Restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. SUPPORTING SHIPPER: Westinghouse Electric Corporation, Corporate Transportation, RD #5 Leger Road, Irwin, Pa. 15642. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128988 (Sub-No. 43TA), filed January 31, 1974. Applicant: JO/KEI, INC., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodi-*

ties dealt in by manufacturers or distributors of electric and electronic products and devices, and *equipment, materials, and supplies* used in the manufacture, sale, and distribution thereof, from the facilities of Westinghouse Electric Corporation at or near Greensboro, N.C., to points in Arizona, California, Nevada, Oregon, and Washington. RESTRICTION: Restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. SUPPORTING SHIPPER: Westinghouse Electric Corporation, Corporate Transportation, RD #5, Leger Road, Irwin, Pa. 15642. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133330 (Sub-No. 5 TA), filed February 4, 1974. Applicant: HALVOR LINES, INC., 510 Lonsdale Building, Duluth, Minn. 55802. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles, sportswear, trailers, and parts, supplies, accessories, and advertising and promotional materials for snowmobiles, and trailers* from Duluth, Minn., to Michigan, Indiana, Ohio, West Virginia, Kentucky, and Tennessee, under contract with Bombardier Corporation, for 180 days. SUPPORTING SHIPPER: Bombardier Corporation, 325 Lake Avenue South, Duluth, Minn. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 133478 (Sub-No. 10TA) (Amendment), filed January 14, 1974, published in the FEDERAL REGISTER issue of January 29, 1974, and republished as amended this issue. Applicant: HEARIN TRANSPORTATION, INC., 8565 Southwest Beaverton, Hillsdale Hiway, Portland, Ore. 97225. Applicant's representative: Nick I. Goyak, 404 Oregon National Bldg., 610 Southwest Alder Street, Portland, Ore. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Plastic and wood moldings, doors and door jams*, from the plantsite of DG Shelter Products Co. at Marion, Va., to points in Minnesota, Nebraska, Iowa, Wisconsin, Kansas, Oklahoma, Texas, Illinois, Missouri, Ohio, Arkansas, Louisiana, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Delaware, West Virginia, Virginia, Maryland, North Carolina, South Carolina, Georgia,

and Florida, and (B) *paint, fiberboard, cardboard cartons, plastic granules or powder, mill machinery and materials* used in connection with the manufacturing of wood products, from Greensboro, N.C.; Asheville, N.C.; Houston, Tex.; Louisville, Ky.; Niagara Falls, N.Y.; Broken Bow, Okla.; and Chicago, Ill., to the plantsite of DG Shelter Products Co. at Marion, Va., for 180 days. SUPPORTING SHIPPER: D. G. Shelter Products Co., One Maritime Plaza, San Francisco, Calif. 94111. SEND PROTESTS TO: District Supervisor, W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Court House, 520 Southwest Morrison, Portland, Ore. 97204.

NOTE.—The purpose of this republication is to indicate the amended commodity description in (A) above.

No. MC 136640 (Sub-No. 8TA), filed January 31, 1974. Applicant: ROBERT L. ALLEN, doing business as R. ALLEN TRANSPORT, P.O. Box 321, Pocomoke City, Md. 21851. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen onion rings made from diced fresh onions*, when moving in mixed shipments with agricultural commodities otherwise exempt from economic regulations under section 203(b)(6) of the Act, from Boston, Mass., to points in Milford, Del.; Miami, Fla.; Atlanta, Macon, and Albany, Ga.; Chicago, Ill.; Indianapolis, Evansville, Jeffersonville, and Seymour, Ind.; Paducah, Louisville, Owensboro, and Bowling Green, Ky.; Baton Rouge, Alexandria, and Lafayette, La.; Silver Spring, Frederick, Newington, and Hagerstown, Md.; Detroit, Flint, Warren, Ferndale, and Grand Rapids, Mich.; Jackson, Miss.; St. Joseph, Springfield, Joplin, Princeton, Kansas City, and Columbia, Mo.; Woodbridge, Jersey City, and Paterson, N.J.; Liverpool, Elmira, Rochester, Buffalo, Jamestown, Yorkville, Utica, Brooklyn, Albany, Schenectady, Jamaica, Great Neck, N.Y.; Rount Mount, Charlotte, Raleigh, Winston-Salem, Washington, Hickory, and Ahsokie, N.C.; Philadelphia, York, Pittsburgh, and Spring House, Pa.; Cincinnati, Cleveland, and Bellefontaine, Ohio; and Waltersboro and Dillon, S.C.; Nashville and Gallatin, Tenn.; Lubbock, Victoria, Corpus Christie, Sulphur Springs, Lufkin, Galveston, Burnet, San Antonio, and Austin, Tex.; Richmond, Rich Creek, Bristol, Tazewell, Bedford, Harrisburg, Kenbridge, and Lexington, Va.; and Charleston, Beckley, Parkersburg, W. Va., for 180 days. SUPPORTING SHIPPER: William M. Trilling, President, Boston Bonnie, Inc., Trilling Way, Boston, Mass. 02210. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 136640 (Sub-No. 9 TA), filed February 1, 1974. Applicant: ROBERT L.

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ALLEN, doing business as R. ALLEN TRANSPORT, P.O. Box 321, Pocomoke City, Md. 21851. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, including sweet potatoes, eggplant sticks, corn and apple fritters, and onion rings, when moving in mixed shipments with agricultural commodities otherwise exempt from economic regulations under section 203 (b) (6) of the Act, from Philadelphia, Pa., to all points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Joseph Angiolillo, Manager of Distribution, Mrs. Paul's Kitchens, Inc., 5830 Henry Avenue, Philadelphia, Pa. 19128. SEND PROTESTS TO: Wiley C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 138505 (Sub-No. 3 TA), filed February 1, 1974. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 710 North Post Oak, Suite 100, Houston, Tex. 77024. Applicant's representative: Theodore K. High, 2208 Central Trust Tower, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated and unpackaged furniture and related merchandise* when moving in mixed shipments with uncrated and unpackaged furniture, when moving from retail stores and their branches and warehouses of H. & S. Pogue Company in Hamilton County, Ohio, on the one hand, and, on the other, points in Franklin, Dearborn, Ripley, Ohio, and Switzerland County, Ind., and Campbell, Kenton, Boone, Braken, Pendleton, Grant, Gallatin, and Owen Counties, Ky., for 180 days. SUPPORTING SHIPPER: H. & S. Pogue Company, 4th at Race Streets, Cincinnati, Ohio. SEND PROTESTS TO: District Supervisor John Mensing, 515 Rusk Avenue, 8610 Federal Building, Houston, Tex. 77002.

No. MC 138825 (Sub-No. 2TA), filed February 4, 1974. Applicant: AMERICAN INTERNATIONAL DRIVEAWAY OF INDIANA, INC., 316 S. 13th Street, Decatur, Ind. 46733. Applicant's representative: James L. Beatty, 130 E. Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and recreational vehicles*, (1) between points in Adams and Elkhart Counties, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) between McKinney, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (3) between Carbondale, Pa., on the one hand, and, on the other, points in Pennsylvania, Virginia, North Carolina, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New York,

Connecticut, District of Columbia, New Jersey, Delaware, Maryland, and West Virginia, for 180 days. SUPPORTING SHIPPER: Tioga Industries of Pennsylvania, Inc., 15 Fleetwood Road, Carbondale, Pa. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 139472 TA, filed January 29, 1974. Applicant: LEE AND TWEEDY, West Penn and Route 1, Hoopeston, Ill. 60942. Applicant's representative: John White (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, supplies, and materials* as may be used in the selling, manufacturing or distribution of cans between the plantsite of American Can Company at Hoopeston, Ill., and points in Indiana, Iowa, Michigan, and Wisconsin, for 180 days. SUPPORTING SHIPPER: R. H. Lorenz, Director—Transportation, American Can Company, American Lane, Greenwich, Conn. 06830. SEND PROTESTS TO: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139484 (Sub-No. 1 TA), filed February 1, 1974. Applicant: CLIFTON ROGERS AND RONALD HEMMEN, doing business as ROGERS TRUCK LINE, P.O. Box 97, Webster City, Iowa 50595. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites of Iowa Beef Processors, Inc., at Fort Dodge, and Mason City, Iowa, to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 139485 TA, filed February 1, 1974. Applicant: CHARLES E. RICHARDSON, doing business as C. E. RICHARDSON TRANSPORTATION, 935 North Sunflower Avenue, Covina, Calif. 91724. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint additives* from Lakewood, Ohio, to San Jose and

Los Angeles, Calif., for 180 days. SUPPORTING SHIPPER: Limbacher Paint & Color Works, Inc., 13000 Athens Avenue, Cleveland, Ohio 44107. SEND PROTESTS TO: District Supervisor Philip Yellowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles St., Room 7708, Los Angeles, Calif. 90012.

No. MC 139486 TA, filed February 4, 1974. Applicant: ARLISS R. DAVIES, doing business as DAVIES FARM & BUILDING SUPPLY, P.O. Box 423, Rexburg, Idaho 83440. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and irrigation pipe*, from Rexburg, Idaho, through Utah on I-15 to Las Vegas, Nev., and from Rexburg, Idaho, to Portland, Oreg., on N-80, for 180 days. SUPPORTING SHIPPER: Gem State Irrigation, Inc., P.O. Box 351, Rexburg, Idaho 83440; Gordon E. Johnson, Box 325, Sugar City, Idaho. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 550 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 139487 TA, filed January 31, 1974. Applicant: COBO, INC., Route 2, Box 78A, Round Rock, Tex. 78664. Applicant's representative: W. S. Levens (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lightweight aggregate*, in bulk, in specialized dump truck equipment, from the plantsite of Superrock, Inc., Streetman, Tex., to points in Louisiana, Oklahoma, and Arkansas, for 180 days. SUPPORTING SHIPPER: Superrock, Inc., P.O. Box 8, Streetman, Tex. 74859. SEND PROTESTS TO: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway Building, Room 206, San Antonio, Tex. 78205.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4008 Filed 2-19-74;8:45 am]

#### RAYMOND R. MANION

##### Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 FR 8769) "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the Federal Register the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 FR 8809; 31 FR 930; 31 FR 13405; 32 FR 769; 32 FR 10786; 33 FR 522; 33 FR 10544; 33 FR 20067; 34 FR 11341; 35 FR 131; 35 FR 12175; 36 FR 1235; 36 FR 14359; 37 FR 3480; 37 FR 17100; 38 FR 3649 and 38 FR 27248, for the six months' period ending January 3, 1974.

No changes since report for period ending July 1973.

Dated: February 6, 1974.

R. R. MANION.

[FR Doc.74-3942 Filed 2-19-74;8:45 am]

[Ex Parte No. 293 (Sub No. 1)]

#### NORTHEASTERN RAILROAD INVESTIGATION REVIEW

##### Public Hearings

FEBRUARY 15, 1974.

On earlier dates by order of the Commission certain preliminary hearing dates and sites were set; and, certain rules of proceeding were stated:

Now on this date, the final list of hearing sites have been set, and, the final rules of procedure and practice have been established:

It is therefore ordered, That

(1) The following dates and hearing sites are set; together with the contact person for receiving a time certain for appearance at the respective hearing:

MONDAY, MARCH 4, 1974

Washington, D.C.—9:30 a.m., Local Time, at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW. Contact: Sharon Brown, c/o Rail Services Planning Office, 1900 L St. NW., Washington, D.C. Phone: 202-254-3900.

Boston, Massachusetts—9:30 a.m. and 7:00 p.m., Local Time, Room 607-A, Minihan Auditorium, Charles F. Hurley Building, Government Center. Contact: Elaine Spencer, c/o I.C.C. Office, 150 Causeway Street, Boston, Mass. 02114. Phone: 617-223-2372.

Detroit, Michigan—9:30 a.m. and 7:00 p.m., Local Time, 13th Floor, City-County Building, Woodward and Jefferson St. Contact: Erma Johnson, c/o I.C.C. Office, 10 Withersell Street, Detroit, Michigan 48226. Phone: 313-226-4966.

Pittsburgh, Pennsylvania—9:30 a.m. and 7:00 p.m., Local Time, Court Room No. 2, 8th Floor, U.S. Courthouse, 700 Grant Street. Contact: Mary Walsh, c/o I.C.C. Office, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222. Phone: 412-644-2929.

Columbus, Ohio—9:30 a.m. and 7:00 p.m., Local Time, Pick Fort Hayes Hotel, 31 West Spring St., Emerald Room, Columbus, Ohio 43215. Contact: Mary White, c/o I.C.C. Office, 255 Federal Building, 85 Marconi Blvd., Columbus, Ohio 43215. Phone: 614-469-5620.

Charleston, W. Va.—9:30 a.m. and 7:00 p.m., Local Time, Room C-D, Main Lobby 2nd Floor, State Office Building, 1900 Washington Street East. Contact: Margaret Thompson, c/o I.C.C. Office, 3108 Federal Bldg., 500 Quarrier Street, Charleston, W. Va. 25301. Phone: 304-343-6181.

Scranton, Pennsylvania—9:30 a.m. and 7:00 p.m., Local Time, U.S. Naval Reserve Center (Wilkes-Barre/Scranton Airport), Spruce Street, Avoca, Pa. Contact: Mildred McDonough, 309 U.S. Post Office, North Washington Ave. and Linden St., Scranton, Penn. 18503. Phone: 717-344-7111 Ext. 324.

TUESDAY, MARCH 5, 1974

Albany, New York—9:30 a.m. and 7:00 p.m., Local Time, Hearing Room A, Legislative Office Building, State Street, 2nd Floor. Contact: Marjorie Maxwell, c/o I.C.C. Office, 518 New Federal Bldg., Maiden Lane and Broadway, Albany, N.Y. 12207. Phone: 518-472-2273.

MONDAY, MARCH 11, 1974

Baltimore, Maryland—9:30 a.m. and 7:00 p.m., Local Time, Room G-30, Federal Bldg., 31 Hopkins Plaza. Contact: Pat Henley, 814-B Federal Bldg., 31 Hopkins Plaza, Baltimore, Md. 21201. Phone: 301-962-2560.

Chicago, Illinois—9:30 a.m. and 7:00 p.m., Local Time, Room 204-A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street. Contact: Nancy Clawson, c/o I.C.C. Office, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604. Phone: 312-353-6124.

Philadelphia, Pennsylvania—9:30 a.m. and 7:00 p.m., Local Time, U.S. Customs Court Room, 3rd Floor, U.S. Customs House, 2nd and Chestnut Streets. Contact: Winifred Drumheller, c/o I.C.C. Office, 1518 Walnut St., Room 1600, Philadelphia, Pa. 19102. Phone: 215-597-4449.

Indianapolis, Indiana—9:30 a.m. and 7:00 p.m., Local Time, Indiana Convention Center, 100 South Capitol Avenue, Indianapolis, Indiana. Contact: Linda Mitchler, c/o I.C.C. Office, 36 South Pennsylvania St., 8th Floor, Indianapolis, Ind. 46204. Phone: 317-633-7465.

St. Louis, Missouri—9:30 a.m. and 7:00 p.m., Local Time, Moot Court Room, St. Louis University Law School, 3642 Lindell Blvd. Contact: Velma Russey, c/o I.C.C. Office, 210 North 12th Street, Room 1465, St. Louis, Mo. 63101. Phone: 314-622-4103.

Hartford, Connecticut—9:30 a.m. and 7:00 p.m., Local Time, Room 148-149, Conference Room, State Department of Transportation, 24 Wolcott Hill Rd., Wethersfield, Conn. Contact: Diane Seavey, c/o I.C.C. Office, Room 324, U.S. Post Office, 135 High St., Hartford, Conn. 06101. Phone: 203-244-2560.

Green Bay, Wisconsin—9:30 a.m. and 7:00 p.m., Local Time, City Council Chamber, City Hall, 100 North Jefferson Street. Contact: Susan Lebergen, Information Center, University of Wisconsin at Green Bay, Green Bay, Wisconsin 54302. Phone: 414-465-2293.

New York, New York—9:30 a.m. and 7:00 p.m., Local Time, Room 305, Federal Bldg., 26 Federal Plaza. Contact: W. H. Alan Smith, c/o I.C.C. Office, 26 Federal Plaza, Room 1807, New York, New York 10007. Phone: 212-264-1072.

(2) The following uniform rules, procedures, and practices for the hearings are established:

(a) Hearings will continue daily, if necessary, to afford all interested persons an opportunity to present their testimony. An evening session commencing at 7:00 p.m. will be held on the first day scheduled at each city (except Washington, D.C.) for the convenience of persons unable to attend during the day. Additional evening sessions, based on need, may be held at the discretion of the Administrative Law Judge.

(b) All oral presentations will be limited to 10 minutes. Appearance times can only be obtained prior to the hearing by contacting the designated contact person for each city on a first-come, first-served basis. Persons waiting until the hearing commences to seek an opportunity to speak will be given the next available time on a first-come, first-served basis. Any person, whether appearing at the hearing or not, may supply for the record any written materials and exhibits within two weeks after the first day of hearings in that city or until March 28, 1974, whichever is earlier. All

written materials for the record must be on 8½ in x 11 in paper and submitted in 10 copies. Materials received after that date cannot be considered in the May 1, 1974, Report of the Rail Services Planning Office.

(c) Persons requesting an appearance time will be asked their name, address, telephone number, for whom they work, are they representing a group, and to indicate whether or not they wish aid from the Office of Public Counsel. If assistance is requested an attorney from the Office of Public Counsel will contact the party prior to the hearing.

(d) There will be an oath administered to each speaker; however, there will be no cross examination or rebuttal testimony. The proceedings are legislative, not judicial, in nature and designed to elicit as many public views as possible on the present and future rail service needs in the region. Only questions from the Administrative Law Judge and the representative of the Office of Public Counsel will be permitted.

(e) The customary rules of the Commission prohibiting smoking, talking and the limitations on press activities during the proceedings will apply.

(f) Written testimony or correspondence relative to any hearing should be mailed, designating the hearing city involved, directly to:

Rail Services Planning Office  
1900 L Street NW.  
Washington, D.C. 20036

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4109 Filed 2-19-74;8:45 am]

#### FEDERAL ENERGY OFFICE

##### REFINERS' BUY/SELL LIST

##### Correction of Crude Oil Allocation Notice

The crude oil allocation notice issued by the Federal Energy Office on January 18, 1974 (39 FR 2522) and subsequently corrected on January 28, 1974 (39 FR 3913) and February 1, 1974 (39 FR 4451), is further corrected by deleting from the refiners' buy-sell list set forth in paragraph (2) of the Appendix the last entry which reads as follows:

"Ingot Oil and Refining . . . 0.0000 . . . 0 . . . 2012493."

Issued in Washington, D.C., on February 19, 1974.

JOHN C. SAWHILL,  
Deputy Administrator,  
Federal Energy Office.

[FR Doc.74-4197 Filed 2-19-74;12:11 pm]

#### REFINERY YIELD CONTROL PROGRAM

##### Notice of Establishment of Adjustment Factor for Kero-Jet Fuels

The Federal Energy Office, pursuant to the provisions of title 10 of the Code of Federal Regulations, §211.71 the Mandatory Petroleum Allocation Regulations, hereby provides notice of an adjustment factor to be applied to the production of kerosene-base jet fuel, effective immediately. The adjustment

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factor as defined in § 211.71(c)(1) is the percentage by which the refiner's base period yield of this product must be multiplied to obtain the adjusted percentage yield of this product.

January 1974 is established as the base period for determining a refiner's base percentage yield. The adjustment factor to be applied to the base percentage yield of kerosene-base jet fuel is 106 percent. This adjustment factor shall be effective

for the period February 18, 1974 through April 30, 1974. Therefore, the adjusted percentage yield of kerosene-base jet fuel for the period February 15, 1974 through April 30, 1974 is a percentage figure equal to 106 percent of a refiner's percentage yield of that product during January 1974.

Refiners will continue to produce kerosene-base jet fuel to the same specifications which were applicable to their

January 1974 output of this product unless different specifications are mutually agreed upon between a refiner and his kerosene-base jet fuel purchaser or purchasers.

Issued in Washington, D.C., February 19, 1974.

JOHN C. SAWHILL,  
Deputy Administrator,  
Federal Energy Office.

[FR Doc.74-4196 Filed 2-19-74; 12:11 pm]

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PART II

ENVIRONMENTAL  
PROTECTION  
AGENCYPHOSPHATE  
MANUFACTURING POINT  
SOURCE CATEGORY

Effluent Guidelines and Standards

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Title 40—Protection of the Environment  
CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND  
STANDARDS

PART 422—PHOSPHATE MANUFACTURING  
POINT SOURCE CATEGORY  
Effluent Limitation Guidelines

On September 7, 1973 notice was published in the FEDERAL REGISTER (38 FR 24470), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the phosphorus producing, phosphorus consuming and phosphate subcategories of the phosphate manufacturing category of point sources. The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the phosphate manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 422. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water-Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c) 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the phosphate manufacturing category. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the PHOSPHOROUS DERIVED CHEMICALS Segment of the Phosphate Manufacturing Point Source Category" (August 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, The Industrial Phosphate Industry" (August 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to

participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response there-to follows.

The regulation as promulgated contains some significant departures from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not made.

(a) Summary of comments.

The following responded to the request for written comments contained in the preamble to the proposed regulation: Mobil Oil Corporation; FMC Corporation; Manufacturing Chemists Association; Stauffer Chemical Company; Hooker Industrial Chemicals; University of Florida; Institute of Food and Agricultural Sciences; Pasaic Valley Sewerage Commissioners; County Sanitation District of Los Angeles County; U.S. Department of Commerce; and Monsanto Industrial Chemicals Company. Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to those comments.

(1) It was stated by several commenters that a no discharge guideline legally could not be applied until 1985.

EPA has determined that in the case of certain subcategories of the phosphate manufacturing category, either the best practicable control technology currently available or the best available technology economically achievable is the total recirculation of process waste water. In section 101(a)(2) of the Act, Congress established as a national goal the elimination of the discharge of pollutants into navigable waters by 1985. However, Congress also set requirements for technology based standards in sections 301, 304(b) and 306 which require the maximum degree of reduction of pollutant discharges prior to 1985, which is consistent with the technical and economic factors to be taken into account under sections 304(b) and 306 of the Act (notably, standards are to be set for 1977 and 1983 compliance, but no regulations are to be promulgated for 1985). The Agency will require the effluent reduction attainable by the best practicable control technology when establishing regulations under section 304(b) of the Act whether that reduction is to some degree of permitted discharge or down to no discharge.

(2) It was commented that best practicable control technology currently available should be based on a large number of plants if not the entire industry.

The Agency defines best practicable control technology currently available to be the average of the best existing performance by plants of various sizes, ages and unit processes within each industrial

category or subcategory. This average is not based upon a broad range of plants within an industrial category or subcategory, but is based upon performance levels achieved by exemplary plants. In those industrial categories where present control and treatment practices are uniformly inadequate, a higher level of control than any currently in place may be required if the technology to achieve such higher level can be practicably applied by July 1, 1977. Thus best practicable control technology currently available may be based on a few, one or no exemplary plants within that industrial category.

(3) Several commenters pointed out that runoff cannot be kept out of treatment ponds in some terrain and that a state of no discharge cannot be met during periods of heavy rainfall.

Treatment ponds can be built or modified to minimize, if not eliminate, intrusion of storm runoff originating outside of the pond retaining walls. Such ponds can also have sufficient free board as to retain rainfall. Those subcategories which employ treatment ponds are water consuming processes which can utilize the captured rainfall. Hence, there should be no need to discharge pond water.

(4) It was mentioned that the recycle of process waste water for food grade calcium phosphates would cause the Food and Drug Administration (FDA) specifications for process water to be violated.

Water is used in the manufacture of food grade calcium phosphates for reasons of transport or homogeneity, but not for purification. Hence the waste water contains the product, but nothing harmful to the product, which is what the FDA specifications are designed to protect.

The problem of segregation of waste waters, water balances, and storm water runoff, however, are sufficiently great that the industry will not be able to achieve total recycle by 1977 and yet meet FDA specifications. A discharge will therefore be allowed after suitable treatment as demonstrated in the Development Document.

(5) It was suggested that a limitation for dissolved solids be dropped for best practicable control technology currently available, since in the concentration range of the constituents involved, technology to achieve the proposed degree of control does not exist.

The limitation proposed was based on the raw waste load and was not intended to force treatment of dissolved solids. The limitation was intended to prohibit additional dissolved solids from being discharged. However, due to variability in the process this limitation may require such treatment. Therefore, the limitation on dissolved solids is replaced by limits on specific dissolved constituents that are considered to be the principal pollutants or characteristics to be controlled.

(6) It was suggested that, the limits proposed by the Effluent Standards and Water Quality Information Advisory Committee (ESWQIAC) for the phos-

phorus production subcategory be used.

The ESWQIAC limits include two additional phosphorus plants as exemplary. EPA has since accepted these plants as exhibiting best practicable control technology and has allowed a discharge based upon the data in the Development Document for the treatment capabilities of these plants. Therefore, although the Agency does not agree with the underlying rationale for establishing the ESWQIAC limits, the data in the Development Document does support the specific limits proposed by ESWQIAC.

(7) It was requested that discharges to publicly owned treatment works be allowed.

Pretreatment and discharge of waste waters to publicly owned treatment works from existing sources in the phosphate category are covered in the pretreatment guidelines that are proposed at the time this limitation is promulgated. Comments relating to existing sources should be directed to that regulation. For new sources the Agency considers the process waste water constituents from the phosphorus production and phosphorus consuming subcategories to be incompatible with publicly owned treatment works, and that the treatment technology that has been described in Section VII of the Development Document can achieve no discharge of process waste water pollutants to either navigable waters or to publicly owned treatment works.

The principal process waste water pollutant for the phosphate subcategory is phosphate, which cannot be adequately treated by primary or secondary treatment works. Phosphate, however, is considered to be compatible with publicly owned treatment works designed, constructed and operated to achieve optimal removal of dissolved phosphate, and a discharge to such treatment works will be allowed.

(8) Several commenters considered the capital costs of the model treatment systems to be underestimated and that the economic impact is understated.

The Agency has recalculated, in Section VIII of the Development Document, the cost information on model treatment systems as the result of additional data submitted by industry. The calculated changes do not affect the conclusions of the economic analysis, since the percentage increase in capital cost is not significant.

(9) It was stated that some plants were incorrectly cited as to whether they were achieving no discharge or not.

The necessary qualifiers were added to the descriptions in the Development Document of those plants that were disputed. The changes that were made involved treatment of certain portions of the process waste water and do not substantially affect the overall conclusions of the Development Document.

(10) The general comment was made that zero discharge cannot be achieved for some products.

The Agency has reevaluated the data

and is allowing a discharge for phosphorus and food grade calcium phosphates production for the 1977 limitation for the reasons given in comments (4) and (6). The Agency believes the technology exists to substantiate a no discharge of process waste water limitations for the remaining manufacturing processes.

(11) A range of values was recommended rather than a single value for each parameter.

The Agency considers that the limitations already represent ranges, taking into account differences in process, age, size and other factors. Subcategorization has been done to take these factors into account with different limitations for each subcategory. Within subcategories, exceptions to the limitations have been made for certain manufacturing segments or products, constituting a wider range. Each numerical limitation represents a maximum average of daily values over a given period of time. This in effect represents a range from zero up to the specific limitation. A maximum variation is also given for each maximum average limitation. The Agency considers an upper and lower limitation to be somewhat meaningless since the actual range would be from zero to the upper limitation. Thus, in effect, the argument becomes one of making the EPA limitations less severe, since it has been suggested that the EPA limitations should be the lower limits. The EPA limitations are achievable and currently available.

(12) One commenter stated that there is no correlation of contractor validation data with data or conclusions contained in the Development Document.

Data calculated from samples collected by the contractor were not primarily intended to form the basis of a limitation. The validation data was mainly used by the contractor to determine if existing data can be correctly used to establish limitations. Such a correlation does not appear in the Development Document, but the raw data may be reviewed at the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C. Only the data that appears in the Development Document was used in formulating the effluent limitations.

(13) It was stated that the evaporation of PC13 and POC13 process waste waters would require an excessive amount of energy.

The 1983 limitations for the manufacture of PC13 and POC13 are no discharge of process waste water pollutants which can be accomplished by maximum waste water recycle and evaporation of the blowdown. The Agency believes that sufficient time exists for each plant to be examined by the industry in order to minimize water usage, maximize solar evaporation and thus minimize power usage.

(14) It was pointed out that percolation can occur from waste water ponds.

Infiltration of pond water to ground water cannot be controlled by this regulation. Possible problems have been pointed out in the preamble to the proposed regulation (38 FR 24470) and

methods of correction have been suggested.

(15) The comment was made that no discharge of process waste water pollutants is an impractical limitation because the methods of analysis are not sufficiently sensitive.

Where no discharge of process waste water pollutants is prescribed, model treatment systems are described in the Development Document in which no process waste waters are discharged, hence no process waste water pollutants. For the purpose of determining if process waste water pollutants have contaminated other allowable discharges, this limitation is considered to be the detectable limit of the appropriate analytical method.

(16) It was suggested that no discharge of process waste water pollutants should mean no discharge that would degrade the quality of the receiving stream.

The Act is quite specific in stating the difference between limitations based on treatment technology and limitations handled on a case by case basis in order to insure that water quality standards are attained. The limitations promulgated in this regulation are technology based and independent of water quality standards, as is the intent of the Act.

(17) It was suggested that concentrations (mg/l) should be used with instantaneous maximum values instead of production based limitations.

Production based limitations such as kg of pollutant per kg of product insure that dilution is not practiced. Daily maximum values are also promulgated.

(18) One commenter stated that phosphate limitations for the phosphate industry are unduly restrictive when compared to phosphate limitations for publicly owned treatment works.

The Act establishes separate time tables for industrial and municipal sources. Limitations for phosphate discharges from publicly owned treatment works will be proposed at a later date. However, effluent guidelines for industrial sources are to be based on the best practicable, best available, and best demonstrated technologies for each separate category and separate economic considerations for each category.

(19) One company agreed with the proposed limitation for the manufacture of phosphoric acid, phosphorous trichloride and phosphorous oxychloride.

(20) Another company suggested that no discharge of process waste water pollutants for the manufacture of phosphorus, sodium tripolyphosphate and food grade calcium phosphate is the best available technology rather than the best practicable control technology.

The Agency has reviewed the data and agrees that a discharge resulting from the manufacture of phosphorus and food grade calcium phosphate should be allowed for the 1977 limitations for the reasons listed in comments (4) and (6). However no discharge of process waste water pollutants still qualifies as best practicable control technology currently

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available for the manufacture of sodium tripolyphosphate.

(b) Revision of the proposed regulation prior to promulgation.

As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) Minor adjustments have been made to reflect the fact that an increased number of definitions and analytical methods have been included in 40 CFR 401 and are incorporated by reference in 40 CFR 401 and are incorporated by reference in these subparts.

(2) A discharge will be allowed for the 1977 limitation for the phosphorus production subcategory. This change was made in response to comments (2), (6), (10) and (20) in section (a) above. The limitations are based upon two plants that discharge process waste water from treatment facilities exhibiting exemplary performance.

(3) The total dissolved solids limitations for the manufacture of phosphorus trichloride and phosphorus oxychloride have been replaced with limitations on specific dissolved species. This change was made in response to comment (5) in section (a) above.

(4) A discharge will be allowed for the 1977 limitation for the manufacture of food grade calcium phosphate. The reasons for this change are listed in comments (4), (6) and (20). The limitations are based upon the volume of water used in the process and the technological capability of treating suspended solids and total phosphorus.

(5) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of Section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) Economic impact.

The changes that were made to the proposed regulations for the phosphate category do not substantially affect the initial economic analysis. These changes center about the feasibility of recycling treated process waste water rather than different treatment systems. Additional cost data was received from the phos-

phate manufacturing industry, and a careful review of the costs of alternate treatment technologies was performed. Appropriate upward changes to the cost estimates were made in Section VIII of the Development Document. These changes likewise do not affect the conclusions of the economic impact study, since the cost increases are minimal.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the phosphorus production subcategory, phosphorus consuming subcategory and the phosphate subcategory of the phosphate manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the PHOSPHORUS DERIVED CHEMICALS Manufacturing Segment of the Phosphate Manufacturing Point Source Category" (February 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines for the INDUSTRIAL PHOSPHATE INDUSTRY" (August 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the phosphate manufacturing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of section 304(c), a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the PHOSPHORUS DERIVED CHEMICALS Segment of the Phosphate Manufacturing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401, for a nominal fee.

(f) Final rulemaking.

In consideration of the foregoing, 40

CFR Chapter I, Subchapter N is hereby amended by adding a new Part 422, Phos-

phate Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 22, 1974.

Dated: January 31, 1974.

JOHN QUARLES,  
Acting Administrator.

#### Subpart A—Phosphorus Production Subcategory

- 422.10 Applicability; description of the phosphorus production subcategory.
- 422.11 Specialized definitions.
- 422.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 422.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 422.14 Reserved.
- 422.15 Standards of performance for new sources.
- 422.16 Pretreatment standards for new sources.

#### Subpart B—Phosphorus Consuming Subcategory

- 422.20 Applicability; description of the phosphorus consuming subcategory.
- 422.21 Specialized definitions.
- 422.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 422.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 422.24 Reserved.
- 422.25 Standards of performance for new sources.
- 422.26 Pretreatment standards for new sources.

#### Subpart C—Phosphate Subcategory

- 422.30 Applicability; description of the phosphate subcategory.
- 422.31 Specialized definitions.
- 422.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 422.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 422.34 Reserved.
- 422.35 Standards of performance for new sources.
- 422.36 Pretreatment standards for new sources.

#### Subpart A—Phosphorus Production Subcategory

- § 422.10 Applicability; description of the phosphorus production subcategory.

The provisions of this subpart are applicable to discharges of pollutants re-

sulting from the production of phosphorus and ferrophosphorus by smelting of phosphate ore.

#### § 422.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

#### § 422.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kg/kg of product)	
TSS.....	1.0	0.5
Total phosphorus.....	.30	.15
Fluoride.....	.10	.05
Elemental phosphorus.....	No detectable quantity.	
pH.....	Within the range 6.0 to 9.0.	
Effluent characteristic	English units (lb/1,000 lb of product)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kg/kg of product)	
TSS.....	1.0	0.5
Total phosphorus.....	.30	.15
Fluoride.....	.10	.05
Elemental phosphorus.....	No detectable quantity.	
pH.....	Within the range 6.0 to 9.0.	

#### § 422.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

#### § 422.14 [Reserved]

#### § 422.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

#### § 422.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the phosphorus production subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 422.15; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the

pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

#### Subpart B—Phosphorus Consuming Subcategory

#### § 422.20 Applicability; description of the phosphorus consuming subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the manufacture of phosphoric acid, phosphorus pentoxide, phosphorus pentasulfide, phosphorus trichloride, and phosphorus oxychloride directly from elemental phosphorus. The production of phosphorus trichloride and phosphorus oxychloride creates waste water pollutants not completely amenable to the procedures utilized for best practicable control technology currently available. The standards set for phosphorus trichloride manufacture and phosphorus oxychloride manufacture, accordingly, must differ from the rest of the subcategory at this level of treatment.

#### § 422.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

#### § 422.22 Effluent limitations guidelines, representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that



facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) There shall be no discharge of process waste water pollutants to navigable waters from the manufacture of phosphoric acid, phosphorus pentoxide, or phosphorus pentasulfide.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from phosphorus trichloride manufacturing on the basis of production:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	1.4	0.7
Total phosphorus.....	1.6	.8
Arsenic.....	.0001	.00005
Elemental phosphorus.....	No detectable quantity.	
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS.....	1.4	0.7
Total phosphorus.....	1.6	0.8
Arsenic.....	.0001	.00005
Elemental phosphorus.....	No detectable quantity.	
pH.....	Within the range 6.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from phosphorus oxychloride manufacturing on the basis of production:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.3	0.15
Total phosphorus.....	.34	.17
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS.....	0.3	0.15
Total phosphorus.....	.34	.17
pH.....	Within the range 6.0 to 9.0.	

§ 422.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge to navigable waters of process waste water pollutants to resulting from the manufacture of phosphoric acid, phosphorus pentoxide, phosphorus pentasulfide, phosphorus trichloride or phosphorus oxychloride.

§ 422.24 [Reserved]

§ 422.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 422.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the phosphorus consuming subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 422.25; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

#### Subpart C—Phosphate Subcategory

§ 422.30 Applicability; description of the phosphate subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the manufacture of sodium tripolyphosphate, animal feed grade, calcium phosphate and human food grade calcium phosphate from phosphoric acid. The production of human food grade calcium phosphate creates waste water pollutants not completely amenable to the procedures utilized for best practicable control technology currently available. The standards set for human food grade calcium phosphates accordingly must

differ from the rest of the subcategory at this level of treatment.

§ 422.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 422.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharge or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharge are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) There shall be no discharge of process waste water pollutants to navigable waters from the manufacture of sodium tripolyphosphate, or animal feed grade calcium phosphate.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged in process waste water from human food grade calcium phosphate manufacturing based on production:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units (kg/kg of product)		
TSS.....	0.12	0.06
Total phosphorus.....	.06	.03
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS.....	0.12	0.06
Total phosphorus.....	.06	.03
pH.....	Within the range 6.0 to 9.0.	

§ 422.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology

economically achievable: There shall be no discharge to navigable waters of process waste water pollutants resulting from the manufacture of sodium tripolyphosphate, animal feed grade calcium phosphate, or human food grade calcium phosphate.

§ 422.34 [Reserved]

§ 422.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 422.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the phosphate subcategory, which is a user of a publicly owned treatment works (and which would be

a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that process waste waters from this subcategory are not considered to be incompatible with publicly owned treatment works designed, constructed and operated to remove dissolved phosphate and, for the purpose of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 422.35; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

[FR Doc.74-3496 Filed 2-19-74; 8:45 am]



# ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 422 ]

## APPLICATION OF EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES TO PRETREATMENT STANDARDS FOR INCOMPATIBLE POLLUTANTS FOR THE PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

### Notice of Proposed Rulemaking

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 422—Phosphate Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the phosphate production subcategory, the phosphorous consuming subcategory and the phosphate subcategory of the phosphate manufacturing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 422) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "Compatible" and "Incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

"In addition to the prohibitions set forth in Section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to Section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to Sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; And provided further, That when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment."

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 422.15, 422.25 and 422.35 of the proposed regulation for point sources within the phosphorous production subcategory, the phosphorous consuming subcategory and the phosphate subcategory (September 7, 1973; 38 FR 24470), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 422.16, 422.26 and 422.36 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document is now being published. The economic analysis report was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at

State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of phosphate, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of phosphate. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been

presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the phosphate category (38 FR 24470; September 7, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 422) which currently is being published in the rules and regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the phosphate manufacturing category, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

The first option, which would leave the introduction of incompatible pollutants unregulated by a national pretreatment standard, is inappropriate in view of the information available to the Agency concerning the effects of those pollutants in the phosphate manufacturing category and the available treatment technologies. In general, the Agency believes that treatment levels required of plants utilizing municipal systems should be comparable to those applicable to direct dischargers so that use of such systems does not result in higher levels of ultimate pollutant discharge to the navigable waters or in any unjustified economic advantage.

For the phosphorous production subcategory the process waste waters contain high concentrations of phosphates and fluorides. In addition harmful constituents such as elemental phosphorus, arsenic and cadmium could be present in these process waste waters which could interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. The information available to the Agency does not indicate differences between plants which discharge directly to navigable waters and

those which could utilize municipal systems significant enough to warrant varying the effluent limitations guidelines. Accordingly, it is the opinion of the EPA that these process waste waters should be treated to the level required by the application of the best practicable control technology currently available before discharge of these materials to publicly owned treatment works.

For the phosphorous consuming subcategory the process waste waters will contain the same constituents as those for the phosphorous production subcategory. This will occur because of the presence of these constituents in the raw material elemental phosphorus and the transfer of phosphy water from phosphorous producing facilities to phosphorous consuming facilities in conjunction with the shipment of elemental phosphorus. Likewise, these constituents could interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. The information available to the Agency does not indicate differences between plants which discharge directly to navigable waters and those which could utilize municipal systems significant enough to warrant varying the effluent limitations guidelines. Accordingly, it is the opinion of the EPA that these process waste waters should be treated to the level required by the application of the best practicable control technology currently available before discharge of these materials to publicly owned treatment works.

For the phosphate subcategory the process waste waters contain high concentrations of phosphates which could interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. The information available to the Agency does not indicate differences between plants which discharge directly to navigable waters and those which could utilize municipal systems significant enough to warrant varying the effluent limitations guidelines except as described below. Accordingly, it is the opinion of the EPA that these process waste waters should be treated to the level required by the application of the best practicable control technology currently available before discharge of these materials to publicly owned treatment works.

The single exception to this requirement is that process waste waters from the phosphate subcategory may be discharged to publicly owned treatment works that are designed, constructed and operated to achieve optimal removal of dissolved phosphate. Under these conditions the process waste waters from the phosphate subcategory will be amenable to treatment in such publicly owned treatment works and therefore may be discharged to such works without the requirement for pretreatment.

Interested persons may participate in this rulemaking by submitting written

comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304, and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 426 be amended to add §§ 422.14, 422.24, and 422.34. All comments received on or before March 22, 1974, will be considered.

Dated: January 31, 1974.

JOHN QUARLES,  
Acting Administrator.

Part 422 is proposed to be amended as follows:

1. Subpart A is amended by adding § 422.14 as follows:

§ 422.14 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 422.12 above shall apply, and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

2. Subpart B is amended by adding § 422.24 as follows:

§ 422.24 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 422.22 above shall apply, and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

3. Subpart C is amended by adding § 422.34 as follows:



**§ 422.34 Pretreatment Standards for Existing Sources.**

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40

CFR 422.32 above shall apply, and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance

with such limitations, unless such treatment works are designed, constructed and operated to remove dissolved phosphate.

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PART III



## ENVIRONMENTAL PROTECTION AGENCY

### CEMENT MANUFACTURING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

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**Title 40—Protection of the Environment**  
**CHAPTER I—ENVIRONMENTAL**  
**PROTECTION AGENCY**

**SUBCHAPTER N—EFFLUENT GUIDELINES AND**  
**STANDARDS**

**PART 411—CEMENT MANUFACTURING**  
**POINT SOURCE CATEGORY**

**Effluent Limitations Guidelines**

On September 7, 1973, notice was published in the *FEDERAL REGISTER* (38 FR 24462), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the nonleaching and leaching subcategories of the cement manufacturing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the cement manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 411. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the *FEDERAL REGISTER*, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the nonleaching subcategory and leaching subcategory. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Cement Manufacturing Point Source Category" (August 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Cement Industry" (August 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response there-to follows.

The regulation as promulgated contains minor but significant departures from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not made.

(a) Summary of comments.

The following responded to the request for written comments contained in the preamble to the proposed regulation: Illinois Environmental Protection Agency; Ideal Cement Company; General Portland, Inc.; Portland Cement Association; Lehigh Portland Cement; Martin Marietta; Department of Commerce—General Counsel; National Gypsum Company—Huron Division; Missouri Portland Cement Company; Mead Corporation and the Department of the Interior.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to those comments.

(1) The Illinois Environmental Protection Agency inquired about the omission of total dissolved solids limitation for best practicable control technology current available.

The Agency has established limitations which require dissolved solids removal and recycling of waste waters from leaching process streams for best available technology economically achievable. This technology, described in the Development Document, involves the use of electrodialysis of high pH streams to remove salts. Although the technology has been used in the glass industry in Japan, the application of the technology to leaching process streams will require some development by industry and will involve some technical and economic risk but should be achievable by 1983.

(2) Several comments were received relating to the temperature limitation of 3°C and the effect of the thermal discharge on water quality. An analysis of the data received by the Agency and presented in the Development Document shows that almost 50 percent of some 123 plants in the industry, for which definitive thermal data were available, are currently achieving the temperature limitation.

(3) A number of organizations within industry submitted data to support their recommendations that the water to dust ratio used in leaching plants, upon which basis the Agency determined the TSS limitation, should be reexamined. The industry data, together with the previously submitted data and raw data obtained during the field portion of the project, were reexamined and the water to dust ratio and TSS limitations recalculated. The Development Document and the regulation have been changed to reflect

a higher dust to water ratio and TSS limitation for the leaching subcategory.

(4) Three of the organizations commented that they felt that the proposed regulations were based on questionable test data and unwarranted assumptions because of the small amount of testing done by the Agency's contractor and because of the use of RAPP data and industry questionnaires.

The Development Document outlines the basis for the guidelines development. The Agency sought and obtained process and waste water data from many sources which included the Portland Cement Association and individual companies operating plants in the cement industry. The data was analyzed and evaluated by the contractor and the Agency. Prior to the field verification test portion of the project, technical representatives from the industry and the Portland Cement Association were consulted and confirmed that the data possessed by the Agency was representative of the industry and reflected the current technology and operating methods of the industry. The validity of the data and assumptions were further confirmed by field testing at selected cement plants representative of the processes used, geographical location, kiln dust control systems used, age, capacity, water and waste water management practices and other factors as outlined in the Development Document. On the basis of the approach and methodology used to develop the guidelines for the cement industry, the Agency believes that the limitations presented in this regulation realistically reflect the best practicable technology currently available or the best available technology economically achievable.

(5) Two comments were made that the "typical plant" model used for costing treatment alternatives was not representative of any one specific plant in the industry.

The Agency did not intend that the "typical plant" represent any specific plants but rather used the "typical plant" cost estimates upon which to determine an estimate of the total industry costs. The "typical plant" cost data represents a basis from which an individual plant can estimate its costs (upward or downward) to adjust for the plant's operating methods and requirements.

(6) The majority of comments from industry recommended that the Agency clarify what constitutes runoff control from materials storage piles.

Although the proposed regulation indicated that complete retention of runoff from kiln dust piles was required, it is the Agency's intention, as stated in the Development Document, that the runoff from coal, kiln dust and other materials storage piles should be either completely contained or treated to neutralize and control suspended solids prior to discharge to navigable waters through the use of the best practicable control technology currently available. The regulation has been changed (Subpart C) to clarify the Agency's intent.

(7) Several comments indicated that the proposed limitations are inconsistent with those used in the NPDES.

The Agency is aware that some inconsistencies exist, and intends in the future to apply the limitations promulgated in this regulation, rather than those currently used in the NPDES.

(8) Two organizations recommended that the Agency consider subcategorization of the industry based on wet and dry processing and on high and low alkali cement manufacturing raw materials. The Agency did consider the factors of wet and dry processing as part of the subcategorization definition process. As the Development Document indicates, the waste water characteristics from wet and dry process plants are similar enough so as to not warrant separate subcategorization. In addition, the raw materials that are available to some plants, especially limestone and clay, may contain higher-than-average amounts of potassium and sodium. These differences will be reflected in the waste water streams only at leaching plants where the kiln dust comes in contact with the waste stream. Plants where such contact is purposeful rather than incidental have already been considered as a separate subcategory. Thus, the type of raw material is considered with respect to its influence on dust handling techniques, and as such is covered in the two selected subcategories.

(9) One company commented that no provisions were made for upset conditions.

The Agency has identified potential upsets in runoff control as a result of excessive rainfall and has provided for discharges from runoff where the rainfall exceeds the capacity of a facility designed to treat the runoff resulting from a 10 year, 24 hour rainfall event.

(10) The Department of the Interior expressed concern over the failure to evaluate the trend toward the use of short, dry process kilns in the industry.

The Agency believes that the trend in the use of short, dry process kilns should have no influence on the characteristics of the raw waste water from cement plants which would affect the subcategorization or limitations established for the industry.

(11) Several commenters inquired about whether the TSS limitation is a net or gross value depending upon the TSS of the intake water sources. The Agency intends for the TSS limitation to be an absolute value.

(b) Revision of the proposed regulation prior to promulgation.

As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) The TSS Effluent Limitations for Subpart B—Leaching Subcategory § 411.22 and § 411.24 have been increased to 0.4 kg/kg of dust leached (0.4 lb/1000 lb of dust leached). This change results from an evaluation of data submitted by industry and a reexamination of the raw data on leaching plants collected by the Agency's contractor and a recalculation of the dust/water ratio.

lected by the Agency's contractor and a recalculation of the dust/water ratio.

(2) Subpart C has been added to the regulation to provide for the discharge to navigable waters of storage pile runoff as an alternative to complete containment. This subpart requires that any storage pile runoff discharged to navigable water must be neutralized to a pH within the range of 6.0 to 9.0 and have a suspended solids concentration of no greater than 50 mg/l. These levels of pH and sedimentation control are readily achievable, even under adverse climatic conditions, through the application of currently available neutralization and sedimentation technology.

(3) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of Section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) Economic impact.

The above listed changes will not significantly affect the conclusions of the economic study of the proposed regulations. The adjustment of the TSS effluent limitations for the leaching subcategory should not affect the cost of the treatment alternatives described in the Development Document and the proposed regulation. The effect of allowing a discharge from materials storage piles runoff as an alternative to total containment should slightly reduce the economic internal costs for existing plants within the industry.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the cement manufacturing point source category are discussed in section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Cement Manufacturing Point Source Category" (January 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of

wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, CEMENT INDUSTRY" (September 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the cement industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of Section 304(c), a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Cement Manufacturing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401 for a nominal fee.

(f) Final rulemaking.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 411, Cement Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 22, 1974.

Dated: January 31, 1974.

JOHN QUARLES,  
 Acting Administrator.

**PART 411—CEMENT MANUFACTURING**  
**POINT SOURCE CATEGORY**

**Subpart A—Nonleaching Subcategory**

Sec.	
411.10	Applicability; description of the non-leaching subcategory.
411.11	Specialized definitions.
411.12	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
422.13	Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
411.14	Reserved.
411.15	Standards of performance for new sources.
411.16	Pretreatment standards for new sources.
<b>Subpart B—Leaching Subcategory</b>	
Sec.	
411.20	Applicability; description of the leaching subcategory.

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- 411.21 Specialized definitions.
- 411.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 411.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 411.24 Reserved.
- 411.25 Standards of performance for new sources.
- 411.26 Pretreatment standards for new sources.

**Subpart C—Materials Storage Piles Runoff Subcategory**

- Sec.
- 411.30 Applicability; description of the materials storage pile runoff subcategory.
- 411.31 Specialized definitions.
- 411.31 Specialized definitions.
- 411.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 411.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 411.34 Reserved.
- 411.35 Standards of performance for new sources.
- 411.36 Pretreatment standards for new sources.

**Subpart A—Nonleaching Subcategory**

**§ 411.10 Applicability; description of the nonleaching subcategory.**

The provisions of this subpart are applicable to discharges resulting from the process in which several mineral ingredients (limestone or other natural sources of calcium carbonate, silica, alumina, and iron together with gypsum) are used in the manufacturing of cement and in which kiln dust is not contracted with water as an integral part of the process and water is not used in wet scrubbers to control kiln stack emissions.

**§ 411.11 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

**§ 411.12 Effluent limitations guidelines** representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs)

which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations (maximum for any 1 day)
Metric units (kg/kg of product)	
TSS.....	0.005
Temperature (heat).....	Not to exceed 3° C rise above inlet temperature.
pH.....	Within the range 6.0 to 9.0.
English units (lb/1,000 lb of product)	
TSS.....	0.005
Temperature (heat).....	Not to exceed 3° C rise above inlet temperature.
pH.....	Within the range 6.0 to 9.0.

**§ 411.13 Effluent limitations guidelines** representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations (maximum for any 1 day)
Metric units (kg/kg of product)	
TSS.....	0.005
Temperature (heat).....	Not to exceed 3° C rise above inlet temperature.
pH.....	Within the range 6.0 to 9.0.
English units (lb/1,000 lb of product)	
TSS.....	0.005
Temperature (heat).....	Not to exceed 3° C rise above inlet temperature.
pH.....	Within the range 6.0 to 9.0.

**§ 411.14 Reserved.**

**§ 411.15 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations (maximum for any 1 day)
Metric units (kg/kg of product)	
TSS.....	0.005
Temperature (heat).....	Not to exceed 3° C rise above inlet temperature.
pH.....	Within the range 6.0 to 9.0.
English units (lb/1,000 lb of product)	
TSS.....	0.005
Temperature (heat).....	Not to exceed 3° C rise above inlet temperature.
pH.....	Within the range 6.0 to 9.0.

**§ 411.16 Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act for a source within the nonleaching subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 411.15; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

**Subpart B—Leaching Subcategory**

**§ 411.20 Applicability; description of the leaching subcategory.**

The provisions of this subpart are applicable to discharges resulting from the

process in which several mineral ingredients (limestone or other natural sources of calcium carbonate, silica, alumina, and iron together with gypsum) are used in the manufacturing of cement and in which kiln dust is contacted with water as an integral part of the process or water is used in wet scrubbers to control kiln stack emissions.

**§ 411.21 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

**§ 411.22 Effluent limitations guidelines** representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations (maximum for any 1 day)
Metric units (kg/kg of dust leached)	
TSS.....	0.4
Temperature (heat).....	Not to exceed 3° C rise above inlet temperature.
pH.....	Within the range 6.0 to 9.0.
English units (lb/1,000 lb of dust leached)	
TSS.....	0.4
Temperature (heat).....	Not to exceed 3° C rise above inlet temperature.
pH.....	Within the range 6.0 to 9.0.

**§ 411.23 Effluent limitations guidelines** representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations (maximum for any 1 day)
Metric units (kg/kg of product)	
TSS.....	0.005
Temperature (heat).....	Not to exceed 3° C rise above inlet temperature.
pH.....	Within the range 6.0 to 9.0.
English units (lb/1,000 lb of product)	
TSS.....	0.005
Temperature (heat).....	Not to exceed 3° C rise above inlet temperature.
pH.....	Within the range 6.0 to 9.0.

**§ 411.24 Reserved.**

**§ 411.25 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations (maximum for any 1 day)
Metric units (kg/kg of dust leached)	
TSS.....	0.4
Temperature (heat).....	Not to exceed 3° C rise above inlet temperature.
pH.....	Within the range 6.0 to 9.0.
English units (lb/1,000 lb of dust leached)	
TSS.....	0.4
Temperature (heat).....	Not to exceed 3° C rise above inlet temperature.
pH.....	Within the range 6.0 to 9.0.

**§ 411.26 Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act for a source within the leaching subcategory, which

is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 411.25; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

**Subpart C—Materials Storage Piles Runoff Subcategory**

**§ 411.30 Applicability; description of the materials storage piles runoff subcategory.**

The provisions of this subpart are applicable to discharges resulting from the runoff of rainfall which derives from the storage of materials, including raw materials, intermediate products, finished products and waste materials which are used in or derived from the manufacture of cement under either subcategory—A or subcategory—B.

**§ 411.31 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "10 year, 24 hour rainfall event" shall mean a rainfall event with a probable recurrence interval of once in ten years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

**§ 411.32 Effluent limitations guidelines** representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual



discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for the facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of subparagraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations
TSS-----	Not to exceed 50 mg/l.
pH-----	Within the range 6.0 to 9.0.

(b) Any untreated overflow from facilities designed constructed and operated to treat the volume of runoff from materials storage piles which is associated with a 10 year, 24 hour rainfall event shall not be subject to the pH and TSS limitations stipulated in subparagraph (a), above.

§ 411.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of subparagraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations
TSS-----	Not to exceed 50 mg/l.
pH-----	Within the range 6.0 to 9.0.

(b) Any untreated overflow from facilities designed constructed and operated to treat the volume of runoff from materials storage piles which results from a 10 year, 24 hour rainfall event shall not be subject to the pH and TSS limitations stipulated in subparagraph (a), above.

§ 411.34 Reserved.

§ 411.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 411.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the materials storage piles runoff subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, § 128.133 of this title shall be amended to read as follows:

"In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 411.35; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

[FR Doc.74-3494 Filed 2-19-74; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 411]

### APPLICATION OF EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES TO PRETREATMENT STANDARDS FOR INCOMPATIBLE POLLUTANTS FOR THE CEMENT MANUFACTURING POINT SOURCE CATEGORY

#### Notice of Proposed Rulemaking

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act) 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 411—Cement Manufacturing Point Source Category, establishing for each subcategory therein the extent of applications of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the nonleaching, leaching, and materials storage piles runoff subcategories of the cement manufacturing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 411) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants.) Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

"In addition to the prohibitions set forth in Section 128.131, the pretreatment stand-

ard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by the promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to Sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guidelines for each industry are promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment."

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 411.15 and 411.25 of the proposed regulation for point sources within the nonleaching and leaching subcategories (September 7, 1973; 38 FR 24462), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 411.16, 411.26 and 411.36 which states the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document is now being published. The economic analysis report was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia, 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653) The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the Federal Register, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of cement, the characteristics of these pollutants, and the degree of pollutant reduction attainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of cement. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the Federal Register. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the cement point source category (38 FR 24462;

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## PROPOSED RULES

September 7, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 411) which currently is being published in the rules and regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction attainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal system by existing sources in the nonleaching, leaching and materials storage piles runoff subcategories the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document the process waste waters from the nonleaching, leaching and materials storage piles runoff subcategories may contain suspended solids, pH and heat. Accordingly, it is the opinion of the EPA that because suspended solids and pH are recognized as compatible pollutants, the first option is appropriate and the guidelines should not apply to process waste waters from plants in the non-

leaching, leaching and materials storage piles runoff subcategories discharging to publicly owned treatment works. Similarly, the thermal component of the effluent from either the nonleaching or leaching subcategories will be adequately diffused in a treatment works of suitable capacity and discharge of this pollutant without pretreatment should be allowed.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304, and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW, Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 411 be amended to add §§ 411.14, 411.24, and 411.34 as set forth below. All comments received on or before March 22, 1974 will be considered.

Dated: January 31, 1974.

JOHN QUARLES,  
Acting Administrator.

Part 411 is proposed to be amended as follows:

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Subpart A is amended by adding § 411.14 as follows:

§ 411.14 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 411.12 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

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Subpart B is amended by adding § 411.24 as follows:

§ 411.24 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 411.22 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

• • • • •  
Subpart C is amended by adding § 411.34 as follows:

§ 411.34 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 411.32 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

• • • • •  
[FR Doc.74-3495 Filed 2-19-74; 8:45 am]



**Just Released**

## CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1973)

Title 47—Telecommunication (Part 80–End)----- \$4.55

Title 49—Transportation (Parts 100–199)----- 5.60

*[A Cumulative checklist of CFR issuances for 1973 appears in the first issue of the Federal Register each month under Title 1]*

**Order from Superintendent of Documents,  
United States Government Printing Office,  
Washington, D.C. 20402**



# February 21, 1974—Pages 6597-6685

# federal register

THURSDAY, FEBRUARY 21, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 36

Pages 6597-6685

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

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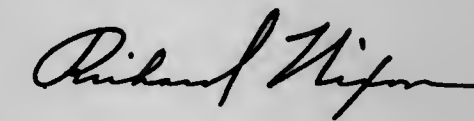
## Presidential Documents

### Title 3—The President

#### EXECUTIVE ORDER 11767

#### Designating the Organization of African Unity as a Public International Organization Entitled to Enjoy Certain Privileges, Exemptions, and Immunities

By virtue of the authority vested in me by sections 1 and 12 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288), as amended by Public Law 93-161 (87 Stat. 635), I hereby designate the Organization of African Unity (OAU) as a public international organization entitled to enjoy the privileges, exemptions, and immunities provided by the International Organizations Immunities Act.



THE WHITE HOUSE,

February 19, 1974.

[FR Doc. 74-4235 Filed 2-19-74; 3:05 pm]



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Rules and Regulations.

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture  
CHAPTER IX—AGRICULTURAL MARKET-  
ING SERVICE (MARKETING AGREE-  
MENTS AND ORDERS; FRUITS, VEGE-  
TABLES, NUTS), DEPARTMENT OF  
AGRICULTURE

[Orange Reg. 72, Amdt. 6; Grapefruit Reg.  
74, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TAN-  
GERINES, AND TANGELOS GROWN IN  
FLORIDA

Grade and Size Regulations

These amendments lower the minimum diameter requirements to 2-4/16 inches for domestic shipments of Murcott Honey oranges and to 3-12/16 inches in diameter for seeded grapefruit. The specification of such lower minimum sizes for Florida Murcott Honey oranges is necessary to satisfy the current and prospective demand for such oranges. The amended regulations recognize the quality of much of the Murcott Honey oranges currently available for fresh shipments. The lower minimum diameter requirement for seeded grapefruit conforms the minimum diameter requirement of size 40 grapefruit to that set forth in the regulation of the Florida Citrus Commission.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Murcott Honey oranges, and of seeded grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The lower minimum diameter requirement for seeded grapefruit conforms the minimum diameter requirement of size 40 grapefruit to that set forth in the regulations of the Florida Citrus Commission.

(3) Less restrictive size limitations on domestic shipments of Murcott Honey oranges are consistent with the available supply of such oranges in the production area and the current and prospective demand for such fruit by fresh market outlets.

(4) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments relieve restrictions on the handling of Murcott Honey oranges and seeded grapefruit grown in Florida.

Order. 1. The provisions of paragraph (b) (8) of § 905.550 (Orange Regulation 72; 38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 3812) are amended to read as follows:

§ 905.550 Orange Regulation 72.

(b) . . .

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2-4/16 inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;

2. The provisions of paragraph (b) (2) of § 905.551 (Grapefruit Regulation 74; 38 FR 25665, 28063, 31414, 34454, 34986) are amended to read as follows:

§ 905.551 Grapefruit Regulation 74.

(b) . . .

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3-12/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated February 15, 1974, to become effective February 18, 1974.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 74-4127 Filed 2-20-74; 8:45 am]

Title 9—Animals and Animal Products  
CHAPTER I—ANIMAL AND PLANT HEALTH  
INSPECTION SERVICE, DEPARTMENT  
OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTA-  
TION OF ANIMALS (INCLUDING POULTRY)  
AND ANIMAL PRODUCTS; EXTRAORDINARY  
EMERGENCY REGULATION OF INTRASTATE  
ACTIVITIES

PART 73—SCABIES IN CATTLE  
Release of Area Quarantined

This amendment releases Bailey County in Texas, from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded area.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, in paragraph (a) relating to the State of Texas, paragraph (1) relating to Bailey County is deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 701-702, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 116, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective February 15, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.



Done at Washington, D.C., this 15th day of February 1974.

**J. M. HERT,**  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc.74-4128 Filed 2-20-74; 8:45 am]

#### Title 14—Aeronautics and Space

### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-GL-53]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Federal Airways

On December 14, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 34475) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal Airways V-6S, V-14, V-133, and V-435 and rescind a segment of V-232 in the vicinity of Sandusky, Ohio.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 25, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307; 38 FR 33393) is amended as follows:

a. In V-6 "INT Waterville 108" and Cleveland 258" radials;" is deleted and "INT Waterville 108" and Cleveland 252" radials;" is substituted therefor.

b. In V-14 "INT Findlay 095" and Cleveland, Ohio, 241" radials; Cleveland;" is deleted, and "Cleveland, Ohio;" is substituted therefor.

c. In V-133 "Sandusky, Ohio; INT Sandusky 342" and Salem, Mich., 139" radials;" is deleted and "INT Mansfield 346" and Salem, Mich., 139" radials;" is substituted therefor.

d. V-232 is amended to read as follows: "From INT of the Cleveland, Ohio, 024" and the Chardon, Ohio, 281" radials, via Chardon; Franklin, Pa.; Keating, Pa.; Milton, Pa.; to INT Milton 099 and Stillwater, N.J., 172" radials."

e. V-435 is amended to read as follows: "From Rosewood, Ohio, via INT Rosewood 041" and Cleveland, Ohio, 252" radials; to Cleveland."

(sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 14, 1974.

**CHARLES H. NEWPOL,**  
Acting Chief, Airspace and  
Air Traffic Rules Division.  
[FR Doc.74-4037 Filed 2-20-74; 8:45 am]

#### RULES AND REGULATIONS

[Docket No. 13544; Amdt. No. 904]

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

#### Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective April 4, 1974.

Camden, Ark.—Harrell Field, VOR/DME Rwy 36, Orig.

Crossville, Tenn.—Crossville Memorial Arpt., VOR/DME-A, Amdt. 5.

Findlay, Ohio—Findlay Arpt., VOR Rwy 25, Amdt. 1.

Findlay, Ohio—Findlay Arpt., VOR Rwy 36, Amdt. 1.

Mattoon-Charleston, Ill.—Coles County Memorial Arpt., VOR Rwy 6, Amdt. 6.

Mattoon-Charleston, Ill.—Coles County Memorial Arpt., VOR Rwy 24, Amdt. 5.

Mayaguez, P.R.—Mayaguez Arpt., VOR Rwy 8, Amdt. 3.

Pontiac, Mich.—Oakland-Pontiac Arpt., VOR Rwy 9R, Amdt. 15.

Pontiac, Mich.—Oakland-Pontiac Arpt., VOR Rwy 27L, Amdt. 8.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective April 4, 1974.

Toledo, Ohio—Toledo Express Arpt., LOC (BC) Rwy 25, Amdt. 11.

• • • effective March 28, 1974

Fairbanks, Alaska—Fairbanks Int'l. Arpt., LOC (BC) Rwy 1L, Amdt. 10.

• • • effective February 28, 1974

Glens Falls, N.Y.—Warren County Arpt., LOC Rwy 1, Orig., canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective April 4, 1974.

Birmingham, Mich.—Grand Prix Arpt., NDB-A, Amdt. 3.

Camden, Ark.—Harrell Field, NDB Rwy 18, Amdt. 3.

Findlay, Ohio—Findlay Arpt., NDB Rwy 36, Amdt. 6.

Mattoon-Charleston, Ill.—Coles County Memorial Arpt., NDB Rwy 6, Amdt. 7.

Omaha, Neb.—Millard Municipal Arpt., NDB Rwy 12, Amdt. 3.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective April 4, 1974.

Crossville, Tenn.—Crossville Memorial Arpt., ILS Rwy 25, Amdt. 1.

Miami, Fla.—Miami Int'l. Arpt., ILS Rwy 27R, Amdt. 2.

Pontiac, Mich.—Oakland-Pontiac Arpt., ILS Rwy 9R, Amdt. 3.

• • • effective March 28, 1974.

Fairbanks, Alaska—Fairbanks, Int'l. Arpt., ILS Rwy 19R, Amdt. 15.

Pago Pago, Tutuila Island American Samoa—Pago Pago Int'l. Arpt., ILS/DME Rwy 5, Amdt. 2.

• • • effective February 28, 1974

Glens Falls, N.Y.—Warren County Arpt., ILS Rwy 1, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, effective April 4, 1974.

Jacksonville, Fla.—Craig Municipal Arpt., RADAR-1, Amdt. 1.

• • • effective March 7, 1974

Flint, Mich.—Bishop Arpt., RADAR-1, Orig.

Lansing, Mich.—Capital City Arpt., RADAR-1, Orig.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective April 4, 1974.

Miami, Fla.—Miami Int'l. Arpt., RNAV Rwy 27R, Amdt. 1.

Pontiac, Mich.—Oakland-Pontiac Arpt., RNAV Rwy 27L, Amdt. 2.

• • • effective March 28, 1974

Aurora, Ill.—Aurora Municipal Arpt., RNAV Rwy 9, Amdt. 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on February 14, 1974.

**JAMES M. VINES,**  
Chief Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74-4036 Filed 2-20-74; 8:45 am]

### CHAPTER II—CIVIL AERONAUTICS BOARD

#### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-838; Amdt. 10]

#### PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

##### Reporting Requirements for Form 41, Schedules B-46, G-42, and G-43

##### Correction

In the document appearing on page 5756, in the issue for Friday, February 15, 1974, make the following corrections:

1. At the end of the document add a file line reading "IFR Doc.74-3781 Filed 2-14-74; 8:45 am]"

2. In Section 33, Schedule G-42, paragraph (h), in the 7th line, the word "referred" should be changed to read "deferred".

#### Title 24—Housing and Urban Development

### CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-100]

#### SUBCHAPTER C—FEDERAL CRIME INSURANCE PROGRAM

##### PART 1934—CLASSIFICATION OF TERRITORIES

#### Revision of Rate Territory Classification of Tampa-St. Petersburg SMSA

The ratings of Standard Metropolitan Statistical Areas which govern the rates charged for Federal crime insurance are based on statistics issued by the Federal Bureau of Investigation. Recent FBI statistics indicate that the rate territory classification for the Tampa-St. Petersburg (Florida) SMSA has changed. Under the authority contained in section 306(g), 82 Stat. 540; 12 U.S.C. section 1721, an amendment is now being published to reflect that change.

Since this rating change is based on statistics over which the Administrator has no control, notice and public procedure are impracticable and unnecessary. Inasmuch as Florida entered the Federal Crime Insurance Program on February 1, 1974, and the statistics on which the rating territory classification is based reflect a change in the crime rate in the Tampa-St. Petersburg SMSA which occurred prior to February 1, 1974, good cause exists for making this amendment effective February 1, 1974.

Accordingly, § 1934.2 of 24 CFR, Part 1934 is amended by changing the rate territory for the Tampa-St. Petersburg SMSA from "2" to "3".

#### RULES AND REGULATIONS

Effective date. This amendment shall be effective February 1, 1974.

**GEORGE K. BERNSTEIN,**  
Federal Insurance Administrator.

[FR Doc.74-4063 Filed 2-20-74; 8:45 am]

#### Title 26—Internal Revenue

### CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

#### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

##### CFR Correction

The following change should be made in Title 26 CFR, Part 1, §§ 1.501 to 1.640, revised as of April 1, 1973: On page 153, the last line of subparagraph (2) (i) (b) (§ 1.514(b)-1(c) (2) (i) (b)), should refer to "paragraph (1) (4) of § 1.512(b)-1", rather than to "paragraph (e) (4) of § 1.512(b)-1".

#### Title 29—Labor

### CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

#### PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

##### Wage Order

Pursuant to sections 5, 6 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Rerogationization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 628 (38 FR 34742) the Secretary of Labor appointed and convened Industry Committee No. 14 for the Hotel and Motel Classification and the Restaurant and Food Service Classification of Industries in the Virgin Islands, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matter referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 14 are hereby published, amending § 694.1 (b) (2) and (b) (4) of Title 29, Code of Federal Regulations.

As amended § 694.1 reads as follows:

##### § 694.1 Wage rates.

• • • • •

(b) • • •  
(2) *Hotel and motel classification.* (i) The minimum wage for this classification is \$1.55 an hour.

• • • • •

(4) *Restaurant and food service classification.* (i) The minimum wage for this classification is \$1.55 an hour.

• • • • •  
(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)).

Effective date. This amendment shall become effective March 8, 1974.

Signed at Washington, D.C., this 14th day of February, 1974.

**FREDERICK J. GLASGOW,**  
Special Assistant to  
the Administrator.

[FR Doc.74-4042 Filed 2-20-74; 8:45 am]

#### Title 32—National Defense

### CHAPTER VII—DEPARTMENT OF THE AIR FORCE

#### SUBCHAPTER I—MILITARY PERSONNEL

#### PART 888—ENLISTMENT IN THE REGULAR AIR FORCE

##### Miscellaneous Amendments

This revision removes the authorized requirement of only one retest for the Armed Services Vocational Aptitude Battery (ASVAB), deletes the educational requirement that a WAF applicant be a high school graduate and corrects an editorial error.

Part 888, Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 888.5 is amended by correcting the word "enlistment" in the last sentence to read "residence".

2. Section 888.6(a) (4) (i) is amended by deleting the second sentence which reads "Only one retest is authorized."

3. Section 888.6(d) (3) is herewith deleted in its entirety and § 888.6(d) (4) is redesignated to § 888.6(d) (3).

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

**STANLEY L. ROBERTS,**  
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-4069 Filed 2-20-74; 8:45 am]

#### Title 33—Navigation and Navigable Waters

### CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[COD 74-37]

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

##### Back Bay of Biloxi, Miss.

This amendment revises regulations for the Back Bay of Biloxi swing bridge, mile 2.8, to permit the draw to remain closed to the passage of vessels from 7 a.m. to 9 a.m., Monday through Friday, except holidays, from February 15, 1974 through August 13, 1974. This amendment is made to allow the continuance of extensive repair and replacement work on mechanical and electrical equipment and wiring.



This rule is issued without notice of proposed rulemaking. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising of paragraph (1) (20-a) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(1) . . . .

(20-a) Back Bay of Biloxi, mile 2.8, Mississippi. The draw need not open for the passage of vessels from 7:00 a.m. to 9:00 a.m., Monday through Friday except holidays, from February 15, 1974 through August 13, 1974.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

**Effective date.** This revision shall be in effect from February 15, 1974 through August 13, 1974.

Dated: February 13, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment  
and Systems.

[FR Doc.74-4077 Filed 2-20-74;8:45 am]

[CGD 5-74-01 R]

#### PART 127—SECURITY ZONES

Establishment of Security Zones, Baltimore Harbor and Approaches, Maryland

This amendment to the Coast Guard's Security Zone Regulations, establishes Baltimore Harbor and its approach channels above the Chesapeake Bay Bridge as a security zone. This security zone is established to facilitate the transit of the semi-submersible drilling platform OCEAN SCOUT from the Bethlehem Steel Corporation, Fort McHenry Shipyard to a temporary anchorage south of the Chesapeake Bay Bridge and east of the shipping lane.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from date of publication because good cause exists and public procedures on this amendment are impracticable because there is insufficient time for completing public procedures.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.502, to read as follows:

#### § 127.502 Baltimore Harbor and Approaches, Maryland.

The waters within the following boundary are a security zone: The water with 500 yards on either side of a line beginning at 38°58'40" N., 76°23'21" W., thence 39°00'56" N., 76°22'26" W., thence 39°04'10" N., 76°23'41" W., thence 39°07'32" N., 76°23'41" W., thence 39°10'41" N., 76°26'03" W., thence 39°12'05" N., 76°30'45" W., thence 39°15'38" N., 76°34'26" W., thence 39°16'04" N., 76°34'30" W., thence 39°16'14" N., 76°34'51" W.

(40 Stat. 220, as amended, section 6(b), 80 Stat. 937 (50 U.S.C. section 191, 49 U.S.C. section 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 348, 33 CFR Part 6, 49 CFR 1.48(b).)

**Effective date.** This amendment becomes effective at 5 a.m., e.d.t., 19 February 1974 and will remain in effect until the OCEAN SCOUT clears the shipping lane south of the Chesapeake Bay Bridge, as announced by a Broadcast Notice to Mariners. In the event inclement weather precludes movement of the OCEAN SCOUT on 19 February 1974, this amendment will become effective at 0500 hours Eastern Daylight Time, 20 February 1974. Notice of this delay, if necessary, will be announced by a Broadcast Notice to Mariners.

Dated: February 14, 1974.

G. H. PATRICK BURSLEY,  
Captain, United States Coast  
Guard, Captain of the Port,  
Baltimore, Maryland.

[FR Doc.74-4145 Filed 2-20-74;8:45 am]

[CGD 5-74-01 R]

#### PART 127—SECURITY ZONES

Establishment of Security Zones, Baltimore Harbor and Approaches, Maryland

In a document issued on February 14, 1974 Part 127 of Title 33 of the Code of Federal Regulations was amended by adding 127.502. This document amends the effective date of the amendment to read as follows:

**Effective date.** This amendment becomes effective at 5 a.m., e.d.t., 20 February 1974 and will remain in effect until the OCEAN SCOUT clears the shipping lane south of the Chesapeake Bay Bridge, as announced by a Broadcast Notice to Mariners. In the event inclement weather precludes movement of the OCEAN SCOUT on 20 February 1974, this amendment will become effective 0500 hours Eastern Daylight Time, 21 February 1974. Notice of this delay, if necessary, will be announced by a Broadcast Notice to Mariners.

Dated: February 15, 1974.

G. H. PATRICK BURSLEY,  
Captain, United States Coast  
Guard, Captain of the Port,  
Baltimore, Maryland.

[FR Doc.74-4146 Filed 2-20-74;8:45 am]

#### Title 40—Protection of Environment

##### CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

##### SUBCHAPTER E—PESTICIDES PROGRAMS

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Carbofuran

A petition was filed by FMC Corp., Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-benzofuranyl-N-methylcarbamate) and its metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate in or on the raw agricultural commodity potatoes at 0.1 part per million. Subsequently, the petition was revised to request tolerances for combined residues of carbofuran, its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on potatoes at 1 part per million (of which no more than 0.1 part per million is carbamates), in the fat, meat, and meat byproducts of cattle, goats, hogs, and sheep at 0.05 part per million (of which no more than 0.02 part per million (negligible residue) is carbamates).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.
2. The established tolerance for residues in milk is adequate to cover any additional residues from the proposed use.
3. There is no reasonable expectation of residues in eggs or poultry and § 180.6 (a) (3) applies.
4. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (3), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (38 FR 9038), Part 180 is amended by adding the new § 180.254a as follows:

§ 180.254a Carbofuran and its metabolites (including phenolic metabolites); tolerances for residues.

Tolerances are established for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-benzofuranyl-N-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and its phenolic

metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the following raw agricultural commodities:

One part per million in or on potatoes (of which no more than 0.1 part per million is carbamates).

0.05 part per million in the fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep (of which no more than 0.02 part per million (negligible residue) is carbamates).

Any person who will be adversely affected by the foregoing order may at any time on or before March 25, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective February 21, 1970.

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2))

Dated: February 15, 1974.

E. L. JOHNSON,  
Acting Deputy Assistant,  
Administrator for Pesticide Programs.  
[FR Doc.74-4142 Filed 2-20-74;8:45 am]

#### Title 41—Public Contracts and Property Management

##### CHAPTER 33—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 3—PROCUREMENT BY NEGOTIATION

##### Cost-sharing Contract

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The titles of various organizations listed in § 3-3.405-3, Cost-sharing contracts, are obsolete. The purpose of these amendments is to update the organizational titles set forth therein.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to participate in the rule making process. However, the amendments herein concern administrative matters. Therefore, the public rule making process is deemed unnecessary in this instance.

#### § 3-3.405-3 Cost-sharing contract [Amended]

1. That part of the third sentence of paragraph (c) (2) of § 3-3.405-3 reading " . . . negotiating cost-sharing is that of the Office of Grants Management Services, Health Services and Mental

Health Administration" is hereby changed to read " . . . negotiating cost-sharing is that of the Office of the Assistant Secretary for Health."

2. The following changes are made in paragraph (f) (3) of § 3-3.405-3.

a. Item (f) (3) (i) is hereby deleted and the following is substituted in lieu thereof:

(i) The Office of the Assistant Secretary for Health shall be responsible for negotiating all HEW institutional cost-sharing agreements. Such agreements, when negotiated, will be binding upon all HEW agencies. Eligible contractors wishing to negotiate institutional cost-sharing agreements should contact the Chief, Cost and Audit Management Branch, Division of Grants and Contracts, ORM-OAM, Office of the Assistant Secretary for Health, Room 18 A 30, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. Institutional cost-sharing agreements already in existence at the effective date of this subpart (and therefore applicable only to grants) must be amended to include subsequently awarded contracts.

b. Item (f) (3) (ii) is hereby deleted and the following is substituted in lieu thereof:

(ii) All necessary implementing instructions to cover such matters as content of proposals, format of agreements, documentation, etc., shall be issued by the Office of the Assistant Secretary for Health subject to the prior approval of the Office of Grants and Procurement Management, OS.

c. That part of the first sentence of item (f) (3) (iii) reading "The Health Services and Mental Health Administration shall provide the Office of Procurement and Materiel Management . . ." is hereby changed to read:

"The Office of the Assistant Secretary for Health shall provide the Office of Grants and Procurement Management, OS . . ."

3. That part of the first sentence of paragraph (f) (4) of § 3-3.405-3 reading " . . . issued by the Office of Grants Management, HSMHA." is hereby changed to read:

"Issued by the Cost and Audit Management Branch, Division of Grants and Contracts, ORM-OAM, Office of the Assistant Secretary for Health."

Authority: (5 U.S.C. 301; 40 U.S.C. 486(c))

**Effective Date:** These amendments become effective February 21, 1974.

Dated: February 14, 1974.

THOMAS S. McFEE,  
Acting Assistant Secretary  
for Administration and Management.  
[FR Doc.74-4083 Filed 2-20-74;8:45 am]

#### CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

##### PART 5A-10—BONDS AND INSURANCE

The following instructions concerning bonds and insurance are added to Chapter 5A, GSPR.

Chapter 5A is amended by adding new Part 5A-10 as follows:

##### Subpart 5A-10.1—Bonds

Sec.  
5A-10.103 Bid guarantees.

##### Subpart 5A-10.2—Sureties on Bonds

5A-10.202 Corporate sureties.  
5A-10.204 Options in lieu of sureties.  
5A-10.205 Consent of surety.  
5A-10.250 Determination of surety's acceptability.

##### Subpart 5A-10.3—Insurance—General

5A-10.301 General.

AUTHORITY: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

##### Subpart 5A-10.1—Bonds

§ 5A-10.103 Bid guarantees.

Bid guarantees, other than bid bonds, shall be placed in the custody of a bonded collection officer immediately after the opening of bids. The contracting officer shall arrange for the return of such guarantees, or their equivalent, to unsuccessful bidders as soon as award is made, and to the successful bidder upon execution of such further contractual documents and bonds as may be required by the bid as accepted.

##### Subpart 5A-10.2—Sureties on Bonds

§ 5A-10.202 Corporate sureties.

The current edition of Treasury Department Circular 570 shall be prominently displayed in bid opening rooms, in GSA Business Service Centers, and in all places where bid forms and information are regularly available. Copies should be made available to officials having a need therefor.

§ 5A-10.204 Options in lieu of sureties.

Security deposited in lieu of corporate or individual sureties on bonds shall be placed in the custody of a bonded collection officer immediately after receipt, except that United States bonds or notes received in the District of Columbia shall be deposited with the Treasurer of the United States as provided in § 1-10.204-1 of this title. The contracting officer shall arrange for the return of such security, or its equivalent, to the contractor when he has fulfilled all of the obligations secured by the bond in connection with which the security was deposited.

§ 5A-10.205 Consent of surety.

Consent of surety shall be substantially in the following form:

##### CONSENT OF SURETY

Date .....	Amendment or Supplemental Agreement
Contract No. ....	No .....

Consent of surety is hereby given to the foregoing contract modification and the surety agrees that its bond or bonds shall apply to the contract as so modified. The principal and surety further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by \$....., and the penalty of the aforementioned payment bond or bonds is increased by \$.....

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## RULES AND REGULATIONS

(Name and address of principal)  
 (Affix seal, if corporation)  
 Attest: \_\_\_\_\_  
 By: \_\_\_\_\_  
 (Name and address of surety)  
 (Affix seal, if corporation)  
 Attest: \_\_\_\_\_  
 By: \_\_\_\_\_  
 § 5A-10.250 Determination of surety's acceptability.

(a) Upon receipt of a required bond, the contracting officer shall determine whether the bond and the surety are acceptable (see § 1-10.103-4 of this title regarding failure to submit proper bid guarantee). If the acceptability of a bond involves a question as to its validity, the contracting officer shall refer the matter to appropriate legal counsel. For any question other than validity, the contracting officer shall refer the bond and such questions to the appropriate financial management office for necessary action. The office to which the bond is referred shall take such action as is necessary and promptly return the bond to the contracting officer with advice as to its acceptability.

(b) When a contracting officer has verified the acceptability of the surety on a bond, he shall so certify by placing the words "Acceptability of Bond Verified," with his signature immediately thereunder, on the bond or on a properly identified attachment. The bond shall be retained with the original of the contract.

(c) When the bond or surety is not acceptable, the contracting officer shall return the bond to the bidder notifying him that the bond or surety is not acceptable.

Subpart 5A-10.3—Insurance—General  
 § 5A-10.301 General.

(a) The policy stated in § 1-10.301 of this title is based on the theory that the quantity of the Government's transactions, together with the magnitude of its resources, makes it more advantageous for the Government to carry its own risks than to have them assumed by private insurers, whose rates are based on recovery of possible losses, estimated operating expenses, and anticipated profit. Exceptions to this principle exist where Government property is not under the direct control and custody of the Government, and other special circumstances are present as indicated in § 1-10.301 of this title. However, where a contractor is responsible for Government property, there is not objection to requiring or permitting the contractor to carry insurance against loss of, or damage to the property provided the contractor does not pass on the cost of the insurance to the Government, and the Government's interests in any payments under the policy are protected. The need for such coverage and the extent of protection required shall be based on the circumstances in each case.

(b) Insurance requirements should be adequate, but at the same time just and reasonable. Generally, such requirements will be predicated on potential loss or damage and not necessarily on the value of the contract. When it is determined that insurance coverage should be required, the invitation and resultant contract shall contain a suitable provision requiring the contractor to carry insurance of a type, and in an amount necessary to provide adequate protection to the Government. Determination as to type of insurance, amount, and any related insurance requirements for inclusion in invitations and resultant contracts shall be made jointly by the contracting officer and the appropriate financial management office, after clearance with the appropriate legal counsel. All premiums or costs incident to compliance with an insurance requirement shall be paid by the contractor.

(c) Insurance policies, or endorsements thereto, submitted by successful bidders shall be referred to the appropriate financial management office for examination, approval, and servicing.

**Effective date.** These regulations are effective on the date shown below.

Dated: February 4, 1974.

M. J. TIMBERS,  
 Commissioner, FSS.  
 [FR Doc. 74-4073 Filed 2-20-74; 8:45 am]

**Title 47—Telecommunication**  
**CHAPTER I—FEDERAL**  
**COMMUNICATIONS COMMISSION**  
 [FCC 74-56]

**PART 73—RADIO BROADCAST SERVICES**  
 Emergency Broadcast System (EBS)  
 Correction

In FR Doc. 74-2210 for the issue of Wednesday, January 30, 1974, on page 3903 make the following change:

In § 73.931(a)(3) add the following after the words "and TV broadcast stations": "by AM and FM, and TV broadcast Stations."

**Title 49—Transportation**  
**CHAPTER X—INTERSTATE COMMERCE COMMISSION**  
 SUBCHAPTER A—GENERAL RULES AND REGULATIONS  
 [S.O. 1147, Amdt. 1]

**PART 1033—CAR SERVICE**  
 Norfolk and Western Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of February 1974.

Upon further consideration of Service Order No. 1147 (38 FR 21633), and good cause appearing therefor:

**It is ordered, That:**

Section 1033.1147 Service Order No. 1147. (Norfolk and Western Railway Company authorized to operate over joint tracks of Chicago, Milwaukee, St.

Paul and Pacific Railroad Company and Chicago, Rock Island and Pacific Railroad Company and over tracks of the Kansas City Southern Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) **Expiration date.** The provisions of this order shall expire at 11:59 p.m., August 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

**Effective date.** This amendment shall become effective at 11:59 p.m., February 15, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

**It is further ordered,** That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
 Secretary.

[FR Doc. 74-4116 Filed 2-20-74; 8:45 am]

[S.O. 1173]

**PART 1033—CAR SERVICE**  
 Distribution of Refrigerator Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of February 1974.

It appearing, that an acute shortage of mechanical refrigerator cars exists in the primary fruit and vegetable growing and shipping areas of the country; that shippers of these and other products requiring protection from heat or cold are being deprived of adequate supplies of such cars, creating great economic loss; that mechanical refrigerator cars are being diverted to the handling of other types of freight not requiring such protection and are not being returned promptly to such fruit and vegetable growing areas; that present rules, regulations, and practices with respect to the use, supply, control, movement, exchange, interchange, and return of such mechanical refrigerator cars to such growing and shipping areas are ineffective; that it is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and

contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

**It is ordered, That:**

§ 1033.1173 Service Order No. 1173.

(a) **Distribution of Refrigerator Cars.** Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service.

(1) **Application.** (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all mechanical refrigerator cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 390, issued by W. J. Trezize, or reissues thereof as having mechanical designation "RP", "RPF", "RPL" or "RPM", except cars listed as bearing reporting marks assigned to the Atchison, Topeka and Santa Fe Railway Company.

(2) **Distribution.** (i) Withdraw from distribution and return to owners empty all mechanical refrigerator cars described in paragraph (a)(1)(ii) of this section. (See paragraph (a)(2)(ii), (iii), and (iv) of this section.)

(ii) Exception: Mechanical refrigerator cars bearing reporting marks ARMN will be returned to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, the Missouri Pacific Railroad Company, or the Norfolk and Western Railway Company in accordance with instructions issued by the American Refrigerator Transit Company.

(iii) Exception: Mechanical refrigerator cars owned by the Bangor and Aroostook Railroad Company and bearing reporting marks BAR will be returned to the car owner or will be handled in common with PFE, SPFE, and UPFE cars as directed by the car owner.

(iv) Exception: Empty mechanical refrigerator cars bearing reporting marks PFE, UPFE, or SPFE and empty mechanical refrigerator cars bearing reporting marks BAR which are assigned by the car owner to use by the Pacific Fruit Express Company shall be returned to either the Southern Pacific Transportation Company or to the Union Pacific Railroad Company in accordance with instructions issued by their jointly-owned subsidiary, the Pacific Fruit Express Company.

(3) **Restriction on loading.** (i) Mechanical refrigerator cars described in paragraph (a)(1)(ii) of this section, located on the lines of the car owner, may be loaded only with freight requiring protection from heat or cold and subject to the provisions of Perishable Protective Tariff 18, I.C.C. No. 37, issued by H. R. Brandt, supplements thereto or reissues thereof. (See paragraph (a)(3)(iii) of this section.)

(ii) Mechanical refrigerator cars described in paragraph (a)(1)(ii) of this section, located on lines other than the car owner, may be loaded with freight requiring protection from heat or cold and subject to the provisions of Perish-

## RULES AND REGULATIONS

able Protective Tariff 18, I.C.C. No. 37, issued by H. R. Brandt, supplements thereto or reissues thereof, only if destined to a station on the lines of the car owner. (See paragraph (a)(3)(iii) and (v) of this section.)

(iii) Note: In the application of paragraph (a)(3)(i) and (ii) of this section, the SP and the UP shall each be deemed to be the owners of cars marked PFE, SPFE, and UPFE and of those BAR cars assigned by the owner to the PFE Company for distribution; and the Milw., the MP, and the Norfolk and Western shall each be deemed to be the owner of cars marked ARMN.

(iv) Mechanical refrigerator cars described in this order shall not be loaded with freight requiring top or body ice unless the shipment is also subject to a mechanical Protective Service Charge as provided in Rule 700 of Perishable Protective Tariff 18, I.C.C. No. 37, issued by H. R. Brandt, supplements thereto or reissues thereof. (See Exception (v).)

(v) Exception: Cars with defective mechanical refrigerator units which the car owner certifies cannot be placed in operating condition within thirty days. Such certification must be furnished by the car owner to the railroad at the point at which the bill of lading and the waybill covering the loaded movement of the car is to be prepared and shall be endorsed on the waybill accompanying the car to destination. The engine compartment door on such cars must be sealed before the cars are forwarded from the point of origin.

(vi) Mechanical refrigerator cars described in this order must not be backhauled or held empty more than twenty-four (24) hours awaiting placement for loading authorized in part (ii) of this paragraph.

(4) **General exception.** Exceptions to this order may be authorized to carriers by R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423, upon receipt of written or telegraphic request from the car owner. All such requests must state the origin, destination, commodity, and full route of the proposed traffic and the reason for the requested exception.

(b) **Effective date.** This order shall become effective at 11:59 p.m., February 18, 1974.

(c) **Expiration date.** This order shall expire at 11:59 p.m., July 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)).

**It is further ordered,** That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement, under the terms of that agreement; and upon the American Short Line Railroad Association;

and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
 Secretary.  
 [FR Doc. 74-4117 Filed 2-20-74; 8:45 am]

**Title 6—Economic Stabilization**  
**CHAPTER I—COST OF LIVING COUNCIL**  
**PART 150—PHASE IV PRICE REGULATIONS**

**PART 152—PHASE IV PAY REGULATIONS**  
 Exemption of the Postcard Manufacturing Industry

The purpose of these amendments is to add an exemption under the Phase IV price regulations applicable to the prices charged for postcards and related products and to add a parallel exemption under the Phase IV pay regulations.

The postcard manufacturing industry is small, well defined, and highly competitive. Annual sales for the entire industry amount to about \$25 million and 85 percent of the production is accounted for by eleven major firms.

The very small size of the industry indicates that any price increases for postcards would have an insignificant overall impact on the economy. Furthermore, uncertain future demand resulting from the scheduled postal rate increase and energy-related travel limitations should moderate price adjustments.

Under §§ 150.11(e) and 150.161(b), a firm remains subject to the profit margin constraints and reporting provisions of the Phase IV controls program unless in its most recent fiscal year it derived both less than \$50 million in annual sales or revenues from the sale or lease of non-exempt items and 90 percent or more of its sales and revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council is also exempting pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the postcard manufacturing industry. The exemption is set forth in new § 152.40k.

The exemption is inapplicable to any such employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the postcard manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the exemption.

The exemption is further inapplicable to employees who are part of an appro-



private employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the postcard manufacturing industry or in support thereof. In cases of uncertainty of application, inquiries concerning the scope or coverage of the exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

The Council retains the authority to reestablish price and wage controls over any of the industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1493.)

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective February 19, 1974.

Issued in Washington, D.C., on February 19, 1974.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

1. In 6 CFR Part 150, § 150.54 is amended to add a new paragraph (mm) to read as follows:

**§ 150.54 Certain price adjustments.**

(mm) *Postcard manufacturing industry.* The prices which manufacturers of postcards, postcard albums, postcard folders containing pictures of tourist attractions, and souvenir pictorial books developed from postcards charge for those products are exempt.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.40k to read as follows:

**§ 152.40k Postcard manufacturing industry.**

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the postcard manufacturing industry or in support of such

operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the postcard manufacturing industry.* For purposes of this section, "Establishment in the postcard manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Group Number 275 (Commercial Printing) and primarily engaged in the manufacture of postcards.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the postcard manufacturing industry or in support of such operation only if such employee is employed at an establishment in the postcard manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, § 152.125, or § 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the postcard manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the postcard manufacturing industry; and

(ii) Not related to pay adjustments or another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the postcard manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the postcard manufacturing industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after February 19, 1974.

[FR Doc. 74-4261 Filed 2-19-74; 4:33 pm]

**PART 150—PHASE IV—PRICE REGULATIONS**

**PART 152—PHASE IV PAY REGULATIONS**  
**Ferrous Castings Industry Exemption**

The purpose of these amendments is to exempt the prices charged for ferrous castings by manufacturers of those products and to add a parallel exemption under the Phase IV pay regulations.

In accordance with the Council's objective of removing controls selectively, where conditions permit, the Council has

decided to exempt the prices charged for ferrous castings and forgings by manufacturers of those products. The affected products are listed in the Standard Industrial Classification Manual, 1972 edition, under Group No. 332. Products in that group include items produced by gray iron foundries, malleable iron foundries, steel investment foundries and other steel foundries. Products listed in Group No. 332 which are produced by forging are also subject to this exemption. These additional products are generally manufactured by firms listed in Industry No. 3462 or Group No. 331.

Approximately 40 percent of the industry's production is accounted for by captive foundries which are controlled by manufacturers using the foundries' products. These foundries' sales are generally intra firm transfers and are not subject to direct price controls. Many of the users of the industry's products, such as auto and truck manufacturers and railroads, are engaged in selling exempt products and services. The primary raw material for the industry, ferrous scrap and ferroalloy scrap, is now exempt from price controls. Thus, this exemption of the ferrous castings industry places manufacturers of ferrous castings in the same exempt status as firms selling the industry much of its raw material and as firms purchasing its products and completes a series of related exemptions. The exemption also grants noncaptive foundries a flexibility in pricing which is effectively similar to that enjoyed by the captive foundries prior to this exemption.

Costs in this industry are rising because of the severe increases in the price for ferrous scrap and ferroalloy scrap since the beginning of 1974. Additional high costs have been imposed on many firms by the requirements of occupational health and safety and pollution control legislation. Exemption at this time will permit firms to acquire the revenues necessary to finance compliance with those requirements.

In developing the list of items the sales of which are exempt under these amendments, the Council relied on the SIC Manual system. Only the sale by the manufacturer of the specific items listed in the amendment to § 150.54 is exempt. Other items which may be generically similar but are not listed do not come within the scope of these amendments.

Under §§ 150.11(e) and 150.161(k), a firm with revenues in its most recent fiscal year from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless it derived both less than \$50 million in annual sales or revenues from the sale or lease of non-exempt items and 90 percent or more of its sales or revenues from the sale of exempt items or exempt sales.

As with all exemptions from Phase IV controls, firms subject to this amendment remain subject to review for compliance with appropriate regulations in effect prior to this exemption. A firm affected by this amendment will be held responsible for its pre-exemption com-

pliance under all phases of the Economic Stabilization Program. A firm affected by this exemption alleged to be in violation of stabilization rules in effect prior to this exemption is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds and possible penalty of \$2,500 for each stabilization violation.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the ferrous castings manufacturing industry. The exemption is set forth in new § 152.40k. The exemption is inapplicable to any such employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the ferrous castings manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the exemption. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25% or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the ferrous castings manufacturing industry or in support thereof. In cases of uncertainty of application, inquiries concerning the scope or coverage of the wage exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

The Council retains the authority to reestablish price and wage controls over any of the industries exempt by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any

other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule-making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1493.)

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective February 20, 1974.

Issued in Washington, D.C. on February 20, 1974.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

1. In 6 CFR Part 150, § 150.54 is amended by adding a new paragraph (oo) to read as follows:

**§ 150.54 Certain price adjustments.**

(oo) *Ferrous castings.* The prices which manufacturers of the following products charge for those products are exempt: ferrous castings and other items listed in the SIC Manual, 1972 edition, under Group No. 332, when produced by either a casting or forging process.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.40k to read as follows:

**§ 152.40k Ferrous castings manufacturing industry.**

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the ferrous castings manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the ferrous castings manufacturing industry.* For pur-

poses of this section, "Establishment in the ferrous castings manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Group Number 332 and primarily engaged in the manufacture of ferrous castings.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the ferrous castings manufacturing industry or in support of such operation only if such employee is employed at an establishment in the ferrous castings manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the ferrous castings manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the ferrous castings manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the ferrous castings manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the ferrous castings manufacturing industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after February 20, 1974.

[FR Doc. 74-4290 Filed 2-20-74; 11:00 am]



## Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

### DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 1 ]

#### ALLOCATION AND APPORTIONMENT OF INCOME TAX DEDUCTIONS

##### Public Hearing on Proposed Regulations

Proposed regulations under sections 861, 863 and 905 of the Internal Revenue Code of 1954, relating to allocation and apportionment of deductions, appear in the FEDERAL REGISTER for June 18, 1973 (38 FR 15840).

Written comments or suggestions were required to be submitted by August 17, 1973. The time for submission of written comments or suggestions pertaining to such proposed regulations was extended to October 17, 1973 (38 FR 19417) and to November 15, 1973 (38 FR 28682).

A public hearing on the provisions of such proposed regulations will be held on March 26, 1974, beginning at 10 a.m., e.d.s.t., in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224. If necessary, the hearing will continue on March 27, 1974.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 15, 1974. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by March 19, 1974. In such a case, unless time and circumstances permit otherwise, the desired copies are deliver-

able only at the above address. The charge for copies is ten cents (\$0.10) per page, subject to a minimum charge of \$1.00.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on March 25, 1974, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,  
Acting Director,

Legislation and Regulations Division.

[FR Doc.74-4274 Filed 2-20-74; 9:31 am]

### DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 1098 ]

[Docket No. AO-184-A34]

#### MILK IN THE NASHVILLE, TENNESSEE, MARKETING AREA

##### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Nashville, Tennessee, marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before March 8, 1974. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

##### PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Nashville, Tennessee, on November 19, 1973, pur-

suant to notice thereof which was issued November 7, 1973 (38 FR 31179).

The material issues on the record of the hearing relate to:

1. Pool plant qualifications.
2. Point of pricing diverted milk.
3. Conforming changes.

##### FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant qualifications*—(a) *Balancing plant*. A balancing plant operated by a cooperative association and approved by a duly constituted regulatory authority to handle milk for fluid consumption in the marketing area, at the cooperative association's request, should be accorded pool plant status in any month in which not less than two-thirds of the total volume of milk received at such plant (including diversion to other plants) and of the producer milk of the cooperative's other producer members received at other plants, in combination, is physically received at pool distributing plants directly from the producers' farms or by transfer from such pool balancing plant of the cooperative association.

Provision whereby its balancing plant could qualify as a pool plant was proposed by the principal cooperative in the market. There was no opposition to the proposal at the hearing. An essentially identical pooling provision, included in the order continuously from November 1960 through August 1971, was suspended September 1, 1971.

A suspension order was issued on May 28, 1971 (to be effective on June 15) and applicable to the Nashville and several other orders, to deter the possible dilution of pool proceeds by milk normally associated with other markets (pool riding). With respect to the Nashville order, the suspension (1) removed the provision whereby a cooperative could designate pool status for a plant operated by such cooperative, and (2) implemented the pricing of diverted milk at the plant to which diverted (instead of at the plant from which diverted).

Subsequently (June 11), that part of the suspension action which removed the provision for pooling the cooperative's plant was deferred until September 1. In explanation, the Department noted that the suspension action that changed the point of pricing "• • • should be sufficient to remove the monetary incentive which has existed heretofore in these markets for the introduction into their pools, directly or indirectly, of substantial quantities of unneeded distant milk".

### PROPOSED RULES

Nevertheless, in consummating the action it was noted further that the provisions of the order by which a cooperative may obtain pool status for its plant should be further reviewed at a later date.

Prior to September 1, 1971, a plant in Nashville now operated by proponent cooperative as a nonpool plant was a pool plant under the suspended pooling provision. The plant now could qualify for pooling only by receiving milk directly from producers' farms and shipping a required percentage of such receipts to pool distributing plants.

It is obviously more economical to move milk directly from the farm to handlers' bottling plants than to receive it at the cooperative's plant for reload and delivery to such bottling plants. Since the cooperative's plant is located in Nashville, where a major portion of the milk for the market is processed and bottled, there is but limited need to move milk through such plant to fill the requirements of Nashville handlers. Thus, its basic function is as an assembly point for producer milk not needed by handlers and, to a limited degree as a storage facility.

The cooperative's plant in its present capacity as a nonpool plant continues to assist the market in the balancing of receipts to bottling needs. However, the cooperative does not now have the needed flexibility to maximize operating efficiency since milk cannot move from the cooperative plant to pool handlers, as pool milk, as it formerly did to supply unanticipated emergency requests for additional milk.

Prior to September 1971, when the cooperative's plant retained pool plant status, pool distributing plants were in a position to supplement their direct producer deliveries, as needed, through transfers from the cooperative's (pool) plant. In the 12 months prior to the September 1, 1971 suspension action, 3.65 million pounds of milk were transferred from the cooperative's plant to pool distributing plants. In this period, the largest monthly transfer (in January) was 542 thousand pounds; the lowest (in August) was 42 thousand pounds.

As might be expected, the quantities of milk pooled by the cooperative's plant were highest during those months of the year when production for the market was highest relative to Class I sales. Conversely, the quantities of milk pooled by the plant were lowest in the months when the Class I needs of the market were highest relative to producer deliveries. During the same 12-month period referred to above (September 1970 through August 1971), 118 million pounds of producer milk were pooled at the cooperative's plant as either a direct delivery from producers to the plant or as diverted milk from that plant to nonpool plants. The largest monthly quantity thus pooled, in August, was 18.3 million pounds; and the lowest, in November, was 5.9 million pounds.

The cooperative's plant has continued to receive the market's surplus milk for disposition to available outside outlets.

The milk of member producers that is received there and which the cooperative wishes to continue to pool is received as diverted milk from pool plants. However, much of the milk received there is not reported as a receipt of diverted milk. When the milk is not pooled and is shipped to outside unregulated markets (primarily for Class I use), the Nashville pool does not share in such Class I sales. In the 12 months ending September 1973, an average of 7.5 million pounds of milk monthly were thus received at the cooperative's Nashville plant and a monthly average of 6.6 million pounds, or 86 percent of that quantity, were sold for Class I use. Reinstating pool plant status for the cooperative plant does not provide assurance that all such outside sales will now be pooled. However, it is likely that the pooling of the plant will return at least some of the outside Class I sales to the pool.

Elsewhere in this decision, provision is made for basing the pool distributing plant route disposition requirements and supply plant pool shipping requirements on the percentage of a plant's receipts, including milk diverted from the plant. Since diverted milk is not now so used in determining plant qualifications, unlimited quantities of milk could now be associated with a plant and pooled as diverted milk, by either the plant operator or the cooperative association, without affecting a plant's pool status. Without appropriate modification of the order in this regard, the adoption of a provision providing pool status for a plant operated by a cooperative could only accentuate the problem.

The changes provided in this decision, however, will limit the quantity of milk that may be diverted since the volume of diverted milk will be included as a plant receipt for purposes of determining each plant's pooling status.

Requiring that at least two-thirds (66⅔ percent) of a cooperative's producer milk and of any nonmember milk that may be associated with the cooperative's balancing plant be delivered to pool distributing plants during the month, either by direct delivery from producers' farms or as a shipment from the cooperative's balancing plant, is a reasonable basis for qualifying such plant for pooling. All milk diverted by the cooperative plus the producer milk received at its plant(s) and that delivered by its members to other pool plants should be considered in determination of whether the requirement that at least two-thirds of such milk was delivered to pool distributing plants was met. In effect, the maximum quantity of milk that could be diverted by the cooperative and/or moved from its plant to nonpool plants during any month would be limited to one-third of the milk pooled by the cooperative.

The proponent cooperative stated that the pool distributing plants that it supplies are basically Class I operations. As a consequence, the 66⅔ percent requirement approximates the actual Class I utilization of the milk of its producer members. That percentage, which was

proposed by the cooperative and was used from November 1960 through August 1971 as a basis for pooling a cooperative plant, also approximates the annual Class I utilization for the total market.

Enabling a cooperative's balancing plant to obtain pool plant status under the conditions here adopted will contribute to the orderly marketing of producer milk under the order. When the milk of dairy farmers regularly supplying the market is not needed at the bottling plant to which it is usually assigned, it can be pooled by delivery to the balancing plant. The plant thus represents an assured outlet for reserve milk without the necessity of involved arrangements under which the producers' milk would have to be diverted from bottling plants in order to maintain pool status.

Proponent proposed that a cooperative be allowed to move a balancing plant from pool to nonpool status and back on a month-to-month basis. As proposed, a cooperative could withdraw a plant from pool status for any month when it could advantageously dispose of milk for Class I use to outside markets, and pool the milk at such plant in only those months when its only use would be for manufacturing purposes. Such a provision would afford the opportunity for "pool-riding," which the 1971 suspension action was taken to deter, and would not be conducive to orderly marketing or in the best interest of all producers supplying the Nashville market.

It is necessary, however, that an appropriate means be provided under the order to enable a cooperative, under certain conditions, to remove a balancing plant from the order pool. Unless such plant during the same month qualified for pooling on the basis of its performance as a distributing plant or a supply plant, a cooperative should be permitted at any time to elect nonpool plant status for a plant that would otherwise qualify as a pool balancing plant. However, if the cooperative elects nonpool status for a balancing plant, such plant should not be reinstated for pooling as a balancing plant in the next 12 months. If a balancing plant were allowed to shift back and forth from pool to nonpool status in shorter periods, it would not be a plant on which the market could depend to perform the function of a balancing plant.

(b) *Distributing plant and supply plant standards*. The pooling percentage qualification for a distributing plant should be based on its total receipts of fluid milk products plus milk diverted from such plant under the diversion limits. Similarly, the quantities of milk on which the pooling percentage qualification of a supply plant is based, should include milk diverted from the plant in addition to its receipts of producer milk. Qualifying percentages (unchanged by this decision) are now based on "total receipts of Grade A milk" for a distributing plant and "receipts of milk from approved dairy farmers" for a supply plant.

The changes here adopted, which were proposed by the principal cooperative in

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the market, were unopposed at the hearing.

The present basis for determining the pooling percentage qualifications are inappropriate under current conditions. They provide a means for pooling plants that may have no substantial association with the market and on which the market cannot depend for its fluid needs. The changes proposed, it was suggested by the cooperative, are necessary to avoid possible dilution of returns to producers that would result from attaching milk supplies to the Nashville pool largely predestined for manufacturing.

Whether the milk of producers regularly supplying a pool plant is diverted therefrom by the plant operator or by the cooperative through which the producers' milk is marketed, such milk is essentially an integral part of the plant's supply. It is appropriate, therefore, in determining a plant's pool status, to consider as its total supply all milk diverted from the plant together with the approved fluid milk products physically received at the plant.

Diverted milk may now be pooled without limit and is not included as a part of the supply of the plant from which diverted in determination of such plant's qualifications for pooling. Thus, a distributing plant diverting 50 percent of its total producer milk supply in reality must meet only 50 percent of the route disposition requirement of a distributing plant having an identical volume of producer milk supply but diverting no milk.

Similarly, if 50 percent of producer milk associated with a pool supply plant were pooled by diversion to nonpool manufacturing plants, the supply plant, by shipping half the milk physically received at such plant to pool distributing plants, would remain pooled. In this circumstance, the plant could qualify as a pool plant by shipping as little as 25 percent of its total producer milk supplies to pool distributing plants. On the other hand, a supply plant that diverted no milk would have shipped 50 percent of its actual producer receipts to qualify for pooling.

The requirements herein adopted for both types of plants will provide a more equitable basis for pooling.

In determination of plant pooling status, only those plants and that milk approved for fluid consumption by a "duly constituted regulatory agency" are considered. The term "duly constituted health authority" is now used in the order in referring to such approved milk. The cooperative spokesman suggested that a term such as "duly constituted regulatory agency" would better express the intent of the reference. The agency responsible for approving milk for fluid consumption is not always specifically designated as a health authority. In the State of Tennessee, for example, this function is the responsibility of the State Department of Agriculture.

As proposed by the cooperative, the "approved plant" definition should be replaced with definitions for "distributing

plant" and "supply plant." Although commonly referred to in the order, distributing plant and supply plant are not defined. The approved plant definition, in a general manner, encompasses both distributing plants and supply plants, but it otherwise serves no purpose.

"Distributing plant" should be defined to mean a plant in which fluid milk products approved by a duly constituted regulatory agency for fluid consumption, or filled milk, are processed or packaged and from which there is route disposition in the marketing area during the month.

"Supply plant" should be defined to mean a plant from which a fluid milk product acceptable to a duly constituted regulatory agency for fluid consumption, or filled milk, is shipped during the month to a pool plant.

The definitions here adopted for distributing plants and supply plants conform with the definitions generally provided in other orders. The specificity provided in these definitions will facilitate the references to such plants throughout the order. Also, their adoption in the Nashville order will facilitate the reference to them in transactions involving other orders.

In conjunction with the revised pool plant definition adopted in this decision, "route disposition" should be defined to mean any delivery (including delivery by a vendor or a sale from a plant store) of any fluid milk product classified as Class I milk other than a delivery to a milk or filled milk processing plant. This is essentially the same language now used in the order to define "route."

The cooperative proposed replacing "route" with "route disposition". A route disposition definition, which is now contained or is in the process of being adopted in most Federal milk orders, is more meaningful than the term "route" in the various contexts in which it is used throughout the order.

2. *Point of pricing diverted milk.* The order should be amended to price producer milk diverted from a pool plant at the location of the nonpool plant to which it is delivered. This is now achieved by means of a suspension action that has been effective since September 1, 1971.

Prior to the suspension, the order priced diverted milk at the location of the pool plant from which diverted. The suspension action was taken to remove the incentive manufacturing plants might have to associate with the order for the purpose of receiving the f.o.b. Nashville price for milk received and utilized at distant locations from the Nashville market.

When producer milk is received as diverted milk at a nonpool plant, its location value is the same as milk delivered by producers to a pool plant at the same location. Pricing milk at the location of the pool plant from which diverted tends to subsidize, at the expense of producers generally, the more distant producers whose milk is diverted to distant manufacturing plants rather

than delivered to the market. This is because the distant producers, in that circumstance, receive the f.o.b. market uniform price on milk that is not moved to the market and on which the full cost for the farm to market hauling has not been incurred.

The order's location adjustments recognize the greater value of producer milk f.o.b. plants in or near the principal population center (Nashville) in the marketing area as compared to its value at other locations. In view of this, it would be inconsistent to price milk at the location of the pool plant from which diverted when actually delivered to a nonpool plant where a different price is appropriate, based on the location adjustment that would be applicable to a pool plant at the same location.

A cooperative proposed that milk diverted to a plant within 175 miles of Nashville be priced at the location of the plant from which diverted and that milk diverted to a plant more than 175 miles from Nashville be priced at the plant of actual receipt.

The order provides for no location adjustment at plants located in the State of Tennessee. At plants outside Tennessee and more than 50 miles from Nashville, the location adjustment (which reduces Class I and uniform prices) is 10 cents plus 1.5 cents for each 10 miles or fraction thereof that a plant is more than 70 miles from Nashville. Thus, the location adjustment at a Bowling Green, Kentucky, plant, 61 miles from Nashville is 10 cents; but no location adjustment is applicable at a Greenville, Tennessee, plant, 245 miles from Nashville.

If the cooperative's proposal were adopted, location adjustments at nonpool plants would apply only to those outside Tennessee and at least 175 miles from Nashville when location adjustments apply at pool plants outside Tennessee that are at least 50 miles from Nashville. To adopt such a provision would have different location adjustments apply at pool plants and nonpool plants at the same location. The record evidence, however, provides no basis for pricing any milk pooled under the order at other than the location of the plant where actually received.

The cooperative's proposal suggests that the order's location adjustment provisions may now be inappropriate. However, the issue of whether the location adjustment provisions should be changed was not among the proposals contained in the hearing notice or otherwise open for consideration at the hearing. Accordingly, consideration may not be given on this record to revising the location adjustment provisions.

3. *Conforming changes.* The changes in definitions provided in this decision necessitate some changes in other sections of the order wherein such definitions are involved. For the convenience of parties, a number of the affected provisions have been redrafted to include the new terms. However, except as heretofore noted, these changes do not affect the application or impact of the order.

#### RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

A brief and proposed findings and conclusions was filed on behalf of an interested party. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

#### GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

#### RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1098.7 is revised as follows:

§ 1098.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pur-

suant to the Act who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency, which milk is received at a pool plant or diverted from the farm directly to a nonpool plant. The term shall not include such person with respect to milk received at a pool plant from an other order plant by diversion if both buyer and seller have requested Class II classification (or its equivalent) in the reports of receipts and utilization filed with the respective market administrators.

2. In § 1098.9, paragraph (a) is revised as follows:

§ 1098.9 Producer-handler.

(a) Produces milk and operates a distributing plant;

3. Section 1098.10 "Approved plant" is revoked and new §§ 1098.10 and 1098.10a are added as follows:

§ 1098.10 Distributing plant.

"Distributing plant" means a plant in which fluid milk products approved by a duly constituted regulatory agency for fluid consumption, or filled milk, are processed or packaged and from which there is route disposition in the marketing area during the month.

§ 1098.10a Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted regulatory agency for fluid consumption, or filled milk, is shipped during the month to a pool plant.

4. Section 1098.11 is revised as follows:

§ 1098.11 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A distributing plant that has route disposition, except filled milk, during the month of not less than 50 percent of the fluid milk products, except filled milk, approved by a duly constituted regulatory agency for fluid consumption that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of its total disposition of fluid milk products, except filled milk, during the month.

(b) A supply plant from which not less than 50 percent of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is physically received from dairy farmers at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13 during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of August through February shall be a pool plant for the months of March through July unless the milk received at the plant does not

continue to meet the requirements of a duly constituted regulatory agency or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(c) A plant that is approved by a duly constituted regulatory agency to handle milk for fluid consumption in the marketing area, that is operated by a cooperative association, for which pool plant status has been requested by the cooperative association, and from which during the month the quantity of fluid milk products (except filled milk) shipped to pool plants qualified pursuant to paragraph (a) of this section plus the milk physically received at such plants by direct delivery from the farms of producer members of the cooperative association is not less than two-thirds of the producer milk received at or diverted from pool plants of the cooperative association plus its members' producer milk received at or diverted from all other pool plants during the same month. If the cooperative association operating a plant qualified as a pool plant pursuant to this paragraph files with the market administrator prior to the first day of any month a written request for nonpool status for such month, the plant shall be a nonpool plant for such month and for each of the next 11 months in which it does not qualify as a pool plant pursuant to paragraph (a) or (b) of this section.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as route disposition in the marketing area regulated by the other order than as route disposition in the Nashville, Tenn., marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order, subject to the proviso of this paragraph: *And provided further*, On the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the route disposition in the respective marketing areas to be used for purposes of this paragraph shall exclude (for

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a specified period of time) route disposition made under limited term contracts to governmental bases and institutions;

(3) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Nashville, Tenn., marketing area as route disposition than as route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation, even though such plant has greater route disposition in the marketing area of the Nashville, Tenn., order; and

(4) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to paragraph (b) of this section during the preceding August through January period.

5. In § 1098.13, paragraph (c) is revoked and paragraph (b) is revised as follows:

§ 1098.13 Producer milk.

(b) Diverted from a pool plant to a nonpool plant other than a producer-handler plant, subject to the following conditions:

(1) Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant; and

(2) Milk diverted to an other order plant shall be producer milk only if a Class II classification is designated for such milk pursuant to the provisions of another order issued pursuant to the Act and such milk is not subject to the pricing and pooling provisions of such order.

6. In § 1098.18 the title "Route" is changed to "Route disposition" and § 1098.18 is revised as follows:

§ 1098.18 Route disposition.

"Route disposition" means any delivery (including delivery by a vendor or a sale from a plant store) of any fluid milk product classified as Class I milk other than a delivery to a milk or filled milk processing plant.

§ 1098.53 [Amended]

7. In § 1098.53, the word "pool" as it appears in paragraph (a) thereof is deleted.

8. In § 1098.81, a new paragraph (c) is added to read as follows:

§ 1098.81 Payments to market administrator.

(c) On or before the 25th day after the end of the month each handler who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (c) (1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class II price) and the Class II price.

9. In § 1098.83, paragraph (b) is revised as follows:

§ 1098.83 Butterfat and location differentials to producers and on nonpool milk.

(b) In making payments to producers pursuant to § 1098.82(b), the uniform price pursuant to § 1098.71 and the uniform base price pursuant to § 1098.72 for producer milk received at a plant shall be reduced according to the location of the plant, each at the rates set forth in § 1098.53; and

10. In § 1098.85, paragraph (c) is revised as follows:

§ 1098.85 Expense of administration.

(c) Class I milk disposed off from a partially regulated distributing plant as route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1098.91 [Deleted]

11. Section 1098.91 is deleted.

12. In § 1098.92, paragraph (b) (1) and (3) is revised as follows:

§ 1098.92 Obligations of handler operating a partially regulated distributing plant.

(b) . . . .

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area;

(2) . . . .

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

Signed at Washington, D.C., on February 15, 1974.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.74-4129 Filed 2-20-74; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 7441]

LITTLE MANATEE RIVER, FLA.

Proposed Drawbridge Operation Regulations

At the request of the Seaboard Coast Line Railroad, the Coast Guard is considering amending the regulations for the Seaboard Coast Line Railroad bridge across the Little Manatee River near Ruskin to require 6 hours notice before the bridge need open. The draw is presently required to open on signal at all times. This change is being considered because of infrequent requests for openings. In 1971 there were 24 openings, in 1972 there were 9 openings and in 1973 there were 5 openings.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, Seventh Coast Guard District (oan), Room 1018, Federal Building, 51 Southwest 1st Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before March 19, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new subparagraph (5) immediately after subparagraph (4) of paragraph (f) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draws tenders is not required.

(f) . . . .

(5) Little Manatee River, Fla.; Seaboard Coast Line railroad bridge at Ruskin. The draw shall open on signal if at least 6 hours notice is given.

. . . .

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g) (2)); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Dated: February 14, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc.74-4076 Filed 2-20-74; 8:45 am]

[33 CFR Part 117]

[CGD 74 42]

GRAND RIVER, GRAND HAVEN, MICHIGAN

Proposed Operation Regulations for Railroad Drawbridge and Highway Drawbridge

At the request of the Michigan Department of State Highways and the Grand Trunk Western Railroad, the Coast Guard is considering revising the regulations for the highway bridge at mile 2.9 and the railroad bridge at mile 2.8 across the Grand River and the railroad bridge across the Spring Lake Outlet to allow the draws to remain closed from December 15 through March 15. Presently the draw of the highway bridge opens on signal at all times. The railroad bridges open on signal from March 2 through December 31; from January 1 through March 1 at least 24 hours notice is required. These changes are being considered because of greatly reduced marine traffic during the winter months.

Interested persons may participate in this proposed rule making by submitting written data, views or arguments to the Commander, Ninth Coast Guard District (oan), 1240 East 9th Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before March 19, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising subparagraphs (3) and (4) of paragraph (f) of § 117.641 to read as follows:

§ 117.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.

(f) . . . .

(3) Grand River, Mich.; Grand Trunk Western Railroad bridge, mile 2.8 and Highway bridge U.S. 31, mile 2.9. The draws shall open on signal from March 16 through December 14. From December 15 through March 15 the draws shall

open on signal if at least 24 hours notice is given.

(4) Spring Lake Outlet, Mich.; the Grand Trunk Western Railroad bridge at Ferrysburg. The draw shall open on signal from March 16 through December 14. From December 15 through March 15 the draw shall open on signal if at least 24 hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Dated: February 14, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc.74-4079 Filed 2-20-74; 8:45 am]

Federal Aviation Administration

[14 CFR Part 129]

[Docket No. 13514; Notice 74-3A]

FOREIGN AIR CARRIERS

Proposed Aviation Security Program Requirements; Extension of Comment Period

The Federal Aviation Administration proposed in Notice 74-3, published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3293), to amend Part 129 of the Federal Aviation Regulations to require the use of security programs by foreign air carriers in scheduled passenger operations conducted with large aircraft to, from and within the United States.

Petitions have been received from 18 interested persons requesting an extension of time for submission of comments. Such an extension will, among other things, allow time for members of the International Air Transport Association to attend a meeting scheduled for March 7 and 8 and attempt to meet security standards such as those contained in regulations applicable to U.S. air carriers.

These petitioners have shown a substantive interest in the proposed amendment and good cause for an extension and I find that a 30-day extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 74-3 will be received is extended to March 27, 1974.

Issued in Washington, D.C., on February 19, 1974.

JAMES M. YOHE,  
Director, Office of Air Transportation Security.

[FR Doc.74-4247 Filed 2-20-74; 8:45 am]

Federal Railroad Administration

[49 CFR Part 215]

[Dockets RSCF-1, 2 and 3; Notice 4]

RAILROAD FREIGHT CAR SAFETY STANDARDS

Extension for Time for Filing of Comments

On January 22, 1974, the Federal Railroad Administration published a notice

of proposed rulemaking to amend Part 215, Railroad Freight Car Safety Standards (39 FR 3567).

Upon consideration of a petition filed on behalf of the Brotherhood of Railway Carmen of the United States and Canada, the period for filing of comments is hereby extended from February 18 to March 15, 1974.

Because of this extension of time for comments, the due date for filing of instructions for safety inspections prescribed in § 215.23(b) and the date after which these inspections must be made contained in § 215.23(a), will be extended in the final rule to provide sufficient time for filing, approval, and implementation of these instructions.

(Section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n))

Issued in Washington, D.C., on February 15, 1974.

DONALD W. BENNETT,  
Chief Counsel.

[FR Doc.74-4051 Filed 2-20-74; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 430]

PULP, PAPER, AND PAPERBOARD MANUFACTURING POINT SOURCE CATEGORY

Proposed Guidelines and Standards; Extension of Time for Comments

On January 15, 1974, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking pursuant to sections 301, 304 (b) and (c), and 307(c) of the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251, et seq. (39 FR 1908). The proposed regulation establishes effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the pulp, paper, and paperboard manufacturing point source category. The due date for comments provided in the notice was February 14, 1974.

EPA anticipated that the "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Pulp, Paper, and Paperboard Manufacturing Point Source Category," which contains information pertinent to the proposed regulation, would be available to the public throughout the comment period. Production difficulties, however, have delayed the availability of the Development Document until shortly before publication of this notice. The Agency believes that members of the public should have an opportunity to review the Development Document in connection with their review of the proposed regulation. Accordingly, the date for submission of comments is hereby extended to and including March 15, 1974.

ALAN G. KIRK, II,  
Assistant Administrator for  
Enforcement and General  
Counsel.

[FR Doc.74-4141 Filed 2-20-74; 8:45 am]

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# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 1, 2 ]  
[Docket No. 19905]

## DOMESTIC PUBLIC RADIO SERVICES

### Order Extending Time for Comments

In the matter of Amendments of Parts 1 and 21 of the Commission's Rules and Regulations applicable to the Domestic Public Radio Services (other than Maritime Mobile), Docket No. 19905.

1. The Commission has before it a Motion for Extension of Time filed February 1, 1974 by the National Association of Radiotelephone Systems (NARS) requesting a one month extension of time (through March 14, 1974) for filing comments in the above entitled rulemaking proceeding, published at 39 FR 1064.

2. NARS, a trade association representing mobile radio and one way signaling service common carriers, requests this extension in order to allow sufficient time to permit consultation within its organization and with others in the land mobile communications field. It appears that this extension of time would promote more thorough and comprehensive comments.

3. Accordingly, it is hereby ordered, Pursuant to the authority of § 0.303(c) of the Commission's Rules, that said Motion is granted and comments in Docket No. 19905 will be due on or before March 14, 1974, and reply comments on or before April 15, 1974.

## PROPOSED RULES

Adopted: February 13, 1974.

Released: February 14, 1974.

[SEAL] WALTER E. HINCHMAN,  
Chief, Common Carrier Bureau.  
[FR Doc.74-4068 Filed 2-20-74;8:45 am]

[ 47 CFR Part 73 ]

[Docket No. 19907]

## VIDEO TELEVISION BROADCAST SIGNALS

### Order Extending Time for Filing Comments and Reply Comments

1. On December 19, 1974, the Commission adopted a notice of proposed rulemaking in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on January 3, 1974, 39 FR 827. The dates for filing comments and reply comments are presently March 1 and April 1, 1974, respectively.

2. On February 11, 1974, Counsel for the National Association of Broadcasters (NAB) requested that the time for filing comments and reply comments be extended to April 15 and May 15, 1974, respectively. Counsel states that the subject of this proceeding will be covered fully during the engineering sessions of the annual NAB Convention to be held in Houston, March 18-20, 1974. He adds that discussion of this subject at the Convention's engineering conferences should prove highly beneficial not only to those members of the Commission's staff in attendance but also to NAB and other industry parties who plan to file comments in this proceeding.

3. We are of the view that the public

interest would be served by extending the time in this proceeding. Accordingly, it is ordered, That the dates for filing comments and reply comments are extended to and including April 15 and May 15, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[SEAL]  
[FR Doc.74-4072 Filed 2-20-74;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 130 ]

### OVER-THE-COUNTER DRUGS GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

Revision of Tentative Final Order for Antacid Products; Modification of In Vitro Test

#### Correction

In FR Doc. 74-1821, appearing at page 2448 in the issue for Tuesday, January 22, 1974, make the following changes:

1. In § 130.305, paragraph (a) (1) (ii) (c), in the last line, the word "NHCI" should read "N HCl".

2. In § 130.305, the second paragraph (a) (1) (ii) (d) (5) (vii) should be redesignated as (a) (1) (ii) (d) (5) (viii).

## Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

[Public Notice CM-112]

### STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

#### Notice of Meeting

The Department of State announces a scheduled meeting of the United States Study Group on U.S. Government Regulatory Problems concerned with preparation for meetings of Study Groups of the International Telegraph and Telephone Consultative Committee of the International Telecommunication Union. The meeting will commence on Tuesday, March 5, 1974 at 10 a.m. in Room 847 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C., and will be continued on through Wednesday, March 6, 1974 as necessary to complete the agenda.

The agenda of this third preparatory meeting following the meeting of CCITT Study Group III, "General tariff principles; lease of telecommunication circuits," held in Geneva, Switzerland January 7-11, 1974 will primarily be concerned with review of CCITT Recommendations D.1, D.2 and D.3 in preparation for U.S. participation in a Working Party of CCITT Study Group III meeting scheduled to be held June 10-14, 1974 which is charged with considering possible revisions of these Recommendations.

Members of the general public who desire to attend the meeting on March 5 and possibly continuing on March 6 will be admitted up to the limit of the capacity of the meeting room.

Dated: February 15, 1974.

RICHARD T. BLACK,  
Chairman,  
U.S. National Committee.

[FR Doc.74-4132 Filed 2-20-74;8:45 am]

[Public Notice CM-113]

### STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

#### Notice of Meeting

The Department of State announces a scheduled meeting of the United States Study Group on U.S. Governmental Regulatory Problems concerned with preparation for meetings of Study Groups of the International Telegraph and Telephone Consultative Committee of the International Telecommunication Union. The meeting will take place on Thurs-

day, March 14, 1974, at 10 a.m. in Room 621 of the Federal Communications Commission, 1919 M Street NW., Washington, D.C.

The agenda of this second CCITT Study Group 1 preparatory meeting in the 1973-1976 CCITT study period will include continued study of plans for the development of U.S. Contributions on questions assigned for study during the 1973-1976 period to CCITT Study Group 1, "Telegraph operation and tariffs (including telex)", and the development of U.S. positions on questions where it is decided not to submit U.S. Contributions. In particular, proposals for revision of rules for counties of chargeable words in telegrams will be further considered.

Members of the general public who desire to attend the meeting on March 14 will be admitted up to the limit of the capacity of the meeting room.

Dated: February 15, 1974.

RICHARD T. BLACK,  
Chairman,  
U.S. National Committee.

[FR Doc.74-4133 Filed 2-20-74;8:45 am]

[Public Notice CM-114]

### SHIPPING COORDINATING COMMITTEE

#### Notice of Meeting

A meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Tuesday, March 19, 1974, in Room 7200, Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C. The meeting will be open to the public.

The Committee will discuss United States positions for the Thirtieth Session of the IMCO Maritime Safety Committee, scheduled to meet in London, March 25-29, 1974.

Persons wishing to attend the meeting should contact Mr. Richard K. Bank, Executive Secretary, Shipping Coordinating Committee, Department of State, Washington, D.C. 20520, telephone (area code 202) 632-0704.

Dated: February 15, 1974.

RICHARD K. BANK,  
Executive Secretary,  
Shipping Coordinating Committee.

[FR Doc.74-4134 Filed 2-20-74;8:45 am]

## DEPARTMENT OF THE TREASURY

### BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

#### Notice of Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the follow-

ing named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Arnold, Walton J., 1030 N. Alexander Street, Fort Allen, Louisiana, convicted on August 28, 1968, in the Franklin County Circuit Court, Mississippi.

Bartels, Ivan, Box 271, Blue River, Wisconsin, convicted on February 6, 1970, in the Grant County Court, Wisconsin.

Batts, Roy Lee, 10437 Barnham, Houston, Texas, convicted on February 6, 1959, in the United States District Court for the Southern District of Texas.

Beckler, Kenneth A., 8017 Kidd Street, Alexandria, Virginia, convicted on May 19, 1972, in the United States District Court for the Eastern District of Virginia, Alexandria Division.

Berard, Russell J., 914 Pioneer Road, Des Moines, Iowa, convicted on August 13, 1971, in the Criminal District Court Number 3 of Dallas County, Texas.

Boothe, James E., 2909 West Townsend, Milwaukee, Wisconsin, convicted on December 1, 1967, in the Milwaukee County Circuit Court, Criminal Division, Milwaukee, Wisconsin.

Campbell, Michael L., 701 Oxford German-town Road, Camden, Ohio, convicted on April 6, 1973, in the Common Pleas Court, State of Ohio, Butler County.

Carney, Maxie V., 1009 West McKennie Avenue, Nashville, Tennessee, convicted on January 14, 1963, in the Criminal Court of Davidson County, Tennessee.

Crook, Dennis D., Box 73, R.R. No. 2, Tama, Iowa, convicted on March 13, 1970, in the Marshall County, Iowa, District Court.

Curtis, Paul K., Jr., Route 1, Hidden Valley Road, Savage, Minnesota, convicted on May 22, 1961, in the Superior Court of the State of California in and for the County of San Diego.

Dillard, James B., Jr., 3504 Allison Court, Irving, Texas, convicted on January 6, 1967, in the Criminal District Court No. 4 of Dallas County, Texas.

Duncan, Charley E., Rural Route No. 2, Quinlan, Texas, convicted on June 26, 1959, and on April 5, 1943, in the 7th Judicial District Court, Smith County, Texas.

Erickson, Richard C., 2709 Humboldt Avenue, South No. 3F, Minneapolis, Minnesota, convicted on July 10, 1960, in the United States District Court for the District of Minnesota, Fourth Division.



Goodson, Bob J., 6427 Wurzbach Road, Apt. 27, San Antonio, Texas, convicted on July 1, 1970, in the United States District Court for the Western District of Texas.

Hahn, John J., 13829 Bee Street, Farmers Branch, Texas, convicted on December 18, 1965, in the Criminal District Court No. 5, Dallas County, Texas.

Henry, Adam, 3146 St. Clair Drive, Pontiac, Michigan, convicted on August 3, 1959, in the Circuit Court, St. Clair County, Michigan.

Johnson, Albert, 2800 S. Hawthorne Avenue, Sioux Falls, South Dakota, convicted on April 16, 1970, in the United States District Court, District of South Dakota, Southern Division.

Jones, Corbie D., Route 4, Rocky Mount, Virginia, convicted on April 4, 1972, in the United States District Court, Roanoke, Virginia.

Joynt, Thomas J., 2A, Route 1, Dickens, Iowa, convicted on June 9, 1970, in the Clay County District Court, Iowa.

Klein, Donald A., 619 North First Street, Rewey, Wisconsin, convicted on August 18, 1971, in the Grant County Court, Lancaster, Wisconsin.

LaBeau, George J., Route No. 2, 130 Arbutus, Ishpeming, Michigan, convicted on March 21, 1963, in the Circuit Court for Marquette County, Michigan.

Lintecum, John A., Route 1, Box 269, Hillsville, Virginia, convicted on May 27, 1968, in the Circuit Court of Carroll County, Virginia.

Littlefield, Warren R., 4 Washington Street, Amesbury, Massachusetts, convicted on August 11, 1962, in the Second District Court of Essex, Amesbury, Massachusetts.

Marlow, Linda G., Box 602, RD 1, Jersey Shore, Pennsylvania, convicted on July 18, 1968, in the Criminal Court, Dade County, Florida.

Moninger, Harold S., Box No. 5, Deep Valley, Pennsylvania, convicted on November 18, 1970, in the Court of Common Pleas, Columbia County, Ohio.

Moore, Clinton E., 300 Marlboro Road, Portsmouth, Virginia, convicted on February 23, 1949, in the Circuit Court, City of Portsmouth, Virginia; on November 24, 1954, in the Circuit Court, Norfolk County, Virginia; on December 21, 1949, in the United States District Court, Swainsboro, Georgia; on June 19, 1956, in the Hustings Court, City of Portsmouth, Virginia; and on November 20, 1955, in the Criminal Court, City of Portsmouth, Virginia.

Napier, Cleo E., 2134 Vermont Avenue, Connersville, Indiana, convicted on January 4, 1937, in the Circuit Court, Fayette County, Indiana.

Neaher, Robert L., 27754 Eastwick, Roseville, Michigan, convicted on or about December 3, 1953, Oakland County Michigan Court; on October 8, 1957, in the Macomb County Circuit Court, Michigan; on January 8, 1962, in the Wayne County Circuit Court, Michigan; and on September 8, 1963, in the St. Clair County Court, Michigan.

Powell, Danny W., 1509 Edley Place, Apt. 1, Lynchburg, Virginia, convicted on July 14, 1971, in the Lynchburg Corporation Court, Lynchburg, Virginia.

Richer, Roland J., 4054 46th Street, Des Moines, Iowa, convicted on June 26, 1970, in the United States District Court, Southern District, Iowa.

La Rochelle, David L., Star Route, Naples, Idaho, convicted on January 8, 1971, in the Circuit Court of the State of Oregon for the County of Klamath.

Scott, Joseph G., 9534 Ward, Detroit, Michigan, convicted on June 7, 1962, in the United States District Court, Detroit, Michigan.

Telkamp, Geoffrey A., 6926 Mistletoe, Dallas, Texas, convicted on January 8, 1970, in the United States District Court, Western District of Texas, Austin Division.

Thompson, William F., III, RD No. 1, Stratantville, Pennsylvania, convicted on September 1, 1972, in the Court of Quarter Sessions, Clarion County, Pennsylvania.

Westman, Adolph E., 3712 2nd Street NE, Minneapolis, Minnesota, convicted on September 23, 1947, in the United States District Court, District of Minnesota.

Signed at Washington, D.C., this 7th day of February, 1974.

[SEAL] REX D. DAVIS,  
Director, Bureau of Alcohol,  
Tobacco and Firearms.

[FR Doc.74-4110 Filed 2-20-74; 8:45 am]

#### Customs Service

[T.D. 74-66]

#### FOREIGN CURRENCIES Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-40 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

France franc:	
February 5, 1974.....	\$0. 1983
Italy lira:	
February 5, 1974.....	.001520
February 4, 1974.....	.001519
February 6, 1974.....	.001516
February 7, 1974.....	.001509
February 8, 1974.....	.001511
Japan yen:	
February 4, 1974.....	.003367
February 6, 1974.....	.003360
February 7, 1974.....	.003369
February 8, 1974.....	.003375
Sri Lanka rupee:	
For the period February 4 through February 7, 1974, rate of \$0.1425.	

R. N. MARRA,  
Director, Appraisal and  
Collections Division.

[FR Doc.74-4114 Filed 2-20-74; 8:45 am]

#### Internal Revenue Service ART ADVISORY PANEL Notice of Closed Meeting

Notice is hereby given that pursuant to section 10(a) (2) of the Federal Advisory Committee Act, Public Law 92-463, a closed meeting of the Art Advisory Panel will be held on March 12 and 13, 1974, beginning at 9:30 a.m. in Room 3313 Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal income, estate or gift

tax returns. This involves the discussion of confidential material in individual tax returns. A determination as required by section 10(d) of the Act has been made that these meetings are concerned with matters listed in section 552(b) of Title 5 of the United States Code, and that the meetings will not be open to the public.

[SEAL] DONALD C. ALEXANDER,  
Commissioner.

[FR Doc.74-4108 Filed 2-20-74; 8:45 am]

[Order No. 146]

#### ASSISTANT COMMISSIONER (STABILIZATION) ET AL Delegation of Authority Relating to Phase I, II, and III Price Stabilization

1. The authority granted the Commissioner of Internal Revenue by Treasury Department Order No. 150-84, dated January 24, 1974, is hereby redelegated to the Assistant Commissioner (Stabilization), Regional Commissioners, Assistant Regional Commissioners (Stabilization), and District Directors and also to Key District Directors to exercise in and for the related Associate Districts. Key District Directors will exercise functional supervision over Stabilization activities in related Associate Districts.

2. The authority may be redelegated by the Assistant Commissioner (Stabilization), Regional Commissioners, Assistant Regional Commissioners (Stabilization) and District Directors and may not be further redelegated.

Date of issue: February 14, 1974.

Effective date: February 14, 1974.

[SEAL] DONALD C. ALEXANDER,  
Commissioner.

[FR Doc.74-4112 Filed 2-20-74; 8:45 am]

[Order No. 147]

#### COMMISSIONER OF INTERNAL REVENUE Redelegation of Authority To Effect Personnel Actions for the Compliance and Enforcement Arm

The authority delegated to the Commissioner of Internal Revenue by Federal Energy Office, Delegation of Authority No. 3, effective January 24, 1974, to recruit, appoint, train, reassign, discipline, or take any other usual and necessary personnel action, including classification of positions, required in the establishment of the Compliance and Enforcement Arm as an integral part of the Federal Energy Office is hereby redelegated to IRS officials to the same extent and under the same circumstances and subject to such applicable procedures as are presently contained in existing Service delegations of authority.

The authority delegated in this Order shall be effective as of January 24, 1974

and shall remain in effect until June 30, 1974.

Issued: February 14, 1974.

[SEAL] DONALD C. ALEXANDER,  
Commissioner.

[FR Doc.74-4113 Filed 2-20-74; 8:45 am]

#### DEPARTMENT OF DEFENSE

Office of the Defense Advisor, United States Mission to NATO

#### DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE (DIAGE)

##### Notice of Closed Meeting

The Defense Industry Advisory Group-Europe (DIAGE) will hold a closed meeting on 21 February 1974 in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium. The agenda topics will include current economic problems in the United Kingdom, status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Persons desiring information about the advisory group may telephone Brussels 41.44.00, extension 5729, or write to the Executive Secretary, Defense Industry Advisory Group-Europe (DIAGE), U.S. Mission to NATO, OTAN-Evere, 1110 Brussels, Belgium.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division, OASD  
(Comptroller).

FEBRUARY 15, 1974.

[FR Doc.74-4065 Filed 2-20-74; 8:45 am]

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Indian Affairs

#### ALEXANDER (ALEXANDER CREEK), ALASKA

##### Final Decision Concerning Eligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR, part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark, of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801, Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Fouch M., Juneau, Alaska 99801, and Matanuska-Susitna Borough, P.O. Box B, Palmer, Alaska 99645, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Commissioner, Department of Natural Resources, State of Alaska, was dated January 16, 1974, and was received on January 17, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Matanuska-Susitna Borough was dated January 17, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "1970 census data showed that 25 Natives were not residents of these villages as of the date of the census."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows:

The Bureau of Indian Affairs printout for Alexander Creek run November 8, 1973, shows 37 persons enrolled to the village with only one, Lawrence Roberts, actually residing there now. Alexander Creek is not listed as a village in the unincorporated places of 25 to 999 in the 1970 census (hereinafter called 1970 census). Accordingly, the Director should determine what other evidence exists to warrant certification of the eligibility of the remaining persons enrolled to Alexander Creek.

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows:

The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by Sec. 5(b) of the Alaska Native Claims Settlement Act, 85 Stat. 680. The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine the legal residence.

Protestant Matanuska-Susitna Borough states in part as follows:

This notice of protest has been prepared in conformity with 43 CFR 2651.2 and is accompanied by evidence which shows that Alexander Creek is ineligible for certification and benefits pursuant to the Alaska Native Claims Settlement Act.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b) (3) of the Act is quoted as follows:

Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that

(A) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by

the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census) date as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 31 Natives had been approved for enrollment in the Native Village of Alexander, (Alexander Creek). On September 19, 1973, a field investigation was completed of Alexander (Alexander Creek) and at that time 16 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 31 Natives who have been approved for enrollment to Alexander (Alexander Creek), represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of their eligibility of the enrolled Natives of Alexander (Alexander Creek).

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Alexander (Alexander Creek) is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a) (5) of Title 43 CFR, by March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal

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within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 7, 1974.

[FR Doc.74-4053 Filed 2-20-74;8:45 am]

**ANTON LARSEN BAY, ALASKA**  
Final Decision Concerning Eligibility as  
Native Village

This is a written decision on protests filed pursuant to 43 CFR Part 2650 by the State of Alaska, by Charles F. Herbert, Commissioner, Department of Natural Resources, Pouch M, Juneau, Alaska 99801; by the Forest Service, U.S. Department of Agriculture by and through the Alaska Regional Forester, C. A. Yates, P.O. Box 1628, Juneau, Alaska 99801; by the Alaska Wildlife Federation and Sportsman Council, Inc. and Mr. Philip Holdsworth by and through James F. Clark of Robertson, Monagle, Eastaugh and Bradley, Attorneys at Law, P.O. Box 1211, Juneau, Alaska 99801; by the Alaska Chapter of the Sierra Club by Jack Hession, Alaska Representative, 2400 Barrow, Anchorage, Alaska 99501; and by Bureau of Sport Fisheries and Wildlife, Department of the Interior by and through Area Director Gordon W. Watson, 813 D. Street, Anchorage, Alaska 99501, hereinafter referred to as protestants. The protest of the State of Alaska was dated January 18, 1974 and received on January 21, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the U.S. Forest Service was dated January 18, 1974 and received on January 21, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974 and received on January 21, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows:

The printout run by the Bureau of Indian Affairs for November 8, 1973, shows none of those certified as living at Anton Larsen Bay. Nor is it listed as a village in the 1970 census.

Protestant Alaska Chapter of the Sierra Club states in part: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestant Area Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior states:

We contend that neither the identifiable physical locations of Bells Flats or Anton Larsen Bay, nor the minimum residence requirement in relation to identifiable physical village location has been established.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows:

The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in

fact residents of the villages as required by sec. 5(b) of the Alaska Native Claims Settlement Act, 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residence for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine their legal residence.

Protestant Regional Forester, Forest Service, U.S. Department of Agriculture states in part as follows:

Enrollment to Anton Larsen Bay or Point Possession does not meet the requirements of sec. 5(b) and sec. 3(c) of the ANCSA. The Interior Department has, through its regulations and procedures, distorted and ignored the actual language of the Act. The enrollment of the Natives as set out in the ANCSA, sec. 5(b), is quite specific: "The roll prepared by the Secretary shall show for each Native . . . the region and the village or other place in which he resided on the date of the 1970 census enumeration, and he shall be enrolled according to such residence." The Area Director, in his Anton Larsen and Point Possession decisions, would ignore these pertinent requirements of the Act on enrollment by quoting village requirements Sec. 11(b)(2)(A), "less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary . . ."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows:

The printout run by the Bureau of Indian Affairs for November 8, 1973, shows none of those certified as living at Anton Larsen Bay. Nor is it listed as a village in the 1970 census.

Protestant Alaska Chapter of the Sierra Club states in part: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestant Area Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior states:

We contend that neither the identifiable physical locations of Bells Flats or Anton Larsen Bay, nor the minimum residence requirement in relation to identifiable physical village location has been established.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the

census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 38 Natives had been approved for enrollment in the Native Village of Anton Larsen Bay. On July 19, 1973, a field investigation was completed of Anton Larsen Bay and at that time 14 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment to Anton Larsen Bay, represents a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of the eligibility of the enrolled Natives of Anton Larsen Bay.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Anton Larsen Bay is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record.

Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, by March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal within which to file an appeal brief, and the opposing parties shall not have more than 15 days from the date of receipt of the appellant's brief within

which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 8, 1974.

[FR Doc.74-4054 Filed 2-20-74;8:45 am]

**ATTU, ALASKA**  
Final Decision Concerning Ineligibility as  
Native Village

This is a written decision on a protest filed pursuant to 43 CFR, Part 2650 by The Aleut Corporation by and through its attorneys, Kay, Miller, Libbey, Kelly, Christie & Fuld, hereinafter referred to as protestant, First National Building, Suite 500, Anchorage, Alaska 99501. The protest of the Aleut Corporation was dated January 18, 1974, and it was received January 21, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant objects to the Native Village of Attu being determined to be ineligible because protestant states as follows:

While the village of Attu is no longer inhabited, it has long been recognized as a traditional Native village. It is only due to the acts of the government after World War II which prevented the Attu Aleuts from returning to their village. The subsequent actions of the government since World War II have continued to prohibit the Aleuts from residing at Attu. As it is the government's action, beginning in 1945 and continuing thereafter which caused Attu to be unoccupied in 1970 should be certified as an eligible village pursuant to the special provision of § 2651.2(b)(2).

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character, and a majority of the residents are Natives.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the

eligibility of Natives for land benefits under the Act.

Section 2651.2(b)(2) is quoted in part as follows:

... Provided, that no village which is known as a traditional village shall be disqualified if it meets the other criteria specified in this subsection by reason of having been unoccupied in 1970 because of an Act of God or government authority occurring within the preceding 10 years.

As of December 17, 1973, only 11 Natives had been approved for enrollment in the Native Village of Attu. To our knowledge no Natives have resided on or used the Native village site of Attu since September, 1942 when they were captured by the Japanese and sent to Japan as prisoners for the duration of World War II.

We realize that the Natives of Attu have always expressed a desire to return to Attu but were prevented from doing so due to financial circumstances. It has been over thirty years since Attu was last occupied as a Native village and therefore fails to meet the requirements of § 2651.2(b) of 43 CFR by not being occupied within the 10 year period preceding 1970.

It appears to us that special Congressional legislation amending the Act and a waiver of the regulations would be required in order for Attu to be eligible as a Native village.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protest together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native Village of Attu is ineligible for land benefits under said Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, by March 25, 1974.

Appellants shall have not more than 15 days from the date of receipt of their notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

dress is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 5, 1974.

[FR Doc.74-4052 Filed 2-20-74;8:45 am]

**BETTLES FIELD (EVANSVILLE), ALASKA**  
Final Decision Concerning Eligibility as a  
Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, and the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801. The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and it was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows:

... we disagree with the provisions (1) that Natives enrolled to a village, but not actually residing therein, are deemed residents of the village; and (2) that a village is considered eligible if "at least thirteen persons who enrolled thereto . . . have used the village during 1970 as a place where they actually lived for a period of time." Both provisions seem logically and perhaps legally inconsistent with the wording of the Alaska Native Claims Settlement Act itself. We think that Congress intended that eligible villages be those actually occupied by 25 or more qualified Natives.

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows:

"Bettles Field—the printout run by the Bureau of Indian Affairs on November 8, 1973, shows only 15 person enrolled to Bettles Field who currently resides there. Section 11(b)(2) of the Alaska Native Claims Settlement Act requires that a village have 25 or more residents before it can be certified under the Act. Moreover, Bettles Field is not listed as a village in the 1970 census. The Director is called upon for the reasons set forth with respect to Bettles Field to investigate each of the individuals enrolled to Bettles Field to determine whether or not they have other criteria of residence as that term was intended by Congress to mean. Because of this prima facie proof that there are not 25 residents of Bettles Field and that it was not a village in the 1970 census the decision to certify Bettles Field as eligible under the Act is protested.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

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(A) Twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 77 Natives have been approved for enrollment in the Native Village of Bettles Field (Evansville). On July 25, 1973, a field investigation was completed for Bettles Field (Evansville) and at that time 27 Natives used the village for a period of time in 1970 and 25 of these Natives have been approved for enrollment to this village. The 77 Natives who have been approved for enrollment to Bettles Field (Evansville) represent a majority of the residents of the village in 1970. This village had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. See requirements of § 2651.2(b) of Title 43 CFR. The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision and does hereby render a final decision determining that the Native Village of Bettles Field (Evansville) is eligible for land and benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the *FEDERAL REGISTER* and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, by March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the op-

posing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 11, 1974.

[FR Doc.74-4055 Filed 2-20-74;8:45 am]

#### KING ISLAND, ALASKA

##### Final Decision Concerning Eligibility as a Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, and Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and it was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and it was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant, Alaska Chapter, Sierra Club, states in part as follows:

1970 census data showed that 25 Natives were not residents of this village as of the date of the census.

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth, state in part as follows:

*King Island*—The Bureau of Indian Affairs printout run November 8, 1973 shows none of the enrollees to King Island as presently living there. Moreover, it is not listed as a village in the 1970 census.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this act, determines that—

(A) Twenty-five or more Natives were residents of an established village on the 1970

census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of resident (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 186 Natives had been approved for enrollment in the Native Village of King Island. On August 17, 1973 and on December 6, 1973, field reports of King Island show at that time 13 Natives who used the village for a period of time in 1970 were subsequently approved for enrollment on December 17, 1973.

The 186 Natives who have been approved for enrollment to King Island, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and thirteen Natives enrolled thereto have used the village as a place where they actually lived for a period of time as required by § 2651.2(b) of Title 43 CFR.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of King Island is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the *FEDERAL REGISTER* and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, by March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to

file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 11, 1974.

[FR Doc.74-4057 Filed 2-20-74;8:45 am]

#### TENAKEE, ALASKA

##### Final Decision Concerning Ineligibility as a Native Village

This is a written decision on protest filed pursuant to 43 CFR, Part 2650 by John Borbridge, Jr., President, Sealaska Corporation, 127 South Franklin St., Juneau, Alaska 99801, in behalf of the Native Village of Tenakee Springs, also known as Tenakee, hereinafter referred to as protestant. The protest was dated January 15, 1974, and received on the same date by the Director, Juneau Area Office, Bureau of Indian Affairs. Protestant objects to the Native Village of Tenakee being determined to be ineligible on the ground that:

Affidavits attesting to the fact that the Native population of Tenakee Springs, as reported in the 1970 U.S. Census was in error and that as a result of this census error, the village had a majority of Native residents. Many individuals, during the enrollment process, made application to correct their original enrollment which did not show Tenakee Springs under Column 16 due to a mistake of fact or error of law. These same people appealed the denial of their request and our records indicate that many of those appeals are still pending. The importance of the final determination of appeals with regard to the Alaska Native Enrollment cannot be overstated. The December 18, 1973, enrollment printout shows 38 individuals enrolled to Tenakee (Tenakee Springs). Our records show many additional Natives have requested a correction in Column 16 and these requests are presently under appeal.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) Twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character, and a majority of the residents are Natives.

Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 38 Natives had been approved for enrollment in the Native Village of Tenakee. On December 13, 1973, an investigation was completed of Tenakee and it was determined not to be modern and urban in character but it was determined not eligible as an unlisted Native village under the Act and the regulations. The non-Native population of Tenakee was 76 in 1970 according to the U.S. Census. The 1970 census shows that the non-Natives were in the majority when compared to the approved Native enrollment on January 21, 1974. There is no way to determine whether errors were made in the 1970 U.S. Census i.e., whether some Natives were listed as non-Natives. Tenakee meets all requirements of § 2651.2(b) of Title 43 CFR except it did not have a majority of Natives in 1970, nor does it have a majority at this time. The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, must be based on the actual number of Natives on the approved enrollment and any additional Natives not enrolled who resided in Tenakee in 1970. The record does not show that any unenrolled Natives resided in Tenakee in 1970.

Since only 38 Natives were included in the approved enrollment in Tenakee as of January 21, 1974, which is the most recent enrollment printout, the Director must use these figures in making his decision within the thirty-day period for answering protests. The fact that appeals have been filed for Column 16 changes and such appeals are still pending in the enrollment at Tenakee, the decision of the Director cannot be based on these pending enrollment changes. The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protest together with his record of findings of fact and decision and does hereby render a final decision determining that the Native Village of Tenakee is ineligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the *FEDERAL REGISTER* and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall

become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, by March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 11, 1974.

[FR Doc.74-4058 Filed 2-20-74;8:45 am]

#### WOODY ISLAND

##### Final Decision Concerning Eligibility as a Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, and by Alaska Wildlife Federation and Sportsman Council, Inc., and Mr. Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and it was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protests of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and it was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant, Alaska Chapter, Sierra Club states in part as follows: "1970 Census data showed that 25 Natives were not residents of this village as of the date of the census."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows:

*Woody Island*—The Bureau of Indian Affairs printout dated November 8, 1973, shows only 2 of the persons enrolled to Woody Island as living there at the present time.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and

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benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(a) Twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(b) The village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 279 Natives had been approved for enrollment in the Native Village of Woody Island. On July 18, 1973, a field investigation was completed of Woody Island and at that time 18 Natives who used the village for a period of time in 1970 were subsequently approved for enrollment on December 17, 1973. The 279 Natives who have been approved for enrollment to Woody Island, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village as a place where they actually lived for a period of time as required by Subpart 2651.2(b) of Title 43 of CFR.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Woody Island is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the *FEDERAL REGISTER* and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2 (a) (5) of Title 43 CFR, by March 25, 1974. Appellants shall have not more

than 15 days from the date of receipt of their notices of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional brief in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 8, 1974.

[FR Doc.74-4056 Filed 2-20-74;8:45 am]

**National Park Service  
NORTHEAST REGIONAL ADVISORY  
COMMITTEE**

**Notice of Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Northeast Regional Advisory Committee will be held at 9 a.m., e.d.t., on February 25 and 26, 1974, at the Mid-Atlantic Regional Office Conference Room, at 143 South Third Street, Philadelphia, Pa.

The Northeast Regional Advisory Committee was established pursuant to Public Law 91-383, August 18, 1970, to provide for the exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Northeast Region of the National Park Service.

The members of the Advisory Committee are as follows:

Mr. Norman G. Duke (Chairman)  
Northfield, Ohio  
Mr. Hyman J. Cohen  
Arlington, Virginia  
Mrs. Antoinette Downing  
Providence, Rhode Island  
Mr. Charles H. W. Foster  
Needham, Massachusetts  
Mr. Fred D. Hartley  
Kenosha, Wisconsin  
Mr. Lewis W. Jones  
Bloomington, Illinois  
Mr. William L. Lieber  
Indianapolis, Indiana  
Mr. Frederick R. Michs  
Ontario, New York  
Dr. M. Graham Netting  
Pittsburgh, Pennsylvania

The matters to be discussed at this meeting are: (1) Impact of the Energy Crisis in Parks, (2) The National Park Foundation, (3) The Regional Advisory Committee under the reorganization, and (4) Summary of action on Committee Resolutions to date.

The meeting is open to the public. It is expected that 25 persons will be able to

attend the session in addition to the Advisory Committee members and the Mid-Atlantic Regional staff.

Any member of the public may file with the Committee a written statement concerning matters to be discussed.

Further information concerning this meeting may be obtained from George A. Palmer, Special Assistant to the Regional Director, at 215-597-7014. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Mid-Atlantic Region, 143 South Third Street, Philadelphia, Pa.

Dated: February 8, 1974.

ROBERT M. LANDAU,  
Liaison Office, Advisory Com-  
missions, National Park Serv-  
ice.

[FR Doc.74-4147 Filed 2-20-74;8:45 am]

**Office of Hearings and Appeals  
[Docket No. M 74-42]**

**BECKLEY COAL MINING CO.**

**Petition for Modification of Application of  
Mandatory Safety Standards**

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), the Beckley Coal Mining Company has filed three petitions to modify the application of mandatory safety standards. The first petition requests modification of section 303(y) (1), also published as 30 CFR 75.326; the second requests modification of section 303(y) (2), also published as 30 CFR 75.327, and implementing regulation 30 CFR 75.327-1; and the third requests modification of 30 CFR 75.1707. All such requests relate to Petitioner's mine located at Glen Daniel, West Virginia. Since the three petitions are all interrelated, they have been assigned the same docket number, and they will be considered together.

Section 303(y) (1) reads in pertinent part, as follows:

In any coal mine opened after the operative date of this title, the entries used as intake and return aircourses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. . . .

Section 303(y) (2) reads as follows:

In any coal mine opened on or after the operative date of this title, or, in the case of a coal mine opened prior to such date, in any new working section of such mine, where trolley haulage systems are maintained and where trolley wires or trolley feeder wires are installed, an authorized representative of the Secretary shall require a sufficient number of entries or rooms as intake courses in order to limit, as prescribed by the Secretary, the velocity of air currents on such haulage ways for the purpose of minimizing the hazards associated with fires and dust explosions in such haulageways.

30 CFR 75.327-1 reads as follows:

Unless a higher velocity is approved by the Coal Mine Safety District Manager, the velocity of the air current in the trolley haulage entries shall be limited to not more than 250 feet a minute.

30 CFR 75.1707 reads in pertinent part, as follows:

In the case of all coal mines opened on or after March 30, 1970, and in the case of all new working sections opened on or after such date in mines opened prior to such date, the escapeway required by this section to be ventilated with intake air shall be separated from the belt and trolley haulage entries of the mine for the entire length of such entries to the beginning of each working section. . . .

Petitioner states in support of its petition that the mine at Glen Daniel, West Virginia, is a new operation opened after the operative date of the Federal Coal Mine Health and Safety Act of 1969. The mine is a deep mine operating at a level of approximately 600 feet below the surface. It is below the water table and access is by a slope and two shafts. Construction of the mine is not yet complete. Volume production is expected to begin shortly after February 1, 1974. Plans for mining contemplate a belt conveyor and a trolley operating in parallel entries in all sections.

Petitioner proposes that while return airways would be separated from belt and trolley haulage entries at the mine, intake entries would not be separated from belt and trolley haulage entries and that the velocity of the air current in the trolley haulage entries need not be limited to 250 feet a minute. Petitioner contends that the application of the mandatory standard will result in a diminution of safety to miners in the affected mine because it will permit the accumulation of methane gas in dead air spaces adjacent to stoppings required by the application of the mandatory standards, with a resultant explosive risk. Petitioner further contends that the alternative standard petitioned for herein will provide for the dilution and carrying away of methane gas as it is liberated.

Petitioner contends that the mandatory safety standards would require the construction of permanent-type stoppings between the belt entry and the trolley entry, and also between the trolley entry and intake entry. Petitioner states that the mine contains a sufficient amount of methane gas to require caution in construction. Petitioner is of the opinion that the construction of the stoppings and the limiting of velocity of air on the haulage entries to 250 feet per minute would create the risk of pockets of methane gas adjacent to the stoppings which could not be adequately deleted and removed.

Petitioner feels that the application of the safety standard would result in a diminution of safety to the miners in the mine, whereas the alternative method proposed would provide for dilution and carrying away of methane gas liberated in the mine.

For the same reasons expressed above, Petitioner believes that the application of

the requirements of standard 75.1707 providing for an escapeway separated from the belt and trolley haulage entries, will result in a diminution of safety to miners in that the installation of the stoppings will create areas greatly increasing the risk of accumulation of methane gas.

Under Petitioner's proposed modification, the belt and trolley haulage entries become intake airways and for that reason Petitioner feels that the air velocity cannot be limited to 250 feet per minute without severely reducing the intake air in the working sections.

Persons interested in this petition may request a hearing on the petition or furnish comments on, or before March 25, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of Hearings  
and Appeals.

FEBRUARY 11, 1974.

[FR Doc.74-4014 Filed 2-20-74;8:45 am]

[Docket No. M 74-53]

**EASTERN ASSOCIATED COAL CORP.**

**Petition For Modification of Application of  
Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Eastern Associated Coal Corporation has filed a petition to modify the application of 30 CFR 75.1600-1 to its Wharton No. 5, Wharton No. 6, Federal No. 1, Colver, Kopperston No. 1, Kopperston No. 2, Keystone No. 2, and Keystone No. 3-B Mines.

30 CFR 75.1600-1 reads as follows:

A telephone or equivalent two-way communication facility shall be located on the surface within 500 feet of all main portals, and shall be installed either in a building or in a box-like structure designed to protect the facilities from damage by inclement weather. At least one of these communication facilities shall be at a location where a responsible person who is always on duty when men are underground can hear the facility and respond immediately in the event of an emergency.

Petitioner contends that the authorized representative of the Secretary of the Interior has interpreted such regulation to require that the station which is manned at all times when men are underground, be located within 500 feet of all main portals. Petitioner states that the regulation has been enforced by the authorized representative of the Secretary at Petitioner's Wharton No. 5 and No. 6 Mines, and that the regulation may presently be enforced at its Federal No. 1, Colver, Keystone No. 2 and No. 3-B, Kopperston No. 1 and No. 2 Mines.

Petitioner requests that it be allowed to continue using its present communications system. Petitioner states that it

maintains an effective two-way subsurface to surface telephone communication system with a responsible person stationed within hearing distance at all times when men are underground at the above-listed mines.

Petitioner submits that the two-way communication system now utilized at its mines guarantees no less than the same measure of protection afforded the miners at such mines by the mandatory safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 25, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: February 11, 1974.

JAMES R. RICHARDS,  
Acting Director,  
Office of Hearings and Appeals.

[FR Doc.74-4012 Filed 2-20-74;8:45 am]

[Docket No. M 74-37]

**HATTER COAL CO.**

**Petition for Modification of Application of  
Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Hatter Coal Company has filed a petition to modify the application of 30 CFR 75.1400 to its Middle Split Slope Mine located at Hegins, Pennsylvania.

30 CFR 75.1400 reads in pertinent part as follows:

Cages, platforms, or other devices which are used to transport persons in shafts and slopes shall be equipped with safety catches or other no less effective devices approved by the Secretary that act quickly and effectively in an emergency. . . .

Petitioner seeks modification of the portion of 30 CFR 75.1400 which requires safety catches or other no less effective devices on any cages, platforms, or other devices which are used to transport persons in shafts and slopes. As an alternative, Petitioner would continue to use its present haulage system in its Middle Split Slope Mine.

In support of its petition, Petitioner states:

(1) There is no safety catch or other device currently available for use in a mine with steeply pitched slopes, numerous curves and knuckles as is the case in the Middle Split Slope Mine.

(2) The steel gunboat used to transport men and supplies along the main haulage slope is securely fastened to a wire rope, with secondary safety connections around the gunboat and attached to the main rope.

(3) The safety standard of the rope attached to the gunboat far exceeds the recommended standards for wire ropes used in mines.

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(4) A workable safety catch has not been developed, and makeshift devices would actually increase the hazards to the miners.

Petitioner asserts that the alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 25, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: February 11, 1974.

JAMES R. RICHARDS,  
Director,  
Office of Hearings and Appeals.  
[FR Doc.74-4013 Filed 2-20-74; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Forest Service CAVE MOUNTAIN LAKE UNIT Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Cave Mountain Lake Planning Unit, Jefferson National Forest, Virginia, USDA-FS-R8-DES (Adm.)-74-1.

The environmental statement concerns the proposed management direction and resource allocation for a portion of the Glenwood Ranger District, Jefferson National Forest, known as the Cave Mountain Lake Planning Unit.

This draft environmental statement was transmitted to CEQ on February 12, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agriculture Bldg., Room 3230  
12th St. and Independence Ave. S.W.  
Washington, D.C. 20250

USDA, Forest Service  
1720 Peachtree Road NW., Room 804  
Atlanta, Georgia 30309

A limited number of single copies are available upon request to Michael J. Penfold, Forest Supervisor, Jefferson National Forest, Roanoke, Virginia.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, and from state and local agencies which

are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Michael J. Penfold, Jefferson National Forest, Roanoke, Virginia. Comments must be received by April 12, 1974 in order to be considered in the preparation of the final environmental statement.

HANS R. RAUM,  
Acting Regional Forester.  
[FR Doc.74-4061 Filed 2-20-74; 8:45 am]

### DESCHUTES NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE Notice of Meeting

The Deschutes National Forest Advisory Council will meet at 6:30 p.m. on March 14, 1974, at the Copper Room. Dinner will be at 7 p.m. at Original Joe's, 1033, Bond, Bend, Oregon, with the program to follow at 8 p.m.

The subject of this meeting is Geothermal Lease Activity as it relates to the Deschutes National Forest. This will be presented by Don Peters.

The meeting will be open to the public.

Dated: February 11, 1974.

EARL E. NICHOLS,  
Forest Supervisor.  
[FR Doc.74-4074 Filed 2-20-74; 8:45 am]

### LITTLE SLATE CREEK PLANNING UNIT MULTIPLE USE PLAN Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Little Slate Creek Planning Unit, Forest Service report number USDA-FS-FES (Adm.) 74-3.

The environmental statement concerns the proposed action to implement the Little Slate Creek Unit Plan which calls for multiple use management of 43,690 acres of National Forest land in the Little Slate Creek Drainage, Slate Creek Ranger District, Nezperce National Forest, Idaho County, Idaho. The Little Slate Creek Unit Plan identifies alternatives and specifies management guidance for key values of timber management, historic and recreational interest, elk calving and breeding grounds and high areas. It specifies access road location and probable timber sale development while outlining numerous guidelines for the protection and/or development of other resources.

This final environmental statement was filed with CEQ on February 14, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agriculture Bldg., Room 3231  
12th St. and Independence Ave. SW.  
Washington, D.C. 20250

USDA, Forest Service  
Northern Region  
Federal Building, Room 3077  
Missoula, Montana 59801

USDA, Forest Service  
Nezperce National Forest  
319 East Main  
Grangeville, Idaho 83530

A limited number of single copies are available upon request to:

Robert O. Rehfeld, Forest Supervisor  
Nezperce National Forest  
319 East Main  
Grangeville, Idaho 83530

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

KEITH M. THOMPSON,  
Acting Regional Forester,  
Forest Service.

FEBRUARY 14, 1974.

[FR Doc.74-4075 Filed 2-20-74; 8:45 am]

## DEPARTMENT OF COMMERCE

### Office of the Secretary VOTING AGE POPULATION Estimates for 1973 Correction

In FR Doc. 74-3460 appearing at page 5350 of the issue for Tuesday, February 12, 1974, make the following changes in the tables:

1. The figure for Florida's 15th Congressional district, now reading 335, should read 353.
2. The total for Maine, now reading 698, should read 689.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Education NATIONAL ADVISORY COUNCIL ON EDU- CATION PROFESSIONS DEVELOPMENT Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2), Public Law 92-463, that the next meeting of the National Advisory Council on Education Professions Development will be held on Wednesday, March 6, 1974, 10 a.m. to 5 p.m.; Thursday, March 7, 1974, 8:45 a.m. to 5 p.m., in the New York Room of the Statler-Hilton Hotel, Sixteenth Street, between K and L Streets NW.; and Friday, March 8, 1974, 9 a.m. to 12:30 p.m.,

local time, in the Executive Suite of the Statler-Hilton Hotel, in Washington, D.C.

The National Advisory Council on Education Professions Development is established under section 562 of the Education Professions Development Act (Public Law 90-35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda includes discussion of Federal policies on evaluation, educational manpower forecasting, and implementation of the Education Professions Development Act. Records shall be kept of all Council proceedings and shall be available for public inspection at the Council office, located at 1111 20th Street NW., Room 308, Washington, D.C. 20036.

Signed at Washington, D.C., on February 11, 1974.

JOSEPH YOUNG,  
Executive Director.  
[FR Doc.74-4035 Filed 2-20-74; 8:45 am]

### NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION Notice of Public Meeting

Notice is hereby given, pursuant to PL-92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on March 15, 1974, from 9 a.m. to 5 p.m., local time, and on March 16, 1974 from 9 a.m. to 12 noon, local time at the Ramada Inn, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public. The proposed agenda includes:

- March 15: Introduction and swearing in of new Council Members, Report from the Office of Education, Report on the Manpower Act.
- March 16: Reports from Committees.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the

Council's Executive Director, located in Suite 412, 425-13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C. on February 13, 1974.

CALVIN DELLEFIELD,  
Executive Director.  
[FR Doc.74-4038 Filed 2-20-74; 8:45 am]

### SUPPLEMENTARY EDUCATION CENTERS AND SERVICES

#### Special Programs and Projects; Notice of Closing Dates for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 306 of Title III of the Elementary and Secondary Education Act of 1965, as amended, (20 U.S.C. 844b) applications are being accepted from local education agencies for grants under section 306 which are made by the U.S. Commissioner of Education for the provision of supplementary and exemplary elementary and secondary school centers and services and programs for testing, and guidance and counseling. Applications must be received by the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.516), on or before April 11, 1974. A notice of closing date for applications for projects which were commenced under grant awards made in previous fiscal years is being published separately in the FEDERAL REGISTER.

Amounts available to fund applications invited under this notice include, in addition to fiscal year 1974 funds, funds made available under Pub. L. 92-334 which were unallocated in fiscal year 1973 and were allocated in January of this year. The general fiscal and administrative provisions published in the FEDERAL REGISTER, 38 FR 30654, November 6, 1973, are applicable to these grants, and criteria for this program which have been published separately in the FEDERAL REGISTER (39 FR 5321, February 12, 1974), are proposed to be used in determining the selection and funding of grant awards.

An application sent by mail will be considered to be received on time by the Application Control Center if:

- (1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or
- (2) The applications are received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time date stamp of such mail rooms or other documentary evidence of receipt maintained

by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

Information and application forms may be obtained from Special Programs and Projects, section 306 of Title III, ESEA, U.S. Office of Education, Room 3682, ROB No. 3, 400 Maryland Avenue SW., Washington, D.C. 20202.  
(20 U.S.C. 844b)

Dated: February 15, 1974.

JOHN OTTINA,  
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.516: Pre-School, Elementary and Secondary Education—Special Programs and Projects)

[FR Doc.74-4265 Filed 2-20-74; 9:06 am]

### SUPPLEMENTARY EDUCATION CENTERS AND SERVICES

#### Special Programs and Projects; Notice of Closing Date for Receipt of Continuation Applications

Notice is hereby given that pursuant to the authority contained in section 306 of Title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 844b), applications are being accepted from local education agencies for section 306 grants for projects which were commenced under grant awards made in previous fiscal years. In order to receive consideration, such applications must be received by the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.516), on or before April 1, 1974. A notice of closing date for applications for new grants is being published separately in the FEDERAL REGISTER.

Grants under section 306 are made by the U.S. Commissioner of Education for the provision of supplementary and exemplary elementary and secondary school centers and services and programs for testing, and guidance and counseling. The general fiscal and administrative provisions published in the FEDERAL REGISTER, 38 FR 30654, November 6, 1973, are applicable to these grants. Amounts available to fund applications invited under this notice include, in addition to fiscal year 1974 funds, funds made available under Pub. L. 92-334 which were unallocated in fiscal year 1973 and were allotted in January of this year.

An application sent by mail will be considered to be received on time by the Application Control Center if:

- (1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or
- (2) The applications are received on or before the closing date by either the Department of Health, Education, and Welfare, or

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the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

Information and application forms may be obtained from Special Programs and Projects, section 306 of Title III, ESEA, U.S. Office of Education, Room 3682, ROB #3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(20 U.S.C. 844b)

Dated: February 15, 1974.

JOHN OTTINA,  
U.S. Commissioner of Education.  
(Catalog of Federal Domestic Assistance Number 13.516: Pre-School, Elementary and Secondary Education—Special Programs and Projects)

[FR Doc.74-4264 Filed 2-20-74; 9:06 am]

**Social Security Administration  
ADVISORY COMMITTEE ON MEDICARE  
ADMINISTRATION, CONTRACTING, AND  
SUBCONTRACTING**

**Notice of Public Meeting**

Notice is hereby given, pursuant to Public Law 92-463, that the Advisory Committee on Medicare Administration, Contracting, and Subcontracting, established pursuant to section 1114(f) of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare matters, will meet on Friday, March 1, 1974, and Friday, March 8, 1974, at 9 a.m. in the conference room on the 31st floor at 299 Park Avenue, New York, New York. These meetings are open to the public. However, there will be no formal agenda and no time allotted for public discussion because the Committee will be entirely involved in drafting its report to the Secretary.

Further information on the Committee may be obtained from Mr. Max Perlman, Executive Secretary of the Committee, Room 585 East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-9134. Members of the public planning to attend should notify the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Numbers: 13.800, Health Insurance for the Aged—Hospital Insurance; 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: February 14, 1974.

MAX PERLMAN,  
Executive Secretary, Advisory  
Committee on Medicare Ad-  
ministration, Contracting,  
and Subcontracting.

[FR Doc.74-4131 Filed 2-20-74; 8:45 am]

**HEALTH INSURANCE BENEFITS  
ADVISORY COUNCIL**

**Notice of Meetings**

Notice is hereby given, pursuant to Public Law 92-463, that the Health In-

surance Benefits Advisory Council (HIBAC), established pursuant to section 1867 of the Social Security Act as amended, which advises the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters, will meet on Friday, March 8, 1974, at 9 a.m., in Room 4131 of the Department of Health, Education, and Welfare's North Building, Third and C Streets SW., Washington, D.C. The Council will consider matters relating to the Medicare and Medicaid programs.

The Home Health Care Committee of HIBAC, which is studying the possibility of broadening the coverage of home health services, and the Mental Health Committee, which is studying the possibility of broadening the coverage of mental health services, will meet on March 7, 1974.

All of these meetings are open to the public.

Further information on the Council and the Committee (including the times and places at which the latter will convene) may be obtained from Mr. Max Perlman, Executive Secretary, Health Insurance Benefits Advisory Council, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-9134.

Members of the public planning to attend any of these meetings are asked to notify the Executive Secretary, to ensure adequate seating.

(Catalog of Federal Domestic Assistance Program Numbers: 13.800, Health Insurance for the Aged—Hospital Insurance; 13.801, Health Insurance for the Aged—Supplementary Medical Insurance; 13.714, Medical Assistance Program.)

Dated: February 14, 1974.

MAX PERLMAN,  
Executive Secretary, Health In-  
surance Benefits Advisory  
Council.

[FR Doc.74-4130 Filed 2-20-74; 8:45 am]

**ATOMIC ENERGY COMMISSION**

[Docket No. 50-460]

**WASHINGTON PUBLIC POWER SUPPLY  
SYSTEM**

**Notice of Receipt of Application for Con-  
struction Permit and Facility License  
and Availability of Applicant's Environ-  
mental Report**

Washington Public Power Supply System (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed October 18, 1973, for authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor. The application was tendered on July 16, 1973. Following a preliminary review for completeness, the application was rejected on August 20, 1973, for lack of sufficient information. The applicant submitted additional information on October 1, 1973, and the application was found to be acceptable for docketing. Docket No. 50-460 has been assigned to the application and it should be referenced in any cor-

respondence relating to the application.

The proposed nuclear facility, designated by the applicant as the WPPSS Nuclear Project No. 1, is located on the applicant's site in Benton County, Washington, and is designed for initial operation at approximately 3619 megawatts thermal, and a net electrical output of approximately 1206 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 19, 1974. The request should be filed in connection with Docket No. 50-460-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated October 15, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations, and at the Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504 and the Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Washington 99352.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 14th day of December, 1973.

For the Atomic Energy Commission.

A. SCHWENGER,  
Chief, Light Water Reactors,  
Branch 2-3, Directorate of  
Licensing.

[FR Doc.73-27005 Filed 12-20-73; 8:45 am]

[Docket Nos. 50-445, 50-446]

**TEXAS UTILITIES GENERATING CO.**

**Notice of Availability of AEC Draft  
Environmental Statement**

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed issuance of construction permits for the Texas Utilities Generating Company's Comanche Peak Electric Station, Units 1 and 2, to be located near Glen Rose, Texas, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street N.W., Washington, D.C., and in the Somervell Public Library, On-the-Square, Glen Rose, Texas 76043. The Draft Environmental Statement is also being made available at the North Central Texas Council of Governments, P.O. Box 5888, Arlington, Texas 76011, and the Division of Planning Coordination, Office of the Governor, P.O. Box 12428 Capital Station, Austin, Texas 78711. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's Environmental Report, as supplemented, submitted by Texas Utilities Generating Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on August 8, 1973 (38 FR 21445).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by April 8, 1974. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Somervell Public Library in Glen Rose, Texas. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 13th day of February 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,  
Chief, Environmental Projects  
Branch 3, Directorate of  
Licensing.

[FR Doc.74-4151 Filed 2-20-74; 8:45 am]

[Docket Nos. 50-295, 50-304]

**COMMONWEALTH EDISON CO.**

**Notice of Oral Argument**

In the matter of Commonwealth Edison Co., (Zion Station, Units 1 and 2).

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's Order of February 13, 1974, oral argument on the various exceptions to the initial decision of October 5, 1973 in this proceeding has been rescheduled for 9:15 A.M. on Wednesday, March 13, 1974, in the Appeal Panel hearing room, fifth floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,  
Secretary to the Appeal Board.  
FEBRUARY 14, 1974.

[FR Doc.74-4027 Filed 2-20-74; 8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket No. 25280, et al.; Order No. 74-2-50]

**INTERNATIONAL AIR TRANSPORT  
ASSOCIATION**

**Order Regarding Increased Fuel Costs**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of February 1974; Dockets 25280, 25513, 25661, Agreement C.A.B. 24208, R-1 through R-7.

By Order 73-12-77 dated December 19, 1973, the Board approved an IATA agreement which increased worldwide passenger fares and cargo rates by approximately six percent in order to compensate for increased experienced fuel costs. The increases associated with passenger fares would expire March 31, 1975; and those related to cargo rates would expire September 30, 1975.

Under the terms of that agreement passenger fares were increased by a flat six percent in all world areas except on the North Atlantic and on North/Central and South Pacific routes. The increase on the North Atlantic was equivalent to four percent of the one-way shoulder-season normal economy fare between New York and the various European points with the resulting dollar amount applied to all fares in the structure. Fares across the Pacific were similarly increased across-the-board, with the dollar amount calculated at four percent of the normal economy fare from Los Angeles. Round-trip fares were increased by twice the dollar amount applicable to one-way fares.

Similarly cargo rates in all world areas except the North Atlantic and the North/Central and South Pacific were increased by a flat six percent across-the-board. In the excepted areas, the increase was four percent of the 45 kilogram general commodity rate applied to all rates in the structure.

The above agreement, as regards North Atlantic cargo rates failed to receive the required approvals by various European governments. As a consequence of these disapprovals, the IATA carriers convened a meeting in New York during early January 1974 and issued a mail vote, later adopted and filed as an agreement with the Board, which would increase all New York-Europe rates by a flat six percent.

This second agreement was approved by the Board by Order 74-1-152 dated January 30, 1974, for effect on February 1, 1974, through September 30, 1975. It permitted increases of six percent to be applied on all North Atlantic cargo rates (to and from New York) intended for application on or after February 1, 1974.

As a consequence of still further escalations in the cost of fuel, the Traffic Advisory Committee of IATA met in New York on January 7-8, 1974, and recommended the issuance of a mail vote which, in addition to the already approved fuel-related fare and rate increases, would increase all worldwide fares and rates by still another seven percent across-the-board. This mail vote has been adopted in part for effect from March 1, 1974, and has been submitted to the Board for approval.

Although initially intended to be applied worldwide, the mail vote failed to receive all of the necessary affirmative votes for worldwide implementation. As a consequence the agreement currently before the Board and assigned the above designated C.A.B. agreement number would further increase passenger fares by a flat seven percent, as a consequence of escalating fuel prices, intended for application on or after March 1, 1974, and through March 31, 1975. Under the terms of the agreement filed for Board approval the increases would apply on tickets sold for transportation by air within area TC 2 (encompassing Europe and Africa), and for travel by air over the Mid-Atlantic and South Atlantic routes to Europe and/or beyond to Asia. Insofar as direct application in air transportation is concerned the increases would apply on passenger travel over the Mid-Atlantic to and from Puerto Rico and the Virgin Islands.

Increases of an additional seven percent to be implemented as a consequence of fuel-cost increases on all rates intended for application on or after March 1, 1974, and through September 30, 1975, are intended to be applied on all cargo rates within the Western Hemisphere, within and between Europe and Africa, and over the Atlantic to Europe and/or beyond.

As far as air transportation is concerned the increases would apply on ship-

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ments between the United States and South/Central America and the Caribbean,<sup>1</sup> and between the United States, on the one hand, and Europe/Africa and Asia, on the other hand, when shipment is routed via the Atlantic.

In documentation filed with the subject agreement, material prepared by the IATA Traffic Advisory Committee was submitted which purports to show that the average increase calculated for the first quarter of 1974 over the average fuel costs for the second quarter of 1973 now amounts to 152 percent rather than the forecast figure of 52 percent arrived at in November of last year. It is alleged that the extra revenue required to maintain profitability indicates that fares and rates should be increased by at least 18 percent of which only six percent has been implemented.

The purpose of this order is to establish procedures for the receipt of justification by the carriers and comments of third parties in the interest of a prompt disposition of the agreement. Accordingly, all U.S. carrier members of IATA are directed to file within seven days of the date of this order full economic justification in support of the agreement, including past, present and future identifiable contractual fuel costs. We also expect the carriers to provide profit and loss statements, both with and without the proposed increase, based on the present fares/rates and those proposed for 1974. The Board would welcome comments from the foreign-flag carriers as well, which, along with those of other interested parties, should likewise be submitted within seven days from the date of this order.

Accordingly, *It is ordered*, That:

1. All United States air carrier members of the International Air Transport Association shall file within seven calendar days of this order full documentation and economic justification in support of the proposed fare and rate increases embodied in the subject agreement.

2. Comments and/or objections from interested persons shall be submitted within seven days after the date of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,

Secretary.

[FR Doc.74-4135 Filed 2-20-74;8:45 am]

[Docket No. 25904]

#### INTERNATIONAL FARES FOR U.S. MILITARY STATIONED OVERSEAS AND THEIR DEPENDENTS

##### Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter has been postponed from Febru-

<sup>1</sup>This increase will not be applicable to those specific commodity rates from Colombia to the U.S.A. established to encourage Colombian exportation.

ary 21, 1974, (38 FR 34011, December 10, 1973), to March 7, 1974, at 10 a.m. (local time) in Room 1031, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

In order to facilitate the conduct of the conference, parties other than Bureau Counsel are to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of position; and (5) proposed procedural dates by February 28, 1974.

Dated at Washington, D.C., February 14, 1974.

[SEAL] MILTON H. SHAPIRO,  
Administrative Law Judge.

[FR Doc.74-4137 Filed 2-20-74;8:45 am]

[Docket No. 26339, et al; Order No. 74-2-63]

#### SEABOARD WORLD AIRLINES, INC. AND UNITED AIR LINES, INC.

##### Domestic Air Freight Rate Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of February, 1974, Docket 26339, 26370, 26371, 22859.

By tariff revisions variously bearing filing dates of January 11 and 18, and marked to become effective February 17 and February 18, 1974, Seaboard World Airlines, Inc. (Seaboard) and United Air Lines, Inc. (United) propose tariff changes in domestic freight rates as indicated below:

##### SEABOARD

1. Increase bulk and container rates in numerous markets by an average of 7.5 percent; and

2. Increase the minimum chargeable weight for bulk shipments to 8.9 pounds per cubic foot (194 cubic inches per pound) from 6.9 pounds (250 cubic inches) for general freight and from 6.5 pounds (266 cubic inches) for cut flowers and nursery stock.

##### UNITED

1. *Mainland*. a. Increase by 6 percent westbound and southbound general commodity rates for bulk shipments at the 100-pound weight break, and apply the resulting dollar increases in each market to all other rates (bulk and container) in both directions, with the maximum percentage increase for any rate limited to 10 percent;

b. Increase bulk minimum charges by \$1.00 per shipment;

c. Increase under-100-pound rates by one percent of the calculated dollar increase rounded up to the next higher penny; and

d. Cancel or place daylight time-of-departure restrictions on all westbound bulk and container specific commodity rates, except from cities west of Chicago, and a few other markets.

2. *Hawaii*. a. Increase by 6 percent all westbound 500-pound minimum weight general commodity rates and apply the resulting dollar increase per 100 pounds

to other rates (bulk and container) in the Hawaiian market, with the exceptions indicated below and with the maximum increase for any rate limited to 10 percent; and

b. No increases in the minimum charge, under-100-pound, 100-pound, and 250-pound rates or in the specific commodity rates for pineapples which became effective September 30, 1973.

The carrier asserts that the higher rates proposed will increase its total freight revenues by 7.2 percent.

Complaints requesting suspension and investigation of United's proposal have been filed by the Hawaii Air Cargo Shippers Association, Inc. (HACSA) with respect to rates to and from Hawaii, and the Western Growers Association (WGA) with respect to eastbound rates, especially on perishables. Suspension and investigation of Seaboard's proposed cube rule change was requested by the Society of American Florists (SAF), to the extent that it would apply to florist products.

HACSA's complaint alleges, *inter alia*, that (1) the effect of the proposed revisions is to require large-volume shippers, forwarders, and shipper associations in Hawaii to bear the total cost of the increase in rates to Hawaii; (2) the proposed revision will put severe and unfair competitive pressure on these freight forwarders and shipper associations; (3) United's competitive position will be substantially improved at the expense of HACSA and forwarders; (4) there is no evidence that the domestic volume taper should be applied to Hawaii or is more accurate or more appropriate for Hawaii than the existing Hawaiian volume taper, or that the proposed charges will accurately reflect the comparative costs to United of handling small-volume shipments as compared to large-volume shipments; (5) HACSA does not oppose rate increases which are economically justified and necessary to insure service to shippers in Hawaii, but (a) rate increases must be uniformly applied and equitably borne by all rate payers; (b) the proposed increases are based on all-cargo operations which are much less profitable than wide-bodied combination aircraft operations; and (c) further reducing the spread between the rates for large shipments and small shipments is not justified on cost or any other basis, and in the long run will have a damaging effect on the Hawaiian economy.

SAF's complaint alleges, *inter alia*, that (1) Seaboard is "jumping the gun" by changing the cube rule while the Domestic Air Freight Rate Investigation is pending and has not reached final decision, and the carrier is thus prejudging the outcome of the investigation; (2) the proposed change, resulting in a 37 percent increase in air freight charges for florist products, will have an extremely damaging effect upon the florist industry, which has required a cube rule below general freight; (3) the current fuel crisis, which has resulted in a severe reduction of air freight capacity, is a temporary condition that should not be permitted to change such a fundamental ratemaking factor of such long standing;

(4) the existence of an international weight rule of 8.9 pounds per cubic foot does not justify a change in the long-established domestic rule, for there is little or no similarity between domestic and international commerce; (5) the proposal clearly discriminatory against the floral industry in that the densities of its products cannot be further improved without completely disrupting present market distribution practices; and (6) a combination of spiralling air freight costs and low market values has seriously jeopardized the floral industry's ability to continue utilizing air freight service on a nationwide basis.

WGA asserts, *inter alia*, that (1) air freight rates constitute a large percentage of the delivered price of strawberries, and the proposed increases cannot be absorbed by the growers; (2) shippers of perishable commodities must pay a share of the burden of increased fuel costs which is significantly higher than that paid by shippers of other commodities and the proposal, thus, is clearly discriminatory burden upon eastbound shipments of perishable commodities in particular; and (4) any rate increase that is allowed should be instituted on a proportionate basis that is the same for all shippers.

In support of its proposal and in answer to each complaint, United asserts, among other things, that:

1. For the year ended June 30, 1973, its all-cargo operations incurred a \$3.1 million operating deficit and approximately a \$160 million profit short-fall below the Board's approved return element;

2. Rapid cost escalation, especially for fuel, strongly suggests a worsening financial picture for 1974, despite C.A.B. approval of a general rate increase in the spring of 1973 and a short-haul rate increase this past November;

3. Since there are only limited opportunities for improved operating efficiencies, cost escalation will rapidly outpace the rate increases of 1973 in the very near future;

4. Increases are totally justified solely on the need to reduce the substantial and continuing profit short-fall from air freight operations, even without considering rapidly increasing costs, particularly of fuel;

5. Even with the proposed increase, United still has a forecasted 1974 earnings deficiency of \$6.8 million for all-cargo operations;

6. While it may be true that the application of a flat dollar amount (limited to 10 percent) results in a greater percentage increase on strawberries and certain other specific commodity traffic, this results directly from the fact that these rates are substantially lower than westbound general commodity rates and do not cover fully allocated costs of providing this service to the shipper; and

7. Rates established below the general commodity rate level are justified only to the extent that such discounted traffic

does not generally utilize space demanded by general commodity rated traffic.

In support of its proposal, Seaboard contends, among other things, that (1) the cost of fuel now amounts to 196 percent over fuel costs for fiscal year 1973; (2) these fuel expenses, as a portion of all operating expenses, have increased from 12.3 percent to 29.4 percent, and have caused a 24.3 percent increase in Seaboard's total operating expenses per revenue ton-mile; (3) proposed rate increases will produce an estimated \$1.0 million additional annual revenue and will only partially offset known fuel cost increases; (4) proposed increases will permit carrier to earn an estimated operating profit of \$2.1 million, or a 3.88 percent return on investment; and (5) the proposed cube rule change standardizes the tariff density requirements of shipments moving under various combinations of U.S. domestic and international tariffs, and will encourage the efficient use of Seaboard's aircraft.

The proposed rates, charges, and rule come within the scope of the Domestic Air Freight Rate Investigation. Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposals or to permit them to become effective pending investigation.

*General rate increases proposed by Seaboard and United.* In our opinion, the carriers have justified a need for higher revenues. The Board is aware of the sharp increases in fuel expenses in recent months and believes that some adjustment in rates and charges is justified to offset these higher expenses. In permitting certain of the rate increases proposed, we are giving weight to higher fuel prices claimed by the carriers to be actually experienced or those to be shortly effected pursuant to existing contracts, as well as to other indications of demonstrated need for additional earnings.

Upon consideration of all relevant factors, however, the Board finds that the proposed increased rates and charges, to the extent that they apply to westbound general commodity bulk and container shipments in markets involving lengths of haul of 1,800 miles and over, should be suspended. Although the carriers present data indicating their need for additional revenues, they make no showing that the rates proposed for various lengths of haul are in line with their costs. The proposed westbound general commodity bulk and container rates and charges for shipments of 1,800 miles or more appear excessive in relation to costs, as indicated by data available to the Board.<sup>1</sup> The remaining portions of the proposals, including general commodity rates and charges for less than 1,800 miles, the increases in eastbound general commodity rates at all distances, the in-

<sup>1</sup> Although HACSA claims that wide-bodied combination aircraft freight operations are more profitable for United than all-cargo services, it does not present any factual data supporting that claim.

creases in specific commodity rates and the cancellation of westbound specific commodity rates (and the placing of daylight time-of-tender requirements on such rates) appear sufficiently related to costs that the Board will permit them to become effective. The complaints, to the extent they request suspension thereof, will be dismissed.

As indicated, WGA requests that if the Board permits any increases proposed by United, such increases should be by the same proportion for all shipments. United's increases result in higher percentage increases for larger shipments and for those moving eastbound under specific commodity rates, but these are limited to 10 percent. Furthermore, it should be noted that eastbound rates are generally substantially lower than westbound rates in the same markets, and the current yields per revenue ton-mile for eastbound specifics are particularly low. Thus, for 5,000-pound shipments of strawberries, which would incur a 10 percent increase, the current yield from the rate from San Francisco to New York is 8.1 cents per ton-mile and the yield from United's proposed rate is 8.9 cents. In the foregoing circumstances, the Board concludes that United's proposal, with respect to the rates complained of by WGA, should not be suspended.

*Increase in cube rule proposed by Seaboard.* In Order 74-1-155, adopted January 30, 1974, we permitted The Flying Tiger Line Inc. (Tiger) to increase its cube rule for bulk shipments and dismissed SAF's complaint against that proposal. In that order, we discussed at some length the reasons for our actions, *inter alia*, the fact that all-cargo aircraft in current service have a design density that fully justifies Tiger's proposal. For the same reasons, we shall permit the identical proposal by Seaboard to become effective and shall dismiss SAF's complaint.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

*It is ordered*, That:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A<sup>2</sup> hereto are suspended and their use deferred to and including May 17, 1974<sup>3</sup> unless otherwise ordered by the Board and that no change be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaints of the Hawaii Air Cargo Shippers Association, Inc. in Docket 26370, the Society of American Florists in Docket 26371, and of the Western Growers Association in Docket 26339 are dismissed; and

3. Copies of this order shall be filed with the tariffs and served upon Seaboard World Airlines, Inc., United Air

<sup>2</sup> Appendix A filed as part of the original document.

<sup>3</sup> For Seaboard World Airlines, Inc. The date for United Air Lines, Inc. is May 18, 1974.

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Lines, Inc., the Hawaii Air Cargo Shippers Association, Inc., the Society of American Florists, and the Western Growers Association.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-4138 Filed 2-20-74;8:45 am]

[Docket No. 26408]

#### TRANSPORTURILE AERIENE ROMANE (TAROM)

#### Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on February 27, 1974, at 10 a.m. (local time) in Room 1031, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Ross I. Newmann.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 22, 1974.

Dated at Washington, D.C., February 14, 1974.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.

[FR Doc.74-4136 Filed 2-20-74;8:45 am]

#### CIVIL SERVICE COMMISSION

##### DEPARTMENT OF COMMERCE

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Business Development, Economic Development Administration.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4103 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF COMMERCE

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy

Director, Bureau of East-West Trade, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4100 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF COMMERCE

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Technical Assistance, Economic Development Administration.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4098 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF COMMERCE

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Policy Coordination, Economic Development Administration.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4097 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Policy, Planning and Program Development, Office for Civil Rights, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4094 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Public Affairs Division, Office for Civil Rights, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4093 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Planning, Office for Civil Rights, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4092 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Energy Affairs, Office for Energy Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4086 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF THE INTERIOR

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the author-

ity of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Public Land Management (Public Lands), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4099 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF THE INTERIOR

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant Commissioner—Resource Planning, Bureau of Reclamation.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4091 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF THE INTERIOR

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of International Policies, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4085 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF THE TREASURY

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Chief Counsel, Internal Revenue Service, Office of the Chief Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4102 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF THE TREASURY

#### Notice of Title Change in Noncareer Executive Assignment

By notice of June 15, 1973, FR Doc. 73-11959 the Civil Service Commission authorized the Department of the Treasury to make a change in title for the position of Deputy Assistant to the Secretary for Legislative Affairs, Office of the Assistant to the Secretary for Legislative Affairs, Office of the Secretary, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Special Assistant to the Deputy Under Secretary, Office of the Deputy Under Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4101 Filed 2-20-74;8:45 am]

##### DEPARTMENT OF THE TREASURY

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Chief Counsel (Special Programs), Office of Chief Counsel, Internal Revenue Service.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4095 Filed 2-20-74;8:45 am]

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service the position of Director, Office of Program Planning and Evaluation, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4090 Filed 2-20-74;8:45 am]

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Serv-

ice Commission revokes the authority of the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service the position of Chief, Plans and Programs Staff, Office of the Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4089 Filed 2-20-74;8:45 am]

##### FARM CREDIT ADMINISTRATION

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Farm Credit Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Credit Service.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4088 Filed 2-20-74;8:45 am]

##### FEDERAL POWER COMMISSION

#### Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Power Commission to fill by noncareer executive assignment in the excepted service the position of Assistant Executive Director (Regulatory Information System and Administration), Office of Executive Director, Commissioners and Offices.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4087 Filed 2-20-74;8:45 am]

##### NATIONAL CREDIT UNION ADMINISTRATION

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the National Credit Union Administration to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.74-4096 Filed 2-20-74;8:45 am]



# COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SE- VERELY HANDICAPPED

## PROCUREMENT LIST 1974

### Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodity to Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITY  
Class 7210:  
Pillowcase  
7210-00-119-7356

Comments and views regarding this proposed addition may be filed with the Committee on or before March 25, 1973. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,  
Executive Director.  
[FR Doc.74-4045 Filed 2-20-74;8:45 am]

## PROCUREMENT LIST

### Notice of Withdrawal of Proposed Additions

Notice is hereby given that the commodities and services published on pages 26628 through 26630 of the FEDERAL REGISTER of December 14, 1972, as proposed additions to the Initial Procurement List are withdrawn.

By the Committee.

CHARLES W. FLETCHER,  
Executive Director.  
[FR Doc.74-4046 Filed 2-20-74;8:45 am]

## PROCUREMENT LIST 1974

### Addition to Procurement List

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038), was published in the Federal Register on June 20, 1973 (38 FR 16096).

Pursuant to the above notice the following service is added to Procurement List 1974.

SERVICE	Price
Industrial Class 7211: Laundering Wool Blankets (G1), Naval Administrative Command, Supply Depot, Great Lakes, Ill.	\$25 per unit.

By the Committee.

CHARLES W. FLETCHER,  
Executive Director.  
[FR Doc.74-4048 Filed 2-20-74;8:45 am]

## PROCUREMENT LIST 1974

### Deletions From Procurement List

Notice of proposed deletions from Procurement List 1974, November 29, 1973

(38 FR 33038), was published in the FEDERAL REGISTER on January 10, 1974 (39 FR 1531).

Pursuant to the above notice the following commodities are deleted from Procurement List 1974.

### COMMODITIES

Class 6532:  
Cap, Operating, Surgical  
6532-634-6262  
6532-634-6263  
6532-634-6264  
Class 8415:  
Apron, Food Serving  
8415-899-3027  
Headband, Food Serving  
8415-634-4939

By the Committee

CHARLES W. FLETCHER,  
Executive Director.

[FR Doc.74-4047 Filed 2-20-74;8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### PLASTIC BALLOON TOYS; LABELING OF TOYS

#### Notice of Public Hearing

Notice is given that a public hearing will be held on Wednesday, March 20, 1974, at 10 a.m. in the hearing room, Consumer Product Safety Commission, 6th Floor, 1750 K Street NW., Washington, D.C., to discuss a petition submitted by the Consumers Union of United States, Inc., requesting that the Commission, pursuant to the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.):

- (1) Immediately ban all plastic balloon toys containing acetone; and
- (2) Declare safety directions related to electrical, mechanical, or thermal hazards of any toy or other article intended for use by children (with certain exceptions) to be inadequate if they must be read or heeded by preadolescent children or if they advise adult supervision of a child's use of a hazardous toy or article.

Plastic balloon toys in general ("novelties consisting of a mixture of polyvinyl acetate, U.S. Certified Colors, and not more than 25 percent by weight of acetone, and intended for blowing plastic balloons") are presently exempted from the classification "banned hazardous substances" by 16 CFR 1500.85(a)(6) (formerly 21 CFR 191.65(a)(6)), regulations under the Federal Hazardous Substances Act.

The hearing will be held pursuant to section 27(a) of the Consumer Product Safety Act (Pub. L. 92-573, sec. 27(a), 86 Stat. 1227; 15 U.S.C. 2076(a)).

The Commission received the petition and certain attached exhibits on December 7, 1973. The petition is set forth below. The petition and the attachments are available for inspection at the Office of the Secretary, Consumer Product Safety Commission, 10th Floor, 1750 K Street NW., Washington, D.C.

Among the allegations given in support of the petition are that plastic balloon toys contain a hazardous substance,

acetone, in such manner that it may come into contact with a child playing with the toy; that acetone is toxic, corrosive, irritating, and extremely flammable; that numerous complaints about plastic balloon toys and emergency room data in this Commission's files demonstrate that such balloon toys cause substantial personal injury attributable to their acetone content; that no warning labels or instructions could make these toys safe for children; and that any safety directions are inadequate which must be read to or heeded by preadolescent children or which advise adult supervision of a child's use of a hazardous toy or article.

The hearing is to be held to help the Commission determine whether or not the petition or any part of the petition should be granted. The primary issue is whether and to what extent the subject toys are hazardous. Information, views, and arguments relevant to the material covered in the petition are sought because of the breadth of the subject matter and the relief requested. Views of individual consumers are particularly sought.

Persons interested in attending the hearing are requested to write to Mr. Russ Smith, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207, or call (301) 496-7197. Those persons who wish to make a formal presentation are requested to submit a copy or outline of their presentation and the amount of time requested for such presentation. Persons unable to attend the hearing who wish to present written comments for the Commission's consideration are invited to do so. All comments should be received by close of business March 13, 1974. The hearing will be a legislative-type proceeding conducted by a member or representative of the Commission and will be transcribed by a stenographer.

In the event the space available for the hearing will not accommodate everyone wishing to attend, attendance will be determined on the basis of when the request for attendance is received.

Dated: February 15, 1974.

SADYE E. DUNN,  
Secretary, Consumer  
Product Safety Commission.

The subject petition, without exhibits, attachments, etc., and without a quantitative formula for Superelasticbubbleplastic, reads as follows:

BEFORE THE CONSUMER PRODUCT SAFETY  
COMMISSION  
CONSUMERS UNION OF UNITED STATES, INC.,  
PETITIONER

TO: Honorable Richard O. Simpson, Chairman, Consumer Product Safety Commission.

PETITION REQUESTING THE REPEAL OF 21 CFR 191.65(a)(6), THE ISSUANCE OF A REGULATION CLASSIFYING PLASTIC BALLOON TOYS CONTAINING ACETONE AS BANNED HAZARDOUS SUBSTANCES, AND FOR OTHER RELIEF UNDER THE FEDERAL HAZARDOUS SUBSTANCES ACT

Petitioner requests that the Commission exercise its authority under sections 2 and 3

of the Federal Hazardous Substances Act, as amended (hereinafter "the Act"), 15 U.S.C. §§ 1261 and 1262, to take the following actions:

1. Repeal 21 CFR 191.65(a)(6) which exempts from classification as banned hazardous substances "(n)ovelties consisting of a mixture of polyvinyl acetate, U.S. Certified Colors, and not more than 25 percent by weight of acetone, and intended for blowing plastic balloons," provided such toys "bear labeling giving adequate directions and warnings for safe use."

2. Determine by regulation that all plastic balloon toys containing acetone are banned hazardous substances within the meaning of section 2(q)(1) of the Act, 15 U.S.C. section 1261(q)(1), because they are toys which (a) are hazardous substances and/or (b) contain a hazardous substance in such manner as to be susceptible of access to a child to whom such toys are entrusted.

3. Immediately publish a notice finding that distribution of all such plastic balloon toys represents an imminent hazard to the public health, and that, pending completion of the proceedings requested in paragraphs 1 and 2, supra, all such toys shall be deemed to be banned hazardous substances.

4. Promulgate a regulation providing that directions for the protection of children from the electrical, mechanical, or thermal hazards of any toy or article intended for their use (except those toys or articles exempted pursuant to 15 U.S.C. § 1261(a)(1)(B)(4)) shall not be deemed to be adequate under 15 U.S.C. § 1261(p)(1)(J) if such directions, in order to be effective, must be read to or by and heeded by preadolescent children; or if such directions state or otherwise indicate that the hazardous toy or article can be used safely by a child of any age only when such child is supervised by an adult.

### PETITIONER

Petitioner Consumers Union of United States, Inc. ("Consumers Union") is a non-profit membership corporation chartered in 1938 under the laws of the State of New York. Consumers Union is headquartered at 256 Washington Street, Mount Vernon, New York 10550. The purposes of Consumers Union are to provide information and counsel on consumer goods and services and on all matters relating to the expenditure of the family income, and to initiate and cooperate with individual and group efforts seeking to create and maintain decent living standards.

Consumers Union is the publisher of *Consumer Reports*, a monthly magazine with a paid circulation of over 2.2 million. At present, approximately 375,000 *Consumer Reports* subscribers are members of Consumers Union. Consumers Union is supported solely by the subscribers to *Consumer Reports*, and accepts no commercial advertising or support. *Consumer Reports* features reports on the results of tests performed by Consumers Union on a wide variety of consumer products, including toys and other articles intended for the use of children. In the July 1967 issue, for example, Consumers Union published an article warning against the hazards of Wonder Plastic Balloons, one of the products sought to be banned in the instant petition.

### AUTHORITY FOR PETITION

Petitioner is authorized to submit this petition and obtain a final order with respect thereto by section 4 of the Administrative Procedure Act, 5 U.S.C. § 553(e), and by § 371(e)(1)(B) of Title 21 of the United States Code and 21 CFR § 191.201, which authorize any interested party to petition the Commission for "the issuance, amendment, or repeal of a rule."

### APPLICABLE LAWS

Section 30(d) of the Consumer Product Safety Act, 15 U.S.C. § 2079(d), provides in pertinent part that "(a) risk of injury which is associated with consumer products and which could be eliminated or reduced to a sufficient extent by action taken under the Federal Hazardous Substances Act . . . may be regulated by the Commission only in accordance with the provisions of . . . [that Act]."

The applicable provisions of the Federal Hazardous Substances Act are as follows:

Section 2(f)(1)(A)—The term "hazardous substance" means: (a) any substance or mixture of substances which (i) is toxic, (ii) is corrosive, (iii) is an irritant, . . . [or] (v) is flammable or combustible, . . . if such substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children. 15 U.S.C. § 1261(f)(1)(A).

Section 2(f)(1)(D)—The term "hazardous substance" means: (a) any toy or other article intended for use by children which the . . . [Commission] by regulation determines, in accordance with § 1262(2) of this title, presents an electrical, mechanical, or thermal hazard. 15 U.S.C. section 1261(f)(1)(D).

Section 2(g)—The term "toxic" shall apply to any substance . . . which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface. 15 U.S.C. section 1261(g).

Section 2(j)—The term "irritant" means any substance . . . which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction. 15 U.S.C. section 1261(j).

Section 2(l)—The term "extremely flammable" shall apply to any substance which has a flash point at or below twenty degrees Fahrenheit as determined by the Tagliabue Open Cup Tester . . . 15 U.S.C. section 1261(l).

Section 2(q)(1)—The term "banned hazardous substance" means (a) any toy, or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted . . . 15 U.S.C. section 1261(q)(1).

Section 2(s)—An article may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness . . . (6) as a result of self-adhering characteristics of the article, (7) because the article or any part or accessory thereof may be aspirated or ingested, . . . or (9) because of any other aspect of the article's design or manufacture. 15 U.S.C. section 1261(s).

Section 2(p)—The term "misbranded hazardous substance" means a hazardous substance (including a toy, or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted) intended or packaged in a form suitable, for use in the household or by children, if the packaging or labeling of such substance is in violation of an applicable regulation issued pursuant to sections 1472 or 1473 of this title or if such substance except as otherwise provided by or pursuant to section 1262 of this title, fails to bear a label—(1) which states conspicuously . . . (J) the statement (i)

"Keep out of the reach of children" or its practical equivalent, or, (ii) if the article is intended for use by children and is not a banned hazardous substance, adequate directions for the protection of children from the hazard . . . 15 U.S.C. section 1261(p).

Section 3(e) of the Act, 15 U.S.C. § 1262(e), provides in pertinent part that the Commission's determination that a toy presents an electrical, mechanical, or thermal hazard must be made by regulation, and that, pending issuance of a final regulation, the Commission may publish an order in the FEDERAL REGISTER finding that distribution of a toy presents an imminent hazard to the public health and that, therefore, such toy shall be deemed to be a banned hazardous substance. Sections 2(f)(1)(B) and 2(q)(1)(B) provide similar procedures for the Commission to follow when it makes determinations, respectively, that a substance is a hazardous substance because it is toxic, corrosive, an irritant, or extremely flammable, and that any such hazardous substance is a banned hazardous substance. Finally, section 4 of the Act makes it unlawful, *inter alia*, to introduce, to receive, or to deliver in interstate commerce any misbranded hazardous substance or banned hazardous substance. 15 U.S.C. section 1263(a) and (c).

On October 28, 1967, without prior published notice and with no opportunity for public comment, the Food and Drug Administration promulgated a regulation exempting plastic balloon toys containing not more than 25 percent acetone from classification as banned hazardous substances provided such toys "bear labeling giving adequate directions and warnings for safe use." 21 CFR § 191.65(a)(6); 32 FR 14946 (Oct. 28, 1967). Adoption of this exemption was requested by Chemical Sundries, Co., Inc., manufacturer of Wonder Plastic Balloons, in a letter dated August 3, 1967.

### GROUNDING IN SUPPORT OF PETITION

1. Petitioner has purchased five different brands of plastic balloon toys which contain acetone. Four of the products are manufactured by the Chemtoy Corp. of Cicero, Illinois: Bugs Bunny Plastic Balloons, No. 212 (10¢); Mickey Mouse Balloon Art, No. 207 (79¢); Make Your Own Plastic Balloons Blue, No. 219 (19¢); and Wonder Plastic Balloons, No. 217 (49¢). The other product, SUPERELASTICBUBBLEPLASTIC, Stock No. 740 (\$1.20), is manufactured by Wham-O Mfg. Co., 835 East El Monte Street, San Gabriel, California 91778. These inexpensive (all quotations represent unit retail prices) toys were purchased in September 1973 at grocery and variety stores located in New York. Although the Chemtoy products are similar, the following analysis will focus almost exclusively on the Wham-O product.

2. SUPERELASTICBUBBLEPLASTIC is a toy consisting of a gummy product which can be blown into a multicolored balloon with the aid of a four-inch plastic drinking straw. The gummy substance is packaged in a collapsible metal tube which bears each of the following warnings:

- "CAUTION: FLAMMABLE MIXTURE. DO NOT USE NEAR FIRE OR FLAME."
- "PARENTS: Although product is regarded as 'SAFE FOR CHILDREN' it is recommended small children use under supervision of an adult."
- "DO NOT PUT MATERIAL ON PAINTED SURFACES OR FURNITURE."
- "DO NOT CHEW OR SWALLOW."

All of the warnings, except the second, are repeated on the back of the display case on which the tube and the straw are packaged. 3. SUPERELASTICBUBBLEPLASTIC, according to the tube label and the display card packaging, contains polyvinyl acetate,



acetone, pigment, and plastic fortifiers. When squeezed from the tube, the gummy substance emits a strong odor of acetone. Petitioner's weight loss tests (copies of the laboratory reports are attached as Exhibit A) indicate that the product contains about 24 percent acetone by weight.

#### 4. Acetone:

a. Description: Acetone is a colorless, extremely flammable, highly volatile liquid (Flash pt.—17.8° F) with a fragrant mint-like or sweet odor. Its boiling point is 56.5° C. Acetone is miscible with water, alcohol, dimethylformamide, chloroform, ether, and most oils. Acetone is obtained by fermentation (by-product of butyl alcohol manufacture) or by chemical synthesis from isopropanol (as chief product), from cumene (by-product in phenol manufacture) and from propane (by-product of oxidation-cracking). The chemical formula for acetone is  $C_3H_6O$  (7, 8, 10).

b. Legitimate uses: Acetone is a principal constituent of nail polish remover, and of paint and varnish removers. It is a solvent for oils, waxes, resins, rubber, plastics, lacquers, varnishes, and rubber cements. Acetone is used in the manufacture of explosives, airplane dopes, rayon, photographic films, and isoprene, in the extraction of various principles from animal and plant substances, to purify paraffin, and to harden and dehydrate tissues. (7, 8)

c. Toxicity: Most of the toxicology literature on acetone is based upon occupational exposures of adults. (3, 5, 6, 9, 10, 12) Some references indicate that the dose-response relationship of acetone is a function of body weight. For example, Gleason *et al.* report that the probable mean lethal dose (LD-50) of acetone is between 500 milligrams and 5 grams per kilogram of weight.

(4) Kaye states that the minimum lethal dose (MLD) for a man weighing 150 lbs. is approximately 100 ml. (7) Ingestion of a toxic dose of acetone causes gastroenteric irritation, narcosis, and injury to the kidneys and liver. (1) According to Browning, the narcotic dose of acetone, orally administered, is 7 milligrams per kilogram of body weight. (1)

Depending on the ambient concentration and the duration of exposure, inhalation of acetone can produce one or more of the following adverse effects: Headache, fatigue, excitement, irritation of mucous membranes, gastroenteric irritation, bronchial catarrh, dizziness, vomiting, central nervous depression, narcosis, gradual fall in rectal temperature, respiratory rate, and pulse, progressive collapse with stupor and periodic breathing, fainting, dyspnea, bradypnea, hypothermia, bradycardia and death by ketosis (acidosis). (1, 2, 3, 6, 7, 8) Thienes and Haley report 15 minutes of exposure to 1,600 ppm of acetone causes irritation of the eyes, nose, and throat. (11)

Prolonged or repeated topical application of acetone may cause erythema and dryness. (8) Its solvent, defatting action on the skin encourages the development of eczematous changes and secondary infections. (6) Topical application to the eye causes "an immediate stinging sensation, but if it is washed out promptly causes injury only to the epithelium." "usually healing is complete in a day or two." One case of deep damage to the cornea has been reported. (5)

In general, the effect of acetone is similar to that of ethyl alcohol, although its narcotic effect is somewhat greater. (3) Acetone can be absorbed through all portals. (7) With the exception of eye toxicity, Fairhall warns that pure acetone is less toxic than the impure trade products. He also reports that there is no evidence of chronic effects in man following continued exposure to low concentrations of acetone. (3) Finally, Henson

notes that human intoxications from acetone are very rare but that they can occur from unusual sources. (6)

5. The abbreviated directions of the SUPERELASTICBUBBLEPLASTIC tube label are:

"Squeeze a blob of plastic about the size of a small grape onto your fingers. Roll into ball and stick it on the end of the blowpipe. Blow slowly at first using the palms of your hands to shape the balloon. Pinch holes to seal. When balloon is completed, pinch off from blowpipe."

More extensive, illustrated instructions are provided on the back of the display card:

(1) Press end of tube and squeeze blob of plastic out on your forefinger about the size of a bean for a small balloon. For a larger balloon use a bigger blob.

(2) Mold the plastic into a blob and stick it on the end of the blowpipe. Press plastic around the edge of the hole to insure an airtight seal. Be sure the blowpipe is centered in the plastic blob.

(3) Blow slowly to start, without touching the tacky plastic. When balloon is fully blown, use the palms of your hands to shape it.

Keep the tip of your tongue on the end of the blowpipe to prevent the air from escaping and pinch off your balloon from the blowpipe.

(4) Multi-color balloons. Turn the blowpipe slowly between your fingers. Apply a ribbon of plastic, starting about 1/4" back from the end of the blowpipe, and continuing to the end. Mold to the end. Mold to blowpipe.

Your balloon should look like the illustration. If holes appear: Pinch tight with fingers and hold briefly to seal.

(5) Try this for a wild one! For a different effect—apply the plastic in strips, starting about 1/4" back from the ends of the blowpipe. Cover the end all around. Mold to blowpipe.

Your balloon should look like the illustration.

In summary, the manufacturer's directions instruct the juvenile user of SUPERELASTICBUBBLEPLASTIC to blow into the gummy substance via a four-inch blowpipe, to keep his tongue on the end of the blowpipe until the inflated balloon is removed with his hands, and to handle the gummy substance before and after it is inflated. For those who can read and heed them, the manufacturer's warnings also instruct the user not to chew or swallow the plastic, not to put the gummy substance on painted surfaces or furniture, and to avoid playing with the toy near fire or flame.

6. The Commission's files are replete with evidence that, under conditions of normal use and reasonably foreseeable abuse, SUPERELASTICBUBBLEPLASTIC produces adverse toxicological reactions in adult and child users. Petitioner's examination of some of the complaints received during 1970 alone indicates that at least 22 children and adults suffered ill-effects from this plastic balloon toy. These data and two reports of injury received in 1971 and in 1973

The Commission's file of SUPERELASTICBUBBLEPLASTIC complaints is, unfortunately, incomplete. In response to several requests by counsel for petitioner, the Commission's staff has been able to retrieve a substantial volume of correspondence during the year 1970, but has been able to locate only a very few complaints received in succeeding years. See, e.g., unanswered letter dated September 6, 1973 from Carol A. Cowgill, counsel for petitioner, to Michael A. Brown, General Counsel, Consumer Product Safety Commission.

are tabulated in Table I to show type and frequency of adverse reaction, and ages of victims. On the basis of the complaints available from the Commission's files, it appears that the most frequent adverse reaction to SUPERELASTICBUBBLEPLASTIC is an upset stomach and/or nausea. Other frequently reported reactions include burning sensation of the lips, mouth, and throat, headache, narcotic "high", upper respiratory tract irritation and chest pains, and coughing and choking.

Records available from the Commission's files indicate that during 1970 and 1971 the Food and Drug Administration received inquiries and complaints about SUPERELASTICBUBBLEPLASTIC from at least ten different State and local government agencies, from one Area Chamber of Commerce, and from one hospital. The Administrator of the Wisconsin Department of Agriculture's Food Division recommended, in a letter dated November 9, 1970, that the exemption for plastic balloon toys containing acetone be repealed.

In a letter dated October 30, 1970, the Director of the Polson Information Center of the Children's Orthopedic Hospital and Medical Center in Seattle, Washington reported that he had received several complaints of respiratory distress, burns of the mouth and lips, headache, and nausea from persons who had used SUPERELASTICBUBBLEPLASTIC. In November 1970 the Upper Darby Township (Pa.) Department of Health announced that it had banned the sale of SUPERELASTICBUBBLEPLASTIC and Chem-Toy Plastic Balloons.

After receiving several complaints about SUPERELASTICBUBBLEPLASTIC, the Los Angeles District Office of the Food and Drug Administration inspected the premises of the Wham-O-Mfg. Co. on September 29, 1970. The only regulatory action taken as a result of this inspection was to request that the company conduct an additional rat inhalation study.

Letters in the Commission's files from individual consumers complaining about the SUPERELASTICBUBBLEPLASTIC product are indeed numerous. They clearly demonstrate that adverse toxicological reactions occur even when the toy is used according to directions and, in the case of children, under the supervision of an adult. Exhibit B hereto, a letter dated May 1, 1973, from Mrs. Lynn Hazlett of Cleveland, Ohio is typical of the many consumer complaints in the Commission's files. Mrs. Hazlett reports that her five-year-old daughter inhaled acetone vapors while inflating a SUPERELASTICBUBBLEPLASTIC balloon, and that the child suffered a brief fit of coughing and complained of a burning sensation in her throat. This adverse reaction occurred even though the child's father first tested the toy and thereafter closely supervised the child while she was playing with it.

It is a well-known statistical fact that the number of self-reporting injury victims represents only a fraction of the total number of victims sustaining injury. Therefore, on the basis of the substantial number of reports of injury in the Commission's files from consumers, physicians, and State and local health agencies, it is fair to conclude that the total incidence of adverse reactions to SUPERELASTICBUBBLEPLASTIC is quite high.

Establishment Inspection Report, Central File No. 13704.  
A recent survey of 46 northern Virginia toy stores indicates that only 4 percent of the retail outlets forwarded complaints about unsafe toys to the Food and Drug Administration. "VOC Survey of Stores Selling Toys in Northern Virginia," January 31, 1973.

Establishment Inspection Report, Central File No. 13704.

A recent survey of 46 northern Virginia toy stores indicates that only 4 percent of the retail outlets forwarded complaints about unsafe toys to the Food and Drug Administration. "VOC Survey of Stores Selling Toys in Northern Virginia," January 31, 1973.

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19660]

### INTERNATIONAL RECORD CARRIERS' SCOPE OF OPERATIONS IN THE CONTINENTAL UNITED STATES

#### Order Extending Time

1. By Memorandum Opinion and Order in the above-captioned matter released November 26, 1973, 43 FCC 2d 1174 (published at 39 FR 4133), we instituted an investigation into the international formula. That order directed parties to submit by January 25, 1974, statements of fact and memorandums of law with respect to the issues designated for investigation. By Order released January 28, 1974, the Chief, Common Carrier Bureau, extended the time for the parties to submit their comments until February 15, 1974.

2. We have received from RCA Global Communications, Inc. (RCA) a request for a further extension of time in which to file the required comments. RCA states that the parties to the proceeding are scheduled to meet on February 15, 1974, in an effort to develop data on the exclusive unrouted traffic. The extension of time is requested in order that the exclusive unrouted traffic problem can be addressed at the meeting and to allow time for the formulation of comments.

3. Since RCA has shown good cause for its request and all parties agree to the extension and it will not seriously delay the proceeding, we will grant a further extension of two weeks.

Accordingly, it is ordered, pursuant to § 3.03(c) of the Commission's rules, that the time for the parties to submit their comments in this proceeding is extended until March 4, 1974.

Adopted: February 14, 1974.

Released: February 15, 1974.

[SEAL] WALTER R. HINCHMAN,  
Chief, Common Carrier Bureau.

[FR Doc.74-4070 Filed 2-20-74; 8:45 am]

[Docket No. 18935]

### WESTERN UNION TELEGRAPH CO.

#### Order Extending Time

Counsel for Western Union has requested extensions of time in which to file proposed findings and conclusions and reply findings in the above-captioned proceeding. The proposed findings and conclusions are presently due to be filed by February 28, 1974, and the reply findings are due by April 29, 1974. The requested extensions would require the proposed findings and conclusions to be filed by April 1, 1974, and the reply findings by May 31, 1974.

The basis for the request is the pressing involvement of those preparing the subject findings in other matters requiring their immediate attention.

7. But for the exemption in 21 CFR 191.65 (a) (6), it is clear that plastic balloon toys containing acetone would be a mechanical hazard within the meaning of § 12(a) of the Act, 15 U.S.C. section 1261(a). The Commission's SUPERELASTICBUBBLEPLASTIC complaint file demonstrates that even when used according to directions, it is impossible to avoid aspirating the acetone vapors volatilized from the inflating balloon. In addition to the aspiration hazard, it is reasonable to foresee that children, contrary to the instructions on the products' packaging, will chew and perhaps succeed in swallowing blobs of the colorful plastic balloon material which has the consistency of soft chewing gum. As Walter U. Johnson, Deputy Director, Bureau of Information and Education, noted in a recent speech, children put in their mouths "just about anything they can lay their hands on."

A February 1971 computer print-out in the Commission's files indicates that during a two-year period four cases of SUPERELASTICBUBBLEPLASTIC ingestion were treated in hospital emergency rooms. Three of the victims were under five years of age. Under the heading of symptoms and findings, the print-out states: "Possible gastro-intestinal upset. Case reports have been received indicating very limited oral and upper gastric distress." Administration of milk or other demulcent is the treatment recommended for SUPERELASTICBUBBLEPLASTIC ingestion.

Both the aspiration and the ingestion hazards are aggravated by the self-adhering characteristics of the sticky plastic balloon products. Stuck to one end of a straw, a child inhaling on the other end is certain to suck in acetone vapors. If placed inside the oral cavity, SUPERELASTICBUBBLEPLASTIC and similar products would have the effect of drying out the mucous membranes so that the gummy substance would tend to stick to the linings of the mouth, to the tongue, and to the teeth. The gooey plastic also could adhere to clothing, hair, eyes, or skin, thus enhancing the risk of topical irritation. Finally, administrative notice must be taken of the fact that children delight in popping balloons; because of its self-adhering characteristics, a plastic balloon which burst during or shortly after inflation could very easily stick to a child's eyes and face.

8. SUPERELASTICBUBBLEPLASTIC and other plastic balloon products are all toys which contain a hazardous substance—acetone—in such manner as to be susceptible of access by a child to whom such toys are entrusted; therefore, all such toys are (but for the current exemption) banned hazardous substances within the meaning of section 2(q) (1) of the Act, 15 U.S.C. section 1261(q) (1). Acetone is toxic, corrosive, irritating, and extremely flammable. The numerous complaints about SUPERELASTICBUBBLEPLASTIC and the emergency room data in the Commission's files demonstrate that, when handled and used as directed and when ingested contrary to the Company's printed warnings, the acetone in the balloon plastic causes substantial personal injury and illness. Furthermore, the adverse reactions of these victims to SUPERELASTICBUBBLEPLASTIC are consistent with the published data on the toxicity of acetone.

Walter U. Johnson, "Toy Test Method Development," presented at the 16th Annual Educational Conference, Shoreham Hotel, Washington, D.C., December 13, 1972, at p. 8.

9. On the basis of the complaints concerning SUPERELASTICBUBBLEPLASTIC, it is clear that the only way to use plastic balloon toys containing acetone safely is not to use them at all. No conceivable warning labels or instructions could adequately protect a child (or adult) from the unavoidable, intrinsic aspiration hazard associated with all such toys. Similarly, labeling has not been and could not be effective in protecting juvenile users from the ingestion hazards of such toys. Adult supervision is an unreliable source of protection, and insofar as plastic balloon toys are concerned, almost completely ineffective. See, e.g., Exhibit B.

As pointed out in the Senate Report on the Child Protection and Toy Safety Act of 1969: "Small children cannot read and heed warning labels; nor can they be constantly supervised by parents." Commissioner Elkind, testifying in hearings on this legislation, was even more emphatic: "Very often parents do not, and children cannot read brochures accompanying articles that may be hazardous. The protection offered youngsters by labels is no protection."

10. Petitioner urges the Commission to promulgate a regulation which would provide parents, teachers, and toy manufacturers with definitive guidance on the adequacy of directions for the protection of children from the electrical, mechanical, or thermal hazards of any toy or article intended for their use. Under petitioner's proposal, such directions would be inadequate if their effectiveness depended upon their being read to or by and heeded by a pre-adolescent child. Similarly such directions would be inadequate if they stated or otherwise indicated that the hazardous toy or article could be used safely by a child of any age only when such child is supervised by an adult.

It is common knowledge that the reading skills of many pre-adolescent children are either non-existent or deficient. Even if hazard-avoidance instructions are read to young children, they cannot be expected to retain all that they hear nor can they be expected to comply at all times with those instructions that are remembered. This problem is not solved by the further direction that an adult should supervise whenever a child plays with a hazardous toy.

#### PRAYER FOR RELIEF

For the reasons set forth above, petitioner requests that the Commission grant the relief described on pages 1 and 2 of this Petition.

Respectfully submitted,

PETER H. SCHUCK.

CAROL A. COWGILL.

1714 Massachusetts Avenue, NW,  
Washington, D.C. 20036, 202-785-1906, Counsel for Petitioner, Consumers Union of United States, Inc.

DECEMBER 7, 1973.

[FR Doc.74-4041 Filed 2-20-74; 8:45 am]

S. Rep. No. 91-237, 91st Cong., 1st Sess. 3 (1969); quoted with approval in R. B. Jarts, Inc. v. Richardson, 438 F. 2d 846 (2d Cir. 1971), Government's brief at p. 26.

Hearings on H.R. 10987, H.R. 7621 and H.R. 7609 before a Subcomm. of the House Committee on Interstate and Foreign Commerce, 91st Cong., 1st Sess. 15 (1969); id.

See text of paragraph 9 and accompanying notes, *supra*.



As counsel for the other party to this proceeding, the Department of Defense, concurs in the requested extensions, and for the reason stated by counsel for Western Union, we find that good cause has been shown for granting the extensions.

Therefore, pursuant to the authority delegated to the Chief, Common Carrier Bureau, under § 0.303(c), the date by which proposed findings and conclusions must be filed in this proceeding is changed from February 28, 1974, to April 1, 1974, and the date by which reply findings must be filed is changed from April 29, 1974, to May 31, 1974.

Adopted: February 14, 1974.

Released: February 15, 1974.

[SEAL] WALTER R. HINCHMAN,  
Chief, Common Carrier Bureau.  
[FR Doc.74-4071 Filed 2-20-74; 8:45 am]

#### FEDERAL MARITIME COMMISSION

[Agreement No. 8005-7]

##### NEW YORK TERMINAL CONFERENCE Notice of Agreements Filed; Correction

In the notice of the filing of Agreement No. 8005-7 (between the members of the New York Terminal Conference) published in the Federal Register on January 3, 1974 (Vol. 39, No. 2), it was incorrectly stated that the purpose of the agreement is to clarify the New York Terminal Conference's authority to establish uniform free time and demurrage practices on import cargo in New York. The agreement in fact clarifies the Conference's authority to establish uniform free time and demurrage practices on both import and export cargo in New York. In view of the bearing this may have on the position of interested parties, we are therefore extending the time for comments an additional twenty days.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreement, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 13, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement, Jesse A. Chebuske, Chairman, New York Terminal Conference, 17 Battery Place, Suite 643, New York, N.Y. 10004, and the statement should indicate that this has been done.

By Order of the Federal Maritime Commission.

Dated: February 14, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4106 Filed 2-20-74; 8:45 am]

##### NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE ET AL

###### Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 13, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

##### NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

###### MODIFICATION OF AGREEMENT

###### Notice of Agreement Filed by:

Howard A. Levy, Esq., Suite 631, 17 Battery Place, New York, N.Y. 10004.

Agreement No. 9214-12, among the member lines of the above-named conference, extends through September 30, 1974, the Conference's authority over cargo moving to inland European points via Conference landing ports, whether or not moving under a through bill of lading.

By Order of the Federal Maritime Commission.

Dated: February 15, 1974.

##### CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

###### MODIFICATION OF AGREEMENT

###### Notice of Agreement Filed by:

Howard A. Levy, Esq., Suite 631, 17 Battery Place, New York, N.Y. 10004.

Agreement No. 8210-24, among the member lines of the above-named conference, extends through September 30, 1974, the Conference's authority over cargo moving from inland European points via Conference loading ports, whether or not moving under a through bill of lading.

By Order of the Federal Maritime Commission.

Dated: February 15, 1974.

##### NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

###### MODIFICATION OF AGREEMENT

###### Notice of Agreement Filed by:

Howard A. Levy, Esq., Suite 631, 17 Battery Place, New York, N.Y. 10004.

Agreement No. 7670-10, among the member lines of the above-named conference, deletes the text of the self-policing provisions contained in Article XVII of the basic agreement and substitutes therefor language incorporating by reference Articles 7 through 20 of the Associated North Atlantic Freight Conference Agreement to which the Conference has become a party for both self-policing and administrative purposes.

By Order of the Federal Maritime Commission.

Dated: February 15, 1974.

##### NORTH ATLANTIC DISCUSSION AGREEMENT EXTENSION OF AGREEMENT

###### Notice of Agreement Filed by:

Howard A. Levy, Esq., Suite 631, 17 Battery Place, New York, N.Y. 10004.

Agreement No. 9989-2, among the member lines of the above-named agreement, extends the effective period of the basic agreement through August 8, 1974.

By Order of the Federal Maritime Commission.

Dated: February 15, 1974.

##### NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

###### MODIFICATION OF AGREEMENT

###### Notice of Agreement Filed by:

Howard A. Levy, Esq., Suite 631, 17 Battery Place, New York, N.Y. 10004.

Agreement No. 5850-25, among the member lines of the above-named conference, extends through September 30, 1974, the conference's authority over cargo moving to ports situated on inland

waterways tributary to U.S. South Atlantic "coastal ports".

By Order of the Federal Maritime Commission.

Dated: February 15, 1974.

##### TRANS-PACIFIC PASSENGER CONFERENCE

###### Notice of Agreement Filed for Approval by:

Mr. Ronald C. Lord, General Manager, Trans-Pacific Passenger Conference, 311 California Street, San Francisco, Calif. 94104.

Agreement No. 131-259 filed by the Trans-Pacific Passenger Conference modifies Article E and Rule E-1 which are entitled "Travel Agents" to also cover group organizers, and also establishes a new Rule E-2 entitled "Group Organizers" with rules specially applicable to group organizers.

Existing Rules E-2 to E-7 will be re-numbered as Rules E-3 to E-8.

Corresponding modifications and re-numbering will be made in Exhibit D to Rule E-1 now entitled "Rules of the Trans-Pacific Passenger Conference Affecting Travel Agencies".

By Order of the Federal Maritime Commission.

Dated: February 14, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4106 Filed 2-20-74; 8:45 am]

##### AMVIC EXPRESS INTERNATIONAL, ET AL Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act of 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Steven Seraphim Demopoulos, d/b/a AMVIC Express International, 149 Madison Avenue, New York, N.Y. 10018.

L. R. Forwarding Corp., 388 Broadway, New York, N.Y. 10013.

###### OFFICERS

Lawrence Ray Fink, President, Morris C. Kimmel, Secretary/Treasurer.

Stephen Chien, 436 Mountain Avenue, Berkeley Heights, N.J. 07922.

Marco Forwarding Co., 2001 Northwest 7th Street, Miami, Fla.

###### OFFICERS

Marco A. Sainz, President, Ana Maria Sainz, Secretary.

Frederick Richards of Ga., Inc., P.O. Box 1246, Savannah, Ga. 31402.

###### OFFICERS

Robert A. Richards, President.  
Andrew B. Rogers, Vice President.

James P. Black, Vice President.  
Sara Lee Richards, Secretary.

By the Federal Maritime Commission.  
Dated: February 14, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4107 Filed 2-20-74; 8:45 am]

##### UNITED STATES LINES, INC. AND AMERICAN EXPORT LINES, INC.

###### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreement, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 4, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (indicated hereinafter) and the statement should indicate that this has been done.

###### Notice of Agreement Filed by:

Stuart R. Breidbart, Corporate Counsel, United States Lines, Inc., One Broadway, New York, N.Y. 10004.

Agreement No. T-2901, between United States Lines, Inc. (USL) and American Export Lines, Inc. (AEL) provides for the sublease to AEL of portions of the Howland Hook Terminal leased to USL under Agreement No. T-2890 for an initial term of approximately 34 years (plus renewal options aggregating an additional 69 years). Use of the subleased premises by third parties is restricted to persons whose use is consented to by AEL and USL and the AEL/USL joint venture terminal operating company formed under FMC Agreement No. T-2901. As compensation, USL is to receive (a) \$1,100,000 annually; (b) 50 percent of rentals payable for improvements under FMC Agreement No. T-2890, to the extent AEL has approved the improvements; and (c) 50 percent of the cost of insurance required under FMC Agreement No. T-2890.

By Order of the Federal Maritime Commission.

Dated: February 15, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4104 Filed 2-20-74; 8:45 am]

##### FEDERAL POWER COMMISSION

[Docket No. RP71-122]

##### ARKANSAS LOUISIANA GAS CO.

###### Notice of Tariff Filing

FEBRUARY 13, 1974.

Take notice that on February 6, 1974, Arkansas Louisiana Gas Company (Arkla), in purported compliance with Commission Opinion Nos. 643, 643-A, and 643-B, issued January 8, 1973, April 10, 1973, and June 8, 1973, respectively, and a Commission Order of January 22, 1974, in the instant docket, tendered for filing Second Revised Sheets Nos. 3A, 3B, and 3C and First Revised Sheet No. 3D to its FPC Gas Tariff, First Revised Volume No. 1, to be effective February 20, 1974.

In its filing Arkla has included nine curtailment priorities which coincide with the priorities set out in Opinion No. 643-A and has also included certain other provisions in its curtailment plan which are allegedly in compliance with the requirements of the above opinions and Orders.

Concurrently with the tender of the Tariff Sheets, Arkla submitted a Limited Application for Rereading and Reconsideration of the Commission Order of January 22, 1974. This Application requested that First Revised Sheet No. 3D be accepted for filing by the Commission along with the accompanying Sheets. In this Sheet, Arkla proposes to include in Priority 2 firm industrial sales up to 300 Mcf per day. Although these sales are classified in Priority 3 in the Priority scheme of Opinion 643-B, Arkla states that their proposal is necessary because of the logistical problems associated with the physical implementation of curtailments to small volume industrial.

In addition, Arkla submits that when it is necessary to curtail Priority 2 loads, the large requirements for feedstock and process needs which normally use more than 3,000 Mcf per day will be curtailed before the smaller loads in Priority 2. Arkla asserts that it must do this because the Priority 2 gas for feedstock and process needs represents a small number of customers and a large volume of gas whereas all other gas in Priority 2 is delivered in small volumes to many customers. Thus, Arkla claims that when Priority 2 curtailments are required this scheme will provide quick availability of gas in sufficient volumes to maintain adequate Priority 1 service. In addition they state that this situation would not result in plant damage during the curtailment Arkla expects to experience on its system.

Any person, not already a party to this proceeding, desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

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Power Commission, 825 North Capitol Street NE., Washington, D.C. 20425, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before February 22, 1974. Additionally, persons who have heretofore been granted status as intervenors in Docket No. RP71-122, should file their comments, if any, on or before February 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMS,  
Secretary.

[FR Doc. 74-4031 Filed 2-20-74; 8:45 am]

[Docket No. G-2594, G-6125 et al.]

**EASON OIL CO. ET AL.  
Notice of Petitions To Amend**

FEBRUARY 13, 1974.

Take notice that on January 22, 1974, in Docket No. G-2594 et al., and on January 24, 1974, in Docket No. G-6125, et al., Eason Oil Company (Petitioner), P.O. Box 18755, Oklahoma City, Oklahoma 73118, filed petitions to amend the orders issuing certificates of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act in said dockets to Southwest Gas Producing Company, Inc. (Southwest), and Commonwealth Gas Corporation (Commonwealth), respectively, by substituting Petitioner as certificate holder, all as more fully set forth in the petitions to amend which are on file with the Commission and open to public inspection.

Petitioner states that Southwest and Commonwealth have assigned to Petitioner and John W. Nichols, in equal shares, all of their corporate assets, including the gas producing properties dedicated to the performance of the contracts for their certificated sales. Petitioner proposes to continue, without change, sales of natural gas from the interests which it has acquired from Southwest and Commonwealth.

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before March 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein

must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMS,  
Secretary.

[FR Doc. 74-4032 Filed 2-20-74; 8:45 am]

[Docket No. E-7740]

**INDIANA AND MICHIGAN ELECTRIC CO.  
Notice of Extension of Time**

FEBRUARY 12, 1974.

On February 11, 1974, Staff Counsel filed a motion to enlarge time for filing responses to the motion filed February 5, 1974, by the City of Fort Wayne for extraordinary and other relief and/or reconsideration and appeal from rulings of the Presiding Administrative Law Judge. The motion states that all parties support the procedure requested.

Upon consideration, notice is hereby given that the time fixed for filing responses to the above motion is as follows:

Responses in support of motion on the same basis, February 21, 1974.  
Responses in opposition or motions opposing, March 4, 1974.

MARY B. KIDD,  
Acting Secretary.

[FR Doc. 74-4033 Filed 2-20-74; 8:45 am]

[Project No. 2709]

**MONONGAHELA POWER CO., ET AL.  
Extension of Time and Postponement of Hearing**

FEBRUARY 12, 1974.

On February 5, 1974, the Sierra Club filed a motion for an extension of time to file its direct testimony as required by the order issued January 4, 1974, in the above-designated matter. Staff Counsel filed an answer posing no objection to the motion. The answer states that to be consistent with previous orders in this proceeding all direct testimony of staff and intervenors should be filed on the requested date. On February 8, 1974, Applicants filed an answer requesting denial of the motion. If the motion is granted, Applicants' urge that the hearing schedule not be delayed.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Direct Testimony and Exhibits (an original and 10 copies) by the Commission Staff and Interveners, February 28, 1974.  
Service of Direct Testimony and Exhibits, including Qualifications of Witnesses (an original and 10 copies) by the Commission Staff and Interveners, February 28, 1974.  
Service of Commission Staff's Final Environmental Impact Statement, February 28, 1974.  
Hearing, April 2, 1974 (10:00 a.m., e.d.t.).

MARY B. KIDD,  
Acting Secretary.

[FR Doc. 74-4030 Filed 2-20-74; 8:45 am]

[Docket No. CP74-173]  
**SOUTHWEST GAS CORP.  
Notice of Application**

FEBRUARY 14, 1974.

Take notice that on December 19, 1973, Southwest Gas Corporation (Applicant), P.O. Box 1450, Las Vegas, Nevada 89101, filed in Docket No. CP74-173 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of unspecified gas sales facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate up to 12 taps on its Northern Nevada mainline transmission system at unspecified locations in order to deliver natural gas to various right-of-way grantors. The application states that facilities downstream of the proposed taps will be constructed and the actual sales of gas will be made by Applicant pursuant to its State of Nevada distribution authorization. Applicant states that the ultimate consumers who will receive these subject volumes will be Priority 1 and 2 users, whose gas requirements will be approximately 20 Mcf on a peak day and 2,000 Mcf of gas annually during each of the first three years.

The application states that grant of the requested authorization will allow Applicant to fulfill its contractual obligations to furnish gas service to these right-of-way grantors while increasing high priority utilization of Applicant's existing gas supply. Applicant alleges that grant of this requested authorization is required as these small usage consumers have no available source of alternate fuel.

The total estimated cost of the proposed facilities is approximately \$12,000 which cost Applicant will finance with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the

Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMS,  
Secretary.

[FR Doc. 74-4028 Filed 2-20-74; 8:45 am]

[Docket No. RP74-21]

**UNITED GAS PIPE LINE CO.  
Notice of Extension of Time and  
Postponement of Hearing**

FEBRUARY 13, 1974.

On January 25, 1974, Commission Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued January 10, 1974, in the above-designated matter.

Upon consideration notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Evidence by Staff, March 14, 1974.  
Service of Intervener Evidence, April 16, 1974.  
Service of Company Rebuttal Evidence, May 21, 1974.  
Hearing, May 21, 1974 (10:00 a.m. EDT).

KENNETH F. PLUMS,  
Acting Secretary.

[FR Doc. 74-4029 Filed 2-20-74; 8:45 am]

**GENERAL SERVICES  
ADMINISTRATION**

**REGIONAL PUBLIC ADVISORY PANEL ON  
ARCHITECTURAL AND ENGINEERING  
SERVICES**

**Notice of Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, February 26, 1974, from 10 a.m. to 4:30 p.m., Room 274B, Federal Building, 1500 East Bannister Road, Kansas City, Missouri. This meeting will be for the purpose of considering architectural and engineering firms to provide design services for the proposed new Courthouse and Federal Office Building and Parking Facility in Topeka, Kansas. The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463.

JEFFREY P. HILLELSON,  
Regional Administrator.  
[FR Doc. 74-4201 Filed 2-20-74; 8:45 am]

**REGIONAL PUBLIC ADVISORY PANEL ON  
ARCHITECTURAL AND ENGINEERING  
SERVICES**

**Notice of Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, February 27, 1974, from 10 a.m. to 4:30 p.m., Room 274B, Federal Building, 1500 East Bannister Road, Kansas City, Missouri. The meeting will be for the purpose of considering firms for supplemental mechanical and electrical engineering services and for supplemental architectural, civil, and structural engineering services for projects within Region 6.

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463.

JEFFREY P. HILLELSON,  
Regional Administrator.

[FR Doc. 74-4202 Filed 2-20-74; 8:45 am]

**NATIONAL FOUNDATION ON THE  
ARTS AND THE HUMANITIES**

**VISUAL ARTS ADVISORY PANEL**

**Notice of Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held at 10 a.m. on February 20, 1974 in the 11th floor conference room of the Shoreham Building, 806 15th Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

PAUL BERMAN,  
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc. 74-4015 Filed 2-20-74; 8:45 am]

**NATIONAL SCIENCE FOUNDATION  
ADVISORY PANEL FOR BIOCHEMISTRY**

**Notice of Meeting**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice

is hereby given of a meeting of the Advisory Panel for Biochemistry to be held at 9 a.m. on March 8 and 9, 1974, in Room 643 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of the Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information concerning this Panel, contact Dr. Roy Repaske, Program Director, Biochemistry Program, Room 329, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,  
Assistant Director  
for Administration.

FEBRUARY 8, 1974.

[FR Doc. 74-4044 Filed 2-20-74; 8:45 am]

**OFFICE OF MANAGEMENT AND  
BUDGET**

**REQUEST FOR CLEARANCE OF REPORTS**

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 15, 1974 (44 USC 3509).

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

**NEW FORMS**

Department of Health, Education, and Welfare  
Health Resources Administration  
Connecticut Ambulatory Care Study  
Form HRABHSRE 0115, Single time, Ellett, Connecticut physicians.  
Social Security Administration  
SSI Referral Notice  
Form SSA-L 8050, Occasional, Caywood, Business firms, government agencies.  
Small Business Administration  
Group Application Form Loan Development; Group Application, Form State Development  
Forms 502, Parts I & II, 502A and 501; Occasional, Caywood Business firms requesting assistance.



Group Application for Lease Guarantee—Part I; Group Application for Lease Guarantee—Part II; Group Application for Lease Guarantee—Part III  
Forms 800, 800a, 800b, Occasional, Caywood, Individuals requesting assistance.  
Application for Surety Bond Guarantee Assistance  
Form 994; Occasional, Lowry, Business firms requesting assistance.  
License Application, Instructions, Personal History Statement, Amendments to Application  
Form SBA 415, 415A, 415B, and 415C, Occasional, Lowry, Venture capitalists.  
Size Status Declaration  
Form SBA 490, Occasional, Lowry, Small businesses.  
Minority Vendor Profile Request Form  
Form SBA 1024, Occasional, Sunderhauf/Lowry, Large private sector firms.  
Application for Certificate of Competency  
Form SBA 74, 74A and 74B, Single time, Lowry, Small business concerns.  
Application for Membership in Small Business Production or Research and Development Pool  
Form SBA 419, Occasional, Caywood/Weiner, Small business community.  
Investigative Inquiry for Small Business Investment Co. Applicants  
Form SBA 415 (E), Single time, EGGD/Lowry, Federal, state, and local law enforcement agencies.  
Questionnaire to Selected Lessees of the Lease Guarantee Program  
Form -----, Single time, EGGD/Caywood, Lessees of lease guarantee program.

## REVISIONS

Small Business Administration  
Compliance Report  
Form SBA 707, Annual, Sunderhauf/Lowry, Small businesses.  
Veterans Administration  
Serviceman's Application for Program of Education or Training  
Form 22-1990a, Occasional, Caywood, Servicemen.  
Employment Assistance Questionnaire (Vietnam Era Service-Connected Disabled Veterans)  
Form 22-8672k (NR), Single time, CVAD, Veterans.

## EXTENSIONS

Federal Mediation and Conciliation Service  
Notice to Mediation Agencies  
Form FMCS F-7, Occasional, Evinger (x), Labor-management.

VELMA N. BALDWIN,  
Assistant to the Director  
for Administration.

[FR Doc.74-4228 Filed 2-20-74;8:45 am]

### SMALL BUSINESS ADMINISTRATION ENGLE INVESTMENT CO.

Filing of Application for Approval of Conflict of Interest Transaction and Transfer of Control

Notice is hereby given that Engle Investment Co. (Engle), 35 Essex Street, Hackensack, New Jersey 07601, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed a proposal with the Small Business Administration (SBA) pursuant to §§ 107.701, 107.1004, and 107.1005 of the regulations governing small business investment companies (38 FR 30836, November 7, 1973) for approval of the transfer of control over the Licensee and

of a conflict of interest transaction falling within the scope of the above Sections of the Regulations, respectively.

The facts and circumstances concerning these transactions are as follows:  
On August 3, 1973, Engle made a loan to American Allied Industries, Inc., (American). Mr. Alexander Flenbaum, an officer and director and a major stockholder of Engle, has now offered to purchase from Engle partly for cash and partly on credit, its entire interest in American at terms no less favorable than obtainable elsewhere.

This proposed financing is brought within the purview of §§ 107.1004 and 107.1005 of the regulations since Mr. Flenbaum is an "Associate of the Licensee" as defined in § 107.3 of the regulations.

Simultaneously, with the proposed financing, Mr. Flenbaum proposes to resign as an officer and director of Engle and sell his entire stock ownership, which represents 17 percent of the issued and outstanding stock, to five individuals who are presently stockholders of the Licensee. Three of the individuals already own over 10 percent of the issued and outstanding stock for a combined total of 40 percent. Subsequent to the sale and purchase these three individuals will on a combined basis own 53 percent of the Licensee's stock. Since the proposed transfer of stock represents more than ten percent of the shares issued, it is subject to § 107.701 of the regulations.

Notice is hereby given that any person may, not later than March 8, 1974, submit to SBA, in writing, comments on the proposed transactions. Any such communication shall be addressed to: Deputy Associate Administrator for Investment, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Hackensack, New Jersey.

Dated: February 12, 1974.

JAMES THOMAS PHELAN,  
Deputy Associate  
Administrator for Investment.

[FR Doc.74-4022 Filed 2-20-74;8:45 am]

[License No. 04/05-5103]

### FLORIDA CROWN MESBIC Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Florida Crown MESBIC (licensee), 604 Hogan Street, Jacksonville, Florida 32202, a small business investment company licensed under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), has filed with the Small Business Administration (SBA) an application for exemption from the provision of § 107.1004 (38 FR 30836, November 7, 1973.)

Licensee proposes to make a 10-year loan in the principal amount of \$75,000 to Northeast Container Corporation (NCC). Licensee's proposed financing represents a minor portion of an overall

financing totaling \$207,000 being obtained from other sources.

The proposed financing comes within the purview of the above cited regulation by virtue of the fact that Mr. Samuel H. Grant, President and 51 percent stockholder of NCC, was secretary and a director of the licensee until November 6, 1973. Since Mr. Grant's affiliation with the licensee falls within the definition of an associate of the licensee under § 107.3 (g) (38 FR 30836, November 7, 1973), the transaction comes within the provisions of § 107.1004 of the regulations.

Notice is hereby given that any person may, not later than March 8, 1974, submit comments to SBA on the proposed transaction. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

Notice is further given that any time after such date, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

Dated: February 8, 1974.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.74-4020 Filed 2-20-74;8:45 am]

[License No. 12-0067]

### LYON CAPITAL CORP. Surrender of License

Notice is hereby given that Lyon Capital Corp., 800 Welch Road, Palo Alto, California 94304, has surrendered its License No. 12-0067, issued by the Small Business Administration (SBA) on May 8, 1962.

Lyon Capital Corp. has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Lyon Capital Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: February 12, 1974.

JAMES THOMAS PHELAN,  
Deputy Associate  
Administrator for Investment.

[FR Doc.74-4023 Filed 2-20-74;8:45 am]

[Notice of Disaster Loan Area 1035]

### OREGON

#### Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Oregon as a major disaster area following severe storms, snowmelt, and flooding beginning on or about January 14, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional

counties: Gilliam and Wallowa, and adjacent affected areas. (See 39 FR 4974)

Applications may be filed at the:

Small Business Administration  
District Office  
700 Pittock Block  
921 Southwest Washington Street  
Portland, Oregon 97205

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of P.L. 93-94.

Applications for disaster loans under this announcement must be filed not later than March 27, 1974.

Dated: February 5, 1974.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.74-4017 Filed 2-20-74;8:45 am]

[Notice of Disaster Loan Area 1034]

### WASHINGTON

#### Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Washington as a major disaster area following severe storms, snowmelt, and flooding beginning on or about January 14, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Benton, Columbia, Ferry, Kitsap, Lewis, Mason, Pend Oreille, Stevens, and Thurston, and adjacent affected areas. (See 39 FR 4974)

Applications may be filed at the:

Small Business Administration  
Regional Office  
6th Floor, Dexter Horton Building  
710 Second Avenue  
Seattle, Washington 98104

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93-24.

Applications for disaster loans under this announcement must be filed not later than March 27, 1974.

Dated: February 6, 1974.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.74-4018 Filed 2-20-74;8:45 am]

### DEPARTMENT OF LABOR Occupational Safety and Health Administration

[V-73-21]

#### BURD & FLETCHER CO.

#### Amended Notice of Application for Variance and Interim Order; Grant of Interim Order

I. Amended Notice of Application. Notice is hereby given that Burd & Fletcher Co., 321 W. Seventh St., Kansas City, Missouri 64105, has submitted additional

information pertaining to its application for a variance, and interim order pending a decision on the variance, from the standards prescribed in 29 CFR 1910.213 (c)(1) concerning guards for circular hand-fed ripaws, which was published in the FEDERAL REGISTER on September 25, 1973 (38 FR 26778).

On that date a denial of interim order was published concerning the method the applicant proposed to use for making cuts on material 1 inch or less in width.

The applicant states that a copy of the amended variance application has been given to the affected employees and to their authorized representatives. The employees have also been informed of their right to petition the Assistant Secretary for a hearing.

On October 22, 1973, the applicant submitted additional information stating that it has now developed a transparent plastic guard for use while making cuts on material 1 inch or less in width. This guard is composed of two parts. The stationary part covers the saw blade and is 1/4" above the blade at operating height. The other part of the guard is attached to a push guide 5/16" from the stationary guard, leaving a slot for a pick to hold the wood block being sawed.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor  
Occupational Safety and Health Administration  
823 Walnut Street  
Waltower Building—Room 300  
Kansas City, Missouri 64106  
U.S. Department of Labor  
Occupational Safety and Health Administration  
1627 Main Street, Room 1100  
Kansas City, Missouri 64108

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views, and arguments relating to the pertinent application no later than March 25, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than March 25, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

II. Interim order. It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship to the employer and employees pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Burd & Fletcher Co. be, and it is hereby, authorized to use the two-part transparent

plastic guard described in its application, in lieu of the nodd required by 29 CFR 1910.213(c)(1).

Burd & Fletcher Co. shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of February 21, 1974, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 14th day of February 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.74-4082 Filed 2-20-74;8:45 am]

### STANDARDS ADVISORY COMMITTEE ON NOISE

#### Notice of Receipt of Recommendations; Availability for Inspection and Copying

Notice is hereby given that the Standards Advisory Committee on Noise, established under section 7 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1592), submitted to the Assistant Secretary of Labor for Occupational Safety and Health, on December 20, 1973, its recommendations for a standard for occupational noise exposure.

Copies of the recommended standard will be available for inspection and copying, upon request, at the U.S. Department of Labor, Office of Administrative Programs, Room 540, 1726 M Street NW., Washington, D.C. 20210, and at the following regional offices:

John F. Kennedy Federal Building,  
Government Center, Room No. E308,  
Boston, Massachusetts 02203; 1515  
Broadway, New York, New York 10036;  
15220 Gateway Center, 3535 Market  
Street, Philadelphia, Pennsylvania 19107;  
1375 Peachtree Street NE., Suite 587,  
Atlanta, Georgia 30309; 300 South  
Wacker Drive, Room 1201, Chicago, Illinois 60606; 7th Floor, Texaco Building,  
1512 Commerce Street, Dallas, Texas 75201; 823 Walnut Street, Waltower  
Building, Room 300, Kansas City, Missouri 64104; Federal Building, Room 15010, 1961 Stout Street, Denver, Colorado 80202; 9470 Federal Building, 450  
Golden Gate Avenue, Box 36017, San Francisco, California 94102; and 506  
Second Avenue, 1808 Smith Tower Building, Seattle, Washington 98104.

Signed at Washington, D.C., this 12th day of February, 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.74-4081 Filed 2-20-74;8:45 am]

### INTERSTATE COMMERCE COMMISSION

[Notice No. 450]

#### ASSIGNMENT OF HEARINGS

FEBRUARY 15, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument ap-

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pear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 124211 Sub-229, Hilt Truck Line, Inc., now being assigned March 25, 1974 (3 days), at Seattle, Washington, in a hearing room to be later designated.

MC 88161 Sub-87, Inland Transportation Co., Inc., now being assigned March 28, 1974 (2 days), at Seattle, Washington, in a hearing room to be later designated.

MC 138875 Sub-9, Shoemaker Trucking Co., now being assigned April 1, 1974 (2 days), at Portland, Oregon, in a hearing room to be later designated.

MC 106340 Sub-25, Haney Truck Line, now being assigned April 3, 1974 (3 days), at Portland, Oregon, in a hearing room to be later designated.

MC 107458 Sub-21, Harry L. Young And Sons, Inc., and MC 129631 Sub-39, Pack Transport, Inc., now being assigned April 8, 1974 (1 week), at Boise, Idaho, in a hearing room to be later designated.

MC 138922, Leggett Leasing Corp., now assigned March 11, 1974, at Dallas, Texas, is cancelled and the application is dismissed.

MC 81592 Sub-309, Jenkins Truck Line, Inc., now assigned February 20, 1974, at Chicago, Ill., is cancelled and application dismissed.

MC-C-8186, Allen S. Kraft dba Universal Travel Service-V-World Travel Service (Arthur A. Johnson, Owner), now being assigned hearing March 28, 1974 (2 days), at Kansas City, Mo., in Room 609, Federal Office Bldg., 911 Walnut Street.

MC-C-8191, Belger Cartage Service, Inc., Investigation of Operations and Revocation of Certificates, now assigned March 18, 1974, at Kansas City, Mo., is postponed to April 2, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 127042 Sub 120, Hagen, Inc., MC 128273 Sub 142, Midwestern Express, Inc., now being assigned continued hearing May 6, 1974 (2 weeks), at Chicago, Illinois, in a hearing room to be later designated.

NO. 35913, Louis Dreyus Corporation, Et Al.-V-The Atchison, Topeka and Santa Fe Railway Company, Et Al., now assigned March 18, 1974, at Kansas City, Mo., will be held in Room 829, Court of Appeals, U.S. Courthouse, 811 Grand Avenue.

MC 138922, Leggett Leasing Corporation, now assigned March 11, 1974, at Dallas, Texas, is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4125 Filed 2-20-74;8:45 am]

#### FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 15, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and

charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before March 8, 1974.

FSA No. 42804—Joint Water-Rail Container Rates—American President Lines, Ltd. Filed by American President Lines, Ltd., (No. 9), for itself and interested rail carriers. Rates on general commodities, between ports in the Orient, and rail stations on the U.S. Atlantic and Gulf Seaboard. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4120 Filed 2-20-74;8:45 am]

[Notice No. 6]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 15, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4 (c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4 (c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in such rules (49 CFR 1042.4 (c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC-48958 (Deviation No. 56), ILLINOIS - CALIFORNIA EXPRESS, INC., P.O. Box 9050, Amarillo, Texas 79105, filed January 30, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Wichita Falls, Tex., over U.S. Highway 277 to Abilene, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Wichita Falls, Tex., over Texas Highway 79 to junction U.S. Highway

way 283, thence over U.S. Highway 283 to junction U.S. Highway 180, thence over U.S. Highway 180 to junction Texas Highway 351, thence over Texas Highway 351 to Abilene, Tex., and return over the same route.

No. MC-48958 (Deviation No. 57), ILLINOIS-CALIFORNIA EXPRESS, INC., P.O. Box 9050, Amarillo, Texas 79105, filed January 30, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Vernon, Tex., over U.S. Highway 283 to Seymour, Tex., thence over U.S. Highway 277 to Abilene, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Vernon, Tex., over U.S. Highway 283 to Seymour, Tex., thence over Texas Highway 199 to Olney, Tex., thence over Texas Highway 79 to junction U.S. Highway 283 at or near Throckmorton, Tex., thence over U.S. Highway 283 to Albany, Tex., thence over U.S. Highway 180 to junction Texas Highway 351, thence over Texas Highway 351 to Abilene, Tex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4122 Filed 2-20-74;8:45 am]

[Notice No. 13]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 15, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

#### MOTOR CARRIERS OF PROPERTY

No. MC 107002 (Sub-No. 435) (RE-PUBLICATION), filed June 6, 1973, and published in the FEDERAL REGISTER issue of August 2, 1973, and republished this issue. Applicant: MILLER TRANSPORTERS, INC. P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative:

John J. Borth, P.O. Box 8573, Jackson, Miss. 39204. An Order of the Commission, Operating Rights Board, dated January 16, 1974, and served February 5, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of petroleum products, in bulk, in tank vehicles, from Natchez, Miss., to points in Texas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112750 (Sub-No. 299) (RE-PUBLICATION), filed June 20, 1973, and published in the FEDERAL REGISTER issue of August 30, 1973, and republished this issue. Applicant: PUROLATOR COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). An Order of the Commission, Operating Rights Board, dated January 23, 1974, and served February 5, 1974, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of commercial papers, documents, written instruments, and business records (except currency, and negotiable securities) as are used in the business of banks and banking institutions: (1) between Vincennes, Ind., on the one hand, and, on the other, points in Clark, Clay, Crawford, Cook, Cumberland, Edwards, Effingham, Jasper, Lawrence, Wabash, and Wayne Counties, Ill.; (2) between Bedford and Sullivan, Ind., on the one hand, and, on the other, Chicago, Ill.; (3) from points in Worcester County, Mass., to Windsor Locks, Conn.; (4) from Pittsfield, Mass., to Windsor Locks, Conn.; and (5) from Holyoke, Mass., to Windsor Locks, Conn., under a continuing contract or contracts with banks and banking institutions, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority

described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124854 (Sub-No. 12) (RE-PUBLICATION), filed February 8, 1973, and published in the FEDERAL REGISTER issue of March 22, 1973, and republished this issue. Applicant: GRIM BROS. TRUCKING CO., 997 Loucks Mill Road, York, Pa. 17402. Applicant's representative: Chester A. Zyblut, 1422 K Street NW., Washington, D.C. 20005. An Order of the Commission, Review Board Number 3, dated January 25, 1974, and served February 7, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, (1) of concrete, cinder, and slag products from Baltimore, Md., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and (2) of brick and clay products from the facilities of Capitol Clay Products Company at Fairmount Heights, Md., to points in Maine, New Hampshire, and Vermont; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 138328 (Sub-No. 2) (RE-PUBLICATION), filed February 20, 1973, and published in the FEDERAL REGISTER issue of April 19, 1973, and republished this issue. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Charles J. Kimball, 2310 Colorado Bank State Building, 1600 Broadway, Denver, Colo. 80202. An Order of the Commission, Review Board Number 1, dated January 29, 1974, and served February 5, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) upholstered furniture from Council Bluffs, Iowa, to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas,

Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to the transportation of traffic originating at the plant sites and storage facilities of Charles Schneider & Co., Inc., or Charles, Inc., at Council Bluffs, Iowa, and (2) materials, equipment, and supplies (except commodities in bulk) used in the manufacture of upholstered furniture from points in California, Colorado, Connecticut, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oregon, and Washington, to Council Bluffs, Iowa, restricted to the transportation of traffic destined to the plant sites and storage facilities of Charles Schneider & Co., Inc., or Charles, Inc., at Council Bluffs, Iowa; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 59655 (Partial correction of a notice of filing of petition for partial modification, clarification and amendment of certificate) filed, December 3, 1973, published in the FEDERAL REGISTER issue of January 3, 1974, republished in the FEDERAL REGISTER issue of January 30, 1974, and in third publication, as corrected in part, this issue. Petitioner: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, N.Y. 10901. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor common carrier certificate in No. MC 59655 issued June 4, 1971, authorizing transportation, over irregular routes, of general commodities (except those of unusual value, liquor, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Passaic, Bergen, Hudson, Essex, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester, Rockland, and Orange Counties, N.Y.

NOTE.—The purpose of this partial republication is to substitute the destination point of Westchester County, N.Y., in lieu of Winchester County, N.Y., previously published in error. The rest of the notice remains as originally published. Any interested person or persons desiring to participate may file an original and six copies of his written repre-



sentations, views or arguments in support of or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

No. MC 125918 (Sub-No. 1) (Notice of filing of petition to add a contracting shipper) filed, January 28, 1974. Petitioner: JOHN A. DI MEGLIO, INC., White Horse Pike, Ancora, N.J. 08037. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor contract carrier permit in No. MC 125918 (Sub-No. 1) issued December 7, 1973, authorizing as pertinent transportation, over irregular routes, of (A) *Brick*, (1) from Winslow, N.J., to points in Chester, Montgomery, Bucks, Delaware, Lancaster, Berks, Philadelphia, and Lehigh Counties, Pa., and Delaware, with no transportation for compensation on return except as otherwise authorized; (2) from Washington, D.C., and Charleston, Martinsburg, and North Mountain, W. Va., to points in Chester, Montgomery, Bucks, Delaware, Lancaster, Berks, Philadelphia, and Lehigh Counties, Pa., Mercer, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, Salem, Atlantic, Cumberland, and Cape May Counties, N.J., and Delaware, with no transportation for compensation on return except as otherwise authorized; and (3) from Harrisburg, Middletown, Ephrata, Wyomissing, Shoemakerville, York, Watonsville, and Milford, Pa., and points in the Beaver Falls, Pa., commercial zone as defined by the Commission (except Fallston, Pa.), to points in Mercer, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, Salem, Atlantic, Cumberland, and Cape May Counties, N.J., and Delaware, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts with the Diener Brick Company, of Collingswood, N.J., and Glenwood Refractories Company of Brooklyn, N.Y.; and (B) *Bricks, tile, and clay products*, from Ancora, N.J., to points in New Jersey, with no transportation for compensation on return except as otherwise authorized, restricted to shipments having a prior movement by rail from origins beyond New Jersey, under a continuing contract, or contracts with the same shippers as (1, 2, and 3) above. By instant petition, petitioner seeks to add Glen-Gery Corporation, Reading, Pa. as an additional contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

No. MC 134765 (Notice of filing of petition to add an additional contracting shipper) filed, February 4, 1974. Petitioner: SPECIALITY TRANSPORT, INC., Holland Road, Wales, Mass. 01081. Petitioner's representative: David M. Marshall, 135 State Street, Springfield, Mass. 01103. Petitioner holds a motor contract carrier permit in No. MC 134765

issued August 4, 1972, authorizing transportation, over irregular routes, of *plastic, plastic products, and cellulose products* (except in bulk), between Worcester and Manchaug, Mass., and Central Falls, R.I., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Maryland, and the District of Columbia, under a continuing contract or contracts with Norman Kartiganer, Inc., of Worcester, Mass. By the instant petition, petitioner seeks to add Hammond Plastics, Inc., of Worcester, Mass., as an additional contracting shipper to the authority described above. Any interested person or persons may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the *FEDERAL REGISTER*.

#### APPLICATIONS UNDER SECTIONS 5 AND 210A(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-11022. (Supplement) (PACIFIC INTERMOUNTAIN EXPRESS CO., CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, EASTERN EXPRESS, INC., AND GRAVES TRUCK LINE, INC.), published in the November 25, 1970, issue of the *FEDERAL REGISTER* on page 18096. By a supplemental application under section 5(1) of the Interstate Commerce Act, filed February 7, 1974. Applicants SANTA FE TRAIL TRANSPORTATION COMPANY, AND GRAVES TRUCK LINE, INC., desires to join in as party applicants.

No. MC-F-12104. (CORRECTION) (ILLINOIS - CALIFORNIA EXPRESS, INC.—PURCHASE (PORTION)—BESTWAY FREIGHT LINES, INC.), published in the January 23, 1974, issue of the *FEDERAL REGISTER* on page 2653. Prior notice should be modified to show authority to be acquired as follows: *General commodities*, with usual exceptions, as a *common carrier* over regular routes, between Oklahoma City, and Waurika, Okla., between Burkburnett, Tex., and Waurika, Okla., between Chickasha and Pauls Valley, Okla., between Oklahoma City, and Lawton, Okla., between junction U.S. Highway 277 and Oklahoma Highway 37, south of Oklahoma City, Okla., and junction U.S. Highway 277 and unnumbered highway, approximately five miles east of Chickasha, Okla., between junction U.S. Highways 277 and 81 south of Chickasha, Okla., and Waurika, Okla., between Waurika, and Ardmore, Okla., between Burkburnett, Tex., and Waurika, Okla., serv-

ing all intermediate points, between Oklahoma City, Okla., and junction Oklahoma Highway 76 and U.S. Highway 70 south of Healdton, Okla., serving various intermediate and off-route points; *government-owned compressed gas trailers*, empty or loaded with compressed gases other than liquefied petroleum gas, between Oklahoma City, and Waurika, Okla., between Burkburnett, Tex., and Waurika, Okla., serving no intermediate points, between Burkburnett, Tex., and Waurika, Okla., serving all intermediate points, between Chickasha, and Pauls Valley, Okla., between Oklahoma City, and Lawton, Okla., serving no intermediate points, between junction U.S. Highway and Oklahoma Highway 37, south of Oklahoma City, Okla., and junction U.S. Highway 277 and unnumbered highway approximately five miles east of Chickasha, Okla., serving no intermediate points, between Waurika, Okla., and Ardmore, Okla., between Oklahoma City, Okla., and junction Oklahoma Highway 76 and U.S. Highway 70 south of Healdton, Okla., serving various intermediate and off-route points, between junction U.S. Highway 277 and U.S. Highway 81 south of Chickasha, and Waurika, Okla., serving no intermediate points; *general commodities*, with usual exceptions, over irregular routes, between points and places in Oklahoma on and south of U.S. Highway 66, on and west of U.S. Highway 281, on and east of U.S. Highway 283, except Lawton and Fort Sill, on the one hand, and, on the other, points and places in Oklahoma, except Lawton and Fort Sill, those in that part of Kansas on and south of U.S. Highway 54, and on and west of U.S. Highway 77, and those in that part of Texas on and west of U.S. Highway 81, and on and north of a line beginning at Ringgold, Tex., and extending along U.S. Highway 82 to Wichita Falls, Tex., and thence along U.S. Highway 70 to Paducah, Tex., and on and east of U.S. Highway 83; *farm machinery*, and *parts of farm machinery*, between Kiowa and Washita Counties, Okla., on the one hand, and, on the other, points and places in Texas on and north of U.S. Highway 70; *cotton gin machinery*, between Kiowa and Washita Counties, Okla., on the one hand, and, on the other, Fort Worth and Dallas, Tex.; *government-owned compressed gas trailers*, empty or loaded with compressed gases other than liquefied petroleum gas, between points in Oklahoma on and south of U.S. Highway 66, on and west of U.S. Highway 281, and on and east of U.S. Highway 283, except Lawton and Fort Sill, on the one hand, and, on the other, points in Oklahoma, except Lawton and Fort Sill, those in that part of Kansas on and south of U.S. Highway 54 and on and west of U.S. Highway 77, and those in that part of Texas on and west of U.S. Highway 81, and on and north of a line beginning at Ringgold, Tex., and extending along U.S. Highway 82 to Wichita Falls, Tex., and thence along U.S. Highway 70 to Paducah, Tex., and on and east of U.S. Highway 83, between points in Kiowa and

Washita Counties, Okla., on the one hand, and, on the other, points in Texas on and north of U.S. Highway 70, between points in Kiowa and Washita Counties, Okla., on the one hand, and, on the other, Fort Worth and Dallas, Tex.

No. MC-F-12110. (CORRECTION) (ARKANSAS-BEST FREIGHT SYSTEM, INC.—PURCHASE—HARRY N. NICKLAUS AND ALBERT P. NICKLAUS, doing business as NICKLAUS TRANSFER & STORAGE CO.), published in the January 30, 1974, issue of the *FEDERAL REGISTER* on pages 3878 and 3879. Prior notice should be modified to include authority under the heading *Chemicals*, from Pittsburgh, Pa., to Steubenville, Mingo Junction, and Martins Ferry, Ohio; and vendee is also authorized to operate as a *common carrier* in Arizona, Colorado, Florida, Georgia, Nebraska, New Mexico, North Carolina, South Carolina, and Virginia.

No. MC-F-12132. Authority sought for control by LEASEWAY TRANSPORTATION CORP., 21111 Chagrin Blvd., Cleveland, OH 44122, of MAX BINSWANGER TRUCKING, 13846 Firestone Blvd., Santa Fe Springs, CA 90670, and for acquisition by W. J. O'NEILL and F. J. O'NEILL, both of Cleveland, OH 44122, of control through the acquisition by LEASEWAY TRANSPORTATION CORP. Applicants' attorneys: Roland Rice, 618 Perpetual Bldg., Washington, D.C. 20004, and J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Operating rights sought to be controlled: *Cement*, as a *common carrier* over irregular routes, from Creal, Calif., to Gabbs, Hawthorne, and Yerington, Nev., and points in Nevada on and south of U.S. Highway 6, from Colton and Victorville, Calif., to Gabbs, Hawthorne, and Yerington, Nev., and points in Nevada on and south of U.S. Highway 6; and return with *empty cement containers*; *cement*, in bulk, from Colton, Creal, Victorville, Gorman, and Monolith, Calif., to described areas in Nevada, Arizona, and Utah; *cement*, in bags, from Colton, Creal, and Victorville, Calif., to Yuma, Ariz., and to those points in Yuma and Mohave Counties, Ariz., on and north of Interstate Highway 10; from Colton, Victorville, and Creal, Calif., to points in a defined area of Arizona, Nevada, and Utah, from Monolith, Crestmore, and Oro Grande, Calif., and from the plant-site of Pacific Western Industries, Inc., at or near Gorman, Calif., to points in Arizona and Nevada, and points in a defined area of Utah; *pozzolan*, in bulk, from points in Kern County, Calif., to points in Arizona and Nevada, between points in California, with restriction, from Panaca, Nev., to points in California; *fly ash and bottom ash*, in bulk, from points in Clark County, Nev., to points in California. LEASEWAY TRANSPORTATION CORP. is a holding company not engaged in motor carrier transportation, is affiliated with Anchor Motor Freight, Inc., Signal Delivery Service, Inc., Sugar Transport, Inc., Pep Lines Trucking Co., Mitchell Transport, Inc.,

and Refiners Transport & Terminal Corporation, all motor carriers. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12133. Authority sought for purchase by L & B EXPRESS, INC., P.O. Box 137, Madisonville, Ky. 42431, of the operating rights of YATES TRUCK LINES, INC., Maud, Ky. 40042, and for acquisition by WILLIAM G. THOMAS, also of Madisonville, Ky. 42431, of control of such rights through the purchase. Applicants' attorney: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Operating rights sought to be transferred: *Fertilizer* (except liquid fertilizer, in bulk, in tank vehicles), as *common carrier* over irregular routes, from Cincinnati, Ohio, to points in Kentucky; *fertilizer, fertilizer ingredients and component fertilizer raw materials* (except in bulk in tank vehicles), between Cincinnati, Ohio, and Jeffersonville, Ind., with restriction, from Cincinnati, Ohio, to points in Tennessee, from Cincinnati, Ohio (except from the plant-site of Virginia-Carolina Chemical Corp., at or near St. Bernard, Ohio) to points in Decatur, Ohio, and the described Counties in Indiana; *feed, feed ingredients and insecticides* (except in bulk, in tank vehicles), from Cincinnati, Ohio, to points in Kentucky, with restrictions; *fertilizer and fertilizer materials and ingredients, herbicides, and related advertising materials* when moving in the same vehicle with fertilizer and fertilizer materials and ingredients, from the plant-site of Armour Agricultural Chemical Co., at Jeffersonville, Ind., to points in Kentucky, Ohio, Tennessee, and West Virginia; *plastic pipe, and materials and supplies* used in the manufacture of plastic pipe (except commodities in bulk), between the plant-site of Universal Pipe and Plastics, Inc., near Springfield, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), with restriction. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12134. Authority sought for purchase by LILE MOVING & STORAGE COMPANY, 7021 Northeast Halsey St., Portland, Ore. 97213, of the operating rights of CENTRAL TRANSFER & STORAGE CO., 215 Southeast Morrison St., Portland, Ore. 97214, and for acquisition by LILE INTERNATIONAL COMPANIES, 3602 S. Pine, Tacoma, Wa., which, in turn, is controlled by WENDELL B. LILE, also of Tacoma, Wa., and JAMES B. LARSEN of Portland, Ore. 97213, of control of such rights through the purchase. Applicants' attorney: George H. Hart, 1100 IBM Bldg., Seattle, Wa. 98101. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Portland, Ore., and points within 20 miles of Portland, on the

one hand, and, on the other, points in Washington. Vendee is authorized to operate as a *common carrier* in Oregon and Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12135. Authority sought for purchase by WILSON FREIGHT COMPANY, 3636 Follett Ave., Cincinnati, OH 45223, of a portion of the operating rights of DOWNING & SONS, INC., 365 Swan St., Buffalo, NY 14204, and for acquisition by DAVID M. GANTZ, JOSEPH M. GANTZ, S. DAVID SHOR, AND JOHN E. SHOR, all of Cincinnati, OH 45223, of control of such rights through the purchase. Applicants' attorneys: Milton H. Bortz, 3636 Follett Ave., Cincinnati, OH 45223, and William J. Hirsch, 43 Court St., Buffalo, NY 14202. Operating rights sought to be transferred: *General commodities*, with usual exceptions, as a *common carrier* over irregular routes, between points in New York within 75 miles of Buffalo, including Buffalo. Vendee is authorized to operate as a *common carrier* in Connecticut, New Jersey, New York, Pennsylvania, Ohio, Massachusetts, Maryland, West Virginia, North Carolina, Virginia, Rhode Island, Indiana, Kentucky, Tennessee, Illinois, Minnesota, Wisconsin, Missouri, Iowa, Delaware, Maine, New Hampshire, Vermont, Oklahoma, Kansas, Michigan, Arkansas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MC-F-12136. Authority sought for purchase by JAMES INNACO, 969 Bridgeport Avenue, Milford, CT 06460, of the operating rights of MEER EXPRESS, INC., 206 Windsor Street, Buckland, CT, and for acquisition by JAMES INNACO, 25 Nuthatch Hill Road, Trumbull, CT, of control of such rights through the purchase. Applicants' attorney: WILLIAM J. MEUSER, 86 Cherry Street, Milford, CT 06460. Operating rights sought to be transferred: Under a Certificate of Registration, in Docket No. MC 121032 (Sub No. 1), covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of Connecticut, and MC-121032 Sub No. 2, *General commodities* as a *common carrier* over irregular routes (except those of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), which are at the time moving on bills of lading of freight forwarders, between Manchester, Conn., on the one hand, and, on the other, North Haven, Conn. Vendee is authorized to operate as a *common carrier* in New York, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC-133150 Sub 2 is a directly related matter.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-4124 Filed 2-20-74; 8:45 am]

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[Notice No. 27]

**MOTOR CARRIER BOARD TRANSFER PROCEEDINGS**

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 13, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-PC-74887. (CORRECTED). By order of January 17, 1974, the Motor Carrier Board approved the transfer to Goodman Transportation, Inc., Salt Lake City, Utah, of the operating rights in Permits Nos. MC-134278 and MC-134278 (Sub-No. 2), issued March 2, 1973, and March 2, 1973, respectively, to Charles R. Goodman, doing business as C. R. Goodman Trucking Co., Murray, Utah, authorizing the transportation of sporting goods (a) from Los Angeles, Oakland, and San Francisco, Calif., and points in the Los Angeles, Calif., Harbor Commercial Zone, to Salt Lake City, Utah, and (b) from Salt Lake City, Utah, to points in Idaho, Wyoming, Colorado, and Arizona; and chemicals (except in bulk) and containers, between points in California, Washington, Nevada, and Utah. The purpose of this corrected publication is to describe the correct operating rights authorized to be transferred. The publication in the January 23, 1974, issue (a) inadvertently stated that the operating rights in No. MC-134278 (Sub-No. 4) were included in the transfer and (b) omitted reference to the operating rights in No. MC-134278.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-4123 Filed 2-20-74; 8:45 am]

[Notice No. 25]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

FEBRUARY 13, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210(a) of the Interstate Commerce Act

provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the *Federal Register*, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the *Federal Register* publication, within 15 calendar days after the date of notice of the filing of the application is published in the *Federal Register*. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 730 (Sub-No. 361 TA), filed February 5, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: Alfred G. Krebs (Same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from, to, or between the following points or described areas: (1) Between Spanish Fork, Utah, and the junction of U.S. Highway 290 with Interstate Highway 45, serving no intermediate points, with service at the junction of U.S. Highway 666 and Interstate Highway 40, and the junction of Interstate Highways 10 and 25 for the purpose of joinder only; From Spanish Fork over U.S. Highway 50 to junction U.S. Highway 163, thence over U.S. Highway 163 to junction U.S. Highway 666, thence over U.S. Highway 666 to junction Interstate Highway 40 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction U.S. Highway 290, thence over U.S. Highway 290 to junction Interstate Highway 45, and return over the same route; (2) Between Pueblo, Colo., and the junction of Interstate Highway 45 with U.S. Highway 290, serving no intermediate points, with service at the junction of U.S. Highway 287 and Interstate Highway 40, and the junction of Interstate Highways 20 and 45 for the purpose of joinder only.

From Pueblo over Interstate Highway 25 to junction U.S. Highway 87, thence over U.S. Highway 87 to junction U.S. Highway 287, thence over U.S. Highway 287 to junction Interstate Highway 40, thence over U.S. Highway 287 to junction Interstate Highway 20, thence over Interstate Highway 20 to its junction with Interstate Highway 45, and thence over

Interstate Highway 45 to junction U.S. Highway 290, and return over the same route; (3) Between Riverside, Calif., and the junction of U.S. Highway 64 (Interstate Highway 40) with U.S. Highway 51, serving no intermediate points, with service at the junction of U.S. Highway 60 and California Highway 86, the junction of U.S. Highway 666 and Interstate Highway 40, and the junction of U.S. Highway 287 and Interstate Highway 40 for the purpose of joinder only; From Riverside over U.S. Highway 60 (Interstate Highway 10) to Quartzsite, Ariz., thence over U.S. Highway 60 to Arizona Highway 71, thence over Arizona Highway 71 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Interstate Highway 40 (U.S. Highway 66), thence over Interstate Highway 40 (U.S. Highway 66) to junction U.S. Highway 64, thence over U.S. Highway 64 (Interstate Highway 40) to junction U.S. Highway 51, and return over the same route; and (4) Between the junction of U.S. Highway 60 with California Highway 86 and the junction of U.S. Highway 80 (Interstate Highway 20) with U.S. Highway 71, serving no intermediate points, with service at the junction of U.S. Highway 60 and California Highway 86, the junction of Interstate Highways 10 and 25, and the junction of Interstate Highways 20 and 45 for the purpose of joinder only.

From the junction of U.S. Highway 60 and California Highway 86 over California Highway 86 to junction U.S. Highway 80 (Interstate Highway 8), thence over U.S. Highway 80 (Interstate Highway 8) to junction Interstate Highway 10, thence over Interstate Highway 10 to junction U.S. Highways 80 and 82, thence over U.S. Highway 82 to junction New Mexico Highway 18, thence over New Mexico Highway 18 to junction U.S. Highway 180, thence over U.S. Highway 180 to junction of U.S. Highway 80 (Interstate Highway 20), thence over U.S. Highway 80 (Interstate Highway 20) to junction U.S. Highway 71, and return over the same route. RESTRICTION: The use of the above authority is limited to the movement of traffic interchanged between Ryder Truck Lines, Inc., and Pacific Intermountain Express Co., for 180 days.

Note: Applicant states that it does not seek to serve any new points by this application. It is the intention of this application to join routes of Pacific Intermountain Express Co., and Ryder Truck Lines, Inc., as alternative shorter routes between certain points served by each carrier so as to allow combined service by the two carriers to be rendered over shorter, safer, more economical and more efficient routes than those now available for combined service being rendered by the two carriers. This application is also in contemplation of the merger of Pacific Intermountain Express Co., and Ryder Truck Lines, Inc., as required by the Interstate Commerce Commission in Docket No. MC-P-10795 (International Utilities—Control—Pacific Intermountain Express Co.) and currently pending in a merger application in Docket No. MC-P-11584 (Pacific Intermountain Express Co.—Merger—Ryder Truck Lines, Inc.) before the Commission.

SUPPORTED BY: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 26396 (Sub-No. 116 TA), filed February 5, 1974. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Mfg. P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Charlotte Vicars (Same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals, including pest and weed control*, from the plant site and warehouse facility of Monsanto Company at or near Muscatine, Iowa, to points in Florida, Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Virginia, for 180 days. SUPPORTING SHIPPER: Monsanto Company, 800 North Lindberg, St. Louis, Mo. 63166. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 26396 (Sub-No. 117 TA), filed February 5, 1974. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Mfg. P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Charlotte Vicars (Same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, from Memphis, Tenn., to points in Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, and Washington, for 180 days. SUPPORTING SHIPPER: Monsanto Company, 800 North Lindberg, St. Louis, Mo. 63166. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 60014 (Sub-No. 34 TA), filed February 6, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: Edward J. Conto (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Michigan (Lower Peninsula), Ohio and Wisconsin, for 180 days. SUPPORTING SHIPPER: Bethlehem Steel Corporation, Bethlehem, Pa. 18016. SEND PROTESTS TO: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 103498 (Sub-No. 40 TA), filed February 5, 1974. Applicant: W. D.

SMITH TRUCK LINE, INC., P.O. Drawer C, DeQueen, Ark. 71832. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Posts, poles and lumber*, treated and/or untreated, from Mena, Ark., to points in Missouri and Kansas, for 180 days. SUPPORTING SHIPPER: Edward Hines Lumber Company, 200 South Michigan Ave., Chicago, Ill. 60604. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 106674 (Sub-No. 124 TA), filed February 8, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Thomas R. Schilli (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Conveyors systems*, knocked down, from Mitchell, Ind., to points east of the Mississippi River, for 180 days. SUPPORTING SHIPPER: Synchro-Systems, Inc., 550 South Fifth St., Mitchell, Ind. SEND PROTESTS TO: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 692 TA), filed February 6, 1974. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulated metal (aluminum and steel) building panels, insulated fiberglass building panels, urethane insulated roof panels, and accessories*, from Holland Township, Mich., to points in Missouri, Wisconsin, Minnesota, Kansas, North Dakota, South Dakota, Colorado, Nebraska, and Iowa, for 180 days. SUPPORTING SHIPPER: W. H. Porter, President, W. H. Porter, Inc., 4240 North 136th Avenue, P.O. Box 823-B, Holland, Mich. 49423. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 107882 (Sub-No. 34TA), filed February 4, 1974. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Herbert A. Dublin, Federal Bar Bldg., 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Gasoline coupons*, between any point or place in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: General Services Administration, Building 4, Crystal Mall, Washington, D.C. 20406. SEND PROTESTS TO: RICHARD M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 110563 (Sub-No. 127TA), filed February 7, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., 113 North Ohio Avenue, P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: John L. Maurer, P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites and warehouse facilities utilized by The Miami Margarine Co. located at or near Cincinnati, Ohio, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and Virginia, for 180 days. RESTRICTION: Restricted to traffic originating at the above named origin. SUPPORTING SHIPPER: The Miami Margarine Co., 5226 Vine Street, Cincinnati, Ohio 45217. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 113106 (Sub-No. 40 TA), filed February 6, 1974. Applicant: THE BLUE DIAMOND COMPANY, 4401 East Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 1522 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corrugated sheets and boxes*, from Newark, Del. to Salem, N.J., for 180 days. SUPPORTING SHIPPER: Mr. Charles E. Smith, Resident Manager, Crown Zellerbach Corp., 1001 Ogletown Road, Newark, Del. 19711. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 114725 (Sub-No. 56 TA), filed February 6, 1974. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th St., Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14 St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, (1) From Doniphan, Nebr., and Kansas City, Mo., to points in Kansas; and (2) from Kansas City, Mo., and Kansas City, Kans., to points in Nebraska, for 180 days. SUPPORTING SHIPPER: Agrico Chemical Co., J. J. Stefanec, Manager of Transportation Legislation, P.O. Box 3166, Tulsa, Okla. 74101. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 North 14 St., Omaha, Nebr. 68102.

No. MC 119634 (Sub-No. 11 TA), filed January 22, 1974. Applicant: DICK IRVIN, INC., P.O. Box F, 218 12th Ave.



## NOTICES

North, Shelby, Mont. 59474. Applicant's representative: Joe Gerbase, 100 Transwestern Bldg., Billings, Mont. 59101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Barite, in bulk, and in bags, from Salt Lake City, Utah, to points in Montana, for 180 days. SUPPORTING SHIPPER: Wyo-Ben Products, Inc., P.O. Box 1979, Billings, Mont. 59103. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 123065 (Sub-No. 11 TA), filed February 6, 1974. Applicant: STX, INC., doing business as SPOTSWOOD TRAIL EXPRESS, Redbone Road, Chester Springs, Pa. 19425. Applicant's representative: Frederick Phillips (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, from Hudson, N.C., to points in Delaware, District of Columbia, Maryland, Michigan, Ohio, and West Virginia, for 180 days. SUPPORTING SHIPPERS: Sears, Roebuck & Company, Sears Tower, Chicago, Ill. 60684; Terminal Freight Cooperative Association, Terminal Manager, Hudson, N.C. 28638. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Bldg., Room 3238, Philadelphia, Pa. 19106.

No. MC 123074 (Sub-No. 8 TA), filed February 6, 1974. Applicant: M. L. ASBURY, INC., 1100 South Oakwood, Detroit, Mich. 48217. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Heavy fuel oil and bunker oil, in bulk, in tank vehicles, from the International Boundary line between the United States and Canada at or near Port Huron, Mich., to Galesburg, Jackson, and Parchment, Mich., and points within the commercial zone to such points, for 180 days. SUPPORTING SHIPPER: Petro Products, Inc., 7200 Inkster Road, Taylor, Mich. 48180. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 127539 (Sub-No. 31 TA), filed February 5, 1974. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th St., Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Long Beach, Calif., to points in Oregon and Washington, for 180 days. SUPPORTING SHIPPERS: Peirone Produce Company, 524 East Trent, Spokane, Wash. 99202; Standard Fruit & Steamship Company, 666 East Ocean, Suite 1404, Long Beach, Calif. 90802; West Coast Fruit and Produce,

448 East 18th, Tacoma, Wash. 98421; and Pacific Fruit & Produce, P.O. Box 3687, 4103 2d Ave. South, Seattle, Wash. 98124. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 128217 (Sub-No. 10 TA), filed February 5, 1974. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Aluminum articles, from points in the Minneapolis, Minn., commercial zone to points in North Dakota and South Dakota, for 180 days. SUPPORTING SHIPPER: Joseph T. Ryerson & Sons, Inc., Box 8000-A, Chicago, Ill. 60680. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 133576 (Sub-No. 3 TA), filed February 4, 1974. Applicant: BUSBOOM TRUCKING, INC., Route 1, Filley, Nebr. 68357. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. 68508. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: Calcium chloride, in containers—for the account of Oldfather's O.K. Tire Co., from Ludington, Mich., to Nebraska, Kansas and points on and west of U.S. Highway No. 65 in Iowa, for 180 days. SUPPORTING SHIPPER: Oldfather's O.K. Tire company, John G. Smith, Stockholder and Director of Commercial Sale, Beatrice, Nebr. 68310. SEND PROTESTS TO: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134806 (Sub-No. 19 TA), filed February 4, 1974. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortmann, 1100 17th Street NW, Suite 613, Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Tennis shoes, from Roberts Shoe Division, Somersworth Manufacturing Co., Somersworth, N.H., to Talcottville, Conn., and the plantsite and warehouse facilities of Head Ski Division of AMF, Inc., Boulder County, Colo., for 180 days. SUPPORTING SHIPPER: Head Ski Division of AMF, Incorporated, 4801 North 63d Street, Boulder, Colo. 80301. SEND PROTESTS TO: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4121 Filed 2-20-74; 8:45 am]

[Rev. S.O. 994; I.C.C. Order No. 119]

## ILLINOIS CENTRAL GULF RAILROAD CO.

## Rerouting or Diversion of Traffic

In the opinion of R.D. Pfahler, Agent, the Illinois Central Gulf Railroad Company is unable to transport traffic over its line between Natchez, Mississippi, and Packton, Louisiana, because of high water and flooding.

It is ordered, That:

(a) Rerouting traffic. The Illinois Central Gulf Railroad Company, being unable to transport traffic over its line between Natchez, Mississippi, and Packton, Louisiana because of high water and flooding, that line and its connections are hereby authorized to reroute or divert such traffic via any available route.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 11:30 a.m., February 11, 1974.

(g) Expiration date. This order shall expire at 11:59 p.m., March 15, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 11, 1974.

INTERSTATE COMMERCE COM-  
MISSION,  
[SEAL] R. D. PFAHLER,  
Agent.

[FR Doc.74-4118 Filed 2-20-74; 8:45 am]

## NOTICES

[Rule 19; Ex Parte No. 241,  
Exemption No. 61, Amdt. 1]

MISSOURI PACIFIC RAILROAD CO.  
Exemption Under Mandatory Car Service  
Rules

Upon further consideration of Exemption No. 61 issued January 20, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 61 to the Mandatory Car Service Rules ordered in Ex Parte No.

241 be, and it is hereby, amended to expire March 15, 1974.

This amendment shall become effective February 10, 1974.

Issued at Washington, D.C., February 7, 1974.

INTERSTATE COMMERCE COM-  
MISSION,

[SEAL] R. D. PFAHLER,  
Agent.

[FR Doc.74-4119 Filed 2-20-74; 8:45 am]

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PART II



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## **ENVIRONMENTAL PROTECTION AGENCY**

■

### **RUBBER PROCESSING POINT SOURCE CATEGORY**

Tire and Inner Tube Plants, Emulsion  
Crumb Rubber, Solution Crumb Rubber,  
and Latex Rubber Subcategories

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Title 40—Protection of the Environment  
**CHAPTER I—ENVIRONMENTAL  
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**SUBCHAPTER N—EFFLUENT GUIDELINES AND  
 STANDARDS**  
**PART 428—RUBBER PROCESSING  
 POINT SOURCE CATEGORY**

*Tire and Inner Tube Plants, Emulsion Crumb Rubber, Solution Crumb Rubber, Latex Rubber Subcategories*

On October 11, 1973 notice was published in the FEDERAL REGISTER, (38 FR 28219) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the tire and inner tube plants, emulsion crumb rubber, solution crumb rubber and latex rubber subcategories of the rubber processing category of point sources. This final rulemaking which established final effluent limitations guidelines and standards of performance and pretreatment standards for new sources is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c), and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), and 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the tire and inner tube plants, emulsion crumb rubber, solution crumb rubber and latex rubber subcategories. In addition, the regulations as proposed were supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Tire and Synthetic Segment of the Rubber Processing Point Source Category" (September 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines," "Rubber Processing Industry" (September 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from

the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

The regulation as promulgated contains minor departures from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not made.

(a) Summary of Comments.  
 The following responded to the request for written comments contained in the preamble to the proposed regulation: Phillips Petroleum; Anne W. Amacher, Citizen; B. F. Goodrich Co.; Texas-U.S. Chemical Co.; Dupont-Texas Chemical Council; Carolyn A. Carr, Citizen; Uniroyal, Inc.; Dupont, Wilmington; Los Angeles County; U.S. Department of Commerce and the U.S. Department of the Interior.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to those comments.

(1) It was urged that the Agency not include algae from oxidation ponds in the TSS limitation or that the Agency double the limitation, if algae is to be included.

It is the Agency's intention that any material contributing to TSS is to be included in the limitation and the Agency believes that the limitation can be met by plants practicing best practicable control technology currently available.

(2) It was suggested that the BOD test is inaccurate at low concentrations (5 mg/l) and that best available technology economically achievable to achieve 5 mg/l is unrealistic in terms of cost and water quality impact.

The use of activated carbon technology for best available technology economically achievable will reduce BOD<sub>5</sub> to levels less than 5 mg/l, which in the Agency's judgment is within the range of measurement using standard analytical methods.

(3) The comment was made that one of EPA's contractors has assumed that rubber production is directly proportional to water use.

The data obtained by the contractor shows that there is a high correlation between production and water use within any given synthetic rubber subcategory.

(4) It was recommended that the best available technology economically achievable limitations be doubled or that the Agency study best available technology economically achievable further.

It is the Agency's judgment that, based on current data, the limitations set forth for best available technology economically achievable can be met using activated carbon technology. In addition the Act requires review of the limitations within five years of promulgation.

(5) It was recommended that the wording "30 consecutive days" be changed to "any calendar month" to simplify record keeping.

Since discharges will in any event be required to keep daily production and discharge records to determine compliance with limitations applicable to any one day, additional monitoring or records will not be required to comply with this provision. Moreover, the Agency believes that dischargers should meet the limitations for any 30 consecutive days in order to prevent sustained periods of high levels of discharge.

(6) One commenter stated that the regulations do not prohibit tire and inner tube plants from releasing toxic pollutants and pollutants with unknown effects on human beings and fish. Also the regulation does not prohibit the release of any specific chemical compound by name, neither does the regulation require tire plants to get EPA permission before adding new chemicals to their process which might get into the discharged water.

Although the ingredients used in compounding rubber for tire and inner tube manufacturing might possibly be harmful if discharged as process waste water pollutants, compounding is a dry process and none of the specific ingredients used in compounding the rubber was detected in the waste waters. The limitations for best practicable control technology and best available technology will lead to control and removal of all identified primary pollutants of concern. Discharge of harmful substances are independently controlled under sections 303 and 307 of the Act.

(7) The same commenter noted that EPA did not consult with the American Chemical Society, American Academy of Science, American Cancer Society or NIH in drafting the proposed regulations.

The preamble to the proposed regulations invited comments from all interested persons or organizations. The organizations cited by the commenter did not submit comments or suggestions.

(8) One commenter does not believe there are any benefits to be gained by separating process waste water from utility waste water and storm water in tire and inner tube plants.

The Agency believes that isolation of process waste waters from other types of plant wastes as the least costly alternative to meet the effluent limitations. Any method or procedure can be used that will achieve the required reduction of the process waste water pollutants, TSS and oil and grease.

(9) Two commenters stated that the technology, biological treatment, does not result in a specified COD removal. COD removal is only coincidental with BOD removal.

COD does not always correlate with BOD. However, in this industry, there is sufficient data to indicate that best practicable control technology will result in compliance with the limitations for COD.

(10) Several commenters stated that there has not been enough study on which to base best available technology

economically achievable limitations and recommend a several months testing program to obtain additional information on the applicability of best available technology economically achievable to specific types of synthetic rubber waste water pollutants.

Although the Agency believes that the BATEA limitations are realistic, it is recognized that there may be some technical and economic risk for industry in applying the technology to synthetic rubber waste effluents. However, the Act requires review and, if appropriate, modification of these guidelines every five years. If subsequent data indicate that modification of these guidelines is required, such modification will be considered at that time.

(11) One commenter suggested that EPA should relate limitations to the size of the receiving stream. The characteristics of receiving water bodies must be taken into account in permit issuance, to ensure that permits require compliance with water quality standards under section 303 of the Act. However, receiving water characteristics are not relevant to determination of effluent reduction attainable by the application of available technology.

(12) One commenter suggested that the control of problems at old tire plants indicate that the "guidelines" should be twice that of newer plants.

The data in possession of the Agency and presented in the Development Document indicate that any tire or inner tube plant practicing BPCTCA can meet the effluent limitations set forth in this regulation regardless of the age of the plant.

(13) Two commenters stated that the costs of segregation of effluent streams at old tire plants are excessive and the lack of available land for waste treatment systems at old plants may entail excessive costs.

The isolation of the process waste waters stream from other waste streams in older tire plants should not require excessive costs. These costs are discussed in detail in the development document. The equipment and control systems required to meet BPCTCA have been estimated to require less than 5,000 square feet of plant area.

(14) One commenter stated that the BPCTCA for emulsion plants contains flaws and does not account for nitrile rubber production peculiarities.

The commenter did not specify any specific respects in which nitrile rubber facilities differ from other facilities in the same subcategory. The Agency is not aware that any relevant differences exist. Accordingly, it is appropriate to require such facilities to achieve the same degrees of effluent control as other plants employing similar processes.

(15) Two commenters stated that there seems to be no logical correlation between neoprene technology and hydrocarbon technology that would justify a common limitation for either BPCTCA or BATEA.

Although neoprene production facilities may have more difficulty operating

treatment systems than hydrocarbon facilities, it is the Agency's judgment that neoprene rubber facilities can meet the limitations for BPCTCA and BATEA as set forth in the regulation.

(16) A comment was made that the start-and-stop process operations at chloroprene plants affect their ability to meet the daily limitations.

The Agency believes that the start-and-stop process operations at chloroprene plants are no more frequent or severe than in hydrocarbon rubber production.

(17) It was recommended that the definitions of specific pollutant parameters measurements be changed and that the basis for limitation reflect both product produced and water use and that the limitation be expressed in mg/l.

These guidelines are based upon the total quantity of pollutant per unit of production, rather than upon the concentration discharged, to preclude the use of dilution as a means of attaining the limitations and to avoid penalizing dischargers who practice good water conservation. However, any discharger will be able to calculate the concentration which he will have to achieve in order to meet the limitations from his known water usage and the limitations set forth herein.

(18) It was recommended that the older and newer tire and inner tube plants subcategories be combined, since the limitations set forth for each of the two subcategories are the same.

The original purpose of the subcategorization for the tire and inner tube plants subcategories was to identify the relative economic impact for old and new plants. Since the Development Document and the Economic Analysis report for the industry clarify the differences in cost for old and new plants, the need to retain the separate subcategorization for older and newer plants is dissipated. The subcategories, therefore have been combined, and the regulation modified to reflect the change.

(19) Two commenters stated that the accuracy of the cost estimates is less than satisfactory for the synthetic rubber subcategories. Costs and economic impacts should be reexamined.

The cost estimates provided in the Development Document and used for the economic analysis have been reexamined. It is the Agency's judgment that the cost estimates, although subject to minor errors and miscalculations, in general accurately reflect the economic impact on the various segments of the industry.

(20) Another commenter thought that the methodology statements are incorrect.

The Agency and the economics contractor have reviewed the methodology and continue to believe that it represents the economic situation fairly.

(21) It was suggested that the Agency did not examine the economic impact or differential treatment costs which would be incurred by small producers.

The Agency has examined a wide range of plants within this industry. All of the

small plants of which we are aware discharge into municipal treatment systems and will therefore not be directly affected by these guidelines. However, because there is a possibility that small plants may exist which discharge directly into navigable waters, the treatment cost which such a plant would incur were examined and discussed in the development document.

(22) A comment was made that the economic analysis presents costs based on a breakdown different from that of the Development Document.

—This was checked and the Agency found that the economic analysis used investment and annual costs based on costs provided in the Development Document.

(b) Revision of the proposed regulation prior to promulgation.  
 As a result of public comment and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) The older tire and inner tube plants subcategory and the newer tire and inner tube plants subcategory have been combined and designated as tire and inner tube plants subcategory.

(2) The subparts of the regulation have been numbered to reflect a total of four subcategories instead of five.

(3) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) Economic impact.  
 The resultant changes to the regulation will not affect the results of the economic analysis prepared for the proposed regulation.

(d) Cost-benefit analysis.  
 The detrimental effects of the constituents of waste waters now discharged by point sources within the tire and synthetic segment of the rubber processing point source category are discussed in section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Tire and Synthetic Segment of the Rubber Processing Point Source Category" (February 1974). It is not feasible to quantify in economic



terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines RUBBER PROCESSING INDUSTRY" (September 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the rubber processing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Tire and Synthetic Segment of the Rubber Processing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401 for a nominal fee.

(f) Final rulemaking.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 428, Rubber Processing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 22, 1974.

Dated: February 8, 1974.

RUSSELL E. TRAIN,  
Administrator.

#### PART 428—RUBBER MANUFACTURING POINT SOURCE CATEGORY

##### Subpart A—Tire and Inner Tube Plants Subcategory

- Sec. 428.10 Applicability; description of the tire and inner tube plants subcategory.
- 428.11 Specialized definitions.
- 428.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Sec. 428.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

428.14 Reserved.

428.15 Standards of performance for new sources.

428.16 Pretreatment standards for new sources.

##### Subpart B—Emulsion Crumb Rubber Subcategory

428.20 Applicability; description of the emulsion crumb rubber subcategory.

428.21 Specialized definitions.

428.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

428.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

428.24 Reserved.

428.25 Standards of performance for new sources.

428.26 Pretreatment standards for new sources.

##### Subpart C—Solution Crumb Rubber Subcategory

428.30 Applicability; description of the solution crumb rubber subcategory.

428.31 Specialized definitions.

428.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

428.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

428.34 Reserved.

428.35 Standards of performance for new sources.

428.36 Pretreatment standards for new sources.

##### Subpart D—Latex Rubber Subcategory

428.40 Applicability; description of the latex rubber subcategory.

428.41 Specialized definitions.

428.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

428.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

428.44 Reserved.

428.45 Standards of performance for new sources.

428.46 Pretreatment standards for new sources.

##### Subpart A—Tire and Inner Tube Plants Subcategory

§ 428.10 Applicability; description of the tire and inner tube plants subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the production of pneumatic tires and inner tubes in tire and inner tube plants.

§ 428.11 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and meth-

ods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "raw material" shall mean all natural and synthetic rubber, carbon black, oils, chemical compounds, fabric and wire used in the manufacture of pneumatic tires and inner tubes or components thereof.

(c) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

§ 428.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.006	0.004
Oil and grease.....	.024	.016
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS.....	0.006	0.004
Oil and grease.....	.024	.016
pH.....	Within the range 6.0 to 9.0.	

§ 428.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.006	0.004
Oil and grease.....	.024	.016
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS.....	0.006	0.004
Oil and grease.....	.024	.016
pH.....	Within the range 6.0 to 9.0.	

§ 428.14 Reserved.

§ 428.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.006	0.004
Oil and grease.....	.024	.016
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS.....	0.006	0.004
Oil and grease.....	.024	.016
pH.....	Within the range 6.0 to 9.0.	

§ 428.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the tire and inner tube plants

subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 428.15; *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

##### Subpart B—Emulsion Crumb Rubber Subcategory

§ 428.20 Applicability; description of the emulsion crumb rubber subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the manufacture of emulsion crumb rubber.

§ 428.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of a waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

§ 428.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or

other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
COD.....	12.00	8.00
BOD <sub>5</sub> .....	.80	.40
TSS.....	.96	.63
Oil and grease.....	.24	.16
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
COD.....	12.00	8.00
BOD <sub>5</sub> .....	.80	.40
TSS.....	.96	.63
Oil and grease.....	.24	.16
pH.....	Within the range 6.0 to 9.0.	

§ 428.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
COD.....	3.12	2.08
BOD <sub>5</sub> .....	.12	.08
TSS.....	.24	.16
Oil and grease.....	.12	.08
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
COD.....	3.12	2.08
BOD <sub>5</sub> .....	.12	.08
TSS.....	.24	.16
Oil and grease.....	.12	.08
pH.....	Within the range 6.0 to 9.0.	

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## § 428.24 Reserved.

## § 428.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: the limitations shall be as specified in § 428.22.

## § 428.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the emulsion crumb rubber subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 428.25: provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

## Subpart C—Solution Crumb Rubber Subcategory

## § 428.30 Applicability; description of the solution crumb rubber subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the

## § 428.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

## § 428.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into ac-

count all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
COD.....	5.91	3.94
BOD <sub>5</sub> .....	.60	.40
TSS.....	.98	.65
Oil and grease.....	.24	.16
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
COD.....	5.91	3.94
BOD <sub>5</sub> .....	.60	.40
TSS.....	.98	.65
Oil and grease.....	.24	.16
pH.....	Within the range 6.0 to 9.0.	

## § 428.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
COD.....	3.12	2.08
BOD <sub>5</sub> .....	.12	.08
TSS.....	.24	.16
Oil and grease.....	.12	.06
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
COD.....	3.12	2.08
BOD <sub>5</sub> .....	.12	.08
TSS.....	.24	.16
Oil and grease.....	.12	.06
pH.....	Within the range 6.0 to 9.0.	

## § 428.34 [Reserved]

## § 428.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: the limitations shall be as specified in § 428.32.

## § 428.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the solution crumb rubber subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 428.35: Provided, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pre-

treatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

## Subpart D—Latex Rubber Subcategory

## § 428.40 Applicability; description of the latex rubber subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the manufacture of latex rubber.

## § 428.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "oil and grease" shall mean those components of waste water amenable to measurement by the method described in Methods for Chemical Analysis of Water and Wastes, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, page 217.

## § 428.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) and factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors

are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
COD.....	10.27	6.85
BOD <sub>5</sub> .....	.51	.34
TSS.....	.82	.55
Oil and grease.....	.21	.14
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
COD.....	10.27	6.85
BOD <sub>5</sub> .....	.51	.34
TSS.....	.82	.55
Oil and grease.....	.21	.14
pH.....	Within the range 6.0 to 9.0.	

## § 428.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
COD.....	2.66	1.78
BOD <sub>5</sub> .....	.11	.07
TSS.....	.21	.14
Oil and grease.....	.11	.07
pH.....	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
COD.....	2.66	1.78
BOD <sub>5</sub> .....	.11	.07
TSS.....	.21	.14
Oil and grease.....	.11	.07
pH.....	Within the range 6.0 to 9.0.	

## § 428.44 [Reserved]

## § 428.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart: the limitations shall be as specified for § 428.42.

## § 428.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the latex rubber subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 428.45; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

[FR Doc.74-3715 Filed 2-20-74; 8:45 am]

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# ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 428]

## RUBBER PROCESSING POINT SOURCE CATEGORY

### Application of Effluent Limitations Guidelines

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act) (33 U.S.C. 1251, 1311, 1314 and 1317(b)); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 428—Rubber Processing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the tire and inner tube plants subcategory, emulsion crumb rubber subcategory, solution crumb rubber subcategory, latex rubber subcategory, subcategories of the rubber processing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR 428) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants.) Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a

publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guideline defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act: *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant: *And provided further*, That when the effluent limitations guideline for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is appropriate to support the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 428.15, 428.25, 428.35, 428.45, and 428.55 of the proposed regulation for point sources within the tire and inner tube plants, emulsion crumb rubber, solution crumb rubber and latex rubber subcategories (October 11, 1973; 38 FR 28219), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 428.16, 428.26, 428.36, and 428.46 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Tire and Synthetic Segment of the Rubber Processing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Rubber Industry", (September 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment

period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653) The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from rubber processing, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of tires and inner tubes and synthetic rubbers. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial

number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the rubber processing category (38 FR 28219; October 11, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 428) which currently is being published in the Rules and Regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the tire and inner tube plants, emulsion crumb rubber, solution crumb, rubber and latex rubber subcategories the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document the process waste waters from plants in the tire and inner tube plants subcategory contain suspended solids, oil and grease and pH. The process waste water from plants in the emulsion crumb rubber, solution crumb rubber and latex rubber subcategories contain BOD<sub>5</sub>, COD, suspended solids, oil and grease and pH. Accordingly, it is the opinion of the EPA that because the suspended solids, and pH discharged by tire and inner tube plants are recognized as compatible pollutants and because the relatively low concentration of oil and grease discharged by such plants are compatible

## PART 428—RUBBER PROCESSING POINT SOURCE CATEGORY

40 CFR Part 428 is proposed to be amended as follows:

### § 428.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 428.12 above shall not apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

### § 428.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines for chemical oxygen demand set forth in 40 CFR 428.22 above shall apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

### § 428.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines for chemical oxygen demand set forth in 40 CFR 428.32 above shall apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

### § 428.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines for chemical oxygen demand set forth in 40 CFR 428.42 above shall apply and, subject to the provisions of 40 CFR 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

[FR Doc. 74-3716 Filed 2-20-74; 8:45 am]

RUSSELL E. TRAIN,  
Administrator.

Dated: February 8, 1974.

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# **federal register**

No. 36—Pt. III—1

THURSDAY, FEBRUARY 21, 1974  
WASHINGTON, D.C.

Volume 39 ■ Number 36

PART III



## **ENVIRONMENTAL PROTECTION AGENCY**

■

**LOW-NOISE-EMISSION  
PRODUCTS**

**CERTIFICATION  
PROCEDURES**

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**Title 40—Protection of Environment**  
**CHAPTER I—ENVIRONMENTAL**  
**PROTECTION AGENCY**  
**SUBCHAPTER C—NOISE ABATEMENT**  
**PROGRAMS**  
**PART 203—LOW-NOISE-EMISSION**  
**PRODUCTS**  
**Certification Procedures**

The Environmental Protection Agency hereby establishes a new Part 203 of Title 40 of the Code of Federal Regulations (40 CFR 203.1 through 203.8).

Section 15 of the Noise Control Act of 1972, Public Law 92-574, 86 Stat. 1234, established a process under which the Federal Government will give preference in its purchasing to products whose noise emissions are significantly lower than those required by the Federal noise source emission standards, promulgated pursuant to section 6 of the act.

The process involves three steps. First, EPA will determine upon receipt of a properly filed certification application whether a class or model of product is a low-noise-emission product. Second, EPA will decide whether the low-noise-emission product is suitable for use as a substitute for a type of product at that time in use by agencies of the Federal Government. If the product is found suitable, the Administrator will issue a certificate for that product, effective for a period of one year from the date of issuance. Third, the Administrator of the General Services Administration will determine whether the certified product has procurement costs which are no more than 125 percent of the retail price of the least expensive type of product for which they are certified substitutes. If the low-noise-emission product meets this final requirement, it should be acquired by purchase or lease by the Federal Government for use by the Federal Government in lieu of the products for which it is a suitable substitute. The Administrator of GSA will promulgate separate procedures prescribing the circumstances under which the various Federal agencies will be required to purchase certified low-noise-emission products.

Section 15(b)(3) of the act also provides that the Administrator may establish a Low-Noise-Emission Product Advisory Committee. The regulations proposed on May 2, 1973, provided for such a committee to be composed of the Administrator of the Environmental Protection Agency or his designee, representatives of Federal agencies, and private individuals. The regulations herein omit reference to an advisory committee since the Administrator has decided to defer establishing the committee until a later date.

The notice of proposed rule making (NPRM) was issued in the FEDERAL REGISTER on May 2, 1973, in volume 38, number 84, page 10821. Comments were invited to be submitted to EPA on July 2, 1973, for consideration prior to issuing the regulation.

The definition of retail price in the Noise Control Act of 1972 caused con-

siderable difficulty with the Federal agencies that have commented upon this regulation. Since the term "retail price" is not actually used in this regulation, EPA decided that it was unnecessary to define the term for purposes of its regulation. The General Services Administration has responsibility under the act to administer the retail price determinations.

It was suggested that the definition of the term "product" should be included as defined in section 3(3)(b)(iii) of the act. This suggestion has been adopted and appears in § 203.15(5).

Another comment questions whether EPA possesses the expertise to make suitable substitute decisions. Section 203.5(a) has been modified to specify that the Administrator will consult with the appropriate Federal agencies before making suitable substitute decisions.

Another comment recommended that the regulations should provide procedures prescribing the circumstances and method under which agencies other than the General Services Administration will be required to purchase certified low-noise-emission products. Since the General Services Administration has primary responsibility for administering government purchases, EPA believes that the GSA should prescribe the circumstances and methods under which all agencies will be required to purchase certified low-noise-emission products. However, the language of § 203.6(b) has been modified to indicate that GSA will act in coordination with other Federal agencies.

It was also suggested that any procurement of \$10,000 or less should be exempt from the operation of the act. This suggestion was rejected since the Administrator does not have authority, under section 15 of the act, to exempt procurement below a specified dollar amount.

It was recommended, that reimbursement procedures for purchase of Low-Noise-Emission Products (LNEP) by Federal agencies be included in the regulation. Each Federal agency planning to make LNEP purchases should include a request for additional funds authorized in section 15(g) for these purchases in their budget submission to the Office of Management and Budget.

One comment recommended that § 203.2 should be modified to indicate that the Administrator will request the submission only of information relative to the requirements of Federal procurement specifications. This suggestion was rejected because EPA believes that the Administrator has implicit authority to request the submission of all information necessary to make a reasoned decision, especially where purchase specifications do not exist.

A request was made that the definition of "Low-Noise-Emission Product Determination" in § 203.1(a)(5) be modified by deleting the reference to a specific low-noise-emission product criterion. This suggestion was rejected because the agency believes that manufacturers should be given notice regarding the amount of reduction that will be neces-

sary to qualify as a low-noise-emission product.

It was also suggested that § 203.4(a)(3) be amended by eliminating the parenthetical reference to the issuance of low-noise-emission product criterion. This suggestion has been adopted.

In addition to these major comments, there were others that required minor clarification of the regulations.

The regulations prescribe procedures for the certification of low-noise-emission products. They do not contain the low-noise-emission criterion nor do they contain the specific data requirements necessary for deciding whether the product is a "suitable substitute". These will be published at a later date.

This regulation is issued under the authority of section 15 of the Noise Control Act of 1972 (Public Law 92-574, 86 Stat. 1234, and will take effect 30 days after promulgation (-----, 1974).

Dated: February 13, 1974.

**RUSSELL E. TRAIN,**  
*Administrator, Environmental*  
*Protection Agency.*

Part 203 of Title 40 is added to read as follows:

- Sec.
- 203.1 Definitions.
  - 203.2 Application for Certification.
  - 203.3 Test Procedures.
  - 203.4 Low-Noise-Emission Product Determination.
  - 203.5 Suitable Substitute Decision.
  - 203.6 Contracts for Low-Noise-Emission Products.
  - 203.7 Postcertification Testing.
  - 203.8 Recertification.

**AUTHORITY:** Section 15, Noise Control Act, 1972, Public Law 92-574, 86 Stat. 1234.

**§ 203.1 Definitions.**

(a) As used in this part, any term not defined herein shall have the meaning given it in the Noise Control Act of 1972 (Public Law 92-574).

(1) "Act" means the Noise Control Act of 1972 (Public Law 92-574).

(2) "Federal Government" includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

(3) "Administrator" means the Administrator of the Environmental Protection Agency.

(4) "Product" means any manufactured article or goods or component thereof; except that such term does not include—

(i) any aircraft, aircraft engine, propeller or appliance, as such terms are defined in Section 101 of the Federal Aviation Act of 1958; or

(ii) (a) any military weapons or equipment which are designed for combat use; (b) any rockets or equipment which are designed for research, experimental or developmental work to be performed by the National Aeronautics and Space Administration; or (c) to the extent provided by regulations of the Administrator, any other machinery or equipment designed for use in experimental

work done by or for the Federal Government.

(5) "Low-Noise-Emission Product Determination" means the Administrator's determination whether or not a product, for which a properly filed application has been received, meets the low-noise-emission product criterion.

(6) "Suitable Substitute Decision" means the Administrator's decision whether a product which the Administrator has determined to be a low-noise-emission product is a suitable substitute for a product or products presently being purchased by the Federal Government.

**§ 203.2 Application for certification.**

(a) Any person desiring certification of a class or model of product under section 15 of the act shall submit to the Administrator an application for certification. The application shall be completed upon such forms as the Administrator may deem appropriate and shall contain:

- (1) A description of the product, including its power source, if any; and
- (2) Information pertaining to the test facility for the product establishing that the test facility meets all requirements which EPA may prescribe; and
- (3) All noise emission data from the test of the product; and
- (4) Data required by the Administrator relative, but not limited to, the following characteristics:

- (i) Safety;
- (ii) Performance Characteristics;
- (iii) Reliability of product and reliability of low-noise-emission features;
- (iv) Maintenance;
- (v) Operating Costs;
- (vi) Conformance with Federal Agency Purchase Specifications; and
- (5) Such other information as the Administrator may request.

(b) Specific data requirements relative to (a)(4) of this section will be published separately from the low-noise-emission criterion for that product or class of products.

(c) The Administrator will, immediately upon receipt of the application for certification, publish in the FEDERAL REGISTER a notice of the receipt of the application. The notice will request written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of product under consideration.

**§ 203.3 Test procedures.**

(a) The applicant shall test or cause his product to be tested in accordance with procedures contained in the regulations issued pursuant to section 6 of the act unless otherwise specified.

(b) The Administrator may conduct whatever investigation is necessary, including actual inspection of the product at a place designated by him.

**§ 203.4 Low-noise-emission product determination.**

(a) The Administrator will, within ninety (90) days after receipt of a

properly filed application for certification, determine whether such product is a low-noise-emission product. In doing so, he will determine if the product:

(1) Is one for which a noise source emission standard has been promulgated under section 6 of the act; and

(2) Emits levels of noise in amounts significantly below the levels specified in noise emission standards under regulations under section 6 of the act applicable to that product or class of products;

(3) Is labeled in accordance with regulations issued pursuant to section 8 of the act.

(b) The Administrator will, upon making the determination whether a product is a low-noise-emission product, publish in the FEDERAL REGISTER notice of his determination, and the reasons therefor.

(c) The notice of determination that a product is a low-noise-emission product shall be revocable whenever a change in the low-noise-emission product criterion for that product occurs between determination and decision. Notice of any revocation will be published in the FEDERAL REGISTER, together with a statement of the reasons therefor.

(d) The notice of determination that a product is a low-noise-emission product shall expire upon publication in the FEDERAL REGISTER of the Administrator's notice of a decision that a product will not be certified.

**§ 203.5 Suitable substitute decision.**

(a) If the Administrator determines that a product is a low-noise-emission product, then within one hundred and eighty (180) days of such determination, in consultation with the appropriate Federal agencies, the Administrator will decide whether such product is a suitable substitute for any class or model of product being purchased by the Federal Government for use by its agencies. Such decision will be based upon the data obtained under § 203.2 of this part, the Administrator's evaluation of the data, comments of interested parties, and, as the Administrator deems appropriate, an actual inspection or test of the product at such places and times as the Administrator may designate.

(b) In order to compare the data for any class or model of product with any class or model of product presently being purchased by the Federal Government for which the applicant seeks to have its product substituted, the Administrator will enter into appropriate agreements with other Government agencies to gather the necessary data regarding such class or model.

(c) Immediately upon making the decision as to whether a product determined to be a low-noise-emission product is a suitable substitute for any product or class of products being purchased by the Federal Government for its use, the Administrator shall publish in the FEDERAL REGISTER notice of such decision and the reasons therefor.

(d) If the Administrator decides that the product is a suitable substitute for

products being purchased by the Federal Government, he will issue a certificate that the product is a suitable substitute for a product or class of products presently being purchased by the Federal Government and will specify with particularity the product or class of products for which the certified product is a suitable substitute.

(e) Any certification made under this section shall be effective for a period of one year from date of issuance.

**§ 203.6 Contracts for low-noise-emission products.**

(a) Data relied upon by the Administrator in determining that a product is a certified low-noise-emission product will be incorporated by reference in any contract for the procurement of such product.

(b) A determination of price to the Government of any certified low-noise-emission product will be made by the Administrator of General Services in coordination with the appropriate Federal agencies in accordance with such procedures as he may prescribe and with subsection c(1) of section 15 of the act.

**§ 203.7 Post-certification testing.**

The Administrator will, from time to time, as he deems appropriate, test the emissions of noise from certified low-noise-emission products purchased by the Federal Government. If at any time he finds that the noise emission levels exceed the levels on which certification was based, the Administrator shall give the suppliers of such product written notice of this finding, publish such findings in the FEDERAL REGISTER and give the supplier an opportunity to make necessary repairs, adjustments or replacements. If no repairs, adjustments or replacements are made within a period to be set by the Administrator, he may order the supplier to show cause why the product involved should be eligible for recertification.

**§ 203.8 Recertification.**

(a) A product for which a certificate has been issued may be recertified for the following year upon reapplication to the Administrator for this purpose upon such forms as the Administrator may deem appropriate.

(b) If the applicant supplies information establishing that:

(1) The data previously submitted continues to describe his product for purpose of certification;

(2) The low-noise-emission product criterion and "suitable substitute" criteria are to be the same during the period recertification is desired; and

(3) No notice has been issued under § 203.7,

then recertification will be made within 30 days after receipt of an appropriate recertification application by the Administrator.

[FR Doc.74-3918 Filed 2-20-74;8:45 am]



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PART IV



## **DEPARTMENT OF TRANSPORTATION**

**Federal Aviation  
Administration**

■

### **AIRPORT AID PROGRAM**

**Notice of Proposed Rulemaking**

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DEPARTMENT OF  
TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 152]

[Docket No. 13545; Notice No. 74-7]

## AIRPORT AID PROGRAM

## Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 152 of the Federal Aviation Regulations to implement certain revised requirements for administering grants-in-aid to State and local governments under the Airport and Airway Development Act of 1970.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before March 25, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The basis for these proposed revised administrative requirements is Office of Management and Budget (OMB) Circular A-102 dated October 19, 1971 (with supplementing Transmittal Memorandums dated January 25, 1972 and September 8, 1972), and OMB Circular A-87 dated May 9, 1968 (amended by Transmittal Memorandum No. 1 dated June 17, 1970).

OMB Circular A-102 promulgated Attachments A through O containing standards for establishing consistency and uniformity among Federal agencies in the administration of grants to State and local governments. Also included in the Circular are standards to insure the consistent implementation of sections 202, 203, and 204 of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1101).

By memorandum of March 27, 1969, to the Office of Management and Budget, and to ten Federal agencies engaged in domestic grant-in-aid programs, the President ordered a three-year effort to simplify, standardize, decentralize and otherwise modernize the Federal grant machinery. The standards subsequently developed and included in the attachments to OMB Circular A-102 will replace a multitude of varying and sometimes conflicting requirements in the same or similar subject matters which have been burdensome to State and local governments. Inherent in this standardization process is the concept of placing greater reliance on State and local governments. In addition, The Intergovernmental Cooperation Act of 1968 was

passed, in part, for the purposes of: (1) Achieving the fullest cooperation, and coordination of activities among levels of government; (2) improving the administration of grants-in-aid to the States; and (3) establishing coordinated intergovernmental policy and administration of Federal assistance programs. This Act provided certain basic policies pertaining to administrative requirements to be imposed upon the States as a condition to receiving Federal grants. The implementing instructions of these policies was initially issued in OMB Circular A-96 dated August 29, 1969. OMB Circular A-102 modifies these instructions in the interest of achieving further consistency in implementing that Act.

OMB Circular A-102 includes 15 attachments, Attachments A through O, each of which prescribes standards for a separate area of grant administration, as follows:

- Attachment A—Cash Depositories.
- Attachment B—Bonding and Insurance.
- Attachment C—Retention and Custodial Requirements for Records.
- Attachment D—Waiver of "Single" State Agency Requirements.
- Attachment E—Program Income.
- Attachment F—Matching Share.
- Attachment G—Standards for Grantee Financial Management Systems.
- Attachment H—Financial Reporting Requirements.
- Attachment I—Monitoring and Reporting of Program Performance.
- Attachment J—Grant Payment Requirements.
- Attachment K—Budget Revision Procedures.
- Attachment L—Grant Closeout Procedures.
- Attachment M—Standard Forms for Applying for Federal Assistance.
- Attachment N—Property Management Standards.
- Attachment O—Procurement Standards.

OMB Circular A-87 promulgates principles and standards for determining costs applicable to grants and contracts with State and local governments. They are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and their Federal counterparts.

To the extent that OMB Circulars A-102 and A-87 are directive upon the FAA, those requirements have been, or will be, implemented by internal directive or policy guidance. Standards and requirements applicable to sponsors or grantees are proposed to be implemented by amendments to appropriate sections of Part 152 of the Federal Aviation Regulations, and by including certain of the material as appendices to Part 152. For convenience and clarity, OMB Circular A-87 and Attachments G, N, and O of OMB Circular A-102, have been edited and appear as Appendix J, K, L, and M, respectively, of Part 152. In general, only those portions which are directive upon Federal agencies have been deleted as superfluous for the purposes of Part 152.

This amendment proposes a number of significant changes in grant administration. A brief discussion of major changes is set forth below:

Appendix J, which is derived from OMB Circular A-87, prescribes prin-

ciples and standards for determining costs applicable to grants and contracts with State and local governments, and would allow under the Planning Grant Program certain indirect costs, principally certain administrative costs, and require sponsors to support such costs by means of a cost allocation plan or indirect cost proposal.

Appendix K, which is derived from Attachment G to OMB Circular A-102, prescribes standards for financial management systems required to be established and maintained by sponsors.

Appendix L, which is derived from Attachment N to OMB Circular A-102, prescribes uniform standards governing the utilization and disposition of property furnished by the Federal Government or acquired in whole or in part with Federal funds by State and local governments.

Appendix M, which is derived from Attachment O of OMB Circular A-102, provides standards for use by State and local governments in establishing procedures for the procurement of supplies, equipment, construction, and other services with Federal grant funds.

New application and payment forms are proposed by this Notice. The grant agreement form now in use would continue to be used.

Revised grant payment procedures are proposed herein. Generally, reimbursement up to the full amount of the grant without audit may be made where allowance of costs can be determined prior to audit, and partial grant payments could be made as advance payments, under certain conditions, up to 90 percent of the estimated United States' share of project costs or the grant amount.

Provisions for withholding of grant payments under certain conditions, and for suspension and termination of grants for cause or convenience, and for requesting reconsideration of suspension or termination actions by the Administrator are proposed.

Information and data previously required to be submitted in the summary of project costs and in periodic cost estimates would be submitted in periodic financial reports (requests for payment) and in program performance reports.

Under the planning grant program, advance payments could be made by letters of credit or by Treasury check, under certain conditions, up to the full amount of the grant agreement.

Real property donated to the sponsor by another public agency, and previously not an allowable project cost, would be an allowable project cost.

Copies of OMB Circular A-102 and OMB Circular A-87 may be obtained from FAA District Airport offices and FAA Regional offices.

By Executive Order dated May 9, 1973, the President transferred certain functions of the Office of Management and Budget relating to financial and property management to the Secretary of Commerce and the Administrator of the General Services Administration. Pursuant to that Order (which supersedes

Executive Order 11541 of July 1, 1970 to the extent that it is inconsistent therewith) the program administration standards promulgated by OMB Circulars A-87 and A-102 are now administered by the Administrator of the General Services Administration.

In the interest of Government-wide grant-in-aid program uniformity, deviation from the requirements of OMB Circular A-102 and A-87 will be permitted only in exceptional cases and where adequate justification can be presented to the Administrator of the General Services Administration. However, recommendations for change or amendment will be carefully considered, and to the extent that such changes or amendments are permitted by existing law and appear to offer benefits in program administration, recommendations will be made to the Office of the Secretary of Transportation.

This amendment is proposed under the authority of sections 11 through 27 of the Airport and Airway Development Act of 1970 (84 Stat. 220-233), and § 1.47(g) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.47(g)).

In consideration of the foregoing, it is proposed to amend Part 152 of the Federal Aviation Regulations as set forth below.

Issued in Washington, D.C., on February 14, 1974.

CLYDE W. PACE, Jr.,  
Director, Airports Service.

## 1. By amending § 152.23 as follows:

- a. By amending the caption, adding a new paragraph (a) (1), by renumbering paragraphs (a) (1), (2), (3), (4), (5), (6), (7) as (a) (2), (3), (4), (5), (6), (7), (8) respectively and by amending subparagraph (a) (4) (i) by changing the reference "FAA Form 5100-3" to "FAA Form 5100-30."

## § 152.23 Procedures: preapplication for aid; accompanying information.

(a) *Preapplication for aid.* An eligible sponsor that desires to obtain Federal aid for eligible airport development must submit to the appropriate FAA office (Airports District Office having jurisdiction over the area where the sponsor is located, or where there is no such office, the regional office having that jurisdiction) a preapplication on FAA Form 5100-30, accompanied by the following:

- (1) A list of the items of airport development requested for programming, including an itemized estimated cost of such work. A sketch or sketches of the airport layout should be prepared indicating thereon by appropriate legend, the location of each item of work proposed, using the same item numbers as set forth in the itemization listing.

## § 152.25 [Amended]

- 2. By amending subparagraph (a) of § 152.25 by changing the reference to "FAA Form 5100-10" to "FAA Form 5100-100."

## § 152.29 [Amended]

- 3. By amending paragraph (a) of § 152.29 by deleting the word "contains" in the second sentence and by substituting in lieu thereof the words "must include."

- 4. By amending § 152.47 as follows:
  - a. By amending paragraph (a) (8) by deleting the word "specifically."
  - b. By deleting paragraph (b) (5) and by renumbering paragraph (b) (6) as paragraph (b) (5).
  - c. By adding a new paragraph (c) (6) to read as follows:

## § 152.47 Project costs.

- (c) *Allowable project costs.* . . . .
- (6) Be a direct cost determined in accordance with the cost principles for States and local governments in Appendix J of this part.

- 5. By amending § 152.51 as follows:
  - a. By amending the caption and by inserting a new paragraph (a) and by deleting paragraph (b) and by redesignating paragraph (a) as paragraph (b) to read as follows:

## § 152.51 Contracting requirements: performance of construction work; general requirements.

- (a) *Contracting requirements.* Each contract under a project must meet the requirements of local law and the requirements and standards contained in Appendix M of this part. The sponsor shall establish procedures for procurement of supplies, equipment, construction, and other services funded under the project which meet the requirements of Appendix M.

- 6. By amending § 152.53 as follows:
  - a. By amending paragraph (a) by deleting the figures "\$2,000" that appear in the first sentence and by substituting in lieu thereof the figures "\$2,500."
  - b. By deleting the words "and that the contract conforms to the sponsor's grant agreement with the United States" which appear at the end of the first sentence in paragraph (e).

- c. By amending paragraph (e) by adding the following at the end thereof:

## § 152.53 Performance of construction work: letting of contracts.

- (e) . . . . A sponsor's proposed contract must have preaward review and approval of the FAA in any of the following circumstances:

- (1) The sponsor has not complied with the standards of Appendix M of this part.
- (2) The contract is proposed to be awarded on a sole-source basis and is expected to exceed \$5,000.
- (3) The proposed contract is expected to exceed \$500,000.
- (4) The sponsor has not previously received a grant from the Department of Transportation.
- (5) The FAA requests that the proposed contract be submitted for preaward review and approval.

- 7. By amending § 152.63 to read as follows:

## § 152.63 Financial management systems: accounting and audit of sponsor and contractor records.

- (a) *Financial management system.* Each sponsor shall establish and maintain a financial management system that meets the standards of Appendix K of this Part.

- (b) *Accounting records.* Each sponsor shall establish and maintain, for each individual project, an adequate accounting record to allow appropriate personnel of the FAA to determine all funds received (including funds of the sponsor and funds received from the United States or other sources), and to determine the allowability of all incurred costs of the project. The sponsor shall segregate and group project cost so that it can furnish, on due notice, cost information in the following cost classifications:

- (1) Purchase price or value of land.
- (2) Cost of relocation payment and assistance.
- (3) Incidental costs of land acquisition.
- (4) Costs of contract construction.
- (5) Costs of force account construction.
- (6) Engineering costs of plans and designs.
- (7) Engineering costs of supervision and inspection.
- (8) Other administrative costs.

- (c) *Documentary evidence.* The sponsor shall obtain and retain, for a period of three (3) years after the date of the final payment request, documentary evidence such as invoices, cost estimates, and payrolls supporting each item of project costs.

- (d) *Retention of evidence of payment.* The sponsor shall retain, for a period of three (3) years after the date of the final payment request, evidence of all payments for items of project costs including vouchers, cancelled checks or warrants, and receipts for cash payment.

- (e) *Availability of records.* The sponsor shall allow the Administrator and the Comptroller General of the United States, or an authorized representative of either of them, access to any of its books, documents, papers, and records that are pertinent to grants received under the Airport Development Aid Program for the purposes of accounting and audit. Appropriate FAA personnel may make progress audits at any time during the project, upon notice to the sponsor. If audit findings have not been resolved, records shall be retained until such findings have been resolved. Records for nonexpendable property which was acquired with Federal funds shall be retained for 3 years after final disposition of the property. Microfilm copy of original records may be substituted for original records with the approval of the FAA. If the FAA determines that certain records have long-term retention value, the sponsor shall transfer custody of those records to the FAA on request.

- (f) *Availability of contractor's records.* The sponsor shall include in each contract of the cost-reimbursable type a clause which allows the Administrator and the Comptroller General of the

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United States, or an authorized representative of either, access to the contractor's records pertinent to the contract for the purposes of accounting and audit.

(g) *Property management standards.* The sponsor shall establish and maintain property management standards for the utilization and disposition of property furnished by the Federal government or acquired in whole or in part with Federal funds by the sponsor in accordance with Appendix L of this part.

8. By adding a new § 152.64 to read as follows:

§ 152.64 Noncompliance with conditions of grant: suspension or termination of grant.

(a) *Suspension of grant.* If the sponsor fails to comply with the conditions of the grant, the FAA may, by written notice to the sponsor, suspend the grant and withhold further payments pending corrective action by the sponsor or a decision to terminate the grant. After receipt of notice of suspension, the sponsor may not incur additional obligations of grant funds during the suspension. All necessary and proper costs which the sponsor could not reasonably avoid during the period of suspension will be allowed, if such costs are in accordance with Appendix J of this Part.

(b) *Termination for cause.* If the sponsor fails to comply with the conditions of the grant, the FAA may, by written notice to the sponsor, terminate the grant in whole, or in part. The notice of termination will contain the reasons for termination and the effective date of termination. After receipt of the notice of termination the sponsor may not incur additional obligations of grant funds. Payments to be made to the sponsor or recoveries of payments by the FAA under the grant shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* When the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds, the grant may be terminated in whole, or in part, upon mutual agreement of the FAA and the sponsor. Agreement will be made upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. In such case the sponsor shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many obligations, relating to the terminated portion, as possible. The sponsor will be allowed full credit for the Federal share of the noncancellable obligations which were properly incurred by the sponsor prior to the termination.

(d) *Request for reconsideration.* In any case of suspension or termination, the sponsor may request the Administrator to reconsider the suspension or termination. Such request for reconsideration shall be made within 45 days after receipt of the notice of suspension or termination.

9. By amending § 152.65 by amending paragraph (a) to read as follows:

§ 152.65 Grant payments: General.

(a) *Application.* Except in those instances where the sponsor has secured prior approval by the FAA for the use of FAA Form 5100-61, an application for a grant payment is made on FAA Form 5100-60, accompanied by any supporting information, including appraisals of property interests, that the FAA needs to determine the allowability of any costs for which payment is requested.

10. By adding a new § 152.66 to read as follows:

§ 152.66 Reporting requirements.

(a) *Reporting on accrual basis.* Sponsors shall submit all financial reports on an accrual basis. If records are not maintained on an accrual basis, reports may be based on analysis of records or best estimates.

(b) *Report of Federal cash transactions.* When funds are advanced to a sponsor by Treasury check, the sponsor shall submit FAA Form 5100-62 within 15 working days following the end of each quarter.

(c) *Monitoring and reporting of program performance.* The sponsor shall monitor performance under the project to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being accomplished. Reviews shall be made for each item of development included in the project and other work to be performed as a condition of the grant agreement. The sponsor shall submit a performance report, on a quarterly basis, which must include—

(1) A comparison of actual accomplishments to the goals established for the period. Where applicable, a comparison will be made on a quantitative basis related to cost data for computation of unit costs;

(2) Reasons for slippage in those cases where established goals are not met; and

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(d) *Notice of delay or acceleration.* The sponsor shall promptly notify the FAA of conditions or events which may delay or accelerate accomplishment of the project. In the event that delay is anticipated, a statement of actions taken or contemplated and Federal assistance required must be included.

(e) *Budget revision.* If any performance review conducted by the sponsor discloses a need for change in the budget estimates, the sponsor shall submit a request for budget revision on FAA Form 5100-100. Such request for prior approval for budget revision shall be made promptly by the sponsor whenever:

(1) The revision results from changes in the scope or objective of the project; or

(2) The revision increases the budgeted amounts of Federal funds needed to complete the project.

(f) The sponsor shall promptly notify the FAA whenever the amount of the grant is expected to exceed the needs of the sponsor by more than \$5,000 or 5 percent of the grant amount, whichever is greater.

11. By amending § 152.69 to read as follows:

§ 152.69 Grant payments: Partial and semifinal.

(a) *General.* Subject to the final determination of allowable project costs as provided in § 152.71 of this Part, partial grant payments for project costs may be made to a sponsor upon application. Unless previously agreed otherwise, a sponsor may apply for partial payments on a monthly basis. The payments may be paid, upon application made on FAA Form 5100-60, on the basis of the costs of airport development that is accomplished, or, with the prior approval by FAA for the use of FAA Form 5100-61, on the basis of the estimated costs of airport development expected to be accomplished.

(b) *Reimbursements.* When allowability of costs can be determined, grant payments are made in amounts large enough to bring the aggregate amount of all partial payments to the estimated United States' share of the project costs of the airport development accomplished under the project as of the date of the sponsor's latest application for payment.

(c) *Advance payments.* With prior FAA approval, and if the sponsor applies, partial grant payments may be made as advance payments in an amount large enough to bring the aggregate amount of all partial payments to the estimated project costs of the airport development expected to be accomplished within 30 days after the date of the sponsor's application for advance payment. However, no such advance payment may be made in an amount that would bring the aggregate amount of all partial payments for the project to more than 90 percent of the estimated United States' share of the total estimated cost of all airport development included in the project, but not including contingency items, or 90 percent of the maximum obligation of the United States as stated in the grant agreement, whichever amount is the lower. In determining the amount of a partial grant payment, those project costs that the Administrator considers to be of questionable allowability are deducted both from the amount of project costs incurred and from the amount of the estimated total project cost.

(d) *Withholding of payments.* Payment to the sponsor may be withheld at any time during the grant period if the sponsor has failed to comply with the program objectives, grant award conditions, or Federal reporting requirements, or the sponsor is indebted to the United States and collection of the indebtedness will not impair accomplishment of any grant program sponsored by the United States.

12. By amending § 152.71 to read as follows:

§ 152.71 Grant closeout requirements.

(a) *Program income.* Sponsors that are units of local government shall return all interest earned on advances of grant-in-aid funds to the Federal Government in accordance with a decision of the Comptroller General (42 Comp. Gen. 289). All other program income (gross income) earned by grant-supported activities during the grant period shall be retained by the sponsor and, in accordance with the grant agreement:

(1) Added to funds committed to the project by the FAA and the sponsor and used to further eligible program objectives; or

(2) Deducted from the total project cost for the purpose of determining the net costs on which the Federal share of costs will be based.

(b) *Payment for cost incurred.* When the project is completed in accordance with the grant agreement, the sponsor may apply for payment for incurred costs up to the maximum amount of the grant agreement. When allowability of costs can be determined under § 152.47, payment may be made to the sponsor if—

(1) A final inspection of all work at the airport site has been made jointly by the appropriate FAA office and representatives of the sponsor and the contractor, unless that office agrees to a different procedure for final inspection;

(2) The sponsor has furnished final "as-constructed" plans, unless otherwise agreed to by the Administrator; and

(3) The FAA is satisfied that the project is completed.

(c) *Financial reports.* The sponsor shall furnish within 90 days after the date of completion of a grant all financial, performance, and other reports required as a condition of the grant.

(d) *Property accounting reports.* The sponsor shall account for any property acquired with grant funds, or received from the Government in accordance with the provisions of Appendix L of this Part.

(e) *Final determination of U.S. share.* Based upon the final audit, the Administrator determines the total amount of the allowable project costs and makes settlement for any upward or downward adjustments to the Federal share of costs.

§ 152.73 [Amended]

13. By amending paragraph (a) of § 152.73 by changing the reference to "(FAA Form 5100-3)" to "(FAA Form 5100-30)."

14. By amending § 152.75 to read as follows:

§ 152.75 Forms.

(a) *General.* The forms used for the purposes of Subparts B and C of this Part are as follows:

(1) *Preapplication for Federal Assistance.* FAA Form 1500-30. This form establishes formal communication between the sponsor and the Federal Aviation Administration. It contains four parts:

(i) *Part I.* For pertinent information regarding the sponsor and type of assistance being requested.

(ii) *Part II.* For pertinent information regarding ancillary statutory and administrative requirements which have to be considered in approval of a project.

(iii) *Part III.* Project Budget. Identification of the source and amounts of funds to be used in accomplishing the project.

(iv) *Part IV.* Program Narrative Statement. For pertinent information describing the need, objectives, method of accomplishment, the geographical location of the project, and the benefits expected to be obtained from the assistance.

(2) *Project Application.* FAA Form 5100-100. A formal application for Federal aid to carry out a project under Subparts B and C. It contains five parts:

(i) *Part I.* For pertinent information regarding the sponsor and type of assistance being requested.

(ii) *Part II.* Project Approval Information. For pertinent information regarding ancillary statutory and administrative requirements which have to be considered in approval of project.

(iii) *Part III.* For pertinent budget information necessary for calculation of the Federal grant.

(iv) *Part IV.* Program narrative required for all new grant programs.

(v) *Part V.* Assurances. The applicant assures and certifies that he will comply with certain regulations, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for the proposed federally assisted project.

(3) *Grant Agreement.* FAA Form 5100-13. (1) *Part I.* Offer by the United States to pay a specified percentage of the allowable costs of the project, as described therein, on specified terms relating to the undertaking and carrying out of the project, determination of allowability of costs, payment of the United States' share, and operation and maintenance of the airport in accordance with assurances in the project application.

(ii) *Part II.* Acceptance of the offer by the sponsor, execution of the acceptance by the sponsor, and certification by its attorney.

(4) *Application for Grant Payment.* FAA Form 5100-60, FAA Form 5100-61. The Outlay Report and Request for Reimbursement, FAA Form 5100-60, provides a detailed breakout of costs incurred by the sponsor, as well as certification provisions to be executed by the sponsor. Item 12, a, should be executed by a sponsor's representative authorized to make the payment request. Item 12, b, should be executed by a sponsor's representative qualified to make such certification. The Request for Advance or Reimbursement, FAA Form 5100-61, does not provide a detailed breakout of incurred costs; the certification is completed by the sponsor's authorized official. The use of FAA Form 5100-61 requires prior approval of FAA.

(5) *Report of Federal Cash Transactions.* FAA Form 5100-62. When funds are advanced to a sponsor through the use of FAA Form 5100-61 the sponsor submits an original and two copies of the Report of Federal Cash Transactions, FAA Form 5100-62 no later than 15 working days following the end of each quarter.

(b) *Availability of forms.* Copies of the forms listed in paragraph (a) of this section, and assistance in completing them are available from FAA offices.

15. By amending § 152.123 to read as follows:

§ 152.123 Application requirements.

(a) *General.* An eligible sponsor that desires to obtain Federal aid for eligible airport master planning or airport system planning, must submit to the appropriate FAA office a completed Application for Federal Assistance (Nonconstruction Programs), FAA Form 5100-101, signed by an authorized representative of the sponsor.

(b) *Coordination.* Evidence of coordination with other agencies and the appropriate state and area-wide clearinghouses, as required by OMB Circular No. A-95, must be attached to the application.

(c) *Budget information.* The budget information required with the application must be sub-divided into the following functions or activities, if appropriate, and the basis for computation of these costs must be included in the submission:

(1) Third party contracts;

(2) Sponsor force account costs; and

(3) Administrative costs.

(d) *Program narrative.* The program narrative submitted with the application must contain at least the following items:

(1) Objective of study: a description of the purpose and objectives of the planning study.

(2) Results and benefits expected: a summation of the results and benefits anticipated as a result of the study.

(3) Work Statement: a detailed description of the proposed project work. This statement must include a description of each work element, a list of organizations, consultants, or other key individuals who will work on the project, and the nature of their contribution, and a proposed schedule of work accomplishment.

(4) Geographic Location: the location of the airport or the boundaries of the planning area.

(e) *Sponsor force account.* If the sponsor proposes to accomplish the project work with its own forces, or those of another public or planning agency, it must request approval from the appropriate FAA office. In requesting this approval, the sponsor must submit, as part of the program narrative, assurance that adequate competent personnel are available to satisfactorily accomplish the proposed planning.

16. By amending paragraph (b) (1) of § 152.125 to read as follows:



## § 152.125 Sponsor eligibility.

(b) *Eligibility requirements.* . . .

(1) Make the certifications, representations, and warranties required in the Application for Federal Assistance (FAA Form 5100-101).

## § 152.129 [Amended]

17. By amending paragraph (c) (18) of § 152.129 by changing the reference to "Office of Management and Budget Circular No. A-87" to "Appendix J of this part."

## § 152.131 [Amended]

18. By amending paragraph (b) (14) of § 152.131 by changing the reference to "Office of Management and Budget Circular No. A-87" to "Appendix J of this part."

19. By adding a new § 152.136 to read as follows:

## § 152.136 Contracting requirements.

Each contract under a project must meet the requirements of local law and the requirements and standards contained in Appendix M of this Part.

## § 152.137 [Amended]

20. By amending paragraph (e) of § 152.137 by changing the reference to "Office of Management and Budget Circular No. A-87" to "Appendix J of this part."

21. By adding a new § 152.140 to read as follows:

## § 152.140 Reporting requirements.

(a) *Reporting on accrual basis.* Sponsors shall submit all financial reports on an accrual basis. If records are not maintained on an accrual basis, reports may be based on analysis of records or best estimates.

(b) *Report of Federal cash transactions.* When funds are advanced to a sponsor by letters of credit or Treasury check, the sponsor shall submit FAA Form 5100-62 within 15 working days following the end of each quarter.

(c) *Monitoring and reporting of program performance.* The sponsor shall monitor performance under the project to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. Reviews shall be made for each work element included in the project and other work to be performed as a condition of the grant agreement. The sponsor shall submit a performance report, on a quarterly basis, which must include—

(1) A comparison of actual accomplishments to the goals established for the period. Where applicable, a comparison will be made on a quantitative basis related to cost data for computation of work element costs;

(2) Reasons for slippage in those cases where established goals are not met; and

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high work element costs.

(d) *Notice of delay or acceleration.* The sponsor shall promptly notify the FAA of conditions or events which may delay or accelerate accomplishment of the project. In the event that delay is anticipated, a statement of actions taken or contemplated and Federal assistance required must be included.

(e) *Financial status report.* The sponsor shall submit a financial status report on FAA Form 5100-63 at the completion of the project. In the case of a project more than one year in duration, the report shall be submitted at the end of the first year after issuance of the grant and annually thereafter, and at completion of the project.

22. By amending § 152.141 to read as follows:

## § 152.141 Grant payments.

(a) *Methods of payment.* Grant payments to sponsors will be made by letter of credit, advance by Treasury check, or reimbursement by Treasury checks.

(b) *Letter of credit funding.* Letter of credit funding may not be used unless:

(1) There is or will be a continuing relationship between a sponsor and the FAA for at least a 12-month period and the total amount of advances to be received within that period is \$250,000 or more;

(2) The sponsor has established or demonstrated to the FAA the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds and their disbursement by the grantee; and

(3) The sponsor's financial management system meets the standards for fund control and accountability prescribed in Appendix K of this part.

(c) *Advance by Treasury check.* Advance of funds by Treasury check may be made if the sponsor meets the requirements of § 152.141(b) (2) and (3).

(d) *Reimbursement by Treasury check.* Reimbursement by Treasury check shall be made if the sponsor does not meet the requirements of § 152.141(b) (2) and (3).

(e) *Request for payment.* Except when grant payment is to be made by letter of credit, requests for payment must be made on FAA Form 5100-61, Request for Advance or Reimbursement.

(f) *Withholding of payments.* Payment to the sponsor may be withheld at any time during the grant period if a sponsor has failed to comply with the program objectives, grant award conditions, or Federal reporting requirements, or the sponsor is indebted to the United States and collection of the indebtedness will not impair accomplishment of the objectives of any grant program sponsored by the United States.

23. By adding a new § 152.142 to read as follows:

## § 152.142 Noncompliance with conditions of grant: suspension or termination of grant.

(a) *Suspension of grant.* If the sponsor fails to comply with the conditions of the grant, the FAA may, by written notice

to the sponsor, suspend the grant and withhold further payments pending corrective action by the sponsor or a decision to terminate the grant. After receipt of notice of suspension, the sponsor may not incur additional obligations of grant funds during the suspension. All necessary and proper costs which the sponsor could not reasonably avoid during the period of suspension will be allowed, if such costs are in accordance with Appendix J of this part.

(b) *Termination for cause.* If the sponsor fails to comply with the conditions of the grant, the FAA may, by written notice to the sponsor, terminate the grant in whole, or in part. The notice of termination will contain the reasons for termination and the effective date of termination. After receipt of the notice of termination the sponsor may not incur additional obligations of grant funds. Payments to be made to the sponsor or recoveries of payment by the FAA under the grant shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* When the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds, the grant may be terminated in whole, or in part, upon mutual agreement of the FAA and the sponsor. Agreement will be made upon the termination conditions, including the effective date and, in the case of partial terminations the portion to be terminated. In such case the sponsor shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many obligations, relating to the terminated portion, as possible. The sponsor will be allowed full credit for the Federal share of the noncancellable obligations which were properly incurred by the sponsor prior to the termination.

(d) *Request for reconsideration.* In any case of suspension or termination, the sponsor may request the Administrator to reconsider the suspension or termination. Such request for reconsideration shall be made within 45 days after receipt of the notice of suspension or termination.

24. By amending § 152.143 as follows:

1. By amending the caption and paragraph (b) by deleting the words "final grant payment," which appears in the first sentence, and by substituting in lieu thereof the words "final financial status report."

2. By amending paragraph (c) and by adding new paragraphs (e) and (f) to read as follows:

## § 152.143 Financial management system; accounting; and audit of sponsor and contractor records.

(c) *Availability of records.* (1) The sponsor shall allow the Administrator and the Comptroller General of the United States, or an authorized representative of either of them, access to any of its books, documents, papers, and rec-

ords that are pertinent to grants received under the Planning Grant.

(2) Program for the purposes of accounting and audit. Appropriate FAA personnel may make progress audits at any time during the project, upon notice to the sponsor. If audit findings have not been resolved, records shall be retained until such findings have been resolved. Records for nonexpendable property which was acquired with Federal funds shall be retained for 3 years after final disposition of the property. Microfilm copy of original records may be substituted for original records with the approval of the FAA. If the FAA determines that certain records have long-term retention value, the sponsor shall transfer custody of those records to the FAA on request.

(e) *Financial management system.* Each sponsor shall establish and maintain a financial management system that meets the standards of Appendix K of this Part.

(f) *Property management standards.* Each sponsor shall establish and maintain property management standards for the utilization and disposition of property furnished by the Federal government, or acquired in whole or in part with Federal funds by the sponsor, in accordance with Appendix L of this Part. The sponsor shall account for any property acquired with grant funds, or received from the Federal government, in accordance with Appendix L.

25. By adding a new § 152.145 to read as follows:

## § 152.145 Grant closeout requirements.

(a) *Notice of completion.* When a project has been completed and the final project report has been received and accepted by the FAA, a notice of project completion will be furnished to the sponsor by the FAA.

(b) *Reports.* The sponsor shall submit to the FAA within 90 days after receipt of the notice of completion all financial, performance, and other reports required as a condition of the grant.

(c) *Program income.* Sponsors that are units of local government shall return all interest earned on advances of grant-in-aid funds to the Federal Government in accordance with a decision of the Comptroller General (42 Comp. Gen. 289).

(d) *Final audit and settlement.* Based upon a final audit, the Administrator determines the total amount of the allowable project costs and makes settlement for any adjustments to the Federal share of costs.

26. By adding new appendices J, K, L, and M as set forth below:

## APPENDIX J

There is set forth below principles for determining costs applicable to grants and contracts with State and local governments under the Airport and Airway Development Act of 1970:

## PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO GRANTS AND CONTRACTS WITH STATE AND LOCAL GOVERNMENTS

## PART I—GENERAL

A. *Purpose and scope.* 1. *Objectives.* This Appendix sets forth principles for determining the allowable costs of programs administered by State and local governments under grants from and contracts with the Federal Government. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal, and State, or local participation in the financing of a particular grant. They are designed to provide that federally assisted programs bear their fair share of costs recognized under these principles, except where restricted or prohibited by law. No provision for profit or other increment above cost is intended. Under § 152.47, indirect costs are not allowable costs for Airport Development Projects.

2. *Policy guides.* The application of these principles is based on the fundamental premises that:

a. State and local governments are responsible for the efficient and effective administration of grant and contract programs through the application of sound management practices.

b. The grantee or contractor assumes the responsibility for seeing that Federally assisted program funds have been expended and accounted for consistent with underlying agreements and program objectives.

c. Each grantee or contractor organization, in recognition of its own unique combination of staff facilities and experience, will have the primary responsibility for employing whatever form of organization and management techniques may be necessary to assure proper and efficient administration.

3. *Application.* These principles are applicable in determining costs incurred by State and local governments under Federal grants and cost reimbursement type contracts (including subgrants and subcontracts) under the Airport and Airway Development Act of 1970.

B. *Definitions.* 1. Approval or authorization of the grantor Federal agency means documentation evidencing consent prior to incurring specific cost.

2. Cost allocation plan means the documentation identifying, accumulating, and distributing allowable costs under grants and contracts together with the allocation methods used.

3. Cost, as used herein, means cost as determined on a cash, accrual, or other basis acceptable to the Federal grantor agency as a discharge of the grantee's accountability for Federal funds.

4. Cost objective means a pool, center, or area established for the accumulation of cost. Such areas include organizational units, functions, objects or items of expense, as well as ultimate cost objectives including specific grants, projects, contracts, and other activities.

5. Federal agency means the Federal Aviation Administration.

6. Grant means an agreement between the Federal Government and a State or local government whereby the Federal Government provides funds or aid in kind to carry out specified programs, services, or activities. The principles and policies stated in this appendix applicable to grants in general also apply to any federally sponsored cost reimbursement type of agreement performed by a State or local government, including contracts, subcontracts and subgrants.

7. Grant program means those activities and operations of the grantee which are necessary to carry out the purposes of the grant, including any portion of the program financed by the grantee.

8. Grantee means the department or agency of State or local government which is responsible for administration of the grant.

9. Local unit means any political subdivision of government below the State level.

10. Other State or local agencies means departments or agencies of the State or local unit which provide goods, facilities, and services to a grantee.

11. Services, as used herein, means goods and facilities, as well as services.

12. Supporting services means auxiliary functions necessary to sustain the direct effort involved in administering a grant program or an activity providing service to the grant program. These services may be centralized in the grantee department or in some other agency, and include procurement, payroll, personnel functions, maintenance and operation of space, data processing, accounting, budgeting, auditing, mail and messenger service, and the like.

C. *Basic guidelines*—1. *Factors affecting allowability of costs.* To be allowable under a grant program, costs must meet the following general criteria:

a. Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of State or local governments.

b. Be authorized or not prohibited under State or local laws or regulations.

c. Conform to any limitations or exclusions set forth in these principles, Federal laws, or other governing limitations as to types or amounts of cost items.

d. Be consistent with policies, regulations, and procedures that apply uniformly to both federally assisted and other activities of the unit of government of which the grantee is a part.

e. Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.

f. Not be allocable to or included as a cost of any other federally financed program in either the current or a prior period.

g. Be net of all applicable credits.

2. *Allocable costs.* a. A cost is allocable to a particular cost objective to the extent of benefits received by such objective.

b. Any cost allocable to a particular grant or cost objective under the principles provided for in this Appendix may not be shifted to other Federal grant programs to overcome fund deficiencies, avoid restrictions imposed by law or grant agreements, or for other reasons.

c. Where an allocation of joint cost will ultimately result in charges to a grant program, an allocation plan will be required as prescribed in section J.

3. *Applicable credits.* a. Applicable credits refer to those receipts or reduction of expenditure-type transactions which offset or reduce expense items allocable to grants as direct or indirect costs. Examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; sale of publications, equipment, and scrap; income from personal or incidental services; and adjustments of overpayments or erroneous charges.

b. Applicable credits may also arise when Federal funds are received or are available from sources other than the grant program



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involved to finance operations or capital items of the grantee. This includes costs arising from the use or depreciation of items donated or financed by the Federal Government to fulfill matching requirements under another grant program. These types of credits should likewise be used to reduce related expenditures in determining the rates or amounts applicable to a given grant.

D. *Composition of cost.* 1. *Total cost.* The total cost of a grant program is comprised of the allowable direct cost incident to its performance, plus its allocable portion of allowable indirect costs, less applicable credits.

2. *Classification of costs.* There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the grant or other ultimate cost objective. It is essential therefore that each item of cost be treated consistently either as a direct or an indirect cost. Specific guides for determining direct and indirect costs allocable under grant programs are provided in the sections which follow.

E. *Direct costs*—1. *General.* Direct costs are those that can be identified specifically with a particular cost objective. These costs may be charged directly to grants, contracts, or to other programs against which costs are finally lodged. Direct costs may also be charged to cost objectives used for the accumulation of costs pending distribution in due course to grants and other ultimate cost objectives.

2. *Application.* Typical direct costs chargeable to grant programs are:

a. Compensation of employees for the time and effort devoted specifically to the execution of grant programs.

b. Cost of materials acquired, consumed, or expended specifically for the purpose of the grant.

c. Equipment and other approved capital expenditures.

d. Other items of expense incurred specifically to carry out the grant agreement.

e. Services furnished specifically for the grant program by other agencies, provided such charges are consistent with criteria outlined in Section G. of these principles.

F. *Indirect costs*—1. *General.* Indirect costs are those (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs," as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities, to the grantee department. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect cost within a grantee department or in other agencies providing services to a grantee department. Indirect cost pools should be distributed to benefiting cost objectives on bases which will produce an equitable result in consideration of relative benefits derived.

2. *Grantee departmental indirect costs.* All grantee departmental indirect costs, including the various levels of supervision, are eligible for allocation to grant programs provided they meet the conditions set forth in this Appendix. In lieu of determining the actual amount of grantee departmental indirect cost allocable to a grant program, the following methods may be used:

a. *Predetermined fixed rates for indirect costs.* A predetermined fixed rate for computing indirect costs applicable to a grant may be negotiated annually in situations

where the cost experience and other pertinent facts available are deemed sufficient to enable the contracting parties to reach an informed judgment (1) as to the probable level of indirect costs in the grantee department during the period to be covered by the negotiated rate, and (2) that the amount allowable under the predetermined rate would not exceed actual indirect costs.

b. *Negotiated lump sum for overhead.* A negotiated fixed amount in lieu of indirect costs may be appropriate under circumstances where the benefits derived from a grantee department's indirect services cannot be readily determined as in the case of small, self-contained or isolated activity. When this method is used, a determination should be made that the amount negotiated will be approximately the same as the actual indirect cost that may be incurred. Such amounts negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses of the grantee department before allocation to remaining activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

3. *Limitation on indirect costs.* a. Federal grants may be subject to laws that limit the amount of indirect cost that may be allowed. Agencies that sponsor grants of this type will establish procedures which will assure that the amount actually allowed for indirect costs under each such grant does not exceed the maximum allowable under the statutory limitation or the amount otherwise allowable under this Appendix, whichever is the smaller.

b. When the amount allowable under a statutory limitation is less than the amount otherwise allocable as indirect costs under this Appendix, the amount not recoverable as indirect costs under a grant may not be shifted to another federally sponsored grant program or contract.

G. *Cost incurred by agencies other than grantee*—1. *General.* The cost of service provided by other agencies may only include allowable direct costs of the service plus a prorata share of allowable supporting costs (section B.12.) and supervision directly required in performing the service, but not supervision of a general nature such as that provided by the head of a department and his staff assistants not directly involved in operations. However, supervision by the head of a department or agency whose sole function is providing the service furnished would be an eligible cost. Supporting costs include those furnished by other units of the supplying department or by other agencies.

2. *Alternative methods of determining indirect cost.* In lieu of determining actual indirect cost related to a particular service furnished by another agency, either of the following alternative methods may be used provided only one method is used for a specific service during the fiscal year involved.

a. *Standard indirect rate.* An amount equal to ten percent of direct labor cost in providing the service performed by another State agency (excluding overtime, shift, or holiday premiums and fringe benefits) may be allowed in lieu of actual allowable indirect cost for that service.

b. *Predetermined fixed rate.* A predetermined fixed rate for indirect cost of the unit or activity providing service may be negotiated as set forth in section F.2.a.

H. *Cost incurred by grantee department for others*—1. *General.* The principles provided in section G. will also be used in determining the cost of services provided by the grantee department to another agency.

J. *Cost allocation plan*—1. *General.* A plan for allocation of costs will be required to support the distribution of any joint costs related to the grant program. All costs included in the plan will be supported by

formal accounting records which will substantiate the propriety of eventual charges.

2. *Requirements.* The allocation plan of the grantee department should cover all joint costs of the department as well as costs to be allocated under plans of other agencies or organizational units which are to be included in the costs of federally sponsored programs. The cost allocation plans of all the agencies rendering services to the grantee department, to the extent feasible, should be presented in a single document. The allocation plan should contain, but not necessarily be limited to, the following:

a. The nature and extent of services provided and their relevance to the Federally sponsored programs.

b. The items of expense to be included.

c. The methods to be used in distributing costs.

3. *Instructions for preparation of cost allocation plans.* The Department of Health, Education, and Welfare, in consultation with the other Federal agencies concerned, will be responsible for developing and issuing the instructions for use by State and local government grantees in preparation of cost allocation plans. This responsibility applies to both central support services at the State and local government level as well as indirect cost proposals of individual grantee departments.

4. *Negotiation and approval of indirect cost proposals for States.* The Department of Health, Education, and Welfare, in collaboration with the other Federal agencies concerned, will be responsible for negotiation, approval and audit of cost allocation plans, which will be submitted to it by the States. These plans will cover central support service costs of the State.

b. At the grantee department level in a State, a single Federal agency will have responsibility similar to that set forth in a. above for the negotiation, approval and audit of the indirect cost proposal. Cognizant Federal agencies have been designated for this purpose. Changes which may be required from time to time in agency assignments will be arranged by the Department of Health, Education, and Welfare in collaboration with the other interested agencies, and submitted to the Office of Management and Budget for final approval. A current list of agency assignments will be maintained by the Department of Health, Education, and Welfare.

c. Questions concerning the cost allocation plans approved under a. and b. above should be directed to the agency responsible for such approvals.

5. *Negotiation and approval of indirect cost proposals for local governments.* a. Cost allocation plans will be retained at the local government level for audit by a designated Federal agency except in those cases where that agency requests that cost allocation plans be submitted to it for negotiation and approval.

b. A list of cognizant Federal agencies assigned responsibility for negotiation, approval and audit of central support service cost allocation plans at the local government level is being developed. Changes which may be required from time to time in agency assignments will be arranged by the Department of Health, Education, and Welfare in collaboration with the other interested agencies, and submitted to Office of Management and Budget for final approval. A current list of agency assignments will be maintained by the Department of Health, Education, and Welfare.

c. At the grantee department level of local governments, the Federal agency with the predominant interest in the work of the grantee department will be responsible for

necessary negotiation, approval and audit of the indirect cost proposal.

6. *Resolution of problems.* To the extent that problems are encountered among the Federal agencies in connection with 4. and 5. above, the Office of Management and Budget will lend assistance as required.

## PART II—STANDARDS FOR SELECTED ITEMS OF COST

A. *Purpose and applicability*—1. *Objective.* This part of Appendix J provides standards for determining the allowability of selected items of cost.

2. *Application.* These standards will apply irrespective of whether a particular item of cost is treated as direct or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable, rather determination of allowability in each case should be based on the treatment of standards provided for similar or related items of cost. The allowability of the selected items of cost is subject to the general policies and principles stated in Part I of this Appendix.

B. *Allowable costs*—1. *Accounting.* The cost of establishing and maintaining accounting and other information systems required for the management of grant programs is allowable. This includes cost incurred by central service agencies for these purposes. The cost of maintaining central accounting records required for overall State or local government purposes, such as appropriation and fund accounts by the Treasurer, Comptroller, or similar officials, is considered to be a general expense of government and is not allowable.

2. *Advertising.* Advertising media includes newspapers, magazines, radio and television programs, direct mail, trade papers, and the like. The advertising costs allowable are those which are solely for:

a. Recruitment of personnel required for the grant program.

b. Solicitation of bids for the procurement of goods and services required.

c. Disposal of scrap or surplus materials acquired in the performance of the grant agreement.

d. Other purposes specifically provided for in the grant agreement.

3. *Advisory councils.* Costs incurred by State advisory councils or committees established pursuant to Federal requirements to carry out grant programs are allowable. The cost of like organizations is allowable when provided for in the grant agreement.

4. *Audit service.* The cost of audits necessary for the administration and management of functions related to grant programs is allowable.

5. *Bonding.* Costs of premiums on bonds covering employees who handle grantee agency funds are allowable.

6. *Budgeting.* Costs incurred for the development, preparation, presentation, and execution of budgets are allowable. Costs for services of a central budget office are generally not allowable since these are costs of general government. However, where employees of the central budget office actively participate in the grantee agency's budget process, the cost of identifiable services is allowable.

7. *Building lease management.* The administrative cost for lease management which includes review of lease proposals, maintenance of a list of available property for lease, and related activities is allowable.

8. *Central stores.* The cost of maintaining and operating a central stores organization for supplies, equipment, and materials used either directly or indirectly for grant programs is allowable.

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9. *Communications.* Communication costs incurred for telephone calls or service, telegraph, teletype service, wide area telephone service (WATS), centrex, telpak (tie lines), postage, messenger service, and similar expenses are allowable.

10. *Compensation for personal services*—a. *General.* Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries, and supplementary compensation and benefits (section B.13.). The costs of such compensation are allowable to the extent that total compensation for individual employees: (1) is reasonable for the services rendered, (2) follows an appointment made in accordance with State or local government laws and rules and which meets Federal merit system or other requirements, where applicable; and (3) is determined and supported as provided in b. below. Compensation for employees engaged in Federally assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the State or local government. In cases where the kinds of employees required for the Federally assisted activities are not found in the other activities of the State or local government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.

b. *Payroll and distribution of time.* Amounts charged to grant programs for personal services, regardless of whether treated as direct or indirect costs, will be based on payrolls documented and approved in accordance with generally accepted practice of the State or local agency. Payrolls must be supported by time and attendance or equivalent records for individual employees. Salaries and wages of employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records. The method used should produce an equitable distribution of time and effort.

11. *Depreciation and use allowances.* a. Grantees may be compensated for the use of buildings, capital improvements, and equipment through use allowances or depreciation. Use allowances are the means of providing compensation in lieu of depreciation or other equivalent costs. However, a combination of the two methods may not be used in connection with a single class of fixed assets.

b. The computation of depreciation or use allowance will be based on acquisition cost. Where actual cost records have not been maintained, a reasonable estimate of the original acquisition cost may be used in the computation. The computation will exclude the cost of any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Federal Government through charges to Federal grant programs or otherwise, irrespective of where title was originally vested or where it presently resides. In addition, the computation will also exclude the cost of land. Depreciation or a use allowance on idle or excess facilities is not allowable, except when specifically authorized by the grantor Federal agency.

c. Where the depreciation method is followed, adequate, property records must be maintained, and any generally accepted method of computing depreciation may be used. However, the method of computing depreciation must be consistently applied for any specific asset or class of assets for all

affected federally sponsored programs and must result in equitable charges considering the extent of the use of the assets for the benefit of such programs.

d. In lieu of depreciation, a use allowance for buildings and improvements may be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment (excluding items properly capitalized as building cost) will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost of usable equipment.

e. No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated, provided, however, that reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.

12. *Disbursing service.* The cost of disbursing grant program funds by the Treasurer or other designated officer is allowable. Disbursing services cover the processing of checks or warrants, from preparation to redemption, including the necessary records of accountability and reconciliation of such records with related cash accounts.

13. *Employee fringe benefits.* Costs identified under a. and b. below are allowable to the extent that total compensation for employees is reasonable as defined in section B.10.

a. Employee benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, court leave, military leave, and the like, if they are: (1) Provided pursuant to an approved leave system, and (2) the cost thereof is equitably allocated to all related activities, including grant programs.

b. Employee benefits in the form of employers' contribution or expenses for social security, employees' life and health insurance plans, unemployment insurance coverage, workmen's compensation insurance, pension plans, severance pay, and the like, provided such benefits are granted under approved plans and are distributed equitably to grant programs and to other activities.

14. *Employee morale, health and welfare costs.* The costs of health or first-aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expenses incurred in accordance with general State or local policy, are allowable. Income generated from any of these activities will be offset against expenses.

15. *Exhibits.* Cost of exhibits relating specifically to the grant programs are allowable.

16. *Legal expenses.* The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a State or local government or his staff solely for the purpose of discharging his general responsibilities as legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

17. *Maintenance and repair.* Costs incurred for necessary maintenance, repair, or upkeep of property which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

18. *Materials and supplies.* The cost of materials and supplies necessary to carry out



the grant programs is allowable. Purchases made specifically for the grant program should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grantee. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.

19. *Memberships, subscriptions and professional activities*—a. *Memberships*. The cost of membership in civic, business, technical and professional organizations is allowable provided:

(1) The benefit from the membership is related to the grant program, (2) the expenditure is for agency membership, (3) the cost of the membership is reasonably related to the value of the services or benefits received, and (4) the expenditure is not for membership in an organization which devotes a substantial part of its activities to influencing legislation.

b. *Reference material*. The cost of books, and subscriptions to civic, business, professional, and technical periodicals is allowable when related to the grant program.

c. *Meetings and conferences*. Costs are allowable when the primary purpose of the meeting is the dissemination of technical information relating to the grant program and they are consistent with regular practices followed for other activities of the grantee.

20. *Motor pools*. The costs of a service organization which provides automobiles to user grantee agencies at a mileage or fixed rate and/or provides vehicle maintenance, inspection and repair services are allowable.

21. *Payroll preparation*. The cost of preparing payrolls and maintaining necessary related wage records is allowable.

22. *Personnel administration*. Costs for the recruitment, examination, certification, classification, training, establishment of pay standards and related activities for grant programs, are allowable.

23. *Printing and reproduction*. Cost for printing and reproduction services necessary for grant administration, including but not limited to forms, reports, manuals, and informational literature, are allowable. Publication costs of reports or other media relating to grant program accomplishments or results are allowable when provided for in the grant agreement.

24. *Procurement service*. The cost of procurement service, including solicitation of bids, preparation and award of contracts, and all phases of contract administration in providing goods, facilities, and services for grant programs, is allowable.

25. *Taxes*. In general, taxes or payments in lieu of taxes which the grantee agency is legally required to pay are allowable.

26. *Training and education*. The cost of in-service training, customarily provided for employee development which directly or indirectly benefits grant programs is allowable. Out-of-service training involving extended periods of time is allowable only when specifically authorized by the grantor agency.

27. *Transportation*. Costs incurred for freight, cartage, express, postage and other transportation costs relating either to goods purchased, delivered, or moved from one location to another are allowable.

28. *Travel*. Travel costs are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business incident to a grant program. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of ac-

tual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in nonfederally sponsored activities. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is allowable except when less-than-first-class air accommodations are not reasonably available.

C. *Costs allowable with approval of grantor agency*. 1. Automatic data processing. The cost of data processing services to grant programs is allowable. This cost may include rental of equipment or depreciation on grantee-owned equipment. The acquisition of equipment, whether by outright purchase, rental-purchase agreement or other method of purchase, is allowable only upon specific prior approval of the grantor Federal agency as provided under the selected item for capital expenditures.

2. *Building space and related facilities*. The cost of space in privately or publicly owned buildings used for the benefit of the grant program is allowable subject to the conditions stated below. The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality. The cost of space procured for grant program usage may not be charged to the program for periods of nonoccupancy, without authorization of the grantor Federal agency.

a. *Rental cost*. The rental cost of space in a privately owned building is allowable.

b. *Maintenance and operation*. The cost of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs and alterations and the like, are allowable to the extent they are not otherwise included in rental or other charges for space.

c. *Rearrangements and alterations*. Cost incurred for rearrangement and alteration of facilities required specifically for the grant program or those that materially increase the value or useful life of the facilities (section C.3.) are allowable when specifically approved by the grantor agency.

d. *Depreciation and use allowances on publicly owned buildings*. These costs are allowable as provided in section B.11.

e. *Occupancy of space under rental-purchase or lease with option-to-purchase agreement*. The cost of space procured under such arrangements is allowable when specifically approved by the Federal grantor agency.

3. *Capital expenditures*. The cost of facilities, equipment, other capital assets, and repairs which materially increase the value or useful life of capital assets is allowable when such procurement is specifically approved by the Federal grantor agency. When assets acquired with Federal grant funds are:

(a) sold, (b) no longer available for use in a federally sponsored program, or (c) used for purposes not authorized by the grantor agency, the Federal grantor agency's equity in the asset will be refunded in the same proportion as Federal participation in its cost. In case any assets are traded on new items, only the net cost of the newly acquired assets is allowable.

4. *Insurance and indemnification*. a. Costs of insurance required, or approved and maintained pursuant to the grant agreement, is allowable.

b. Costs of other insurance in connection with the general conduct of activities is allowable subject to the following limitations:

(1) Types and extent and cost of coverage will be in accordance with general State or local government policy and sound business practice.

(2) Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property is allowable except to the extent that the grantor agency has specifically required or approved such costs.

5. *Contributions to a reserve for a self-insurance program* approved by the Federal grantor agency are allowable to the extent that the type of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

6. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are allowable unless expressly provided for in the grant agreement. However, costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound management practice, and minor losses not covered by insurance, such as spoilage, breakage and disappearance of small hand tools which occur in the ordinary course of operations, are allowable.

7. *Indemnification* includes securing the grantee against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the grantee only to the extent expressly provided for in the grant agreement, except as provided in d. above.

8. *Management studies*. The cost of management studies to improve the effectiveness and efficiency of grant management for ongoing programs is allowable except that the cost of studies performed by agencies other than the grantee department or outside consultants is allowable only when authorized by the Federal grantor agency.

9. *Preagreement costs*. Costs incurred prior to the effective date of the grant or contract, whether or not they would have been allowable thereunder if incurred after such date, are allowable when specifically provided for in the grant agreement.

10. *Professional services*. Cost of professional services rendered by individuals or organizations not a part of the grantee department is allowable subject to such prior authorization as may be required by the Federal grantor agency.

11. *Proposal costs*. Costs of preparing proposals on potential Federal Government grant agreements are allowable when specifically provided for in the grant agreement.

12. *Unallowable costs*—1. *Bad debts*. Any losses arising from uncollectible accounts and other claims, and related costs, are unallowable.

2. *Contingencies*. Contributions to a contingency reserve or any similar provision for unforeseen events are unallowable.

3. *Contributions and donations*. Unallowable.

4. *Entertainment*. Costs of amusements, social activities, and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation, and gratuities, are unallowable.

5. *Fines and penalties*. Costs resulting from violations of, or failure to comply with Federal, State, and local laws and regulations are unallowable.

6. *Governor's expenses*. The salaries and expenses of the Office of the Governor of a State or the chief executive of a political subdivision are considered a cost of general State or local government and are unallowable.

7. *Interest and other financial costs*. Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection therewith, are unallowable except when authorized by Federal legislation.

8. *Legislative expenses*. Salaries and other expenses of the State legislature or similar local governmental bodies such as county supervisors, city councils, school boards, etc., whether incurred for purposes of legislation or executive direction, are unallowable.

9. *Underrecovery of costs under grant agreements*. Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements.

#### APPENDIX K

There is set forth below standards for grantee financial management systems applicable to grants under the Airport and Airway Development Act of 1970.

##### STANDARDS FOR GRANTEE FINANCIAL MANAGEMENT SYSTEMS

1. This appendix prescribes standards for financial management systems of grant-supported activities of State and local governments under the Airport and Airway Development Act of 1970.

2. Grantee financial management systems shall provide for:

a. Accurate, current, and complete disclosure of the financial results of each grant program in accordance with Federal reporting requirements. When a Federal grantor agency requires reporting on an accrual basis and the grantee's accounting records are not kept on that basis, the grantee should develop such information through an analysis of the documentation on hand or on the basis of best estimates.

b. Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

c. Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

d. Comparison of actual with budgeted amounts for each grant. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the grantor agency.

e. Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury through his commercial bank as close as possible to the time of making the disbursements.

f. Procedures for determining the allowability and allocability of costs in accordance with the provisions of Appendix J of this Part.

g. Accounting records which are supported by source documentation.

h. Audits to be made by the grantee or at his direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements. The grantee will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity.

i. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

3. Grantees shall require subgrantees (recipients of grants which are passed through by the grantee) to adopt all of the standards in paragraph 2 above.

#### APPENDIX L

There is set forth below property management standards applicable to grants under the Airport and Airway Development Act of 1970.

##### PROPERTY MANAGEMENT STANDARDS

1. This Appendix prescribes uniform standards governing the utilization and disposition of property furnished by the Federal Government or acquired in whole or in part with Federal funds by State and local governments. The grantees shall be authorized to use their own property management standards and procedures as long as the provisions of this Appendix are included.

2. The following definitions apply for the purpose of this Appendix.

a. *Real property*. Real property means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

b. *Personal property*. Personal property means property of any kind, except real property. It may be tangible—having physical existence, or intangible—having no physical existence, such as patents, inventions, and copyrights.

c. *Nonexpendable personal property*. Nonexpendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of \$300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above.

d. *Expendable personal property*. Expendable personal property refers to all tangible personal property other than nonexpendable property.

e. *Excess property*. Excess property means property under the control of any Federal agency which, as determined by the head thereof, is no longer required for its needs.

3. Each Federal grantor agency shall prescribe requirements for grantees concerning the use of real property funded partly or wholly by the Federal Government. Unless otherwise provided by statute, such requirements, as a minimum, shall contain the following:

a. The grantee shall use the real property for the authorized purpose of the original grant as long as needed.

b. The grantee shall obtain approval by the grantor agency for the use of the real property in other projects when the grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs, or programs that have purposes consistent with those authorized for support by the grantor.

c. When the real property is no longer needed as provided in a. and b., above, the grantee shall return all real property furnished or purchased wholly with Federal grant funds to the control of the Federal grantor agency. In the case of property purchased in part with Federal grant funds, the grantee may be permitted to take title to the Federal interest therein upon compensating the Federal Government for its fair share of the property. The Federal share of the property shall be the amount computed by applying the percentage of the Federal participation in the total cost of the grant program for which the property was acquired to the current fair market value of the property.

4. Standards and procedures governing ownership, use, and disposition of nonexpendable personal property furnished by the Federal Government or acquired with Federal funds are set forth below:

a. *Nonexpendable personal property acquired with Federal funds*. When nonexpend-

able personal property is acquired by a grantee wholly or in part with Federal funds, title will not be taken by the Federal Government except as provided in paragraph 4a(4), but shall be vested in the grantee subject to the following restrictions on use and disposition of the property:

(1) The grantee shall retain the property acquired with Federal funds in the grant program as long as there is a need for the property to accomplish the purpose of the grant program whether or not the program continues to be supported by Federal funds. When there is no longer a need for the property to accomplish the purpose of the grant program, the grantee shall use the property in connection with other Federal grants it has received in the following order of priority:

(a) Other grants of the same Federal grantor agency needing the property.

(b) Grants of other Federal agencies needing the property.

(2) When the grantee no longer has need for the property in any of its Federal grant programs, the property may be used for its own official activities in accordance with the following standards:

(a) *Nonexpendable property with an acquisition cost of less than \$500 and used four years or more*. The grantee may use the property for its own official activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(b) *All other nonexpendable property*. The grantee may retain the property for its own use provided that a fair compensation is made to the original grantor agency for the latter's share of the property. The amount of compensation shall be computed by applying the percentage of Federal participation in the grant program to the current fair market value of the property.

(3) If the grantee has no need for the property, disposition of the property shall be made as follows:

(a) *Nonexpendable property with an acquisition cost of \$1,000 or less*. Except for that property which meets the criteria of (2)(a) above, the grantee shall sell the property and reimburse the Federal grantor agency an amount which is computed in accordance with (iii) below.

(b) *Nonexpendable property with an acquisition cost of over \$1,000*. The grantee shall request disposition instructions from the grantor agency. The Federal agency shall determine whether the property can be used to meet the agency's requirement. If no requirement exists within that agency, the available of the property shall be reported to the General Services Administration (GSA) by the Federal agency to determine whether a requirement for the property exists in other Federal agencies. The Federal grantor agency shall issue instructions to the grantee within 120 days and the following procedures shall govern:

(i) If the grantee is instructed to ship the property elsewhere, the grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the grantee's participation in the grant program to the current fair market value of the property, plus any shipping or interim storage costs incurred.

(ii) If the grantee is instructed to otherwise dispose of the property, he shall be reimbursed by the Federal grantor agency for such costs incurred in its disposition.

(iii) If disposition instructions are not issued within 120 days after reporting, the grantee shall sell the property and reimburse the Federal grantor agency an amount which is computed by applying the percentage of Federal participation in the grant program



to the sales proceeds. Further, the grantee shall be permitted to retain \$100 or 10 percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

(4) Where the grantor agency determines that property with an acquisition cost of \$1,000 or more and financed solely with Federal funds is unique, difficult, or costly to replace, it may reserve title to such property, subject to the following provisions:

(a) The property shall be appropriately identified in the grant agreement or otherwise made known to the grantee.

(b) The grantor agency shall issue disposition instructions within 120 days after the completion of the need for the property under the Federal grant for which it was acquired. If the grantor agency fails to issue disposition instructions within 120 days, the grantee shall apply the standards of 4a(1), 4a(2)(b), and 4a(3)(b).

b. *Federally-owned nonexpendable personal property.* Unless statutory authority to transfer title has been granted to an agency, title to federally-owned property (property to which the Federal Government retains title including excess property made available by the Federal grantor agencies to grantees) remains vested by law in the Federal Government. Upon termination of the grant or need for the property, such property shall be reported to the grantor agency for further agency utilization or, if appropriate, for reporting to the General Services Administration for other Federal agency utilization. Appropriate disposition instructions will be issued to the grantee after completion of Federal agency review.

5. The grantees' property management standards for nonexpendable personal property shall also include the following procedural requirements:

a. Property records shall be maintained accurately and provide for: a description of the property; manufacturer's serial number or other identification number; acquisition date and cost; source of the property; percentage of Federal funds used in the purchase of property; location, use, and condition of the property; and ultimate disposition data including sales price or the method used to determine current fair market value if the grantee reimburses the grantor agency for its share.

b. A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property.

c. A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented.

d. Adequate maintenance procedures shall be implemented to keep the property in good condition.

e. Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

6. When the total inventory value of any unused expendable personal property exceeds \$500 at the expiration of need for any Federal grant purposes, the grantee may retain the property or sell the property as long as he compensates the Federal Government for its share in the cost. The amount of compensation shall be computed in accordance with 4a(2)(b).

7. Specific standards for control of intangible property are provided as follows:

a. If any program produces patents, patent rights, processes, or inventions, in the course of work aided by a Federal grant, such fact

shall be promptly and fully reported to the grantor agency. The grantor agency shall determine whether protection on such invention or discovery shall be sought and how the rights in the invention or discovery—including rights under any patent issued thereon—shall be disposed of and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and Statement of Government Patent Policy as printed in 36 FR 16889).

b. Where the grant results in a book or other copyrightable material, the author or grantee is free to copyright the work, but the Federal grantor agency reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.

#### APPENDIX M

There is set forth below procurement standards applicable to grants under the Airport and Airway Development Act of 1970.

#### PROCUREMENT STANDARDS

1. This Appendix provides standards for use by the State and local governments in establishing procedures for the procurement of supplies, equipment, construction, and other services with Federal grant funds. These standards are furnished to insure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive orders.

2. The Standards contained in this Appendix do not relieve the grantee of the contractual responsibilities arising under its contracts. The grantee is the responsible authority, without recourse to the grantor agency regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a grant. This includes but is not limited to: disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

3. Grantees may use their own procurement regulations which reflect applicable State and local law, rules and regulations provided that procurements made with Federal grant funds adhere to the standards set forth as follows:

a. The grantee shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Federal grant funds. Grantee's officers, employees or agents, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by State or local law, rules or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the grantee officers, employees, or agents, or by contractors or their agents.

b. All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

c. The grantee shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(1) Proposed procurement actions shall be reviewed by grantee officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by offerors should be clearly specified.

(3) Positive efforts shall be made by the grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Federal grant funds.

(4) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the best interest of the grant program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(5) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (6) below is necessary to accomplish sound procurement. However, procurements of \$2,500 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered. (Factors such as discounts, transportation costs, taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the grantee. Any or all bids may be rejected when it is in the grantee's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(6) Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the grantee if:

(a) The public exigency will not permit the delay incident to advertising;

(b) The material or service to be procured is available from only one person or firm; (All contemplated sole source procurements where the aggregate expenditure is expected to exceed \$5,000 shall be referred to the grantor agency for prior approval.)

(c) The aggregate amount involved does not exceed \$2,500;

(d) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institutions;

(e) The material or services are to be procured and used outside the limits of the United States and its possessions;

(f) No acceptable bids have been received after formal advertising;

(g) The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or

equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture;

(h) Otherwise authorized by law, rules, or regulations. Notwithstanding the existence of circumstances justifying negotiation, completion shall be obtained to the maximum extent practicable.

(7) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(8) Procurement records or files for purchases in amounts in excess of \$2,500 shall provide at least the following pertinent information: Justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

(9) A system for contract administration shall be maintained to assure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

4. The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts and subgrants:

a. Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contracts terms, and provide for such sanctions and penalties as may be appropriate.

b. All contracts, amounts for which are in excess of \$2,500, shall contain suitable provisions for termination by the grantee, including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

c. In all contracts for construction or facility improvement awarded in excess of \$100,000, grantees shall require a performance bond and a payment bond on the part of the contractor, each for 100 percent of the contract price.

d. All contracts and subgrants in excess of \$10,000 shall include provisions for compliance with Executive Order No. 11246, entitled, "Equal Employment Opportunity," as supplemented in Department of Labor Regulations (41 CFR Part 60). Each contractor or

subgrantee shall be required to have an affirmative action plan which declares that it does not discriminate on the basis of race, color, religion, creed, national origin, sex, and age and which specifies goals and target dates to assure the implementation of that plan. The grantee shall establish procedures to assure compliance with this requirement by contractors or subgrantees and to assure that suspected or reported violations are promptly investigated.

e. All contracts and subgrants for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violations to the grantor agency.

f. When required by the Federal grant program legislation, all construction contracts awarded by grantees and subgrantees in excess of \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The grantee shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The grantee shall report all suspected or reported violations to the grantor agency.

g. Where applicable, all contracts awarded by grantees and subgrantees in excess of \$2,000 for construction contracts and in excess of \$2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in

excess of 8 hours in any calendar day or 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety, and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

h. Contracts or agreements, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Federal grantor agency and the grantee. The contractor shall be advised as to the source of additional information regarding these matters.

i. All negotiated contracts (except those of \$2,500 or less) awarded by grantees shall include a provision to the effect that the grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

j. Each contract of an amount in excess of \$2,500 awarded by a grantee or subgrantee shall provide that the recipient will comply with applicable regulations and standards of the Cost of Living Council in establishing wages and prices. The provision shall advise the recipient that submission of a bid or offer or the submittal of an invoice or voucher for property, goods, or services furnished under a contract or agreement with the grantee shall constitute a certification by him that amounts to be paid do not exceed maximum allowable levels authorized by the Cost of Living Council regulations or standards. Violations shall be reported to the grantor agency and the local Internal Revenue Service field office.

k. Contracts and subgrants of amounts in excess of \$100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the grantor agency and the Regional Office of the Environmental Protection Agency.

[FR Doc.74-4064 Filed 2-20-74; 8:45 am]



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# federal register

February 22, 1974—Pages 6687-7116

FRIDAY, FEBRUARY 22, 1974

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Volume 39 ■ Number 37

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

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EXECUTIVE ORDER 11768

Placing Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, it is ordered as follows:

SECTION 1. The following offices and positions are placed in level IV of the Executive Schedule:

- (1) Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare.
- (2) Director, National Institutes of Health, Department of Health, Education, and Welfare.
- (3) Administrator, Health Services and Mental Health Administration, Department of Health, Education, and Welfare.
- (4) Director, United States Secret Service, Department of the Treasury.
- (5) Associate Directors, (4) Office of Management and Budget, Executive Office of the President.
- (6) Deputy Under Secretary for Legislative Affairs, Department of Labor.
- (7) Director of Program Analysis and Evaluation, Department of Defense.
- (8) Principal Deputy Director of Defense Research and Engineering, Department of Defense.
- (9) Deputy Under Secretary for International Labor Affairs, Department of Labor.
- (10) Counselor to the Secretary of Labor, Department of Labor.
- (11) Deputy Under Secretary, Department of Transportation.
- (12) Deputy Under Secretary for Legislative Affairs, Department of Commerce.
- (13) Special Prosecutor, Department of Justice.
- (14) Associate Attorney General, Department of Justice.
- (15) Commissioner General of the International Exposition on the Environment, Department of Commerce.
- (16) Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State.



SEC. 2. The following offices and positions are placed in level V of the Executive Schedule:

(1) Principal Deputy Assistant Secretary of Defense (Comptroller), Department of Defense.

(2) Deputy Assistant Secretary of Defense for Reserve Affairs, Department of Defense.

(3) Assistant Secretary, Comptroller, Department of Health, Education, and Welfare.

(4) Deputy Commissioner of Social Security, Department of Health, Education, and Welfare.

(5) Commissioner on Aging, Department of Health, Education, and Welfare.

(6) Deputy Director, United States Secret Service, Department of the Treasury.

(7) Assistant to the Secretary and Director, Office of Revenue Sharing, Department of the Treasury.

(8) Commissioner, Automated Data and Telecommunications Service, General Services Administration.

(9) Associate Administrator for Federal Management Policy, General Services Administration.

SEC. 3. Nothing in this order shall be deemed to terminate or otherwise affect the appointment, or to require the reappointment, of any occupant of any position listed in section 1 or section 2 of this order who was the occupant of that position immediately before the issuance of this order.

SEC. 4. Executive Order No. 11708 of March 23, 1973, as amended, is hereby superseded.



THE WHITE HOUSE,  
February 20, 1974.

[FR Doc. 74-4337 Filed 2-20-74; 2:39 pm]

## Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

### Title 9—Animals and Animal Products CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

##### PART 73—SCABIES IN CATTLE

###### Areas Quarantined

This amendment quarantines a portion of Lamb, portions of Parmer, a portion of Hockley and a portion of Lubbock Counties in Texas because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, 9 CFR Part 73, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, in paragraph (a) relating to Texas, new paragraphs (a) (3), (4), (5), (6), and (7) are added to read:

§ 73.1a Notice of quarantine.

(a) . . .

(3) That portion of Lamb County comprised of sec. 40, block 2, (W. E. Haisell Subdivision, Highway 303 on West Side).

(4) That portion of Parmer County comprised of sec. 26, T. 10 S., R. 2 E.

(5) That portion of Parmer County comprised of sec. 32, T. 11 S., R. 3 E. (Highway 145 on South Side).

(6) That portion of Hockley County comprised of sec. 109, Block A (E. M. Thompson Survey).

(7) That portion of Lubbock County comprised of sec. 7, Block 20 (Abstract #391, H.E. and W.T. Railway Survey).

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 180, 182; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

**Effective date.** The foregoing amendment shall become effective on February 19, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of February 1974.

J. M. HEJL,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc. 74-4259 Filed 2-21-74; 8:45 am]

##### PART 73—SCABIES IN CATTLE

###### Areas Quarantined

This amendment quarantines portions of Otoe County in Nebraska and a portion of Wichita County in Kansas because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, 9 CFR Part 73, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (b) relating to Nebraska is amended and a new paragraph (d) relating to Kansas is added to read:

§ 73.1a Notice of quarantine.

(b) . . .

(b) Notice is hereby given that cattle in certain portions of the State of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) The premises of Norman Grothe Feedlot in Lincoln Precinct of Antelope County, located in the NE 1/4 of sec. 8, T. 23 N., R. 8 W.

(2) That portion of Otoe County comprised of sec. 10 in Belmont Precinct.

(3) That portion of Otoe County comprised of sec. 36 in Berlin Precinct.

(4) The premises of Hammond Farms in Otoe Precinct of Otoe County, sec. 20.

(d) Notice is hereby given that cattle in certain portions of the State of Kan-

sas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Wichita County comprised of sec. 11, T. 17 S., R. 37 W.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 180, 182; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

**Effective date.** The foregoing amendment shall become effective on February 19, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of February, 1974.

J. M. HEJL,  
Acting Deputy Administrator,  
Veterinary Services Animal  
and Plant Health Inspection  
Service.

[FR Doc. 74-4260 Filed 2-21-74; 8:45 am]

### CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPEC- TION), DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER A—MANDATORY MEAT INSPECTION

##### PART 318—ENTRY INTO OFFICIAL ES- TABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

#### SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

##### PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

###### Xanthan Gum in Various Products

In the amendment published in the FEDERAL REGISTER of February 4, 1974 (39 FR 4466, FR Doc. 74-2738), concern- ing xanthan gum in various products,



the effective date should read "March 7, 1974," instead of "March 6, 1974."

Done at Washington, D.C., on: February 15, 1974.

G. H. Wise,  
Acting Administrator, Animal  
and Plant Health Inspection  
Service.

[FR Doc.74-4263 Filed 2-21-74;8:45 am]

**Title 12—Banks and Banking**  
**CHAPTER V—FEDERAL HOME LOAN BANK BOARD**

**SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION**  
[No. 74-78]

**PART 571—STATEMENTS OF POLICY**  
**Corporate Opportunity in Insured Institutions**

FEBRUARY 6, 1974.

The Federal Home Loan Bank Board considers it desirable to amend Part 571 of the rules and regulations for Insurance of Accounts (12 CFR Part 571) for the purpose of adding a statement of the Board's policy regarding corporate opportunity in insured institutions.

Part 571 is amended by adding a new § 571.9 (12 CFR 571.9), for the purpose of appraising the officers, directors and controlling persons of insured institutions as to the fiduciary duties which they owe under existing law to the institution and its accountholders or shareholders. The policy statement is not intended to impose new legal duties on such persons, but merely to codify existing common law fiduciary principles. The Board expects officers, directors and controlling persons to be cognizant of their fiduciary duties, and to take appropriate action to ensure that they do not appropriate business opportunities belonging to their insured institution or its service corporation.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 571 by adding new § 571.9 to read as set forth below.

§ 571.9 Corporate opportunity in insured institutions.

Directors and officers of an insured institution, and other persons having the power to direct the management of the institution, stand in a fiduciary relationship to the institution and its accountholders or shareholders. Out of this relationship arises, among other things, the duty of protecting the interests of the institutions. It is a breach of this duty for such a person to take advantage of a business opportunity for his own or another person's personal profit or benefit when the opportunity is within the corporate powers of the institution or a service corporation of the institution and when the opportunity is of present or potential practical advantage to the institution. If such a person so appropriates such an opportunity, the institution or service corporation may claim the benefit of the transaction or business and such person exposes himself to liability

in this regard. In determining whether an opportunity is of present or potential practical advantage to an institution, the Corporation will consider, among other things, the financial, managerial, and technical resources of the institution and its service corporation, and the reasonable ability of the institution directly or through a service corporation to acquire such resources.

(Sec. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,  
Assistant Secretary.

[FR Doc.74-4236 Filed 2-21-74;8:45 am]

**Title 14—Aeronautics and Space**  
**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Airspace Docket No. 73-EA-89]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS**

**Alteration of Control Zone**  
**Correction**

In FR Doc. 74-3813 appearing at page 6057 in the issue for Tuesday, February 19, 1974, in the fourth paragraph of the date reading "February 19, 1973", should read, "February 19, 1974".

**Title 16—Commercial Practices**  
**CHAPTER I—FEDERAL TRADE COMMISSION**

[Docket C-2486]

**PART 13—PROHIBITED TRADE PRACTICES**

Lorillard, Division of Loews Theatres, Inc., et al.

In FR Doc. 74-3231 appearing at page 4874 of the issue for Friday, February 8, 1974, in the second column, the following line should be inserted after the 11th line of paragraph 3.c.: "after referred to as 'Blue Ribbon' for".

**PART 15—ADMINISTRATIVE OPINIONS AND RULINGS**

**"Backhaul" Allowances Advisory Opinion**  
**Affirmed**

**Correction**

In FR Doc. 74-520 appearing on page 1260 of the issue for Monday, January 7, 1974, in the second line of § 15.483(b) (4), "properly" should read "probably".

**Title 22—Foreign Relations**  
**CHAPTER I—DEPARTMENT OF STATE**  
**PART 51—PASSPORTS**

**Revocation or Restriction of Passports**

Subpart E of 22 CFR Part 51, is amended to reduce the categories of passports which may be revoked, restricted or

limited. Section 51.71 is amended by deleting paragraph (c).

**Effective date.** Having determined that paragraph (c) of § 51.71 has never been invoked and serves no useful purpose, and that its deletion would relieve a restriction as defined by 5 USC 553(d) (1), it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 USC 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective on February 14, 1974.

(Sec. 1, 44 Stat. 887, Sec. 4, 63 Stat. 111, as amended; 22 USC 211a, 2658; EO 11295, 38 FR 10803; 3 CFR 1966-70 Comp. page 507)

For the Secretary of State.

Dated: January 10, 1974.

[SEAL] BARBARA M. WATSON,  
Administrator, Bureau of  
Security and Consular Affairs.

[FR Doc.74-4155 Filed 2-21-74;8:45 am]

**Title 23—Highways**  
**CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION**

**PART 772—NOISE PROCEDURES AND STANDARDS**

**Interim Regulations**

Interim regulations are hereby promulgated providing guidelines for the submission and approval of noise abatement projects on previously constructed highways. Section 114 of the Federal-Aid Highway Act of 1973, PL 93-87, August 13, 1973, revised 23 U.S.C. 109(i) to permit the Federal Highway Administration to develop and promulgate "standards" for the control of traffic noise on previously constructed highways on any of the Federal-aid systems. It further provides that noise abatement projects may be programmed as highway projects, and that the Federal share on such projects shall be the same as that for the Federal-aid system on which the project is located.

It is presently contemplated that when final standards are issued, they will be largely structured around and be an extension of 23 CFR 772.1 through 772.7. It is anticipated that the standards will be promulgated by mid-1974. There are several complex issues involved in the standards that will take time to resolve. In addition, it is important that these standards be developed in close consultation with State highway departments, other interested Federal and local government agencies, and the public. This will require additional time to accomplish.

Many communities and State highway agencies are pressed with existing noise problems which they feel should be given attention during this interim period. Because of the current need for guidance with respect to the implementation of section 114 of the 1973 Federal-Aid Highway Act, it is found impractical to issue these interim regulations subject to the effective date limitation of 5 U.S.C.

553(d). Therefore the following additions to 23 CFR Part 772 are promulgated as of this date: February 13, 1974.

**§ 772.30 Noise abatement projects on existing highways.**

(a) Regional Federal Highway Administrators may approve noise abatement projects for previously constructed highways on any Federal-aid system when:

(1) A noise analysis has been performed using the general guidelines outlined in Section 772.7 of this part.

(2) A determination has been made by the State highway agency that the noise abatement project is clearly of high priority.

(3) The noise abatement project will achieve a significant noise reduction.

(4) The noise abatement benefits are judged to outweigh the overall economic and environmental costs of the project.

(5) The noise abatement measures are for noise-sensitive developed activities which were in existence on January 1, 1973.

(b) The Federal share of noise abatement projects will be the same proportion as that normally used on the system on which the noise abatement project is located.

(c) Regional Federal Highway Administrators may delegate the authority in paragraph (a) of this section to Federal Highway Administration Division Engineers.

Issued on: February 13, 1974.

NORBERT TIEMANN,  
Federal Highway Administrator.

[FR Doc.74-4161 Filed 2-21-74;8:45 am]

**Title 24—Housing and Urban Development**

**CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION**

[Docket No. R-74-254]

**PART 2200—FEDERAL DISASTER ASSISTANCE**

**PART 2201—REIMBURSEMENT OF OTHER FEDERAL AGENCIES UNDER PUBLIC LAW 91-606**

Executive Order 11725, 38 FR 17175 (June 29, 1973) and certain powers from the President and the Office of Emergency Preparedness (OEP) to the Secretary of Housing and Urban Development. Regulations implementing these powers were published at 32 CFR Parts 1709 and 1710. In view of this transfer, regulations already promulgated by OEP as 32 CFR Parts 1709 and 1710, would be more appropriately published in Title 24 are therefore being recodified as 24 CFR Parts 2200 and 2201.

Because this publication merely renumbers existing regulations, notice and public procedure are unnecessary. Inasmuch as these regulations are already in effect and their redesignation will facilitate the integration of disaster powers into the Department of Housing and Urban Development, good cause exists for making this redesignation effective February 22, 1974.

Accordingly, new Parts 2200 and 2201 are added to Title 24 of the Code of Federal Regulations, as follows:

**Subpart A—General**

Sec. 2200.1 Purpose.  
2200.2 Definitions.  
2200.3 Policy.

**Subpart B—Major Disaster**

2200.4 Requests for Federal assistance.  
2200.5 Processing the request of a Governor for a declaration of a "major disaster."

2200.6 Initiation of Federal assistance.  
2200.7 Federal-State Disaster Assistance Agreements.

2200.8 Project applications.  
2200.9 Debris and wreckage clearance.

2200.10 Protective work.  
2200.11 Repair and replacement of public facilities.

2200.12 Emergency shelter.  
2200.13 Temporary housing.

2200.14 Lease and mortgage payments.  
2200.15 Grants for removing timber from privately owned land.

2200.16 Assistance to unemployed individuals.

2200.17 Federal assistance for projects under construction.

2200.18 Emergency support teams.  
2200.19 Use of local firms and individuals.

2200.20 Relief agencies.  
2200.21 Duplication of benefits.

2200.22 Nondiscrimination.  
2200.23 Emergency communications.

2200.24 Emergency public transportation.  
2200.25 Legal services.

2200.26 State action.  
2200.27 Assistance by Federal agencies.

2200.28 Surplus property.  
2200.29 The American National Red Cross.

2200.30 Private relief organizations.  
2200.31 Minimum State and local expenditures.

2200.32 Time limits.  
2200.33 Grants to local governments suffering loss of property tax revenue.

2200.34 Retroactive provisions.

**Subpart C—Disaster Planning**

2200.35 Grants for developing, improving, maintaining, and updating State disaster plans.

**Subpart D—Reduction of Threat of Major Disasters**  
2200.36 Predisaster assistance.  
2200.37 Fire suppression.

**Authority:** Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3585(d)); Pub. L. 91-606, 84 Stat. 1744; E.O. 11749, Pub. L. 92-209, 85 Stat. 742, 38 FR 17175, June 27, 1973.

**Subpart A—General**

§ 2200.1 Purpose.

The purpose of this part is to prescribe the standards and procedures to be followed in implementing those sections of Public Law 91-606 assigned to the Secretary by the Act or by Executive Order 11749, and delegated to the Administrator at 38 FR 17869, July 5, 1973.

§ 2200.2 Definitions.

As used in this part:

(a) "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which in the determination of the President, is or threatens to be of sufficient severity and

magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance under Pub. L. 91-606 and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe;

(b) "United States" means the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(c) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands;

(d) "Governor" means the chief executive of any State;

(e) "Local government" means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or political subdivision thereof;

(f) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, except the American National Red Cross;

(g) "Administrator" means the Administrator, Federal Disaster Assistance Administration, Department of Housing and Urban Development.

(h) "Public facility" includes any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, and any other public building, structure, or system, other than one used exclusively for recreation purposes;

(i) "Regional Director" means a director of a regional office of the Federal Disaster Assistance Administration.

(j) "Federal Coordinating Officer" is the person appointed by the Administrator to operate under the Regional Director to coordinate Federal assistance in a major disaster;

(k) "State Coordinating Officer" is the person appointed by the Governor in the Federal-State Disaster Assistance Agreement as his authorized representative to act in cooperation with the Federal Coordinating Officer appointed under section 201 of the Act;

(l) "Contractor" is any individual, partnership, corporation, agency, or other entity, public or private (other than an organization engaged in the business of insurance) performing work for a State or local agency;



(m) "Damages" include suffering and hardship and physical destruction or deterioration;

(n) "Federal assistance" includes aid to disaster victims or State or local governments under provisions of the Act by Federal agencies;

(o) "Termination" as used in this part, means completion of eligible work to be accomplished and therefore the end of the need for Federal assistance;

(p) "Projects under construction" are those projects on which work has physically been initiated but not yet completed to the extent that the project has been accepted by the applicant;

(q) "Changed conditions" means changed physical conditions as differentiated from financial or administrative conditions;

(r) "Applicant" is the State or local government submitting a project application under the Act.

(s) "Medical care facility" includes, without limitation, any hospital, diagnostic or treatment center (outpatient facility), or rehabilitation facility as such terms are defined in section 645 of the Public Health Service Act, and any similar facility offering diagnosis or treatment of mental or physical injury or disease, including the administrative and support facilities essential to the operating of such medical care facilities although not contiguous thereto. As used throughout this regulation, the term "medical care facility" refers to a private, nonprofit facility, owned by a tax exempt organization.

(t) "Tax exempt organization" means an organization or entity which has applied for, and currently has in effect from the U.S. Internal Revenue Service, a ruling letter granting tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(u) "Disaster proofing" consists of those minimum alterations or modifications to damaged facilities which could be expected to prevent or substantially reduce future damages to the repaired or reconstructed facility; i.e., to make the facility disaster resistant. The cost of disaster proofing measures is limited to a small percentage of otherwise eligible costs.

(v) "Secretary" means the Secretary of Housing and Urban Development.

#### § 2200.3 Policy.

(a) It is the policy of the Federal Disaster Assistance Administration to provide an orderly and continuing means of supplemental assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering, hardship and damage resulting from major disasters.

(b) It is also the policy of FDAA to foster the development of State and local government organizations and plans for coping with major disasters, and to provide advice and guidance to Federal agencies and States and local governments on organization and preparedness in order to meet the effects of major disasters.

(c) It is further a policy of FDAA to

insure that the individual disaster victims are appraised of Federal assistance available and to assist the individual victim in obtaining the Federal assistance to which he is entitled.

#### Subpart B—Major Disasters

##### § 2200.4 Requests for Federal assistance.

(a) Upon the occurrence or threat of a catastrophe within a State which, in the opinion of its Governor constitutes, or threatens, a major disaster requiring supplementary Federal assistance, the Governor may present to the Administrator, through the Regional Director, a request for Federal assistance. The request shall include the Governor's verification of the need for Federal assistance and his assurance of reasonable State and local government expenditures to prevent or alleviate damage from such disaster. In certain circumstances, the Governor may request a major disaster declaration for limited types of assistance. The request shall include the following:

(1) The Governor's certification as prescribed in § 2200.31.

(2) An estimate of the amount and severity of damage broken down by type, such as private (nonagricultural), agricultural, and public.

(3) A statement of actions pending or taken by the State legislative or local legislative and governing authorities with regard to the disaster.

(4) An estimate of the extent and nature of Federal assistance needed by each county and the State broken down by category of public or individual assistance, including an estimate of the Federal funds necessary to supplement the efforts and available resources of the State in alleviating the damage.

(5) As appropriate, other justification in support of the request.

##### § 2200.5 Processing the request of a Governor for a declaration of a "major disaster."

(a) The Regional Director shall acknowledge and forward the Governor's request, together with his report and recommendations, to the Administrator.

(b) The Administrator shall forward the Governor's request, together with his report and recommendations to the Secretary.

(c) The Secretary shall forward the Governor's request to the President, together with his recommendation regarding Presidential action thereon.

##### § 2200.6 Initiation of Federal assistance.

Upon a declaration of a major disaster by the President, the Administrator will immediately initiate action to provide Federal assistance in accordance with such declaration, applicable laws, and regulations. The determination of the President, with respect to the declaration of a major disaster, will be promptly transmitted to the Governor of the State concerned. Areas eligible for Federal assistance will be determined by the Administrator. The Administrator will appoint a Federal Coordinating Officer

(FCO) to operate under the Regional Director in each major disaster. Such officer may be the Regional Director, a member of the regional staff or other Federal official. He shall be responsible for the coordination of Federal disaster relief and assistance. He shall establish and staff such field offices as may be necessary for the rapid and efficient administration of Federal disaster relief programs and shall otherwise assist local citizens and public officials in promptly obtaining assistance to which they are entitled. The FCO may also exercise any additional authorities as the Regional Director may prescribe.

##### § 2200.7 Federal-State Disaster Assistance Agreements.

(a) Upon the declaration of a major disaster, a Federal-State Disaster Assistance Agreement will be executed by the Governor (or the Acting Governor) acting for the State and the appropriate Regional Director, acting for the Federal Government. Such Agreement shall provide for the manner in which Federal assistance is to be made available and contain the assurance of the State that a reasonable amount of the funds of the State, local governments or other agencies therein will be expended in alleviating damage caused by the disaster. The Agreement will also contain such other terms and conditions consistent with the provisions of applicable laws, executive orders, and regulations, as the Administrator may require.

(b) In the event a declaration is made only for limited assistance, the Agreement will so specify.

(c) In the event funds are to be transferred to a State for disaster relief purposes, every Federal-State Disaster Assistance Agreement, by reference to this part, shall contain, and the State and its political subdivisions will agree to, the following provision:

In the event that a State or local government violates any of the conditions imposed upon disaster relief assistance under law, this Agreement or applicable Federal regulations, the Administrator will notify the State of said violation and the necessary corrective measures, and will notify the State that additional financial assistance for the purpose of the project in connection with which the violation occurred will be withheld until such violation has been corrected: *Provided*, That if the Administrator, after such notice to the State, is not satisfied with the corrective measures taken to comply with his notification, the Administrator will notify the State that further financial assistance will be withheld for the project for which it has been determined that a violation exists, or for all or any portion of financial assistance which has or is to be made available to the State or local governments for the purpose of disaster relief assistance under the provisions of this Agreement, applicable Federal regulations and the Act.

(d) By reference to this part, the following provisions shall be included in every Federal-State Disaster Assistance Agreement:

During the performance of any contract entered into under this agreement, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, religion, sex, color, age, economic status, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this non-discrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, sex, color, age, economic status or national origin.

(3) The contractor will send to each labor union or representative of workers placed by which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the U.S. Equal Employment Opportunity Commission.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) Contractor noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, may result in action whereby the contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965. Such other sanctions may be imposed and remedial measures invoked as provided in the said Executive order or by rule, regulation, or order of the U.S. Equal Employment Opportunity Commission or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the U.S. Equal Employment Opportunity Commission issued pursuant to section 303 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(e) By reference to this part, the following provision shall be included in every Federal-State Disaster Assistance Agreement entered into:

No member of or Delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement, or to any benefit to arise thereupon: *Provided, however*, This provision shall not be construed to extend to any contract made with a corporation for its general benefit.

##### § 2200.8 Project applications.

(a) Federal financial assistance shall be provided on the basis of project applications submitted by the State or local governments and approved by the State and Regional Director or his authorized representative, pursuant to the Federal-State Disaster Assistance Agreement and in accordance with this part. The approved project application will provide the basis of a request for an advance of funds and reimbursement for expenditure.

(b) Project applications shall be submitted within 90 days, or a lesser period if so prescribed by the Regional Director, following the date of the President's declaration of a major disaster. If the circumstances of the disaster are such as to make immediate detailed damage surveys and reports by local/State/Federal agencies impractical, the Regional Director may, if the State so requests, extend this period.

(c) Every project application shall contain a certification by the Governor, or his authorized representative, that Federal financial assistance involved will be, or has been, expended in accordance with applicable law and regulations thereunder.

(d) If a project application is approved without change, signed copies thereof evidencing such approval shall be returned to the State.

(e) If disapproved, the project application shall be returned to the State with a statement of the reasons for such disapproval.

(f) If the approval is made subject to revisions, additional conditions, or partial disapproval, signed copies thereof evidencing such approval, together with a full explanation of the revisions or additional conditions, shall be returned to the State.

(g) If the project application is disapproved in whole or in part, by the Regional Director, because of inadequacy of information, the disapproved items may be resubmitted by the State within 30 days of the date of the return to the State: *Provided, however*, That if again disapproved by the Regional Director, or if there is no additional information, the disapproved items may be resubmitted, in writing, within 30 days of such disapproval through the Regional Director, with any further justification for consideration by the Administrator. The same appeal procedures shall apply to the approval of vouchers for final payment.

(h) The local or State government, as an authorized applicant under the Act,

must submit the project application on behalf of the interested private organization or entity for medical care facilities. In addition to the completed application documents specified by FDAA instructions, the following additional documents and assurances must be submitted with the application:

(1) A copy of the Internal Revenue Service ruling letter which grants the organization or entity tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(2) When appropriate, the comments and recommendations of State or local government clearinghouses pursuant to the guidelines contained in OMB Circular No. A-95.

(3) A copy of the following assurances by the interested private organization or entity:

(i) In addition to owning the facility, that it has or will have a title in fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a reasonable period of time undisturbed use and possession for the purpose of the construction and operation of the facility. An assurance of such continued operation for a period of 50 years will fulfill this requirement. Any assurance for a lesser period of time must be submitted to the Administrator for approval. Such approval will be granted only when such a lesser time period is found to be in the public interest.

(ii) That it will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times; and that claims for Federal reimbursement do not duplicate funding provided from any other source;

(iii) That it will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; and

(iv) That adequate financial support will be available for maintenance and operation when completed.

##### § 2200.9 Debris and wreckage clearance.

(a) General: No authority under this section for debris clearance through the use of Federal agencies shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris, or wreckage from public and private property, and shall agree to indemnify the Federal Government against any claim arising from such removal. All emergency debris and wreckage clearance shall be performed immediately. Other debris clearance is to be completed as rapidly as possible.

(b) Emergency debris clearance is work necessary for preservation of life and property. Priority shall be given to restoring essential public services including reopening of roads and access to



public facilities, and to removing immediate threats to life and property.

(c) Recovery work supplements the emergency work under paragraph (b) of this section. The Regional Director, whenever he determines it to be in the public interest, may:

(1) Through the use of Federal agencies, clear debris and wreckage from publicly and privately owned lands, waters, and drainage sources, and

(2) Make reimbursements to any State or local government for the removal of such debris or wreckage.

(d) Consideration in determining public interest under this section shall include:

(1) Whether removal of debris and wreckage is necessary to eliminate threats to life and property.

(2) Whether removal of debris and wreckage is necessary to eliminate a fire or flood hazard which threatens substantial destruction of undamaged public or private property.

(3) Whether removal of debris and wreckage is essential to the economic recovery of the affected community.

(e) No provision is made in the Act for reimbursing an individual or non-governmental entity for the cost of removing debris from his own property. However, an individual may be reimbursed for the cost of debris removal from his property in those instances where applications were received by the Federal Government prior to January 1, 1971.

#### § 2200.10 Protective work.

Federal financial assistance may be provided for performing on public or private lands, protective and other emergency work necessary because of the disaster, for the protection of life and property.

#### § 2200.11 Repair and replacement of facilities.

(a) Repair or replacement of public facilities and medical care facilities may be eligible in two phases, as outlined in subparagraphs (1) and (2) of this paragraph, dependent on the extent of damage and the circumstances under which repairs are to be made. Emergency repair or replacement under section 203 of the Act is authorized for medical care facilities.

(1) Emergency repair or replacement may be made only to the extent of providing a usable facility, where necessary, until a facility can be repaired or replaced to predisaster condition. The first phase will include only the minimum measures to make the facility temporarily operational. Examples are detours, rental of alternate facilities, and other similar measures. If circumstances are such that restoration of the facility can be delayed until permanent repair or replacement can be performed to predisaster conditions or if no alternative is practical, eligible work will be considered only under subparagraph (2) of this paragraph.

(2) Permanent repair or replacement to predisaster condition, based on the

design of the facility as it existed immediately prior to the disaster, and in conformity with applicable codes, specifications, or standards, may be approved using the following criteria:

(i) The Federal contribution shall not exceed the net eligible cost of restoring each such facility:

(ii) Such net costs shall be based on the codes, specifications, and standards currently being used by the applicant for similar facilities in the locality. The general standards prescribed by the Public Health Service and set forth in the document "General Standards of Construction and Equipment for Hospital and Medical Facilities" shall be applicable for those medical care facilities that conformed to such general standards prior to the major disaster. For other medical care facilities, any eligible replacement of damaged facilities shall conform generally to such standards as determined by the Regional Director to be consistent with their predisaster condition and utilization;

(iii) Applicable codes, specifications, and standards are those minimum codes, specifications, and standards which relate directly to the health and safety of persons using the damaged facility and which were in general use and were enforced locally at the time of the disaster. If not in writing, the applicant must identify and a Federal inspector shall verify that the codes, specifications, and standards, to be applicable, were in use at the time of the disaster. If no codes, specifications, or standards, as prescribed above, have impact on eligible restorative work, repair, or replacement will be limited to returning the facility to predisaster condition, based on then-existing design. If compliance with applicable codes, specifications, and standards in effect at the time of the disaster clearly will not result in a safe and usable restored facility, the Administrator, upon receipt of adequate justification, may authorize appropriate deviations;

(iv) If the damaged facility is economically repairable, as determined by the Regional Director, approved restorative work will be limited to the cost of eligible repairs;

(v) An applicant may, at its discretion, request a grant-in-lieu of authorized repair or replacement toward the repair or replacement of the facility to higher standards than provided for herein. Such grant-in-lieu shall not exceed the approved cost estimate of eligible work;

(vi) In every major Federal action or project involving Federal disaster assistance under the Act, the Regional Director shall determine whether or not the quality of human environment may be significantly affected thereby. In any case where affirmative determination may result, the Regional Director shall consult with the Administrator or his staff to arrange for compliance with section 102, National Environmental Policy Act, Pub. L. 91-190; and

(vii) The minimum policy objective in restoring facilities damaged by a major disaster shall be to assure consideration

of the advantages or disadvantages of disaster proofing or relocation before any work or Federal expense is authorized. In restoring damaged facilities by use of Federal disaster assistance, the Regional Director may authorize minimum disaster proofing as eligible work under the Act. When the Regional Director determines that a facility may not be economically restored and disaster proofed in a hazard area, he may authorize relocation to a less hazardous site: *Provided*, That overall Federal project cost is not increased. He may decline to authorize Federal disaster assistance to restore facilities at the original site when such facilities are subject to repetitive heavy damages or destruction.

(3) The repair or replacement of medical care facilities by Federal disaster assistance must be justified on the basis of need for such facilities as determined by the Regional Director based on recommendations by the State Coordinating Officer, State and/or local health agency, and the appropriate regional health agency of the Department of Health, Education, and Welfare. No payment will be made for any work which is not the responsibility of the interested private organization or entity. The following general criteria apply for determining the eligibility of the medical care facility:

(i) It must have been in active use and providing significant medical services to the general public prior to the disaster;

(ii) It must have been recognized as an essential or integral part of the comprehensive plan for the provision of required medical facilities for the affected area or community;

(iii) It must be operated in a manner to carry out the tax exempt purposes of the owning organization; and

(iv) Damages must have occurred as the result of a major disaster and impair the capability of the medical care facility to perform essential medical services for the general public.

(b) For the purposes of this section, functional furnishings and equipment essential to the operation of the facility will be considered as part of a facility:

*Provided, however*, That used or surplus equipment shall be utilized to the extent practicable.

(c) Consumable supplies damaged or lost in a disaster will be considered eligible for replacement to the extent that such replacement is made within 90 days of the date of the President's declaration, but limited to a 30-day requirement of each item so replaced. The 90-day deadline may be waived by the Regional Director where appropriate.

#### § 2200.12 Emergency shelter.

Emergency shelter such as mass shelter or other shelter during the emergency period during and immediately following the disaster may be furnished by the Red Cross or other private organization or by local, State, or Federal Government. If furnished by government agencies, and not reimbursable by

such private organization, eligible costs may be paid.

#### § 2200.13 Temporary housing.

In providing assistance under this section for temporary housing for persons requiring such housing as a result of the disaster, the following criteria shall apply:

(a) Prior to provision of temporary housing a determination of the need for same will be made by the Regional Director based on a recommendation by the State Coordinating Officer, and after a survey of available facilities by private, local, State, and Federal agencies, as appropriate.

(b) Assistance for temporary housing with respect to a particular major disaster shall be limited to the minimum required to provide shelter within a reasonable commuting distance during such period of time, as determined by the Administrator, as would be necessary to permit the construction or repair of permanent housing in the area, or relocation of displaced persons into other adequate housing.

(c) Temporary housing accommodations may be furnished by, but not limited to:

(1) Using any unoccupied and readily usable housing owned by the United States under any program of the Federal Government.

(2) Arranging with a local public housing agency for using unoccupied and readily usable public housing units, or

(3) Acquiring existing dwellings by lease.

(4) Acquiring mobile homes, or other readily fabricated dwellings by purchase or lease.

(5) Any mobile home or readily fabricated dwelling shall be placed on a developed site, complete with necessary improvements and utilities to the location of each such dwelling as provided without charge to the Federal Government by State or local government, or by the owner or occupant of a site who was displaced by the major disaster. In such cases, the Federal responsibility shall be limited to connection costs to the furnished utilities. Failure to provide such facilities on sites proposed for use by owners or occupants, shall constitute a basis for rejection of such sites. If the Regional Director determines it is in the public interest to use more economical and accessible sites, such sites, including utilities and improvements, may be provided at Federal expense.

(d) The occupant shall be responsible for paying directly all utility use charges, or shall be responsible for paying a monthly allowance for utilities used if he occupies a mobile home or prefabricated home located in a park or other dwelling for which utilities are not metered separately.

(e) No rentals shall be established for any temporary housing for the first 12 months of occupancy. Thereafter, rentals shall be as established by the Regional Director and shall be based on the fair

market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant: *Provided, however*, That occupants of temporary housing may be evicted on 30 days notice for reasons including, but not limited to, the following:

(1) Alternate housing, determined to be adequate by the Federal Coordinating Officer or his representative is now available.

(2) The occupants' predisaster housing is now ready for occupancy.

(3) Failure to pay rent or utility charges.

(4) Failure to utilize and maintain the housing in a manner normally expected of tenants of rental housing.

(f) Temporary housing shall not be made available to any displaced individual or family with insurance coverage which provides the full cost of alternate living arrangements. An exception may be made if adequate housing for the individual or family is not available.

(g) Any mobile home or other dwelling provided under this part shall normally be the minimum size required to accommodate the individual or family occupant.

(h) Temporary housing (including but not limited to, mobile homes or other readily fabricated dwellings) acquired by purchase as a result of the major disaster may be sold directly to individuals and families occupying Federal furnished temporary disaster housing at prices that are fair and equitable.

(i) A disaster victim is expected to accept the first adequate housing offered. If, because of personal preference he refuses such housing, his case shall be referred to the State Coordinating Officer.

(j) Temporary housing shall not be made available to any person or family for use as a vacation or other secondary residence.

(k) Temporary housing will not be provided when mass shelter or typical transient accommodations are sufficient and when the nature or duration of the housing requirement does not justify more stable arrangements as determined by the Regional Director or his representative.

#### § 2200.14 Lease and mortgage payments.

The Administrator or his designee shall provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage of lien, cancellation of any contract of sale, or termination of any lease entered into prior to the disaster. Such assistance shall be provided for a period of not to exceed 1 year or for the duration of the period of financial hardship, whichever is the lesser.

#### § 2200.15 Grants for removing timber from privately owned lands.

Removal of timber damaged by a major disaster from privately owned lands may be eligible for Federal assistance.

(a) An action plan shall be prepared by the State to tailor the cleanup and timber salvage operation to fit the specific situation, including at least the following:

(1) Priorities in the approval of work shall be established to guide efforts to areas where fire, pest, and wildlife hazards are concentrated.

(2) An appropriate limitation shall be placed on the degree of cleanup to be approved.

(3) Approved work practices and a scale of acceptable unit costs (per acre or otherwise) shall be established, if feasible.

(b) Inspection of the areas to be cleared shall be made by State and Federal representatives to provide a valid basis for approval of work to be done. In those cases where work has already been started or completed, the inspection is to determine a reasonable basis for approving or disapproving such work. Inspection reports shall include a complete description of the land to be cleared and of the eligible work and an estimate of the salvage value as well as the estimated cost of such work.

(c) Considerations in determining public interest under this section shall include threats to life and property, and possible flood hazards.

(d) Considerations in determining eligible costs under this section shall include:

(1) Claims for reimbursement shall be verified before payment on the basis of inspections and audits of completed work.

(2) Any applicable insurance recoveries and any salvage value of all timber removed or to be removed are to be considered and deducted from the costs for approved work. If the individual property owner elects to burn or otherwise dispose of the damaged timber instead of salvaging it, an estimated net value of potential salvage shall be established by the State and Federal representatives. If they cannot agree, the Regional Director shall make the determination, and his decision will be final.

(3) Costs for construction of temporary roads approved by the Regional Director, as necessary for access to or salvage of damaged timber are eligible.

#### § 2200.16 Assistance to unemployed individuals.

Based on delegation authority by the Director of the Office of Emergency Preparedness dated January 8, 1971, the Secretary of Labor will (a) under section 240 of the Act, provide assistance to individuals unemployed as a result of a major disaster, and (b) under section 236(b) of the Act, provide reemployment assistance services under other laws administered by the Department of



Labor to individuals who are unemployed as a result of a major disaster and to issue such rules and regulations as may be necessary and appropriate. Such regulations are provided in 20 CFR Chapter V, Part 625 (34 FR 19656, Dec. 13, 1969), as amended.

**§ 2200.17 Federal assistance for projects under construction.**

(a) Federal financial assistance may be provided for the repair, restoration, or reconstruction of any public facility or medical care facility which was damaged or destroyed as a result of a major disaster and for the additional costs resulting from a major disaster for completion of any such facility which was in the process of construction when damaged or destroyed as a result of such major disaster, based on the following criteria:

(1) Federal reimbursement shall not exceed 50 percent of the eligible costs. Eligible costs are defined to mean those costs incurred by the applicant or one of its contractors or, in the case of a medical care facility, by the interested private organization or entity or one of its contractors, and determined to be eligible by the Regional Director in:

(i) Restoring a facility to substantially the same condition as existed prior to the damage resulting from the major disaster, and

(ii) Completing construction not performed prior to the major disaster to the extent the increase of such costs over original construction costs is attributable to changed physical conditions resulting from the major disaster.

(b) Eligible costs shall not include any interest cost on project funding or any cost for which reimbursement is received pursuant to insurance contracts or otherwise by the party incurring the economic burden of such costs, including reimbursements which might be received from any other Federal agency.

(c) No reimbursement will be made to any applicant for damages caused by its own negligence, or by the negligence of any interested private organization or entity, or by any contractor.

**§ 2200.18 Emergency support teams.**

The Administrator or Regional Director is authorized to form emergency support teams of Federal personnel to be deployed in a major disaster area. Such emergency support teams shall assist the Federal Coordinating Officer in carrying out his responsibilities pursuant to section 201(b) of Pub. L. 91-606 or these regulations. Upon request of the Administrator, the head of any Federal department or agency is authorized to detail to temporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the discretion of the Administrator, such personnel within the administrative jurisdiction of the head of the Federal department or agency as the Administrator may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

**§ 2200.19 Use of local firms and individuals.**

In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms and individuals who reside or do business primarily in the affected political subdivisions in the disaster area. The Regional Director shall monitor such Federal expenditures to assure compliance.

**§ 2200.20 Relief agencies.**

(a) In providing relief and assistance following a major disaster, the Administrator or Regional Director may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities, whenever the Administrator or Regional Director finds that such utilization is necessary.

(b) The Administrator is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal Coordinating Officer whenever such organizations are engaged in providing relief during and after a major disaster. Any such agreement shall include provisions conditioning use of the facilities of the Federal Disaster Assistance Administration and the services of the Federal Coordinating Officer upon compliance with regulations promulgated by the Administrator under sections 208 and 209 of the Act, and such other regulations as the Administrator may require.

**§ 2200.21 Duplication of benefits.**

(a) The Administrator, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such Federal financial assistance with respect to any part of such loss as to which he has received financial assistance under any other program.

(b) The Administrator shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss suffered as the result of a major disaster shall not preclude additional Federal

assistance for any part of such a loss not compensated otherwise.

(c) Whenever the Administrator determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

**§ 2200.22 Nondiscrimination.**

(a) Federal financial assistance to the States or their political subdivisions is conditioned on full compliance with OEP Regulation 5, 32A CFR Part 98.

(b) The Administrator shall issue, and may alter and amend, such additional regulations as may be necessary for the guidance of personnel carrying out emergency relief functions at the site of a major disaster. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, religion, sex, color, age, economic status, or national origin.

(c) As a condition of participation in the distribution of assistance or supplies under section 207, relief organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the Administrator, and such other regulations applicable to activities within a major disaster area as he deems necessary for the effective coordination of relief efforts.

(d) As a condition of receiving assistance under section 255, interested private organizations or entities restoring damaged medical care facilities shall be required to comply with this part and agree in writing that no person shall, on the grounds of race, religion, sex, color, age, economic status or national origin, be subjected to discrimination under the subsequent operation of these medical care facilities.

**§ 2200.23 Emergency communications.**

The Administrator is authorized during, or in anticipation of, an emergency to establish temporary communications in any major disaster area in order to carry out the functions of his office, and to make such communications available to State and local government officials and other persons as he deems appropriate.

**§ 2200.24 Emergency public transportation.**

The Administrator or Regional Director may provide emergency public transportation service in a major disaster area to meet the emergency needs of communities. Such service shall be devised to

meet the needs of persons who, because of the disaster, have lost ready access to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible. Any transportation provided under this section is intended to supplement but not replace normally available transportation facilities and is to be discontinued as rapidly as possible as ready access to the above facilities becomes available.

**§ 2200.25 Legal services.**

Whenever the Administrator determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by Pub. L. 91-606 or these regulations, the Administrator shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and States and local bar associations.

**§ 2200.26 State action.**

(a) The Governor of the State shall designate a State Coordinating Officer who shall review all project applications. In addition, the Governor (or his designee) shall certify that the project applications meet all the requirements and conditions of the Agreement and such other terms established by the Administrator and shall recommend approval or disapproval.

(b) Federal funds shall be controlled in accordance with accepted or prescribed methods of accounting, identification and administrative responsibilities. Representatives of the Federal Disaster Assistance Administration and the General Accounting Office shall have access during normal business hours to the books and records of the State, local governments, contractors, and other agencies relating to Federal financial assistance. Such records shall be maintained for a period of 3 years after payment.

(c) Procurement of work and services under project applications hereunder must comply with § 2200.7 and with State or local statutes, regulations and ordinances covering procurement of such supplies and services by such State or the political subdivision thereof.

(d) No contract entered into by an applicant for disaster work or services under Pub. L. 91-606 or these regulations shall contain a provision which makes the payment for such work contingent upon reimbursement under Pub. L. 91-606 or these regulations.

**§ 2200.27 Assistance by Federal agencies.**

(a) Upon the declaration of a major disaster, the Administrator or Regional Director may direct any Federal agency to provide assistance to State and local governments, with or without reimbursement to the Federal agency as prescribed in Pub. L. 91-606 or these regulations and as deemed appropriate by the

Administrator or Regional Director under the provisions of Federal reimbursement regulations, Part 2201 of this chapter.

(b) The Regional Director is authorized to coordinate all activities of Federal agencies in providing disaster assistance.

(c) The Regional Director is authorized to request that other Federal agencies shall provide any reports or information relating to disaster assistance deemed necessary.

(d) Assistance to be furnished by any Federal agency under paragraph (a) of this section shall be subject to the criteria of eligibility provided for under this part and such other instructions as may be issued from time to time by the Administrator.

(e) Assistance under paragraph (a) of this section, when directed by the Administrator or Regional Director, shall not affect the authority of any Federal agency to provide disaster relief assistance independent of the Act: *Provided*, such disaster relief assistance by other Federal agencies is subject to the coordination of the Regional Director/Federal Coordinating Officer.

(f) In carrying out disaster relief assistance under Pub. L. 91-606 and this part, any Federal agency is authorized to accept and utilize, with the consent of the State or local government, the services, personnel, materials and facilities of such State or local agency in connection with the disaster: *Provided, however*, Such utilization shall not be considered to make such services, materials, or facilities, Federal in nature or to make the State, local governments, or agencies thereof an arm or agent of the Federal Government.

**§ 2200.28 Surplus property.**

(a) The States shall make maximum utilization of available Federal surplus property.

(b) The Federal Government will donate equipment and supplies determined in accordance with applicable laws and regulations to be surplus to the needs and responsibilities of the Federal Government, to States for use by them for the purposes of Pub. L. 91-606 or these regulations. The donation of such surplus property shall be made to the States upon the basis of a certification by the State that such property is usable and necessary for disaster relief purposes, and will be made in accordance with the procedures prescribed by the General Services Administration.

(c) The States may obtain information on the availability of surplus property from the State surplus property agency; or the State agency designated for such purposes under State law.

**§ 2200.29 The American National Red Cross.**

The disaster relief capabilities of the American National Red Cross shall be utilized to the maximum extent in accordance with the Memorandum of Understanding between the Federal Disaster Assistance Administration and the

American National Red Cross. Nothing contained herein shall be construed to limit or in any way effect the responsibilities of the American National Red Cross as stated in Public Law 58-4 approved January 5, 1905 (33 Stat. 599).

**§ 2200.30 Private relief organizations.**

The disaster relief capabilities of private organizations shall be utilized as provided in Federal agreements of such organizations with the Federal Disaster Assistance Administration, or as authorized by the Regional Director.

**§ 2200.31 Minimum State and local expenditures.**

(a) Federal disaster assistance under the Act in any State will be available only after the Governor of that State certifies that the total of State and local expenditures and obligations (or resources utilized) by the government of each State, local government thereof, or other agencies (over and above their normal expenditures) for disaster relief purposes exceeds an amount published by the Administrator as the minimum for that State in that disaster and for all disasters during the 12-month period immediately preceding the request for assistance.

(b) The Administrator, in unusual circumstances, or in disasters in which exceptional destruction and/or suffering and hardship have occurred, may waive in whole or in part this requirement.

(c) The certification by the Governor of total State and local expenditures and obligations shall contain the following provisions:

Pursuant to § 2200.31, Federal Disaster Assistance Regulations, I certify that the total of expenditures and obligations (or resources utilized) by the State of \_\_\_\_\_, for disaster relief purposes for all disasters during the 12-month period immediately preceding this request, and for which no Federal reimbursement has been or will be received, exceeds \$\_\_\_\_\_.

Disaster relief expenditures for this disaster for which no Federal reimbursement will be requested are expected to exceed \$\_\_\_\_\_ in accordance with the following table:

Category of assistance	Amount	
	State	Local
Individual assistance:		
Temporary housing.....		
Health.....		
Welfare.....		
Other (specify).....		
Total.....		
Public assistance:		
Debris and wreckage clearance.....		
Protective work.....		
Restoration of public facilities.....		
Public safety.....		
Other (specify).....		
Total.....		
Grand total.....		

**§ 2200.32 Time limits.**

(a) Federal assistance provided under the act shall begin with the President's declaration of a major disaster and, with the following exceptions, shall terminate



upon expiration of these prescribed time periods:

	Start	Complete
(1) Emergency debris clearance.....	3 months.	
(2) Other emergency measures.....	3 months.....	6 months.
(3) Relief and rehabilitation.....	6 months.....	1 year.
(4) Long-term permanent projects.....	6 months.....	18 months. <sup>1</sup>

<sup>1</sup> The regional director, on basis of approved construction schedule, shall establish the completion deadline within this period.

(b) Exceptions: Based on extenuating circumstances or unusual project requirements clearly beyond the control of the applicant and the direct recipient of the Federal assistance, the Regional Director may extend any of time periods (1), (2), or (3), not to exceed 3 months, and he may extend time period (4) not to exceed 6 months per project, on a project-by-project basis.

(c) Failure to start a project within the specified time limits may result in cancellation of the project unless the late start is approved by the Regional Director. The Regional Director may impose lesser time limits for work completion under paragraphs (a) (1), (2), (3), and (4) of this section if considered appropriate. Similarly, based on his determination that such action is warranted, the Administrator, or the Assistant Administrator for disaster programs, may extend a completion date beyond a maximum time limit previously extended by the Regional Director.

§ 2200.33 Grants to local governments suffering loss of property tax revenue.

(a) To obtain Federal assistance under section 241 of the Act, an applicant shall submit a project application through normal channels not later than 30 days after filing and certifying the annual tax roll covering the disaster period. The Administrator or Regional Director may accept a late application for processing when properly justified by the applicant.

(b) A Federal financial contribution may be authorized only for the tax year in which the disaster occurred and for each of the following 2 tax years. Grants will be approved on an annual basis for each of the 3 tax-year periods provided that the applications for the second and third years will reflect the current certified tax rolls.

(c) The Federal financial contribution authorized for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the 3 tax-year periods immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received by the local government for the tax year in which the disaster occurred and for each of the 2 tax years following the major disaster: *Provided*, That: If there has been a reduction in the tax rates or the tax assessment valuation then for the purpose of determining the

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amount of a grant under this part for the year or years when such reduction is in effect, the tax rates and tax assessment valuation factors of the local government in effect at the time of the disaster without reduction shall be used, in order to determine the property tax revenues which would have been received by the local government but for such reduction.

(d) Advances may be made on the basis of the estimated loss of revenue and payment of such advances may be made as of the date that tax revenues are due and payable.

(e) Each year to be considered will be treated as a separate project and the annual final payment for each year will be adjusted based on the actual loss experienced at the close of such tax year. As a part of the Project Applications, applicants will be required to submit to the State a certification of the annual revenues received by the applicant during the 3 tax-year periods immediately preceding the tax year in which the disaster occurred.

§ 2200.34 Retroactive provisions.

Sections 226(b), 237, 241, 252(a), and 254 of Pub. L. 91-606 take effect as of August 1, 1969, and sections 231, 232, and 233 take effect as of April 1, 1970.

### Subpart C—Disaster Planning

§ 2200.35 Grants for developing, improving, maintaining, and updating State disaster plans.

(a) A Federal contribution up to a maximum of \$250,000 for any one State, and not to exceed 50 percent of the cost of developing a plan and program, may be provided on the basis of the following:

(1) A State desiring assistance under this section shall designate or create an agency which is qualified to plan, and administer or coordinate a program to combat and mitigate the effects of major disasters, and for relief and assistance to individuals, businesses, and local governments, suffering losses as a result of a major disaster.

(2) The Governor shall then submit a letter of application for assistance under this part to the Regional Director. Such application shall include the following:

(i) Estimated total cost.  
(ii) Contribution requested from the Federal Government.  
(iii) Work schedule or timetable.  
(iv) Proposed staffing, including qualification standards for planning staff and work that will be contracted.

(v) Name of the State agency responsible under subparagraph (1) of this paragraph.

(3) Within 1 year following the date the Regional Director approves the application, the State agency shall submit a plan which will:

(i) Set forth a comprehensive and detailed State program for preparation against, and relief following, a major disaster including provisions for emergency and long-term assistance to individuals, businesses, and local governments suffering losses as a result of a major disaster showing the role of State

and local governments in the coordination and execution of the program, including maintenance of effective liaison and cooperation with appropriate charitable organizations which provide food, shelter, and other disaster relief, and

(ii) Make provision for the appointment of a State Coordinating Officer to act in cooperation with the Federal Coordinating Officer required by section 201 of Pub. L. 91-606.

(b) A Federal contribution up to a maximum of \$25,000 per annum for any one State in an amount not to exceed 50 percent of the cost for the purpose of improving, maintaining, and updating that State's disaster assistance plan, may be provided on the basis of an application similar to that required in paragraph (a) of this section.

(c) To be eligible for improving, maintaining, and updating under paragraph (a) (2) of this section a State disaster assistance plan must:

(1) Have been developed in accordance with the provisions of the Disaster Act of 1969 or 1970; or

(2) Be determined by the Administrator as sufficiently comprehensive and adequate to justify improving, maintaining and updating.

### Subpart D—Reduction of Threat of Major Disasters

§ 2200.36 Predisaster assistance.

Upon the request of a Governor, through the Regional Director, the Administrator may direct the use of Federal departments, agencies, instrumentalities, and other resources of the Federal Government, to assist a State or any local government thereof and to use their available resources to avert or lessen the effects of a disaster which threatens to become a major disaster. The Governor's request shall specify the location and extent of the area that will be affected; the conditions existing which clearly indicate the imminent occurrence of a major disaster and the assistance required from the Federal Government. Normally such assistance will consist of mobilizing personnel, equipment and supplies at the scene of an imminent disaster and of providing advice and guidance to State and local authorities. This authority shall not be used in substitution for existing authorities of any other Federal agency or for the authority contained in section 205 of Pub. L. 91-606.

§ 2200.37 Fire suppression.

Upon the request of a Governor or his authorized representative, if one is named in the Federal-State Agreement, through the Regional Director, Administrator may provide funds to assist a State in the suppression of any fire on publicly or privately owned forest or grass lands which threatens such destruction as to constitute a major disaster. The Governor's request shall specify the location of the fire, the conditions existing which make the threat imminent, and the assistance required from the Federal Government.

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- 2201.1 Purpose.  
2201.2 Eligibility of certain expenditures for reimbursement.  
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2201.4 Procedures in obtaining or authorizing the services or resources of other Federal agencies.  
2201.5 Procedures for requesting reimbursement.

AUTHORITY: Sec. 7(d), 79 Stat. 670; (42 U.S.C. 3535(d)); Pub. L. 91-606, 84 Stat. 1744, Pub. L. 92-209, 85 Stat. 742. E.O. 11749.

§ 2201.1 Purpose.

The regulations in this part prescribe the policies and procedures governing the reimbursement, under Pub. L. 91-606, 91st Congress, of any Federal agency, for any of its authorized expenditures determined to be eligible for reimbursement.

§ 2201.2 Eligibility of certain expenditures for reimbursement.

Reimbursement to other Federal agencies for expenditures in providing disaster assistance, at the direction or request of the Federal Disaster Assistance Administration Administrator or Regional Director, may be approved by the FDAA Administrator for the following:

(a) Overtime, travel, and per diem of regular Federal agency civilian personnel diverted from their normal duties. In addition, regular salary, including employee benefits, may be approved only for employees detailed directly to and under the supervision of FDAA.

(b) Wages, travel, and per diem of temporary Federal personnel assigned to disaster work (in the major disaster area designated by the Administrator).

(c) Travel and per diem for Federal military personnel assigned to disaster work (in the major disaster area designated by the Administrator).

(d) Work, services, and materials contracted for by other Federal agencies for assistance performed on a specific disaster project.

(e) Materials, equipment, and supplies (including transportation, repair, and maintenance) from regular inventory stocks utilized or consumed.

(f) Work performed at the specific direction of the Administrator when a major disaster is imminent: *Provided*, That such work would be otherwise eligible upon declaration of a major disaster: *And provided further*, That such costs shall not include funds expended or supplies and materials including medical stockpiles delegated under E.O. 10958, August 14, 1961, used by Federal agencies performing disaster work under their own authority where funds therefor may be otherwise available or may be made available.

(g) Work performed at the request of the Administrator or Regional Director to investigate potential disaster situations: *Provided*, That work would be otherwise eligible if a major disaster were declared.

(h) Other direct costs that can be specifically identified with a directive or request from the Administrator or Regional Director.

(i) Such other costs or expenditures not otherwise provided herein, as the Administrator may approve, based upon the written justification submitted to the Administrator by the agency concerned, or as agreed to in writing between the Administrator and other Federal agencies.

§ 2201.3 Expenditures not eligible for reimbursement.  
(a) Administrative overhead costs.  
(b) Costs incurred while performing work under a Federal agency's own authority.

§ 2201.4 Procedures in obtaining or authorizing the services or resources of other Federal agencies.  
(a) The Administrator, in determining the nature and extent of Federal assistance to be rendered to a State in alleviating the damages resulting from a major disaster, will take into consideration the type of assistance available from other Federal agencies. He, or the Regional Director, will direct or request other Federal agencies to provide such available assistance as he may determine necessary.

(b) All such directives or requests authorizing the performance of work and the expenditure of funds shall be in writing, or, if oral, shall be confirmed in writing, and contain a clause regarding funding.

§ 2201.5 Procedures for requesting reimbursement.  
(a) Requests for reimbursement of authorized expenditures should normally be submitted quarterly; except, however, final accounting for expenditures should be submitted within 90 days after completion of work for each specific disaster. Billings totaling less than \$1,000 are not to be submitted more often than quarterly.

(b) Requests for reimbursement shall be in sufficient detail to identify and segregate: (1) Personal services, (2) travel, and (3) all other expenses. Supporting documentation shall include a breakdown of eligible personal services, list of contracts and an explanation of other costs. The reimbursement request shall cite the specific directive or request for assistance, issued by the Administrator or Regional Director, under which costs were incurred, the State and location in which the work was performed, and the disaster identification number.

(c) All requests for reimbursement shall be submitted to the Regional Director of the Region for which costs were incurred.

*Effective date:* This recodification is effective February 22, 1976.

*Issued:* February 15, 1974.

THOMAS P. DUNNE,  
Administrator, Federal  
Disaster Assistance Administration.  
[FR Doc. 74-4227 Filed 2-21-74; 8:45 am]

## Title 32—National Defense

### CHAPTER XVII—OFFICE OF EMERGENCY PREPAREDNESS

#### PART 1709—REIMBURSEMENT OF OTHER FEDERAL AGENCIES UNDER PUBLIC LAW 91-606

#### PART 1710—FEDERAL DISASTER ASSISTANCE

CROSS REFERENCE: For a document recodifying 32 CFR Parts 1709 and 1710 as 24 CFR Parts 2200 and 2201, see FR Doc. 74-4227, *supra*.

## Title 40—Protection of Environment

### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

#### SUBCHAPTER E—PESTICIDE PROGRAMS

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

#### Sodium Chlorate

In response to a petition (PP 3E1386) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experimental Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee; the Agricultural Experiment Stations of Alabama, Kansas, Mississippi, Nebraska, New Mexico, Oklahoma, and Texas; the Grain Sorghum Producers Association; and the Texas Certified Seed Producers, a notice was published by the Environmental Protection Agency in the Federal Register of December 28, 1973 (38 FR 35494), proposing establishment of an exemption from the requirement of a tolerance for residues of sodium chlorate in or on grain sorghum, fodder, and forage when used in accordance with good agricultural practice as a desiccant in grain sorghum production. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.1020 is revised to read as follows:

§ 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

(a) Sodium chlorate is exempted from the requirement of a tolerance for residues in or on cottonseed and chili peppers when used in accordance with good agricultural practice as a defoliant, desiccant, or fungicide on cotton and as a defoliant on chili peppers.

(b) Sodium chlorate is exempted from the requirement of a tolerance for residues in or on grain sorghum, fodder, and forage when used, with urea as a fire re-



tardant, in accordance with good agricultural practice as a desiccant in grain sorghum production.

Any person who will be adversely affected by the foregoing order may at any time on or before March 25, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on February 22, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: February 19, 1974.

HENRY J. KORB,  
Deputy Assistant Administrator  
for Pesticide Programs.  
[FR Doc.74-4271 Filed 2-21-74;8:45 am]

**Title 47—Telecommunication**  
**CHAPTER I—FEDERAL**  
**COMMUNICATIONS COMMISSION**  
[Docket Nos. 19647, 10269]

**PART 2—FREQUENCY ALLOCATIONS AND**  
**RADIO TREATY MATTERS: GENERAL**  
**RULES AND REGULATIONS**

**PART 87—AVIATION SERVICES**  
**Aeronautical Mobile (R) VHF Band;**  
**Channel Spacing**

**Errata.** In the matter of amendment of Parts 2 and 87 of the rules to provide 25 kHz channel spacing in the Aeronautical Mobile (R) VHF band 117.975–136 MHz, Docket No. 19647.

1. The Report and Order in the above-entitled matter (FCC 73-1016) was released October 11, 1973. It was published in the FEDERAL REGISTER on October 19, 1973 (38 FR 29077).

2. Changes are necessary to Part 2, § 2.106 and to Part 87, §§ 87.67(b)(1), 87.331, and 87.431 for the following reasons:

(a) Column 11 of the § 2.106 Table of Frequency Allocations should indicate that the sub band 121.600–121.925 (shown in Column 10) is used also by emergency locator transmitter (ELT) test stations. Additionally, the frequency 121.950 has been changed to provide for its usage by aviation instructional rather than flight test stations.

(b) Several U.S. footnotes associated with the Table (§ 2.106) require revision of the indicated sub bands to conform to the Table itself and column 5 of Table requires changes to band edges.

(c) In § 87.67(b)(1), footnote 7, the intention was to apply the new subsection

to all transmitters first type accepted after October 21, 1973, rather than those installed after that date.

(d) In amending § 87.331, the footnote indicators after the frequency 123.175 MHz in Table (a) and 123.575 in Table (b) were not deleted, a new paragraph (d) in Section 87.331 dealing with three changed frequencies was inadvertently omitted, and there was an erroneous reference to base stations in new footnote 1 to paragraph (b). Also, the date for flight test stations to vacate the frequency was omitted.

(e) The frequency 121.950 MHz was in-

advertently included in the list of frequencies available under § 87.431.

3. In view of the foregoing, Parts 2 and 87 are corrected as set forth below.

Released: February 13, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

Part 2 of 47 CFR Chapter I is amended as follows:

1. Section 2.106 is amended by changing Columns 5, 7, 10, and 11 and the list of footnotes to read as follows:

5	7	10	11
117.975–121.9625 (US26) (US28) (US29) (US30) (US31) (US32) (US33) (US34)	117.975–121.9625 (US26) (US28) (US29) (US30) (US31) (US32) (US33) (US34)	118.0–121.400 (N667) 121.5 AERONAUTICAL MOBILE (Emergency).	
121.9625–123.0875 (US29) (US30) (US31) (US32) (US33) (US34) (US402)	121.9625–123.0875 (US29) (US30) (US31) (US32) (US33) (US34) (US402)	121.000–121.925 (N667) Aeronautical utility mobile. Aeronautical utility land. ELT test. Aviation instructional. 121.950 (N667) Private aircraft.	
123.0875–123.5875 (US32) (US33) (US34) (US402)	123.0875–123.5875 (US32) (US33) (US34) (US402)	123.100 Aeronautical search and rescue. 123.125–123.275 Flight test. 123.300 Aviation instructional. 123.325–123.475 Flight test. 123.500 Aviation instructional. 123.525–123.575 Flight test. 123.600–128.800 AERONAUTICAL MOBILE. (N667)	
123.5875–128.8125 (US26) (US28) (US29) (US30) (US31) (US32) (US33) (US34)	123.5875–128.8125 (US26) (US28) (US29) (US30) (US31) (US32) (US33) (US34)	128.825–132.000 (N667) AERONAUTICAL MOBILE.	
132.0125–136 (US26) (US28) (US29) (US30) (US31) (US32) (US33) (US34)	132.0125–136 (US26) (US28) (US29) (US30) (US31) (US32) (US33) (US34)	132.025–135.975 (N667) AERONAUTICAL MOBILE.	

**FOOTNOTES**

US26 The bands 117.975–121.4125 MHz, 123.5875–128.8125 MHz, and 132.0125–136 MHz are for air traffic control communications.

US28 The band 121.5875–121.9625 MHz is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US29 The current use of the band 121.9625–123.0875 MHz by military aircraft is temporary and may continue until they are moved to an appropriate band.

US30 The band 121.9625–123.0875 MHz is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US31 Except as provided below, the band 121.9625–123.0875 MHz is for use by private aircraft stations. The frequencies 122.80, 122.85, 122.95, 123.00, and 123.05 MHz may be assigned to aeronautical advisory stations.

The frequency 122.90 MHz may be assigned to aeronautical multicom stations.

In addition, air carrier aircraft stations may use 122.00 MHz for communication with aeronautical stations of the Federal Aviation Administration and 122.80 MHz for communication with other aircraft and with aeronautical advisory stations.

US32 The Government use of the band 123.1125–123.5875 MHz is for FAA communications incident to flight test activities pertinent to aircraft and facility certification.

US33 The band 123.1125–123.5875 MHz is for use by flight test and aviation instructional stations.

US45 In the bands 117.975–123.0875 and 123.5875–136 MHz, the use and development, for the aeronautical mobile (R) services, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service.

**§ 87.67 [Amended]**

2. In § 87.67(b)(1), footnote 7 is amended to read as follows:

Applicable only to Survival Craft Stations, and to the emergency locator transmitters and emergency locator transmitter test stations employing modulation in accordance with that specified in Section 87.73(h) of the rules. The specified bandwidth and modulation requirements shall apply to emergency locator transmitters and survival craft transmitters for which type acceptance is granted after October 21, 1973.

3. Section 87.331, lists of frequencies in paragraphs (a) and (b) are amended, footnotes 2 and 3 of paragraph (a) are deleted, a new paragraph (d) is added, and a new Footnote 1 is added to paragraph (b), to read as follows:

**§ 87.331 Frequencies available.**

(a) The following frequencies are available for assignment to ground and aircraft flight test stations:

3181 kHz	123.375 MHz
123.175 MHz	123.400 MHz
123.200 MHz	123.425 MHz
123.225 MHz	

(b) The following additional frequencies are available for assignment only to flight test stations of aircraft manufacturers:

MHz	
123.125	123.450
123.150	123.475
123.250	123.525
123.275	123.550
123.325	123.575
123.350	

(d) Flight test stations which are presently assigned the following frequencies may continue to use the frequencies until January 1, 1977:

121.950 MHz
123.300 MHz
123.500 MHz

4. Section 87.431 is amended to read as follows:

**§ 87.431 Frequencies available.**

The frequencies 121.600, 121.625, 121.650, 121.675, 121.700, 121.725, 121.750, 121.775, 121.800, 121.825, 121.850, 121.875, 121.900, and 121.925 MHz are available for use by aeronautical utility mobile stations.

[FR Doc.74-4067 Filed 2-21-74;8:45 am]

[FCC 74-166]

**PART 73—RADIO BROADCAST SERVICES**

**Station Identification Requirements**

In the matter of amendment of § 73.1201(c) of the Commission's rules pertaining to station identification requirements.

1. Section 73.1201(c) of the Commission's rules regarding station identification announcements requires that station identification announcements be given only over the channel of the station identified thereby.

2. The requirement has served two purposes: to avoid any confusion among the public, and to assist the Commission's enforcement activities. However, it has also had the effect of requiring satellite stations in all services to make an awkward interruption of programming to make the announcements, and in some cases has required the presence of an operator for the sole purpose of inserting station identification announcements. It appears that other means are available to serve the same purposes as the present rule, and that it would be in the public interest for the Commission to provide for a less complicated and less burdensome method of identification which would reduce the likelihood of misidentification of satellite stations through operator or mechanical error and still clearly identify the station viewed or listened to. Accordingly, § 73.1201(c) of the Commission's rules is amended to read as follows:

This frequency is available only to stations used in itinerant operations, which require that the stations be transferred from time to time to various locations.

**§ 73.1201 Station identification.**

(c) (1) *General.* Except as otherwise provided in this paragraph, in making the identification announcement the call letters shall be given only on the channel identified thereby.

(2) *Simultaneous AM-FM broadcasts.* If the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement shall so identify it.

(3) *Satellite operation.* When programming of a broadcast station is rebroadcast simultaneously over the facilities of a satellite station, the originating station may make identification announcements for the satellite station for periods of such simultaneous operation.

(i) In the case of a television broadcast station, such announcements, in addition to the information required by paragraph (b)(1) of this section, shall include the number of the channel on which each station is operating.

(ii) In the case of aural broadcast stations, such announcements, in addition to the information required by paragraph (b)(1) of this section, shall include the frequency on which each station is operating.

3. This amendment to the rules is adopted pursuant to authority contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended. Since this amendment constitutes a relaxation of present requirements, imposes no new requirements, and will not adversely affect the rights of any licensee, prior notice of proposed rulemaking and the effective date requirements of the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)) are unnecessary, pursuant to 5 U.S.C. 553(b) (B) and 5 U.S.C. 553(d) (1).

4. Accordingly, it is ordered, That, effective February 27, 1974, § 73.1201(c) of the Commission's rules and regulations is amended to read as set forth above.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 13, 1974.

Released: February 19, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-4204 Filed 2-21-74;8:45 am]

[FCC 74-142]

**PART 76—CABLE TELEVISION SERVICES**

**Petitions, Applications, and Related**  
**Pleadings**

1. The present requirement that petitions, applications and related pleadings filed under §§ 76.7 and 76.13 of the rules

and regulations be accompanied by an affidavit of service rather than the certificate of service which is customary in Commission practice (see § 1.47(g)) imposes an unnecessary and useless burden on parties to cable television proceedings. We are therefore amending §§ 76.7 and 76.13 to require a certificate rather than an affidavit of service.

2. These amendments are procedural in nature and relieve an unnecessary burden. The prior notice and effective date provisions of 5 U.S.C. 553 are therefore inapplicable.

3. Authority for these amendments is contained in sections 4 (i) and (j) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j).

Accordingly, it is ordered, Effective February 27, 1974, that §§ 76.7 and 76.13 of the rules and regulations are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 13, 1974.

Released: February 19, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

Part 76 of 47 CFR Chapter I is amended to read as follows:

1. In § 76.7 paragraphs (b) and (d) are amended to read as follows:

§ 76.7 Special relief.

(b) The petition may be submitted informally, by letter, but shall be accompanied by a certificate of service on any cable television system, franchising authority, station licensee, permittee, or applicant, or other interested person who may be directly affected if the relief requested in the petition should be granted.

(d) Interested persons may submit comments or opposition to the petition within thirty (30) days after it has been filed. For good cause shown in the petition, the Commission may, by letter or telegram to known interested persons, specify a shorter time for such submissions. Comments or oppositions shall be served on petitioner and on all persons listed in petitioner's certificate of service, and shall contain a detailed full showing, supported by affidavit, of any facts or considerations relied on.

2. In § 76.13, paragraphs (a) (6), (b) (6) and (c) (4) are amended to read as follows:

§ 76.13 Filing of applications.  
(a) . . .

(6) A certificate of service of the information described in subparagraph (1) of this paragraph on the licensee or permittee of any television broadcast station within whose predicted Grade B contour or specified zone the community of the system is located, in whole or in



part, the licensee or permittee of any 100-watt or higher power television translator station licensed to the community of the system, the superintendent of schools in the community of the system, and any local or state educational television authorities;

(b) . . .

(6) A certificate of service of the information described in paragraph (b) (1) of this section on the parties named in paragraph (a) (6) of this section;

(c) . . .

(4) A certificate of service of the information described in subparagraph (1) of this paragraph on the parties named in paragraph (a) (6) of this section;

[FR Doc. 74-4207 Filed 2-21-74; 8:45 am]

#### Title 49—Transportation

#### CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 70-27; Notice 10]

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

##### Hydraulic Brake Systems

This notice responds to further petitions for reconsideration of Motor Vehicle Safety Standard No. 105a and amends the standard in certain minor respects effective September 1, 1975.

Federal Motor Vehicle Safety Standard No. 105a, 49 CFR 571.105a, *Hydraulic brake systems*, was published on September 2, 1972 (37 FR 17970). Thereafter, pursuant to 49 CFR 553.35, petitions for reconsideration of the rule were received, and, in response, a revised Standard No. 105a was published on May 18, 1973 (38 FR 13017). Timely petitions for reconsideration of the revised rule were received from American Motors Corporation (AMC), Wagner Electric Corporation (Wagner), General Motors Corporation (GM), International Harvester Company (Harvester), Japan Automobile Manufacturers Association (JAMA), Ford Motor Company (Ford), Recreational Vehicle Institute (RVI), and Toyota Motor Sales, U.S.A., Inc. (Toyota). This notice discusses the major issues raised and their resolution. The Administrator does not consider repetitious petitions and to the extent that these further petitions were repetitious of the initial ones (e.g. deletion of tests above 80 mph for heavy vehicles, modification of pedal forces, running tests in gear rather than in neutral) they have not been considered, pursuant to NHTSA regulations (49 CFR 553.35(c)).

GM petitioned for rulemaking that would rescind Standard No. 105a on the grounds that the brake system it has designed for the 1976 model year would have to undergo substantial changes in

subsequent model years when it plans to introduce lighter vehicles with improved fuel consumption. This agency considers energy needs along with other factors relevant to its rulemaking actions. The information available to the NHTSA does not indicate, however, that Standard No. 105a is incompatible with increased fuel mileage, or would add substantially to the weight of the vehicles covered. The NHTSA does not consider a change in a manufacturer's own design plans to be a justification for discarding an important new set of requirements for which the world industry has been preparing for several years. The petition by GM to rescind the standard is therefore denied.

**Effective date.** Harvester and RVI petitioned for a delayed effective date for certain categories of vehicles. Harvester requested a one-year delay in the effective date for vehicles whose GVWR exceeds 10,000 pounds, stating its doubt that acceptable antilock systems will be available to it by September 1, 1975, and that the advance hardware proposals from its brake system suppliers indicate that considerable design and development time is still needed. RVI wished an extension of 2 years for recreational vehicles built upon truck and multipurpose passenger vehicle chassis, alleging that time will be needed for testing and retooling after receipt of the first chassis or vehicle certified as conforming to the new braking standard.

The NHTSA does not consider further extension of the effective date to be in the public interest, and the petitions are denied. The broad outlines of the performance requirements have been known to industry since publication of the initial proposal in November, 1970, with its proposed effective date of September 1, 1972. Since publication of the new standard in September 1972, the effective date has been delayed one year to September 1, 1975 and considerable relief provided for vehicles whose GVWR exceeds 10,000 pounds.

**Definitions.** In response to a petition by JAMA, a definition of "backup system" is adopted. Such a system is "a portion of a service brake system, such as a pump, that supplies energy in the event of a primary brake power source failure."

**Effectiveness requirements.** Clarifying words are added throughout in response to various requests. For example, the fourth effectiveness test now makes it clear that if the speed attainable in 2 miles is 99 mph or greater, stops must be made from both 80 mph and a specified higher speed, and not from the higher speed alone. In response to GM's comments on inoperative brake power and power assist units (S5.1.3), a new S5.1.3.4 has been adopted that allows brake power assist units to be tested under the optional procedure if the unit utilizes a backup system.

The word "average" has been deleted from S5.1.4.2 (fade and recovery) which specified fade stops in excess of "an average deceleration" floor, at the request of Wagner, as the inclusion of the

word was erroneous and does not reflect the test procedures of S7.11.2.1.

The brake system indicator lamp requirements (S5.3.1) were the subject of numerous petitions, most of which have been granted. The NHTSA reiterates that the methods of pressure failure indication in S5.3.1(a) are alternative rather than inclusive. Harvester asked that S5.3.1(a) be amended to delete the qualification of pressure measurement at a slave cylinder outlet "if the master cylinder controls slave cylinders at a booster unit". It argues that with this design configuration it should be allowed to measure pressure at the master cylinder outlet. The NHTSA agrees that the original wording of S5.3.1(a) is design restrictive and that measurement at either the master or slave cylinder outlet is satisfactory for monitoring pressure, and the qualifying phrase is removed. S5.3.1(a) (1) requires activation of the indicator upon activation of "a line pressure of not more than 200 psi". Ford requested an amendment to clarify that the intent is to specify a differential pressure between the operational and failed brake systems. The clarifying amendment has been made and the pressure differential increased to 225 psi to compensate for certain power-assisted units. As a failure indicator GM prefers a switch that would activate the warning lamp when the brake pedal had been depressed past a certain point, rather than a lamp activated by fluid pressure failure.

The petition is denied, as the NHTSA has determined that the brake pedal travel involved to activate the lamp would not provide an adequate warning.

JAMA and Toyota asked for an amendment or interpretation of S5.3.2 that would allow the indicator lamp to remain activated when the ignition is returned to "on", after the engine is started. To allow the lamp to remain on after the engine is started might degrade the importance of the check that the system is intended to indicate, and the request is denied. JAMA also requested that if there is a separate parking brake indicator that it be labelled "Park", and this petition has been granted.

GM requested that the volume requirements of master cylinder reservoirs on large trucks be reduced to one-third that required by the new standard. Since NHTSA has reduced the requirement in response to previous petitions, from 150 percent to 100 percent of fluid displacement, it does not deem it in the interest of safety to reduce it further. GM's petition is denied. The agency wishes to clarify, however, that the volume concerned is only that within the storage compartment, and does not include that fluid which may remain in pipes, hoses, and fittings. At Harvester's request, S5.4.2 is amended slightly to clarify that the minimum reservoir capacity is that of the total reservoir system rather than each reservoir compartment.

S5.6, Brake system integrity, had been amended in May 1973 to specify that friction facing tearout of the lining must

"not exceed 10 percent of the lining on any frictional element" rather than "10 percent of the lining surface areas". GM requested reinstatement of the original requirement. The request is denied. The language that was adopted in May 1973 clarified a previously existing ambiguity while providing a measure of relief that had been previously requested.

**Conditions.** Ford interpreted the words "test load" in S6.1.1 as the load required to be added to bring a vehicle to its GVWR. In some instances, if this added weight were distributed proportionally to GAWR the front GAWR would be exceeded. NHTSA intended that a vehicle be loaded at GVWR so that its gross vehicle weight is distributed proportionally to its GAWR, and S6.1 is amended appropriately. Ford, JAMA, Toyota, and RVI petitioned for a change in the load material density specification of S6.2 to allow use of iron shot or bars in the passenger seating area, or in cargo areas of light and heavy trucks. The RVI request would allow use of lead shot in drawers, cupboards, and cabinets of recreational vehicles. In large part, these requests have been granted; maximum material densities have been increased from 125 to 450 pounds per cubic foot in seating areas of passenger cars, and in cargo areas of vehicles with a GVWR of 10,000 pounds or less. To allow the use of cast iron in the cargo areas of heavy trucks the minimum density has been lowered slightly from 450 to 400 pounds per cubic foot. The RVI request, however, is not adopted as this would permit too broad a range for testing and consequent difficulty of reproducing test results. It was to alleviate this problem that the original Standard No. 105a was amended on this point in May 1973. AMC and GM asked that the tire inflation pressure be that specified for the test weight, rather than for the GVWR of the vehicle. In NHTSA's view, the time to reset tire pressures after allowing tires to cool would complicate and lengthen test procedures. There are only three tests run at the lightly loaded weight, and no data have been submitted to show that the tire pressure required causes a substantial increase in stopping distances.

S6.10 allows only one uncontrolled wheel to lock at braking speeds above 10 mph on any given stop. GM suggested that this section allowed one wheel per axle to lock. GM's interpretation is incorrect, however; "one wheel" means one wheel on the vehicle. Ford wanted to reset thermocouples during brake inspections. This requested amendment is denied. Except for normal adjustment, inspections for thermocouple depths are not allowed once a test series has begun, in order that brake systems not be disturbed. The NHTSA may consider different depths for thermocouples in the future if data are obtained showing a need.

**Test procedures.** GM, JAMA, Toyota, and RVI petitioned that lockout of automatic brake adjusters be optional rather than required. On review the NHTSA

has decided that there is no reason not to allow use of adjusters during testing. However, if a manufacturer locks out brake adjusters, this will now occur when linings are installed after the thermocouple installation; i.e. before the test series rather than before burnish. This is intended to save time in the test procedures.

The service brake burnish procedure for heavy vehicles is being amended pursuant to a petition by GM, to be in accord with the procedure recently proposed for such vehicles in Standard No. 121. Minor clarifying amendments have been made at various places in the test procedures. Toyota asked whether S7.9.4 applied only to mechanical proportioning systems. This paragraph applies to any variable proportioning system whether mechanical, electrical, hydraulic or otherwise. It does not apply to a fixed mechanical proportioning system.

**Figures and tables.** Pursuant to a request from Ford, the dimensional specification of "1½ inches" has been added to Lever A on Figure II. JAMA and Toyota want to consider a modified T lever as a "T" rather than as an "L" type. The NHTSA will consider this design a "T" type if the short side is no less than one-third the long side. JAMA and Toyota requested that the load point on the "L" type handle be revised to 1½ inches from the handle end instead of from the center line. This request is denied, as the original requested dimension (30 mm) has been previously increased to 1½ inches (approximately 37 mm) and no further change is deemed necessary.

Harvester was the sole petitioner to request an increase in the stopping distances of Table II, asking that vehicles with a GVWR of 10,000 pounds or less in the lightly loaded condition be afforded the same maximum stopping distance from 60 mph as required of similarly loaded vehicles under the same conditions in Standard No. 121. It also requested an increase in the fourth effectiveness stopping distance to give the same difference in deceleration at 80 mph as allowed by Standard No. 105 at 60 mph. Both petitions are denied. Airbraked vehicles covered by Standard No. 121 include truck-tractors with a high center of gravity and usually a higher front-to-rear weight distribution than light trucks, so that the lesser stopping distance in Standard No. 105 is justified. The test value of the fourth effectiveness test reflects previous modifications for requirements at 60 mph. The industry in general has not disclosed any problem in complying with the deceleration values from 80 mph. The correct stopping distance for heavy vehicles from 50 mph in the first, fourth, and spike effectiveness tests is 193 feet, not 183 feet as previously published.

GM, Toyota, and JAMA requested an increase in the deceleration values of Table III as an allowance for larger vehicles tested to optional brake power and assist unit procedures. This request is denied. These vehicles are presently required to meet only a 6.3 ft/s/s deceleration

which is considered the minimum value acceptable.

Finally, Harvester wanted an inclusive pedal force range of 15 to 150 pounds for all phases of compliance activity including baseline checks. The NHTSA considers a 150-pound pedal force too high for baseline tests at low speeds and relatively low decelerations, and the petition is denied.

Although the NHTSA has on occasion used the subletter "a" to denote comprehensive revision of existing standards effective at a future date, such standards will henceforth be identified in terms of their effective dates. Thus "Standard No. 105a" becomes "Standard No. 105-75 (effective September 1, 1975)".

In consideration of the foregoing 49 CFR 571.105a, Motor Vehicle Safety Standard 105a, hydraulic brake systems, is amended as follows:

#### § 571.105-75 [Redesignated and amended]

1. § 571.105a is redesignated § 571.105-75 *Motor Vehicle Safety Standard No. 105-75: Hydraulic brake systems (effective September 1, 1975)*.

2. In § 4 a definition of "Backup system" is added, in alphabetical order, to read:

"Backup system" means a portion of a service brake system, such as a pump, that supplies energy, in the event of a primary brake power source failure.

3. S5.1.1.2 is revised to read:

In the second effectiveness test, the vehicle shall be capable of stopping from 30 and 60 mi/h within the corresponding distances specified in column II of table II. If the speed attainable in 2 miles is not less than 84 mi/h, a passenger car or other vehicle with a GVWR of 10,000 pounds or less shall also be capable of stopping from 80 mi/h within the corresponding distance specified in column II of table II.

4. S5.1.1.4 is revised to read:

In the fourth effectiveness test, the vehicle shall be capable of stopping from 30 and 60 mi/h within the corresponding distances specified in column I of table II. If the speed attainable in 2 miles is not less than 84 mi/h, a passenger car or other vehicle with a GVWR of 10,000 pounds or less shall also be capable of stopping from 80 mi/h within the corresponding distance specified in column I of table II.

If the speed attainable in 2 miles is not less than 99 mi/h, a passenger car or other vehicle with a GVWR of 10,000 pounds or less shall, in addition, be capable of stopping from the applicable speed indicated below, within the corresponding distance specified in column I of table II.

Speed attainable in 2 miles (mi/h)	Required to stop from (mi/h)
Not less than 99 but less than 104	95
104 or more	100

5. S5.1.3 is revised to read:

S5.1.3 *Inoperative brake power assist unit or brake power unit.* The serv-



ice brakes shall be capable of stopping a vehicle equipped with one or more brake power assist units or brake power units as specified in either S5.1.3.1, S5.1.3.2 or S5.1.3.4 (if the vehicle is equipped with brake power assist units), and either S5.1.3.1, S5.1.3.3, or S5.1.3.4 (if the vehicle is equipped with brake power units).

6. S5.1.3.3 is revised to read:  
S5.1.3.3 *Brake power units.* The service brakes of a vehicle equipped with one or more brake power units with an accumulator-type reserve system, with one such unit inoperative, shall be capable of stopping the vehicle from 60 mi/h—  
(a) In 10 consecutive stops at an average deceleration for each stop that is not lower than that specified in column II of table III, when the inoperative unit is not initially depleted of all reserve capability; and  
(b) In a final stop, in a distance that does not exceed 554 feet, when the inoperative unit is depleted of all reserve capability.

7. A new S5.1.3.4 is added to read:  
S5.1.3.4 *Brake power assist and brake power units.* The service brakes of a vehicle equipped with one or more brake power assist units or brake power units with a backup system, with one brake power assist unit or brake power unit inoperative and depleted of all reserve capability and with only the backup system operating in the failed subsystem, shall be capable of stopping the vehicle from 60 mi/h in 15 consecutive stops at an average deceleration of each stop that is not lower than 12 ft/s/s (reference maximum stopping distance 323 feet).

8. In S5.1.4.2 paragraph (a) is revised by deleting the words "an average", and substituting the word "a".

9. In S5.3.1 paragraph (a) is revised to read:

(a) A pressure failure in any part of the service brake system, other than a structural failure of a housing that is common to two or more subsystems, due to any one of the following conditions:  
(1) Before or upon application of a differential pressure of not more than 225 lb/in<sup>2</sup> between the active and failed brake system measured at a master cylinder outlet or a slave cylinder outlet.

(2) Before or upon application of 50 pounds of control force upon a fully manual service brake.

(3) Before or upon application of 25 pounds of control force upon a service brake with a brake power assist unit.

(4) When the supply pressure in a brake power unit drops to a level not less than one-half of the normal system pressure.

10. In S5.3.1 paragraph (b) is revised by deleting the words "in any reservoir compartment".

11. In S5.3.5, the fourth sentence is revised to read:

If separate indicator lamps are used for one or more of the various functions described in S5.3.1(a) to S5.3.1(d), the lens shall include the word "Brake" and appropriate additional labeling (use

"Brake Pressure," "Brake Fluid" for S5.3.1(a) and S5.3.1(b)) except that if a separate parking indicator lamp is provided, the single word "Park" may be used.

12. S5.4.2 is revised by deleting the first sentence and substituting the following two sentences to read:

S5.4.2 *Reservoir capacity.* Reservoirs, whether for master cylinders or other type systems, shall have a total minimum capacity equivalent to the fluid displacement resulting when all the wheel cylinders or caliper pistons serviced by the reservoirs move from a new lining, fully retracted position (as adjusted initially to the manufacturer's recommended setting) to a fully worn, fully applied position, as determined in accordance with S7.18(c) of this standard. Reservoirs shall have completely separate compartments for each subsystem except that in reservoir systems utilizing a portion of the reservoir for a common supply to two or more subsystems, individual partial compartments shall each have a minimum volume of fluid equal to at least the volume displaced by the master cylinder piston servicing the subsystem, during a full stroke of the piston. . . .

13. S6.1.1 is revised to read:  
S6.1.1 Other than tests specified at lightly loaded vehicle weight in S7.7, S7.8, and S7.9, the vehicle is loaded to its GVWR such that the weight on each axle as measured at the tire-ground interface is in proportion to its GAWR, with the test load material densities specified in S6.2, except that the fuel tank is filled to any level from 100 percent of capacity (corresponding to full GVWR loading) to 75 percent of capacity.

14. In S6.2 the test load densities specified are revised to read:

Seating areas..... 50 to 450 lb/ft<sup>2</sup> (all vehicles).  
Cargo areas..... 50 to 450 lb/ft<sup>2</sup> (all vehicles, including passenger cars, with a GVWR of 10,000 lbs or less).  
400 to 725 lb/ft<sup>2</sup> (vehicles with a GVWR that exceeds 10,000 lbs).

15. In S6.10 the fourth sentence is revised to read:

"There may be controlled lockup on an antilock-equipped axle, and lockup of not more than one wheel per vehicle, uncontrolled by an antilock system."

16. In S7 the second sentence is revised to read:

"Automatic adjusters may be locked out when the vehicle is prepared for testing. If this option is selected, adjusters must remain locked out for entire sequence of tests."

17. S7.4.1.2 and S7.4.2.2 are each revised to read:

*Brake adjustment—post burnish.* After burnishing, adjust the brakes manually in accordance with the manufacturer's recommendation if the automatic adjusters have been locked out, or by mak-

ing stops as recommended by manufacturer if automatic adjusters are operative.

18. S7.4.2.1 is revised and a new Table IV added, to read:

S7.4.2.1 *Burnish.* The brakes of a vehicle manufactured between September 1, 1975 and September 1, 1976 may be burnished according to S7.4.2.1.1 or S7.4.2.1.2. The brakes of a vehicle manufactured on or after September 1, 1976, shall be burnished according to S7.4.2.1.2.

S7.4.2.1.1 Burnish the brakes by making the 400 snubs from 40 mi/h to 20 mi/h at 10 ft/s/s (the 150-lb control force limit does not apply here). After each brake application, accelerate to 40 mi/h and maintain that speed until making the next brake application at a point 1.5 miles from the initial point of the previous brake application.

S7.4.2.1.2 Burnish the brakes by making 500 snubs at 10 ft/s/s in the sequence specified in Table IV and within the speed ranges indicated. After each brake application accelerate to the next speed specified and maintain that speed until making the next brake application at a point 1 mi from the initial point of the previous brake application. If during any of the brake applications specified in Table IV the hottest brake reaches 500°F, make the remainder of the 500 applications from that snub condition, except that a higher or lower snub condition shall be followed (up to the 60 mi/h initial speed) as necessary to maintain a maximum temperature of 500°F. ±50°F.

TABLE IV

Series	Snubs	Snub conditions (highest speed indicated, miles per hour)
1	175	40-20
2	25	45-20
3	25	50-20
4	25	55-20
5	250	60-20

19. S7.5 is revised to read:  
S7.5 *Service brake system—second effectiveness test.* Repeat S7.3. Then (for passenger cars and other vehicles with a GVWR of 10,000 lbs. or less) make four stops from 80 mi/h if the speed attainable in 2 miles is not less than 84 mi/h.

20. S7.6 is revised by deleting the final sentence.

21. In S7.7.3, the figure "S7.7.2(c)" is revised to read "S7.7.2".

22. In S7.9.1 the words "(or pressure level in a brake power unit system)" are deleted, and the words "or pressure level" substituted.

23. In S7.10.1 the following sentence is added between the title and first sentence: "(This test need not be run if the option in S7.10.2 is selected)".

24. In S7.10.2, paragraph (b) is revised to read:

(b) (For vehicles with brake power units with accumulator type systems.) Test as in S7.10.2(a), except make 10 stops instead of 6.

25. In S7.10.2 paragraph (c) is redesignated "(d)", and a new paragraph (c) adopted to read:

(c) (For vehicles with brake power assist or brake power units with backup systems.) If the brake power or brake power assist unit operates in conjunction with a backup system and the backup system is activated automatically in the event of a primary power failure, the backup system is operative during this test. Disconnect the primary source of power of one subsystem. Make 15 stops, each from 60 mi/h, with the backup system activated for the failed subsystem, to achieve an average deceleration of 12 ft/s/s for each stop.

26. In S7.11.2.1 the first sentence is revised to read:

"Make 5 stops from 60 mi/h at 15 ft/s/s followed by 5 stops at the maximum attainable deceleration between 5 and 15 ft/s/s for each stop."

27. S7.15 is revised to read:

S7.15 *Service brake system—fourth effectiveness test.* Repeat S7.5. Then (for passenger cars and other vehicles with a GVWR of 10,000 lbs. or less) make four stops from either 95 mi/h if the speed attainable in 2 mi is 99 to (but not including) 104 mi/h, or 100 mi/h if the speed attainable in 2 mi is 104 mi/h or greater.

28. In table II, the stopping distance value from 50 mph in column I(c) is corrected to read "193".

29. In table III, with respect to Stop No. 7 the initials "N.A." appearing under columns 1 and 3 respectively are replaced with "(Depleted) 7" and "554", and a new "Stop No. 11" is added with the following entries under columns 1, 2, 3, and 4 respectively: "N.A.", "(Depleted) 7", "N.A.", and "554".

30. In Figure II, Lever Type A and Lever Type B are revised to appear as follows:

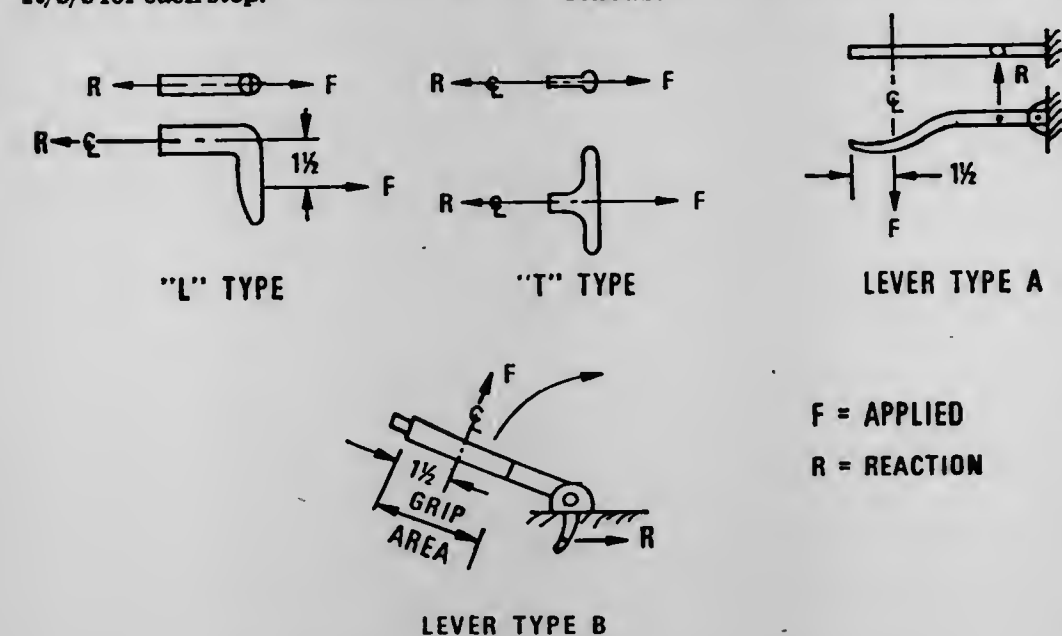


FIGURE II

*Effective date.* September 1, 1975. Because these amendments relate to a standard that is effective September 1, 1975, it has been determined for good cause shown that an effective date later than 1 year after issuance is in the public interest.

(Sec. 103, 119, Pub. L. 93-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51).

Issued on February 14, 1974.

JAMES B. GREGORY,  
Administrator.

[FR Doc. 74-4034 Filed 2-15-74; 10:22 am]

## CHAPTER X—INTERSTATE COMMERCE COMMISSION SUBCHAPTER A—GENERAL RULES AND REGULATIONS

### PART 1003—LIST OF FORMS

#### PART 1131a—TEMPORARY AUTHORITY APPLICATIONS UNDER SECTION 311(a) OF THE INTERSTATE COMMERCE ACT Water Carrier Temporary Authority

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 2nd day of November 1973.

In the matter of establishment of ap-

plication form and application procedures for water carrier temporary authority.

It is ordered, That application form OP-WC-25 (49 CFR 1003.2), be, and it is hereby, prescribed and approved.<sup>1</sup>

It is further ordered, That § 1003.2 of 49 CFR Part 1003 be, and it is hereby, amended by the addition of a new subhead as shown below.

It is further ordered, That the procedures for the processing of water carrier temporary authority applications also attached hereto and incorporated in this order, be, and they are hereby, prescribed and approved.

It is further ordered, That 49 CFR Chapter X, Subchapter A, be, and it is hereby, amended by the addition of Part 1131a as set forth below.

(49 U.S.C. 911(a); 54 Stat. 943; 56 Stat. 177; 60 Stat. 345)

It is further ordered, That this order shall become effective on March 17, 1974. And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

1. Section 1003.2 is amended by adding the following item:

§ 1003.2 [Amended]

OP-WC-25.

Temporary authority application under section 311(a) of the Interstate Commerce Act.

2. Part 1131a is added as follows:

Sec.  
1131a.1 Controlling legislation and definitions.  
1131a.2 Filing of applications.  
1131a.3 Processing of applications.  
1131a.4 Determination of applications.  
1131a.5 Petitions.

AUTHORITY: 49 U.S.C. 911(a); 54 Stat. 943; 56 Stat. 177; 60 Stat. 345.

§ 1131a.1 Controlling legislation and definitions.

(a) *Controlling legislation.* Section 311(a) of the Interstate Commerce Act, as amended, 49 U.S.C. 911(a), is the relevant legislation which the rules and regulations in this part are designed to implement. Extensions of temporary authority beyond 180 days are governed by the special rules, contained in Part 1101 of this chapter, promulgated pur-

<sup>1</sup> Form filed as part of the original document.



suant to section 558 of the Administrative Procedure Act, 5 U.S.C. 558.

(b) *Definitions.* As used in this part, the definitions set forth in section 302 of the Interstate Commerce Act shall pertain to the terms utilized in this section.

#### § 1131a.2 Filing of applications.

(a) *General.* All temporary authority applications are filed at and initially processed by the Commission's field offices. The field staff of the Commission's Bureau of Operations conducts preliminary investigations into applications for temporary authority and transmits the applications, with recommendations as to their disposition, to the Commission's Motor Carrier Board in Washington, D.C. The Bureau's field offices maintain records of authorized carriers and their operating authorities, and its staff members are available for consultation and to give assistance on the obtaining of water carrier service, and guidance in the preparation of temporary authority applications and related supporting material, and in making rate and other required filings. The field offices will furnish copies of necessary forms upon request.

(b) *How and where filed.* A separate application for each temporary authority sought must be filed on Form OP-WC-25 (§ 1003.2 of this chapter). The signed original and six copies of each application and all supporting documents must be filed with the Bureau of Operation's field office which has jurisdiction over the point at which applicant is domiciled, or such other field office as the Commission may designate in special circumstances.

(c) *Supporting statement.* Each application for temporary authority must be accompanied by a supporting statement (s) designed to establish an immediate and urgent need for service which cannot be met by existing carriers. Each such shipper's statement must contain a certification of its accuracy and must be signed by the person (or an authorized representative thereof) having such immediate and urgent need for water carrier service. Any such supporting statement must contain at least the following information:

(1) Description of the specific commodity or commodities to be transported (where the transportation of property is involved).

(2) Points or areas to, from, or between which such commodities or passengers are to be transported. (If service is needed to or from a territory or area rather than a specific point or points, clearly describe such territory or area and furnish evidence of a broad need to justify the territorial grant of authority requested.)

(3) Volume of traffic involved, frequency of movement, and how transported now and in the past.

(4) How soon the service must be provided and the reasons for such time limit.

(5) How long the need for such service likely will continue, and whether the

persons supporting the temporary application will support a permanent service application.

(6) Recital of the consequences if service is not made available.

(7) The circumstances which created an immediate and urgent need for the requested service.

(8) Whether efforts have been made to obtain the service from existing water carriers, and the dates and results of such efforts.

(9) Names and addresses of existing carriers who have either failed or refused to provide the service, and the reasons given for any such failure or refusal.

(10) Name and address of water carrier who will provide services and is filing application for temporary authority.

(11) If the person supporting the application has supported any prior application for permanent or temporary authority covering all or any part of the desired service, give the carrier's name, address, and water carrier docket number, if known, and state whether such application was granted or denied and the date of such action, if known.

#### § 1131a.3 Processing of applications.

(a) *Notice to interested persons.* Notice of the filing of temporary authority applications tendered shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER, except as provided in (c) below. Such summaries will be prepared by the appropriate Bureau of Operations district supervisor and forwarded to the Office of Proceedings, Washington, D.C.

(b) *Filing of protests.* Any interested persons who can and will provide all or any part of the proposed service may file a protest against the application. Such protest must be specific as to the service which such protestant can and will offer and must consist of a signed original and six (6) copies which must be filed with the district supervisor named in the FEDERAL REGISTER publication within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant or its authorized representative, if any, by US mail or in person.

(c) *Exception.* The above procedures shall be followed in all temporary authority applications to conduct operations by water under section 311(a) of the Interstate Commerce Act, except in those in which the Commission, in its discretion, determines that the circumstances require greater expedition by utilizing other procedures deemed appropriate, including the elimination of the FEDERAL REGISTER publication and protest filing procedures.

(d) *Publication of rates and charges.* A carrier may not lawfully perform transportation under a grant of temporary authority unless and until compliance has been made with the rate filing requirements of section 306 of the Interstate Commerce Act.

(e) *Revocation for noncompliance, and reinstatement and extension of time for making compliance.* Temporary au-

thority is approved subject to compliance within 30 days, or within such additional time as the Commission may approve, with the applicable provisions of the statute and the requirements, rules and regulations prescribed by the Commission thereunder governing the filing of rate and contract publications. If compliance is not made within the 30-day period, or within the time allowed in any extension thereof, applicant will be notified that the temporary authority order is of no further force and effect. Where this occurs, applicant may make written request for reinstatement of the granting order if it so desires, provided (1) that such request is made within 20 days from the date of the notice, (2) that good cause can be shown as to why compliance was not made within the time allowed, and (3) that the request for reinstatement contains positive assurance that applicant is now able to and will comply immediately with all applicable requirements, if the order is reinstated.

#### § 1131a.4 Determination of applications.

(a) *General.* (1) Initial determination of temporary authority applications will be made by the Commission's Motor Carrier Board or by Division 1 of the Commission. No successive grants of temporary authority shall exceed a total of 180 days.

(2) Although a grant of temporary authority is neither a permit nor a certificate under the Interstate Commerce Act, it nevertheless enables the applicant to provide service either as a common or a contract carrier, as the case may be. Consequently, an applicant for temporary authority to operate as a water contract carrier must show that the operations proposed is that of a contract carrier by water carrier as defined in section 302(e) of the Interstate Commerce Act. No "dual operation" finding is necessary, however, where a grant of temporary authority to operate as a contract carrier is made to an existing common carrier and vice versa.

(3) Inasmuch as a grant of temporary authority is not a permit or certificate, none of the regulated rights, under the Interstate Commerce Act is applicable. Temporary authority may not be tacked or joined with permanent authority held by the carrier for the purpose of performing through transportation, nor can through, joint-line service be performed thereunder. Where there is a need for such services which are not implicit in grants of temporary operating authority this fact should be stated specifically so that an appropriate authority description may be issued.

(4) For administrative convenience, temporary authority to transport property will be considered to authorize the return transportation of shipper-owned trailers and of empty crates, barrels, bottles, hangers, pallets, bracing, dunnage, and other similar containers and shipping devices used in the outbound transportation covered by the temporary authority.

(b) *Standards for determination.* The following standards shall be used by the Motor Carrier Board, and by Division 1 of the Commission acting initially or in an appellate capacity, in the absence of special or unusual circumstances, in the determination under section 311(a) of the Interstate Commerce Act (49 U.S.C. 911(a)) of applications for temporary authority:

(1) *General.* (i) Grants of temporary authority shall only be made upon the establishment of an immediate and urgent need for the transportation of passengers, or of particular commodities or classes of commodities, from specified origin points or areas to specified destination points or areas, having no carrier service capable of meeting such needs. Requests for temporary authority involving service to or from ports in entire States, counties or other defined areas will warrant approval only when supported by evidence that there is a compelling need for service to or from a representative number of ports in each such State, county, or area, that there is a reasonable certainty that such service will be utilized, and there is no carrier service available capable of meeting such need. Otherwise, such grants will be limited in accordance with the evidence to port-to-port authorizations covering the immediate and urgent need for service.

(ii) Any need which is the basis of an operation authorized by a temporary authority to be conducted for a period of less than an aggregate of 180 days is presumed not to be of a "continuing nature" unless the Commission otherwise expressly determines. If the need for a particular service ceases and a temporary authority covering such need expires or is revoked, and a new or separate need arises subsequent to such expiration or revocation, additional temporary authority for the 180-day aggregate, or for a shorter period, may be granted to the same carrier for the service, notwithstanding the prior grant or grants. However, an application filed after an aggregate of 180-days' temporary authority has expired or been revoked will be denied unless the facts clearly show that the application is in reality based on a new need and not a continuation of the need on which the prior grant of authority was based.

(2) *Immediate and urgent need.* An immediate and urgent need justifying a grant of temporary authority will be determined to exist only where it is established that there is or soon will be an immediate transportation need which reasonably cannot be met by existing carrier service. Such a showing may involve a new or relocated plant, different method of distribution, new or unusual commodities, an origin or destination not presently served by carriers, a discontinuance of existing service, failure of existing carriers to provide service, or comparable situations which require new water carrier service before an application for permanent authority can be filed and processed.

#### Title 50—Wildlife and Fisheries

### CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Great Meadows National Wildlife Refuge, Mass.

The following special regulations are issued and are effective during the period February 20, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

##### MASSACHUSETTS

##### GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Entry to the parking area during daylight hours on foot, bicycle, or by motor vehicle is permitted. Foot and bicycle travel is permitted on designated routes for the purposes of nature study, photography, hiking, skating, and cross-country skiing. Pets are permitted on a leash not exceeding 10 feet in length.

The refuge, comprising approximately 2,700 acres, is delineated on a map available at refuge headquarters or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 12, 1974.

[FR Doc.74-4157 Filed 2-21-74; 8:45 am]

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Back Bay National Wildlife Refuge, Va.

The following special regulation is issued and is effective during the period February 25, 1974 through December 31, 1974.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

##### VIRGINIA

##### BACK BAY NATIONAL WILDLIFE REFUGE

The following regulations govern the use of the Atlantic Ocean Beach within the Back Bay National Wildlife Refuge:

1. All access to or across refuge lands will be subject to the control of the refuge manager or his designated representative.

2. Access along the beach by motorized vehicles will be allowed only after a permit has been issued by the refuge manager or his designated representative. The refuge manager is authorized to establish a system of permits consist-

[FR Doc.74-4255 Filed 2-21-74; 8:45 am]



ent with the requirements of these regulations. Permits shall be displayed at all times in such manner as to be readily visible on any motor vehicle and shall be non-transferable. Permits may be issued for one year, one day, or one trip, depending upon reasonable requirements of the applicant, but not to extend beyond December 31 of the year of issuance and are valid for the hours 6 a.m. to 9 p.m. unless otherwise specified by the refuge manager. No motor vehicle will be operated by other than a holder of a valid operator's license and permit and on any portion of a dune except at posted dune crossings. Violation of any refuge regulations will result in cancellation of the permit.

3. Free annual permits will be issued as follows:

(a) To all persons now residing or owning land south of the refuge in the False Cape State Park acquisition area, Virginia. Permits will also be issued to permanent, year-round, full-time residents who can furnish legal proof of such residence prior to January 12, 1972, now living on the Outer Banks in Currituck County, from the North Carolina line south to the village of Carolla, North Carolina, as well as their successors and assigns, who will be permanent, year-round, full-time residents.

(b) To the school bus transporting children of False Cape residents to and from school.

(c) To commercial fishermen who have verified their dependence upon egress, ingress, or crossing refuge land for a livelihood.

4. Free daily or single-trip permits will also be issued to or for:

(a) Service and public utility vehicles on business calls to same residents as described in 3(a) above, upon verification of a request from the residents.

Service vehicles means: any vehicle owned or operated by or on behalf of an individual, partnership, or corporation engaged in the business of furnishing construction, maintenance, or repair services, including but not limited to building, plumbing, septic tanks, installation or repair of household appliances, carpentry, painting, landscaping, garbage collection, and delivery services.

Public utility vehicles means: any vehicle owned or operated by a public utility or a public service company franchised or licensed to supply Outer Banks residents with electricity, water, or telephone service.

(b) Visitors of same residents as described in 3(a) above, after notice in advance, or upon verification, of an anticipated visit.

5. Scientific and wildlife-oriented uses that are compatible with the primary objectives for which the Back Bay National Wildlife Refuge was established as permitted by the refuge manager or his designated representative. These uses include, but are not limited to waterfowl hunting and surf fishing.

Hunting of waterfowl is permitted on private and State-owned land on the

Barbara Hills tract in the False Cape State Park south of the refuge during the open season prescribed by the Commonwealth of Virginia. Those hunters may be issued permits to travel to the hunting area and return to the field headquarters who can verify their ownership, lease, or that they have been assigned a blind by the Virginia Commission of Game and Inland Fisheries in the State hunting area. Applicable Federal, State and local laws and regulations, and maps showing the designated route to be used are available in the office of the refuge manager.

6. Permits will be available at refuge field headquarters or office in Princess Anne.

7. Excluded from the restriction of these regulations are any military, fire, emergency, or law enforcement vehicle when used for emergency purposes and official use by an employee, agent, or designated representative of the Federal, State, or local government in the course of his official duties. Also excluded are vehicles required for medical assistance, or to transport sick, injured, aged, handicapped, or other persons needing medical attention or treatment.

8. In an emergency, the refuge manager may suspend, for such period or periods as he shall deem advisable, any or all of the foregoing restrictions on vehicular travel, and he may announce such suspension by whatever means are available. In the event of high winds and waves, storms, or other adverse weather conditions, the refuge manager may close all or any portion of the refuge to vehicular travel for such period as he shall deem advisable in the interest of public safety.

9. Violators of these special regulations and all other regulations pertaining to the Back Bay National Wildlife Refuge will be subject to legal action as prescribed by 50 CFR 27.10.

It has been determined that continued unregulated vehicular use of the refuge beach is seriously damaging the dunes and is detrimental to the primary objectives for which the refuge was established. Therefore, the foregoing regulations are issued, as a result of a detailed study, public hearing, and written comments to preserve the Back Bay National Wildlife Refuge for use by wildlife and wildlife-oriented recreation pursuits. These regulations will apply to all persons and vehicles described in 3, 4, and 5 above until an improved alternative access becomes available to them.

The refuge, comprising approximately 4,600 acres, is delineated on a map available from the Refuge Manager, Pembroke #2 Building, S. 218, 287 Pembroke Office Park, Virginia Beach, Virginia 23462 or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, when are set forth in 50

CFR Part 28, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 12, 1974.

[FR Doc.74-4158 Filed 2-21-74; 8:45 am]

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Salt Meadow National Wildlife Refuge, Conn.

The following special regulations are issued and are effective during the period May 1, 1974 through December 31, 1974.

§ 28.28 Special regulations; sport fishing; for individual wildlife refuge areas.

#### CONNECTICUT

##### SALT MEADOW NATIONAL WILDLIFE REFUGE

Foot entry to the refuge is permitted during daylight hours, by advanced reservation only, for the purpose of environmental education studies, hiking, and photography. Entrance permits may be obtained for specific dates, by mail, from the Refuge Manager, Truston Pond National Wildlife Refuge, Windy Meadows Farm, Schoolhouse Road, RFD Wakefield, Matunuck, Rhode Island 02879. Motor vehicles are limited to the designated parking areas. Pets are not permitted on the refuge unless authorized in the entrance permit.

Information about the refuge, which comprises approximately 180 acres, is available from the Refuge Manager or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 13, 1974.

[FR Doc.74-4150 Filed 2-21-74; 8:45 am]

#### PART 33—SPORT FISHING

##### Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective during the period February 20, 1974 through December 31, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### MASSACHUSETTS

##### GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Sport fishing and foot entry for this purpose are permitted in accordance with all applicable State regulations.

Areas open for fishing are delineated on maps available at refuge headquarters or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement regulations which govern sport fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 13, 1974.

[FR Doc. 74-4149 Filed 2-21-74; 8:45 am]

#### PART 33—SPORT FISHING

##### Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective during the period February 20, 1974 through December 31, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### MASSACHUSETTS

##### MONOMOY NATIONAL WILDLIFE REFUGE

Sport fishing in tidal waters is permitted 24 hours per day from the shores of the Monomoy National Wildlife Refuge, Chatham, Massachusetts. Boats may be beached on the refuge and wilderness areas. Sport fishing shall be in accordance with all applicable State regulations.

A map of the refuge is available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Massachusetts 01742 or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife areas generally, which are set forth in 50 CFR Part 33, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 13, 1974.

[FR Doc.74-4148 Filed 2-21-74; 8:45 am]

#### PART 33—SPORT FISHING

##### Red Rock Lakes National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on February 22, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### MONTANA

##### RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Sport fishing is permitted as posted from June 15 through November 30, 1974. All areas open to fishing are delineated on a map available at refuge head-

quarters and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Montana 59102. Areas closed the entire year include Upper and Lower Red Rock Lakes, Rivermarsh and Shambow Pond.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Boats with motors are prohibited. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in 50 CFR, Part 33, and are effective through December 31, 1974.

E. D. STROOPS,  
Refuge Manager, Red Rock  
Lakes National Wildlife Refuge.

FEBRUARY 12, 1974.

[FR Doc.74-4160 Filed 2-21-74; 8:45 am]

#### PART 33—SPORT FISHING

##### Washita National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on February 22, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### OKLAHOMA

##### WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of the Washita National Wildlife Refuge during open season in areas designated by signs as open to fishing. These open areas, comprising 3,367 acres, are delineated on maps available at refuge headquarters, Butler, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 1 through October 14, 1974, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) All trot lines must be removed from refuge waters on or before October 14, 1974.

(4) From State Highway 33 south to Big Panther Creek, a "no visible wake zone" is in effect for all boats. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33, and are effective through October 14, 1974.

ROBERT H. STRATTON, JR.,  
Refuge Manager,  
Washita National Wildlife Refuge.

FEBRUARY 12, 1974.

[FR Doc.74-4167 Filed 2-21-74; 8:45 am]

#### PART 33—SPORT FISHING

##### Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on February 22, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### SOUTH DAKOTA

##### LACREEK NATIONAL WILDLIFE REFUGE

Public sport fishing by rod, reel and pole on Lacreek National Wildlife Refuge, South Dakota 57551 is permitted on Cedar Creek Dams 1 and 2, designated by signs as open to fishing in accordance with applicable state regulations subject to the following special conditions.

(1) The open season for sport fishing on Cedar Creek Dams 1 and 2 extend from April 1 through September 15, 1974, daylight hours only.

(2) The use of boats and live minnows as bait are prohibited on Cedar Creek Dams 1 and 2.

(3) Public fishing on Lacreek National Wildlife Refuge may be closed whenever access roads are impassable or whenever refuge wildlife needs further protection.

The open ponds are shown on maps available at Refuge Headquarters and from the Area Office, Bureau of Sport Fisheries and Wildlife, Federal Building, Pierre, South Dakota 57501.

The provision of this special regulation supplement the regulations which govern fishing on national wildlife refuges generally which are set forth in 50 CFR Part 33, and are effective through September 15, 1974.

HAROLD H. BURGESS,  
Refuge Manager,  
Lacreek National Wildlife Refuge.

FEBRUARY 12, 1974.

[FR Doc.74-4173 Filed 2-21-74; 8:45 am]

#### Title 7—Agriculture

##### SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

##### PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

##### Miscellaneous Revisions and Amendments

Part 2 of 7 CFR Subtitle A is amended to revise the delegations of authority to the Assistant Secretary for Administration; to provide delegations of authority to the Director, Office of Audit and the Director, Office of Investigation (which previously were delegated to the Inspector General); to amend the names and the responsibilities of certain staff agencies of the Department, and to make other revisions as follows:

#### Subpart A—General

##### § 2.4 [Amended]

1. Section 2.4 is amended by deleting "the Inspector General" and inserting in lieu thereof "the Director, Office of Investigation."

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Directors

2. Section 2.17 is amended as follows:



§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Consumer Service.

(f) *Related to committee management.* Establish and reestablish regional, State, and local advisory committees for activities under his authority. This authority may not be redelegated.

(g) *Related to Commodity Exchange Commission.* Designate the Chairman of the Commodity Exchange Commission.

#### § 2.19 [Amended]

3. Section 2.19 is amended by deleting "Secretary for Agriculture" in the first sentence, and inserting in lieu thereof "Secretary of Agriculture."

#### § 2.20 [Revoked and reserved]

4. Section 2.20(a) is revoked and reserved.

5. Section 2.25 is amended to read as follows:

§ 2.25 Delegation of authority to the Assistant Secretary for Administration.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Administration:

(b) *Related to management and finance.* (1) Exercise general responsibility and authority for all matters related to the administration of the Department's financial affairs including:

(i) Budgetary administration, including all phases of acquisition, distribution, and control of funds.

(ii) Financial administration, including accounting and related activities.

(iii) Budgetary and financial reporting.

(iv) Legislative reporting and related activities.

(v) Maintenance, development, and operation of a centralized automated system integrating personnel statistics and reporting, with payroll, budget, and accounting operations.

(vi) Operating the central voucher payment service for the Department.

(vii) Operating the Department's central accounting system.

(2) Formulate and promulgate Departmental financial policies, procedures, and regulations.

(3) Provide staff assistance for the Secretary, general officers, and other Department and agency officials.

(4) Review budgetary, financial, legislative, and fiscal management aspects of agency operations and proposals.

(5) Represent the Department in contacts with the Office of Management and Budget, the General Accounting Office, the Treasury Department, Congressional Committees on Appropriations, and other organization or agencies on matters related to his responsibility.

(6) Designate the Department's Director of Finance and the Department's Budget Officer to carry out the Department's responsibilities under the Budget and Accounting Act of 1921 and other applicable statutes.

(7) Provide management support services for the National Finance Center, and by agreements with agency heads concerned, to provide such services for other USDA tenants housed in the same facility. As used herein, such management support services shall include:

(i) Personnel services, as listed in § 2.25(e) (10), and organizational support services, with authority to take actions required by law or regulation to perform such services.

(ii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(8) Administer the Department's management improvement program including the provision of assistance to agencies through management studies, organizational analysis and planning review; review the management and operating policies and processes, search for more economical approaches to the conduct of business and provide such other assistance as will aid in improving the management effectiveness, organization, and operation of the Department's programs.

(9) Administer the Department's records, forms, reports, and directives management programs (authority to maintain, review, update and amend Departmental Delegations of Authority is included in this delegation).

(10) Administer the Department's Management Review Program. This authority includes the development and promulgation of Departmental directives regulating the management review function.

(11) Develop, design, install, and revise systems, processes, work methods, and techniques, and undertake other system engineering efforts to improve the management and operational effectiveness of the USDA.

(12) Authorize organizational changes which occur in:

(i) Departmental organizations:

(a) Service or office.

(b) Division (or comparable component).

(c) Branch (or comparable component in Departmental Centers, only).

(i) Field organizations:

(a) First organizational level.

(b) Next lower organizational level—required only for those types of field installations where the establishment, change in location, or abolition of same, requires approval in accordance with 1 AR 673.

(13) Administer the Department's operations review and analysis program. This includes the authority to:

(i) Set operations review and analysis policies, programs, plans, and procedures for the Department, and

(ii) Conduct operations reviews and analyses of Departmental and agency activities. These reviews will provide coordinated appraisals of Departmental and agency operations with respect to their effectiveness, relevance, need, and efficiency.

(c) *Related to automated data systems.* (1) Manage and operate the total USDA data processing program through all stages of the data processing management cycle: Advance planning, feasibility, design, equipment selection and acquisition readiness effort, systems installation, system impact appraisal, time sharing and service center arrangements, systems monitoring, evaluation, and security. These authorities will be transferred from the various agencies involved (authority to specify functions, resources, and timing is included in this delegation).

(2) Exercise full Department-wide contracting and procurement authority for automatic data processing and data transmission equipment, software, services, maintenance, and related supplies. This authority includes the promulgation of Departmental directives regulating the management of contracting and procurement functions related to the above.

(3) Plan, develop, install, and manage Departmental data bases and assist in the maintenance of such systems to satisfy agency needs.

(4) Develop an integrated computer network for use by Department agencies and offices; manage telecommunications related to automatic data processing and coordinate with GSA in these areas.

(d) *Related to management services.* (i) Provide management support services for the Secretary of Agriculture and for the general officers of the Department. As used herein, such management support services shall include:

(i) Budget, accounting, and related financial management services, with authority to take actions required by law or regulation to discharge such services for working capital funds, and general appropriated and trust funds.

(ii) Personnel services, as listed in § 2.25(e) (10), and organizational support services, with authority to take actions required by law or regulation to perform such services.

(iii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(2) Provide such of the above services, as may be agreed, for other officers and agencies of the Department.

(e) *Related to personnel.* . . .

(3) Design and establish personnel data systems.

(9) . . .

(xiii) [Deleted and reserved].

(10) . . .

(i) Position management.

(f) *Related to operations.* . . .

(3) . . .

(i) Designate Department Debarring Officer to perform the functions of 41

CFR Subpart 1-1.6 and 41 CFR 4-1.601-1(a).

(i) *Related to audit.* (1) Direct or control all audit activities by and for the Department. This includes the authority to:

(i) Formulate audit policies, programs, plans, and procedures within the Department, and

(ii) Set standards and approve the use of, and enter into agreements with, organizations outside the Department for audit services in connection with USDA programs.

(2) Provide audit services pertaining to the Department, all of its constituent organizations, and all parties performing under contracts, grants, or other agreements with the Department. This includes the performance of scheduled inquiries and appraisals and such additional inquiries determined to be necessary, and the reporting to appropriate officials of the Department of conditions disclosed with recommendations for action. These audits will provide timely, comprehensive, independent information to determine whether:

(i) Policies, plans, systems, and procedures are adequate, conform to laws and regulations, and are being adhered to.

(ii) Adequate fiscal, personnel, information, procurement, and property management systems are in operation.

(iii) Program operations are effective, relevant, and necessary, and administered efficiently.

(3) Determine that Office of Audit reports and those of an audit nature made by the General Accounting Office and other outside organizations have been reviewed and properly acted upon.

(4) Determine the proper areas of jurisdiction of audit functions between Office of Audit and other USDA agencies.

(5) Provide liaison and coordination on audit matters between agencies within the Department and between the Department and other government agencies including the General Accounting Office, Office of Management and Budget, Congressional committees, Treasury Department, and other Federal, State, and local executive and legislative organizations.

#### Subpart D—Delegations of Authority to Other General Officers and Agency Heads

6. Section 2.31 is amended as follows:

§ 2.31 Delegation of authority to the General Counsel.

(p) The General Counsel is designated as the Department Counselor and designee to the Civil Service Commission on matters covered by Part O of this title.

7. Section 2.33 is revised to read as follows:

§ 2.33 Delegation of authority to the Director, Office of Investigation.

The following delegations of authority are made by the Secretary of Agriculture to the Director, Office of Investigation:

(a) Advise the Secretary and general officers in the planning, development, and

execution of Department policies and programs.

(b) Direct and control all investigation activities by and for the Department. This includes the authority to:

(i) Formulate investigative policies, programs, plans, and procedures within the Department.

(2) Set standards and approve the use of organizations outside the Department for investigative services in connection with USDA programs.

(c) Conduct investigations concerning operations of the Department, its employees, its constituent organizations, and others under contract, grant, or agreement, with the Department; and to issue reports of facts from which allegations of violations and irregularities can be evaluated.

(d) Determine that Office of Investigation reports and investigation reports of outside organizations have been reviewed and properly acted upon.

(e) Determine the proper areas of jurisdiction of investigative functions as between the Office of Investigation and other USDA agencies.

(f) Provide for physical protection of the Secretary.

(g) Provide liaison and coordination on investigative matters between agencies within the Department and between the Department and other Government agencies including the General Accounting Office, Office of Management and Budget, Congressional Committees, Treasury Department, Department of Justice (except security program matters) and other Federal, State, and local executive and legislative organizations.

#### Subpart J—Delegations of Authority by the Assistant Secretary for Administration

8. Section 2.75 is revised to read as follows:

§ 2.75 Director, Office of Management and Finance.

(a) *Delegations.* Pursuant to § 2.25(b), (d), and (g) the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Management and Finance:

(i) Exercise general responsibility and authority for all matters related to the administration of the Department's financial affairs including:

(i) Budgetary administration, including all phases of acquisition, distribution, and control of funds.

(ii) Financial administration, including accounting and related activities.

(iii) Budgetary and financial reporting.

(iv) Legislative reporting and related activities.

(v) Maintenance, development, and operation of a centralized automated system integrating personnel statistics and reporting, with payroll, budget, and accounting operations.

(vi) Operating the central voucher payment service for the Department.

(vii) Operating the Department's central accounting system.

(2) Formulate and promulgate Departmental financial, legislative and

committee management policies, procedures, and regulations.

(3) Provide staff assistance to the Secretary, general officers, and other Department and agency officials.

(4) Review budgetary, financial, legislative, and fiscal management aspects of agency operations and proposals.

(5) Represent the Department in contacts with the Office of Management and Budget, the General Accounting Office, the Treasury Department, Congressional Committees on Appropriations, and any other organizations or agencies on matters related to his responsibility.

(6) The Director, Office of Management and Finance is designated as the Department's Director of Finance and the Department's Budget Officer to carry out the Department's responsibilities under the Budget and Accounting Act of 1921 and other applicable statutes.

(7) Provide management support services for the National Finance Center and by agreement with agency heads concerned provide such services to other USDA tenants housed in the same facility. As used herein, such management support services shall include:

(i) Personnel services, as listed in § 2.78(a) (10), and organizational support services, with authority to take actions required by law or regulation to perform such services.

(ii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(8) Administer the Department's management improvement program including the provision of assistance to agencies through management studies, organizational analysis and planning; review the management and operating policies and processes, search for more economical approaches to the conduct of business and provide such other assistance as will aid in improving the management effectiveness, organization and operation of the Department's programs.

(9) Administer the Department's records, forms, reports, and directives management programs (authority to maintain, review, update and amend Departmental Delegations of Authority is included in this delegation).

(10) Administer the Department's Management Review Program. This authority includes the development and promulgation of Departmental directives regulating the management review function.

(11) Develop, design, install, and revise systems, processes, work methods and techniques, and undertake other system engineering efforts to improve the management and operational effectiveness of the USDA.

(12) Authorize organizational changes which occur in:

(i) Departmental organizations:

(a) Division (or comparable component).

(b) Branch (or comparable component in Departmental Centers, only).

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- (ii) Field organizations:  
 (a) First organizational level;  
 (b) Next lower organizational level required only for those types of field installations where the establishment, change in location, or abolition of same, requires approval in accordance with 1 AR 673.

(13) Administer the Department's operations review and analysis program. This includes:

(i) Conduct of operations reviews and analyses of Departmental and agency activities. These reviews will provide coordinated appraisals of Departmental and agency operations with respect to their effectiveness, relevance, need, and efficiency.

(14) Provide budget, accounting, and related financial management services, with authority to take action required by law or regulation to provide such services for working capital funds and general appropriated and trust funds for:

(i) The Secretary of Agriculture,  
 (ii) The general officers of the Department,

(iii) The offices and agencies reporting to the Assistant Secretary for Administration, and

(iv) Provide such of the above services, as may be agreed, for any other officers and agencies of the Department not included in paragraph (a) (14) (i), (ii), or (iii) of this section.

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary for Administration:

(1) Authorize organizational changes occurring in a department service or office which affect the overall structure of that service or office; i.e., requires a change to that service or office's overall organization chart.

9. Section 2.76 is revised to read as follows:

§ 2.76 Director, Office of Automated Data Systems.

(a) *Delegations.* Pursuant to § 2.25(c) the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Automated Data Systems:

(1) Manage and operate the total USDA data processing program through all stages of the data processing management cycle: Advance planning, feasibility, design, equipment selection and acquisition readiness effort, systems installation, system impact appraisal, time sharing and service center arrangements, systems monitoring, evaluation, and security. These authorities will be transferred from the various agencies involved to the Office of Automated Data Systems (authority to specify functions, resources, and timing is included in this delegation).

(2) Exercise full Department-wide contracting and procurement authority for automatic data processing and data transmission equipment, software, services, maintenance, and related supplies. This authority includes the promulgation of Departmental directives regulating the management of contracting and procurement functions related to the above.

(3) Plan, develop, install, and manage Departmental data bases and assist in the maintenance of such systems to satisfy agency needs.

(4) Develop an integrated computer network for use with Department agencies and offices; manage telecommunications related to automatic data processing and coordinate with GSA in these areas.

10. Section 2.77 is amended as follows:  
 § 2.77 Director, Office of Management Services.

(a) . . .  
 (1) Under agreements with the General Officers or Agency Heads concerned, provide management support services to the Under Secretary, the Assistant Secretaries, the Director of Agricultural Economics, and to the following agencies:

(xi) Office of Management and Finance.

(xii) Office of Administrative Law Judges.

(xiii) Office of Communication.

(xiv) Office of Automated Data Systems.

(xvii) Office of Operations.

(xix) Office of Investigation.

(xxi) Office of Audit.

11. Section 2.78 is amended as follows:  
 § 2.78 Director of Personnel.

(a) *Delegations.* Pursuant to § 2.25 (d), (e), and (h), subject to reservations in § 2.26(e), the following delegations of authority are made by the Assistant Secretary for Administration to the Director of Personnel:

(3) Design and establish personnel data systems.

(10) . . .  
 (i) Position management.

(13) Provide personnel services, as listed in 2.78(a) (10), and organizational support services, with authority to take actions required by law or regulation for:

(i) The Secretary of Agriculture;  
 (ii) The general officers of the Department;

(iii) The offices and agencies reporting to the Assistant Secretary for Administration; and

(iv) Provide such of the above services; as may be agreed, for any other officers and agencies of the Department not included in paragraph (a) (13) (i), (ii), or (iii) of this section.

(b) [Deleted]

12. Section 2.79 is amended as follows:  
 § 2.79 Director, Office of Operations.

(a) *Delegations.* Pursuant to § 2.25 (d) and (f), the following delegations of authority are made by the Assistant Secre-

tary for Administration to the Director, Office of Operations:

(3) Exercise the following special authorities:

(i) The Director, Office of Operations, is designated as the Department's debarment officer, and authorized to perform the functions of 41 CFR Subpart 1-1.6 and 41 CFR Subpart 4-1.601-1(a).

(ii) Provide staff support for the Department designee appointed by the President to the Committee for Purchase of Products and Services of the Blind and other Severely Handicapped pursuant to 41 U.S.C. 46-48c.

(4) Provide procurement, property management, space management, communications, messenger, paperwork management, and related services (with authority to take actions required by law or regulation to perform such services) for:

(i) The Secretary of Agriculture;

(ii) The general officers of the Department;

(iii) The offices and agencies reporting to the Assistant Secretary for Administration; and

(iv) Provide such of the above services, as may be agreed, for any other officers or agencies of the Department not included in (i), (ii), or (iii) above.

(b) . . .  
 (1) Make determinations and findings authorizing the use of negotiation in accordance with 41 U.S.C. 252(c) (11), (12), and (13) with respect to purchases and contracts:

13. A new section 2.81 is added, to read as follows:

§ 2.81 Director, Office of Audit.

(a) *Delegations.* Pursuant to § 2.25 (i), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Audit:

(1) Direct or control audit activities by and for the Department. This includes the authority to:

(i) Formulate audit policies, programs, plans, and procedures within the Department, and

(ii) Set standards and approve the use of, and enter into agreements with, organizations outside the Department for audit services in connection with USDA programs.

(2) Provide audit services pertaining to the Department, all of its constituent organizations, and all parties performing under contracts, grants, or other agreements with the Department. This includes the performance of scheduled inquiries and appraisals and such additional inquiries determined by the Director, Office of Audit, to be necessary, and the reporting to appropriate officials of the Department of conditions disclosed, with recommendations for action.

These audits will provide timely, comprehensive, independent information to determine whether:

(i) Policies, plans, systems, and procedures are adequate, conform to laws and regulations, and are being adhered to.

(ii) Adequate fiscal, personnel, information, procurement, and property management systems are in operation.

(iii) Operations are effective, relevant, and necessary, and administered efficiently.

(3) Determine that Office of Audit reports and those of an audit nature made by the General Accounting Office and other outside organizations have been reviewed and properly acted upon.

(4) Provide liaison and coordination on audit matters between government agencies including the General Accounting Office, Office of Management and Budget, Congressional Committees, Treasury Department, and other Federal, State, and local executive and legislative organizations.

(b) *Reservation.* The following authority is reserved to the Assistant Secretary for Administration:

(1) Determine the proper areas of jurisdiction of audit functions between Office of Audit and other USDA agencies.

*Effective date.* These amendments shall become effective on February 22, 1974.

For Subparts A, C, and D.

EARL L. BUTZ,  
 Secretary of Agriculture.

FEBRUARY 15, 1974.

For Subpart J:

JOSEPH R. WRIGHT, Jr.,  
 Assistant Secretary for Administration.

FEBRUARY 15, 1974.

[FR Doc. 74-4262 Filed 2-21-74; 8:45 am]

## CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE; DEPARTMENT OF AGRICULTURE

### PART 301—DOMESTIC QUARANTINE NOTICES

#### Subpart—Japanese Beetle ADDITIONS TO REGULATED AREAS

##### Correction

In FR Doc. 74-3561 appearing at page 5481 in the issue of Wednesday, February 13, 1974, in § 301.48-2a under the State of Illinois in the entry for Iroquois County the fifth line should read, "E.; secs. 6, 7, and N. ½ of 18, T. 26 N., R. 11 E.;"

## CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

#### PART 722—COTTON

Subpart—Regulations for 1968 and Succeeding Years Extra Long Staple Cotton Program

PRICE-SUPPORT PAYMENTS TO PRODUCERS  
 The regulations governing the making of price-support payments to producers under the Extra Long Staple Cotton Pro-

gram, 33 FR 19159, as amended, are being further amended, effective with the 1974 crop year, to (1) announce the 1974 price-support payment factor and price-support payment rate, and (2) provide that a producer shall not be required to maintain any acreage on his farm in conserving uses.

Pursuant to section 101(f) of the Agricultural Act of 1949, as amended, Part 722 is amended as follows:

1. Section 722.704 is amended by adding a new paragraph (e) to read as follows:

§ 722.704 Price-support payment factor.

(e) For 1974, the price-support payment factor is 0.6915.

2. Section 722.706 is revised to read as follows:

§ 722.706 Farm conserving base.

During the crop years 1968 through 1973, the regulations governing the establishment and maintenance of the farm conserving base, Part 792 of this chapter, as amended, shall be applicable to this program.

3. Section 722.709 is amended by adding a new sentence at the end of paragraph (a) to read as follows:

§ 722.709 Price-support payment.

(a) . . . For 1974, the price-support payment rate shall be 10.86 cents per pound.

(Sec. 101(f), as amended, 82 Stat. 701, 7 U.S.C. § 1441(f))

*Effective date.* This amendment shall become effective February 22, 1974. The price-support payment factor and the price-support payment rate are mathematical calculations dependent on the national loan rate and national allotment, which have previously been announced (38 FR 24911). The deletion of the requirement that producers comply with the farm conserving base makes program participation less stringent. Accordingly, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

Signed at Washington, D.C., on February 13, 1974.

GLENN A. WEIR,  
 Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 74-4258 Filed 2-21-74; 8:45 am]

## CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 313]

### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that

may be shipped to fresh market during the weekly regulation period February 22-28, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

### § 907.613 Navel Orange Regulation 313.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges was good last week. Prices f.o.b. averaged \$3.87 a carton on a reported sales volume of 1,549 cartons last week, compared with an average f.o.b. price of \$3.86 per carton and sales of 1,318 cartons a week earlier. Track and rolling supplies at 943 cars were down 80 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to



effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of Navel oranges, retaining the same effective date, and such information is being disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 19, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 22, 1974, through February 28, 1974, are hereby fixed as follows:

- (i) District 1: 1,685,000 cartons;
  - (ii) District 2: 185,000 cartons;
  - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 20, 1974.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-4368 Filed 8-21-74; 8:45 am]

[Lemon Reg. 627]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Feb. 24-Mar. 2, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

#### § 910.927 Lemon Regulation 627.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The Committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is active, primarily because of unfilled orders carried over from the Monday Holiday. Average f.o.b. price was \$5.30 per carton the week ended February 16, 1974 compared to \$5.31 per carton the previous week. Track and rolling supplies at 141 cars were unchanged from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 19, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 24, 1974, through March 2, 1974, is hereby fixed at 220,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 20, 1974.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-4367 Filed 2-21-74; 8:45 am]

#### CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

##### SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 424.1]

#### PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

##### Inspection of Structures Manufactured Offsite

On July 22, 1972, there was published in the FEDERAL REGISTER (37 FR 14725) a notice of proposed rule making to amend subdivision (iii) of § 1804.4(d)(9) of Subpart A of Part 1804. The proposed amendment provided procedures requiring houses manufactured offsite to be inspected at the time of erection onsite.

All comments submitted with respect to the proposed amendment were given due consideration.

As a result of comments received, the following changes are made:

1. Paragraph (d)(9)(i) of § 1804.4 is amended to change the reference from the Construction Guide to the Minimum Property Standards (MPS).

2. Paragraph (d)(9)(iii) of § 1804.4 is amended in order to clarify the actions that may be taken by the field inspector of manufactured housing at the erection stage.

3. A new paragraph (d)(9)(iv) of § 1804.4 is added to clarify housing manufacturing plant inspections, including acceptance of other qualified inspections by the State Director.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

#### § 1804.4 Performing development.

(d) *Development performed by contract method.* . . . .

(9) *Development work for structures manufactured offsite.*

(i) Complete Drawings and Specifications will be required as prescribed in Section 100 of the Minimum Property Standards (MPS). Each of the sets of drawings will contain the design of the foundation system required for the soil and slope conditions of the particular site on which the manufactured house is to be placed.

(iii) Field inspections will be made, in every case, of the foundation (Stage 1); of the house when it is erected or placed on the foundation (Stage 2); and of the final completed onsite development (Stage 3). The second stage inspection shall be made during the time the erection crews are on the site and the house is being erected or placed on the foundation. This field inspection will be made to determine compliance with the MPS as well as the accepted Drawings and Specifications and any special structural features covered in any Department of Housing and Urban Development Bulletins or any design or structural features required by special letters of acceptance issued the manufacturer by the FHA State Director. The State Director will determine appropriate actions necessary when frequent noncompliance reports are received concerning the work of one manufacturer or builder, or both, and when corrections of noncompliance are frequently difficult to achieve. A copy of the field inspection report on manufactured housing at any one of the inspection stages shall be sent to the State Director when there is evidence of any of the following in which corrections by the builder have been difficult to obtain:

(A) Noncompliance with any portion of the MPS or accepted Drawings and Specifications as related to the specific site development and foundation work.

(B) Noncompliance with any portion of the construction method or other requirements described in any acceptance bulletins.

(C) Faulty shop fabrication including surface defects.

(D) Damage to shop fabricated items or materials due to transportation, improper storage, handling or assembly.

(E) Unsatisfactory field workmanship.

(iv) Periodic plant inspections will also be made by FHA personnel, usually by the State Office Architect/Engineer. However, the State Director may accept plant inspections as performed and reported to him by an approved person or organization, private or public, including other governmental agencies or inspections performed by or recognized by a local State Building Code or a manufacturing buildings code council or other council designated for this function. The periodic plant inspections will be made of houses being constructed at the manufacturing plant or in the material suppliers yard when inspections of the structural and mechanical portions are not possible at the site during erection on the foundation. When plant inspection reports for one company indicate any major noncompliance and there is difficulty in obtaining corrections, a copy of the reports and background information may be sent to the National Office Program Support Staff for recommendations for action that may be taken by the State Director.

(7 U.S.C. 1989; 42 U.S.C. 1480; Delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; Delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Effective Date: These amendments are effective on February 22, 1974.

Dated: February 11, 1974.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.  
[FR Doc.74-4224 Filed 2-21-74; 8:45 am]

#### Title 41—Public Contracts and Property Management

##### CHAPTER 5A—FEDERAL SUPPLY SERVICE

##### PART 5A-19—TRANSPORTATION

##### Ocean Transportation

The following adds provisions relating to ocean transportation to Chapter 5A, GSPR.

1. The table of contents for Part 5A-19 is amended to add the following new entries:

Subpart 5A-19.1—General	
5A-19.108	Ocean transportation.
5A-19.108-1	Use of privately owned U.S.-flag commercial vessels.
5A-19.108-50	Shipments by foreign-flag vessels in Cuban or North Vietnam trade.
5A-19.108-51	Restrictive Charter clause—contractor charter party agreements.
5A-19.108-52	Restrictive Charter clause—GSA charter party agreements.

2. Sections 5A-19.108, 5A-19.108-1, and 5A-19.108-50 through 5A-19.108-52 are added as follows:

Subpart 5A-19.1—General

§ 5A-19.108 Ocean transportation.

§ 5A-19.108-1 Use of privately owned U.S.-flag commercial vessels.

(a) *GSA policy.* It is the policy of GSA to transport, to the greatest extent possible, all ocean shipments, in- or out-bound, by privately owned U.S.-flag commercial vessels.

(b) *Clause for contractor-arranged ocean transportation of commodities.* Unless the shipping activity authorizes to the contrary, any contract under which (1) commodities may be procured and (2) the contractor arranges for ocean transportation, shall contain the following provision or appropriate modification (included in GSA Forms 1246 and 1424):

##### USE OF U.S.-FLAG COMMERCIAL VESSELS

Any equipment, materials, or commodities required under this contract which are to be transported on ocean vessels shall be transported on privately owned U.S.-flag commercial vessels. When such vessels are not

available, the Contractor must obtain the approval of the Contracting Officer to use foreign-flag vessels. The contract price shall be adjusted to reflect any difference in transportation charges when such foreign-flag vessels are authorized. A copy of the ocean bill of lading covering each shipment shall be submitted to the Contracting Officer.

§ 5A-19.108-50 Shipments by foreign-flag vessels in Cuban or North Vietnam trade.

(a) *Vessels listed in the Federal Register by the Department of Commerce (Maritime Administration).* (1) No ocean shipment of material to or from the United States shall be arranged by GSA on a foreign-flag vessel which has been listed in the FEDERAL REGISTER by the Maritime Administration as having called at a Cuban port on or after January 1, 1963, or at a North Vietnam port on or after January 25, 1966, unless an exception has been made by the Secretary of Commerce. The Maritime Administration also maintains, on a day-to-day basis, a current index of any changes which occur subsequent to issuance of the latest listing.

(2) The regional Transportation Management Division, FSS, shall (i) ensure that they are on the FEDERAL REGISTER mailing list and (ii) if necessary, supply ocean freight forwarders under contract with GSA the published listing of ineligible vessels.

(3) The Office of Transportation and Public Utilities, Central Office, shall process requests for exceptions and answer questions concerning provisions of this section or the eligibility of specific vessels.

(b) *AID shipments specifying ineligible vessels.* If a country or its designee receiving an Agency for International Development (AID) shipment specifies an ineligible vessel, the Office of Transportation and Public Utilities, Central Office, will nominate an eligible vessel.

(c) *Contract clause.* All contracts which may cause the contractor in the performance thereof to procure ocean transportation for any shipment to or from the United States shall contain the following clause (included in GSA Forms 1246 and 1424):

##### NONUSE OF FOREIGN-FLAG VESSELS ENGAGED IN CUBAN OR NORTH VIETNAM TRADE

(a) If, after the date of award, any shipment of supplies to be delivered under this contract, or any shipment of material to be incorporated in such supplies, or any shipment of articles, materials, or supplies to be incorporated in a construction project will require ocean transportation to or from the United States, the Contractor shall not use any foreign-flag vessel which the Maritime Administration has listed in the FEDERAL REGISTER as having called at a Cuban port on or after January 1, 1963, or a North Vietnam port on or after January 25, 1966, unless an exception has been made by the Secretary of Commerce.

(b) For the purposes of this clause, the term "United States" includes the fifty States, Puerto Rico, possessions of the United States, and the District of Columbia.

(c) The Contractor shall include the substance of this clause, including this paragraph (c), in each subcontract or purchase



order hereunder which may involve ocean transportation to or from the United States.

**§ 5A-19.108-51 Restrictive charter clause—contractor charter party agreements.**

Contracts for the procurement of commodities which are likely to be transported on ocean vessels under charter parties arranged by the contractor shall contain the following clause:

**RESTRICTIVE CHARTER CLAUSE**

(a) The Contractor agrees to include the following Restrictive Charter clause in any charter party agreement entered into by it for the transportation on foreign-flag vessels of the material purchased hereunder:

"The vessel will not enter any port in North Korea or the Communist-controlled area of Vietnam until after 60 days from the date of completion of discharge of the entire cargo under this charter. In the event of failure to comply with said agreement, 10 percent of the freight charges for ocean transportation hereunder will not be earned. Ten percent of the freight charges payable hereunder will be withheld by the charterer until the owner or his authorized agent submits evidence satisfactory to the charterer that there has been complete compliance with this agreement, and in the absence of such evidence, the withheld portion of the charges will not be paid."

The Contractor further agrees to notify the vessel owner or his authorized agent that in the event of violation of the provisions of said clause all vessels of the owner may be barred from further chartering for the transportation of cargoes owned by or destined for the Government of the United States of America.

(b) Promptly after expiration of the 60-day period provided in the Restrictive Charter clause stated in paragraph (a), above, the Contractor, on the basis of the evidence furnished him by the vessel owner or his authorized agent, shall determine whether the vessel has complied with the above Restrictive Charter clause. If the Contractor determines that the Restrictive Charter clause has been complied with, the Contractor shall pay to the owner of the vessel or his authorized agent the aforesaid withheld 10 percent. If the Contractor de-

termines that said Restrictive Charter clause has not been complied with, the Contractor shall notify the owner of the vessel or his authorized agent of such determination of violation of the clause and shall afford said owner or his authorized agent 30 days within which to furnish to the Contractor any additional evidence which will show to the satisfaction of the Contractor that the Restrictive Charter clause has not been violated. During said 30-day period the Contractor shall continue to withhold the aforesaid 10 percent of the freight charges. If upon the expiration of said 30-day period the owner of the vessel or his authorized agent has not established proof satisfactory to the Contractor of compliance with said Restrictive Charter clause, the Contractor shall advise the owner of the vessel or his authorized agent of such final determination and shall thereafter promptly pay to the Government the full amount of the freight charges withheld by the Contractor pursuant to the aforesaid Restrictive Charter clause.

(c) Promptly after expiration of the 60-day period provided in the above-stated Restrictive Charter clause, the Contractor shall furnish the Contracting Officer with a complete statement of the evidence submitted to him by the owner of the vessel or his authorized agent pursuant to the provisions of the above Restrictive Charter clause on which the Contractor has based his determination that there has been compliance with said Restrictive Charter clause. In the event of a determination by the Contractor of non-compliance with said clause, the Contractor shall thereafter furnish the Government, promptly after receipt by him, such additional information as may be received by him from the vessel owner or his authorized agent within the 30-day period provided for in paragraph (b), above.

(d) Notwithstanding any other provision of this article, the Contractor and the Contracting Officer agree and stipulate that the question of compliance or noncompliance by the vessel owner with the Restrictive Charter clause is one of fact. Consequently, if after payment by the Contractor to the vessel owner or his authorized agent of the aforesaid withheld 10 percent the Government should discover that the vessel in question did, in fact, enter any port in violation of the Restrictive Charter clause, the Contractor shall be indebted to and shall pay the Government the full amount of said withheld 10 percent of the freight charges. Conversely, if

at any time after the contractor has finally determined that there has been noncompliance with the Restrictive Charter clause and has paid the withheld 10 percent of the freight charges to the Government pursuant to paragraph (b) of this article, it should be conclusively established that the vessel in question did not, in fact, enter any port in violation of the Restrictive Charter clause, the Government shall reimburse the Contractor in the full amount of the 10 percent of freight charges withheld by the Contractor from the vessel owner.

**§ 5A-19.108-52 Restrictive charter clause—GSA charter party agreements.**

All charter party agreements entered into by GSA shall contain the following clause:

**RESTRICTIVE CHARTER CLAUSE**

The vessel will not enter any port in North Korea or the Communist-controlled area of Vietnam until after 60 days from the date of completion of discharge of the entire cargo under this charter. In the event of failure to comply with said agreement, 10 percent of the freight charges for ocean transportation hereunder will not be earned. Ten percent of the freight charges payable hereunder will be withheld by the Government until the owner or his authorized agent submits evidence satisfactory to the Government that there has been complete compliance with this agreement, and in the absence of such evidence, the withheld portion of the charges will not be paid. In the event of violation of the provisions of this clause, the Government may, in addition to permanently withholding payment of the aforesaid 10 percent of the freight charges for ocean transportation hereunder, bar or cause to be barred all vessels of the owner from further chartering for the transportation of cargoes owned by or destined for the Government of the United States of America.

(Sec. 205(c), 68 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

**Effective date.** These regulations are effective February 11, 1974.

Dated: February 11, 1974.

**M. J. TIMBERS,**  
Commissioner, FSS.

[FR Doc.74-4186 Filed 2-21-74; 6:45 am]

## Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Office of Child Development

#### [ 45 CFR Part 1302 ]

#### HEAD START GRANTEES

#### Selection, Initial Funding, Refunding, and Selection of Replacement Grantees

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to issue regulations prescribing policies and procedures for the selection, initial funding, and refunding of Head Start grantees, and for considering the need for the selection of and the selection of replacement grantees if legal status or financial viability, or both, is lost by virtue of the cessation of funding under section 221 of the Economic Opportunity Act of 1964, or by virtue of some other major change. For this purpose it is proposed to add Part 1302 to 45 CFR Chapter XIII.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed Part 1302 to the Acting Director, Office of Child Development, Department of Health Education, and Welfare, 400 6th Street, Southwest, Washington, D.C. 20201, on or before March 25, 1974. All written submissions made pursuant to this notice will be made available for public inspection in Room 2030 of the Office of Child Development at the above address on Monday through Friday of each week from 9 a.m. to 5:30 p.m. (area code 202 755-7782).

Dated: February 15, 1974.

**FRANK CARLUCCI,**  
Acting Secretary.

Chapter XIII of 45 CFR Subtitle B is amended by adding Part 1302 as follows:

**PART 1302—POLICIES AND PROCEDURES FOR SELECTION, INITIAL FUNDING, AND REFUNDING OF HEAD START GRANTEES, AND FOR SELECTION OF REPLACEMENT GRANTEES**

#### Subpart A—General

Sec.  
1302.1-1 Purpose and scope.  
1302.1-2 Definitions.  
1302.1-3 Consultation with public officials.  
1302.1-4 Transfer of unexpended balances.  
1302.1-5 Notice for show cause and hearing.

#### Subpart B—Bases for Selection of Grantees

1302.2-1 Selection among applicants.  
1302.2-2 Selection among applicants to replace grantee.  
1302.2-3 Community action agency priority.

#### Subpart C—Change in Grantee Requiring Amendment or Replacement of Head Start Program

Sec.  
1302.3-1 Grantee to show both legal status and financial viability.  
1302.3-2 Grantee shows legal status but not financial viability.  
1302.3-3 Suspension or termination of grantee which shows financial viability but not legal status.  
1302.3-4 Suspension or termination of grantee which shows legal status but not financial viability.  
1302.3-5 Denial of refunding of grantee.  
1302.3-6 Control of funds of grantee scheduled for change.

**AUTHORITY:** Sec. 802(n), 78 Stat. 530, 42 U.S.C. 2942(n); Delegation of Authorities to Secretary of Health, Education, and Welfare, 38 FR 19291.

#### Subpart A—General

#### § 1302.1-1 Purpose and scope.

The purpose of this part is to set forth policies and procedures for the selection, initial funding and refunding of Head Start grantees and for the selection of replacement grantees in the event of the voluntary or involuntary termination, or denial or refunding, of Head Start programs. It particularly provides for consideration of the need for selection of a replacement grantee where the continuing eligibility (legal status) and fiscal capability (financial viability) of a grantee to operate a Head Start program is cast in doubt by the cessation of funding under section 221 of the Act or by the occurrence of some other major change. It is intended that Head Start programs be administered effectively and responsibly; that applicants to administer programs receive fair and equitable consideration; and that the legal rights of current Head Start grantees be fully protected.

#### § 1302.1-2 Definitions.

As used in this part—

(a) The term "Act" means The Economic Opportunity Act of 1964.

(b) The term "community action agency" means a public or private non-profit agency or organization designated as a community action agency by the Director of the Office of Economic Opportunity pursuant to section 210(a) or section 210(d) of the Act.

(c) The term "Designation" means the action taken by the Director of the Office of Economic Opportunity in designating an agency or organization as a community action agency pursuant to section 210 of the Act.

(d) The term "community action program" means a program operated by a community action agency.

(e) The term "head start grantee" or "grantee" means a public or private non-profit agency or organization whose application to operate a Head Start program pursuant to section 222(a)(1) of the Act has been approved by the responsible OCD official.

(f) The term "legal status" means the existence of an applicant or grantee as a public agency or organization under the law of the State in which it is located, or existence as a private non-profit agency or organization as a legal entity recognized under the law of the State in which it is located. Existence as a private non-profit agency or organization may be established under applicable State or Federal law.

(g) The term "approvable application" means an application for a Head Start program, either as an initial application or as an application to amend an approved application covering an on-going Head Start program, which, in addition to showing that the applicant has legal status and financial viability, provides for comprehensive services for children and families and for effective and responsible administration which are in conformity with the Act and applicable regulations, the Head Start Manual and Head Start policies, with special reference to:

(1) Head Start Program Performance Standards—OCD Notice N-30-364-1 (TN-73.1);

(2) Program Options for Project Head Start—OCD Notice N-30-334-1 (TN-72.1); and

(3) Employment of non-professionals—Head Start Manual, p. 16, para. b.

These issuances may be obtained from the responsible OCD official.

(h) The term "financial viability" means the capability of an applicant or the continuing capability of a grantee to furnish the non-Federal share of the cost of operating an approvable or approved Head Start program.

(i) The term "OCD" means the Office of Child Development in the Office of Human Development in the Department of Health, Education, and Welfare, and includes regional staff.

(j) The term "responsible OCD official" means the official who is authorized to make the grant in question.

#### § 1302.1-3 Consultation with public officials.

Responsible OCD officials will consult with Governors, or their representatives, and appropriate local general purpose



government officials on proposed replacement of Head Start grantees.

**§ 1302.1-4 Transfer of unexpended balances.**

When the reason for replacing a grantee is the loss of legal status or voluntary termination of the program by the grantee, unexpended balances of funds in the possession of such grantee in the fiscal year following the fiscal year for which the funds were appropriated may be transferred to the replacement grantee if the approved application of the replacement grantee provides for the continuation of the Head Start services without significant change to the same enrollees and their parents and undertakes to offer employment to the staff of the terminating grantee. A letter of concurrence in the change should be obtained from the terminating grantee whenever possible.

**§ 1302.1-5 Notice for show cause and hearing.**

Actions to be taken pursuant to this part to suspend, deny refunding of or terminate grants shall be subject to the provisions of section 604(2) and (3) of the Act with respect to giving grantees reasonable notice and opportunity to show cause why the action should not be taken (in case of suspension or denial of refunding) or opportunity for a full and fair hearing (in case of termination).

**Subpart B—Bases for Selection of Grantees**

**§ 1302.2-1 Selection among applicants.**

The basis for making a selection among applicants for a Head Start program shall be the extent to which the application selected reasonably promises the most effective and responsible Head Start program of the approvable applications submitted in terms of (a) the cost-effectiveness of the program proposed to be provided; (b) the qualifications and experience of the proposed staff for the purpose of planning, organizing, and providing comprehensive Head Start services and direct participation of parents; (c) the suitability of the facilities and equipment proposed to be utilized in carrying out the Head Start program; and (d) the administrative and fiscal capacities of the applicant to administer all Head Start programs carried out in the community.

**§ 1302.2-2 Selection among applicants to replace grantee.**

The bases for making a selection among applicants which submit approvable applications to replace a grantee, in addition to the basis in § 1302.2-1, shall be:

- The selected application shall provide for a continuation of services to the eligible children who have been participating as enrollees in the program;
- The selected application shall provide for continuation of services to the target area or areas served by the program;
- The selected application shall set forth the consideration given, and the

results thereof, to employment by the applicant of the qualified personnel of the program.

**§ 1302.2-3 Community action agency priority.**

So long as the Economic Opportunity Act is in effect, applications of community action agencies as initial or replacement applicants for new Head Start programs or as grantees for refunding shall have priority over other applications consistent with the provisions of section 222(a) of the Act for the inclusion of Head Start programs in community action programs and §§ 1302.2-1 and 1302.2-2.

**Subpart C—Change in Grantee Requiring Amendment of Approved Application or Replacement of Head Start Program**

**§ 1302.3-1 Grantee to show both legal status and financial viability.**

(a) Upon the occurrence of a change in the legal condition of a grantee or of a substantial diminution of the financial resources of a grantee, or both, for example, such as might result from cessation of grants to the grantee under section 221 of the Act, the grantee is required within 30 days after the effective date of the regulations in this Part or the date the grantee has notice or knowledge of the change, whichever is later, to show in writing to the satisfaction of the responsible OCD official that it has and will continue to have legal status and financial viability. Failure to make this showing may result in suspension, termination or denial of refunding.

(b) The responsible OCD official will notify the grantee in writing of the decision as to the grantee's legal status and financial viability within 30 days after receiving the grantee's written submittal.

(c) When it is consistent with proper and efficient administration, the responsible OCD official may extend a grantee's program year to end on the date when a change in its legal condition or a substantial diminution of financial resources, or both, is scheduled to take place.

**§ 1302.3-2 Grantee shows legal status but not financial viability.**

(a) If a grantee shows legal status but impaired financial viability the responsible OCD official will entertain a timely request for amendment of the grantee's approved application which restores the grantee's financial viability either by a reduction in the program which produces minimum disruption to services and functions, or by an increase in the amount of the Head Start grant. If the requested amendment includes such an increase it shall show that it is required to enable the grantee to continue essential services and functions and will not result in a Federal share of the total cost of the Head Start program in excess of the percentage authorized by the Act or applicable regulations. In considering such a request which includes an increase in the Head Start grant the responsible

OCD official will take into account the funds available to him for obligation and whether the proposed increase is consistent with that distribution of Head Start funds which:

(1) Maximizes the number of children served within his area of responsibility, or in the case of experimental or demonstration programs, the experimental or demonstration benefits to be achieved, and

(2) Maintains approximately the same distribution of Head Start program funds to States as exist during the fiscal year in which his decision is made.

(b) A request for amendment will be considered to be timely if it is included with the written submittal required by § 1302.3-1(a), submitted within 30 days after receiving the notice required by § 1302.3-1(b), or submitted as a part of a timely application for refunding.

(c) The grantee will be notified in writing by the responsible OCD official within 30 days after submission of the requested amendment of the decision to approve or disapprove the requested amendment. If the requested amendment is disapproved the notice will contain a statement of the reasons for disapproval.

**§ 1302.3-3 Suspension or termination of grantee which shows financial viability but not legal status.**

If a grantee fails to show that it will continue to have legal status after the date of change even though it may show financial viability, the grant shall be suspended or terminated or refunding shall be denied as of the date of change. If it appears reasonable to the responsible OCD official that the deficiency in legal status will be corrected within 30 days he may suspend the grant for not to exceed 30 days after the date of change or the date of submission of a timely request for amendment. If such correction has not been made within the 30 day period the grant shall be terminated.

**§ 1302.3-4 Suspension or termination of grantee which shows legal status but not financial viability.**

(a) If the date of change of financial viability precedes or will precede the end of the grantee's program year the grant will be suspended or terminated on that date, or, if a request for amendment has been submitted under § 1302.3-2, upon written notice of disapproval of the requested amendment, whichever is later. If it appears reasonable to the responsible OCD official that the deficiency in financial viability will be corrected within 30 days he may suspend the grant for not to exceed 30 days after the date of change or notice of disapproval. If such correction has not been made within the 30 day period the grant will be terminated.

**§ 1302.3-5 Denial of refunding of grantee.**

(a) If the date of change will coincide with or will come after the end of the program year and the grantee has notice or knowledge of such change prior to the end of the program year any action

taken to approve the grantee's application for refunding for the following program year shall be subject to rescission or ratification depending upon the decision of the responsible OCD official on the grantee's legal status and financial viability and on any requested amendment submitted by the grantee. If the requested amendment is disapproved the responsible OCD official may extend the program year in accordance with § 1302.3-1(c).

(b) If the date of change coincides with the end of the program year and the grantee does not have notice or knowledge of the change prior thereto and the grantee's application for refunding for the following program year has been approved, such approval shall be subject to rescission or ratification depending upon the decision of the responsible OCD official on the grantee's legal status and financial viability and on any requested amendment submitted by the grantee.

(c) If the date of change will coincide with or will come after the end of the program year and if the responsible OCD official has prior notice thereof from the grantee or other official source such as the United States Office of Economic Opportunity, action to approve any application for refunding submitted by the grantee shall be deferred pending decision by the responsible OCD official on the grantee's legal status and financial viability and any requested amendment submitted by the grantee.

(d) When the responsible OCD official determines to approve a requested amendment for refunding he will approve it for the full term of the proposed program period, if that period as approved is no longer than a program year.

**§ 1302.3-6 Control of funds of grantee scheduled for change.**

Responsible OCD officials will place strict controls on the release of grant funds to grantees which are scheduled for change by cessation of their grants under section 221 of the Act. Specifically, the following controls will be established:

(a) Funds will be released on a monthly basis regardless of the form of grant payment.

(b) Funds released each month will be limited to the amount required to cover actual disbursements during that period for activities authorized under the approved Head Start program.

(c) The amount of funds released must be approved each month by the responsible OCD official based on a careful review of the grantee's expenditure plan.

(d) Grantee expenditure plans may be amended as necessary and must be supported by quarterly financial reports.

[FR Doc. 74-4243 Filed 2-21-74; 8:45 am]

**Social Security Administration  
[20 CFR Part 405]**

[Reg. No. 5]

**FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED**

**Revisions in Carriers' Procedural Terminology and Coding**

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The Commissioner recognizes that revisions in Medicare carriers' procedural terminology and coding systems may be appropriate when such changes would result in more efficient and economical determinations with respect to Medicare coverage and reimbursement of physicians' services. The proposed amendments specify, however, that such revisions will be approved only if it can be determined that the potential advantages of the proposed new system outweigh its disadvantages. They also list certain considerations and guidelines that would be taken into account in evaluating a carrier's proposal for such a change.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views and arguments, pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW, Washington, D.C. 20201, on or before March 25, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW, Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1169, 1814, 1833(a), 1842(b), and 1871; 49 Stat. 647, as amended; 79 Stat. 296, 297; 79 Stat. 302; 79 Stat. 310; 79 Stat. 331; 86 Stat. 1445; 42 U.S.C. 1302, 1320c-18, 1395f, 1395l(a), 1395u(b), and 1395hh.

(Catalog of Federal Domestic Assistance Programs No. 15.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: December 27, 1973.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: February 14, 1974.

FRANK CARLUCCI,  
Acting Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding a new § 405.512 to read as follows:

**§ 405.512 Carriers' procedural terminology and coding systems.**

(a) *General.* Procedural terminology and coding systems are designed to provide physicians and third party payers with a common language that accurately describes the kinds and levels of services provided and that can serve as a basis for coverage and fee determinations.

(b) *Modification of terminology and/or coding systems.* A carrier that wishes to modify its system of procedural terminology and coding shall submit its request to the Bureau of Health Insurance with all pertinent data and information for approval before the revision is implemented. The Social Security Administration will evaluate the proposal in the light of the guidelines specified in paragraph (c) of this section and such other considerations as may be pertinent, and consult with the Assistant Secretary for Health. The Administration will approve such a revision only if it is determined that the potential advantages of the proposed new system outweigh the disadvantages.

(c) *Guidelines.* The following considerations and guidelines are taken into account in evaluating a carrier's proposal to change its system of procedural terminology and coding:

- (1) The rationale for converting to the new terminology and coding;
- (2) The estimated short-run and long-run impact on the cost of the health insurance program, other medical care costs, administrative expenses, and the reliability of the estimates;
- (3) The degree to which the conversion to the proposed new terminology and coding can be accomplished in a way that permits full implementation of the reasonable charge criteria in accordance with the provisions of this subpart;
- (4) The degree to which the proposed new terminology and coding are accepted by physicians in the carrier's area (physician acceptance is assumed only if a majority of the Medicare and non-Medicare bills and claims completed by physicians in the area and submitted to the carrier can reasonably be expected to utilize the proposed new terminology and coding);
- (5) The extent to which the proposed new terminology and coding system is used by the carrier in its non-Medicare business;
- (6) The clarity with which the proposed system defines its terminology and whether the system lends itself to: (i) Accurate determinations of coverage; (ii) proper assessment of the appropriate level of payment; and (iii) meeting the carrier's or Professional Standards Review Organizations' review needs and



such other review needs as may be appropriate;

(7) Compatibility of the new terminology and coding system with other systems that the carrier and other carriers may utilize in the administration of the Medicare program—e.g., its compatibility with systems and statistical requirements and with the historical data in the carrier's processing system; and

(8) Compatibility of the proposed system with the carrier's methods for determining reasonable charges for services which are identified by a single element of the terminology but which may vary in content.

[FR Doc.74-4084 Filed 2-21-74; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

### HAWAII

Air Quality Implementation Plan; Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), July 27, 1972 (37 FR 15080), and May 14, 1973 (38 FR 12711), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the Hawaii Plan for the implementation of the National Ambient Air Quality Standards. On July 27, 1973, after notice and public hearings, the Governor of Hawaii submitted to the Environmental Protection Agency (EPA) revisions to the compliance schedule portion of the approved plan. This publication proposes that these revisions be approved, with specific exceptions, pursuant to the provisions of 40 CFR 51.8.

Thirty-five State compliance orders and three State variances were submitted. Of these, all of the orders have been found to satisfy the requirements of 40 CFR Part 51 and to be consistent with the approved control strategy. The three variances, issued to Hawaiian Fruit Packers, Limited, a fruit processing plant, Nanakuli Paving and Rock Company, Limited, an asphalt batch plant, and the Kohala Corporation, a sugar mill, allowed continued violation of approved particulate matter regulations without explicit requirements to achieve final compliance with the regulations. They do not, therefore, meet the requirements of 40 CFR 51.15. In addition, the two latter variances allow non-compliance to extend beyond the ambient air quality standards attainment date for particulate matter. For these reasons, it is proposed that the three variances be disapproved.

An evaluation of each schedule is available for public inspection at the offices of EPA, Region IX listed below. In each case, the record of the appropriate public hearing has been reviewed and considered in the evaluation.

Each proposed revision establishes a new date by which an individual air pollution source must comply with an emission limitation specified by the implementation plan. This date is indicated in the table below, under the heading "Final

Compliance Date." In some cases, the schedule includes incremental steps towards compliance. While the table below does not list those interim dates, the actual compliance schedule does.

Approval of any schedule is solely on the basis that compliance is being required by the specified "Final Compliance Date," regardless of the method of control which is referenced by the schedule.

Proposed compliance schedule revisions are available for public inspection at the office of the State Agency and at the offices of Region IX, EPA. The addresses of these offices are as follows:

Hawaii State Department of Health

Air Sanitation Branch

Kapulawa Building

Honolulu HI 96801

Environmental Protection Agency, Region IX

Enforcement Division, Room 302

100 California Street

San Francisco CA 94111

Environmental Protection Agency, Region IX

Pacific Islands Basin Office

1000 Bishop Street

Honolulu HI 96813

Interested persons are encouraged to submit written comments on any proposed compliance schedule. Such comments will be accepted for consideration until March 25, 1974. Comments should

Source	Location	Regulation sections involved	Date of adoption	Effective date	Final compliance date
Ka'u Sugar Co., Inc.	Pahala	8, 12	July 27, 1973	Immediately	Sept. 1, 1973
Do.	Honouapo	8, 12	Do.	Do.	Do.
Grove Farm Co., Inc.	Koloa	12	Do.	Do.	June 30, 1975
Hilo Coast Processing Co.	Hakalau	8, 12	Do.	Do.	June 30, 1974
Do.	Wainaku	8, 12	Do.	Do.	Do.
McBryde Sugar Co., Ltd.	Eleele	8, 12	Do.	Do.	July 31, 1975
Lanipahoehoe Sugar Co.	Okala	8, 12	Do.	Do.	July 1, 1974
Honokaa Sugar Co.	Haina	8, 12	Do.	Do.	May 31, 1975
Hawaiian Commercial & Sugar Co.: Boilers 11 and 12	Puunene	8, 12	Do.	Do.	July 1, 1975
Boilers 7, 8, 9, 10	Pala	8, 12	Do.	Do.	Do.
Kilauea	Do.	8, 13	Do.	Do.	June 15, 1974
Kaiser Cement & Gypsum Corp.	Nanakuli	13	Do.	Do.	Mar. 31, 1975
Construction Materials Hawaii, Inc.	Hanalei	8, 11	Do.	Do.	Jan. 31, 1974
Nanakuli Paving & Rock Co., Ltd.	Haleiwa	8, 13	Do.	Do.	Mar. 1, 1975
Jas. W. Glover, Ltd.	Hilo	13	Do.	Do.	Apr. 1, 1975
Hawaiian Western Steel, Ltd.	Ewa	8, 13	Do.	Do.	Jan. 15, 1974
Honiron Division, Ward Foods, Inc.	Honolulu	8, 13	Do.	Do.	Dec. 31, 1973
City and County of Honolulu	Waipahu	8, 11	Do.	Do.	July 31, 1975
Do.	Kapalama	8, 11	Do.	Do.	July 31, 1975
Do.	Kewalo	8, 11	Do.	Do.	Do.
County of Kauai	Lihue	7, 8	Do.	Do.	Do.
Do.	Hanalei	7, 8	Do.	Do.	Do.
Do.	Kekaha	7, 8	Do.	Do.	Do.
Do.	Eleele	7, 8	Do.	Do.	Do.
Do.	Koloa	7, 8	Do.	Do.	Do.
Do.	Kapaa	7, 8	Do.	Do.	Do.
The Lihue Plantation Co., Ltd.	Lihue	8, 12	Do.	Do.	Jan. 31, 1974
Oahu Sugar Co., Ltd.	Waipahu	8, 12	Do.	Do.	Dec. 31, 1974
Pioneer Mill Co., Ltd.	Lahaina	8, 12	Do.	Do.	June 30, 1974
Hawaiian Bitumuls & Paving Co., Ltd.	Puunene	8, 13	Do.	Do.	Dec. 31, 1973
Do.	Puhi	8, 13	Do.	Do.	June 30, 1974
Hawaiian Cement Corp.	Kaena	8, 13	Do.	Do.	Dec. 31, 1974
Pacific Concrete & Rock Co., Ltd.	Ewa Beach	8, 13	Do.	Do.	Feb. 28, 1975
	Kailua-Kona	8, 13	Do.	Do.	Oct. 31, 1973

(b) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. The regulations cited are air pollution control regulations of the State.

Source	Location	Regulation sections involved	Date of adoption
Hawaiian Fruit Packers, Ltd.	Kapaa	8, 12	July 27, 1973
Nanakuli Paving and Rock Co., Ltd.	Molokai	8, 13	Do.
Kohala Corp.	Haleiwa	8, 13	Do.

[FR Doc.74-4063 Filed 2-21-74; 8:45 am]

## [40 CFR Part 52]

### PENNSYLVANIA

#### Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, State plans for implementation of the national ambient air quality standards. On that date, the Governor of Pennsylvania was advised that in order to complete the requirements of § 51.13, a plan demonstrating the attainment and maintenance of the national secondary standard for particulate matter for the Metropolitan Philadelphia Interstate and the Southwest Pennsylvania Intrastate Air Quality Control Regions (hereinafter, the Metropolitan Philadelphia Region and the Southwest Pennsylvania Region) was to be submitted to the Administrator by July 31, 1973.

On May 2, 1973, the Governor of Pennsylvania indicated that the State could not develop meaningful or effective plans for meeting the national secondary standard by July 31, 1973. The Governor stated that an additional 5 months was needed to develop and submit these plans. On July 3, 1973, the EPA informed Pennsylvania that the Clean Air Act has no provision for any further extensions of the date for submittal of a plan to attain the secondary standard unless there is a change in a national standard.

Since the State of Pennsylvania has not yet submitted the required plans, the Administrator is hereby proposing plans for these regions as required by section 110 of the Clean Air Act. It is proposed to approve the existing implementation plan for the Metropolitan Philadelphia Region as being adequate to attain the secondary particulate matter standard by July 1975, and to disapprove the existing plan for the Southwest Pennsylvania Region as it relates to attainment of the secondary particulate matter standard. Concurrently, regulations to attain the secondary particulate standard in the Southwest Pennsylvania Region are being proposed.

If the plans for the secondary standard are submitted and determined to be approvable prior to Federal promulgation, these proposed regulations will be withdrawn. If revisions to the State plan are submitted and determined to be approvable after Federal promulgation, then those Federal regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the secondary particulate matter standard in both Regions be a State plan carried out by the State or its designated representative.

Region III awarded a contract to the International Business Machines Corporation (IBM), to run an Implementation Planning Program (IPP) diffusion model to reassess the degree of reduction attainable through the application of existing State and local agency regulations, and if necessary, develop additional strategies capable of attaining the

secondary particulate matter standard. The following are the results of the diffusion modeling effort.

#### METROPOLITAN PHILADELPHIA REGION

Air quality data was collected from 20 monitoring stations in the Philadelphia area. Three of the stations are within the City of Philadelphia and 17 in the surrounding counties of Chester, Delaware, Bucks and Montgomery. Approximately one-half of the stations currently meet the secondary annual standard for particulate matter. The model predicts that through the application of the existing regulations, all 20 monitoring stations are expected to meet the national secondary standard by July 1975.

It should be noted that the Environmental Protection Agency ran the IPP model in 1970-71, to calculate expected emission reductions, resulting air quality, fuel use and control costs for the Metropolitan Philadelphia Region. The primary data base for this study was the 1967-68 Delaware Valley Regional Air Quality Project. This study indicated that the primary standards for particulate matter could probably be achieved by 1975; however, the secondary standard would be exceeded over a rather large portion of the downtown Philadelphia-Camden Complex. In comparing IBM's results with EPA's study, the different results are due to IBM's use of a later and more comprehensive data base (1972) for the air quality and emissions data. Since the more recent data is considered to be more accurate, the Administrator is proposing to approve the existing implementation plan as adequate to attain the secondary particulate matter standard.

#### SOUTHWEST PENNSYLVANIA REGION

Air quality data was gathered from 30 air quality monitoring stations in the Pittsburgh area. Fourteen stations are in Allegheny County, ten are in the Beaver Valley Air Basin, and six are in the Monongahela Valley Air Basin. Most of the station readings for 1972 exceed the secondary annual standard in Allegheny County, and all stations exceed the standard in Beaver Valley and Monongahela Valley.

Part of the approved implementation plan for attainment of primary standards for particulate matter consisted of Article XVIII of the Allegheny County Health Department Rules and Regulations governing the control of air pollution. The regulations deal, inter alia, with the control of particulate matter emissions from the operation of coke ovens in Allegheny County.

On December 14, 1972, the Governor submitted to the Administrator a proposed revision to the control strategy and exemptions from some of the requirements of Article XVIII as contained in the implementation plan. This plan revision reflected some of the provisions of three consent decrees between the State Department of Environmental Resources, the Allegheny County Department of Health, and the U.S. Steel Cor-

poration, and was approved by the Administrator on March 22, 1973 (38 FR 7458). The consent decrees, only one of which deal with the control of particulate matter emissions from the coke ovens, apply to the Clairton Coke Works and were issued on September 25, 1972.

The proposed revision, inter alia, substituted the performance standards contained in paragraphs 1 and 2 of the Particulate Consent Decree for subsections 1809.7A, B, C, D and E and 1809.1A of Article XVIII as they apply to the coke oven batteries at the Clairton Coke Works. The effect of this revision substituted the interim control standards set out in the decree for the more stringent requirements of Article XVIII. Although some of the paragraphs of the consent decree require the facility to come into compliance with Article XVIII after 1975, these paragraphs were not incorporated into the proposed revisions since compliance with the interim standards was all that was required to achieve the primary standards.

The modeling results reported by IBM indicate that a 90 percent reduction in particulate emissions from coking is needed to achieve the secondary standard. Since the interim standards of the consent decree in conjunction with Article XVIII are not capable of providing this needed 90 percent reduction, the Administrator is proposing below that any company which is presently exempt from compliance with all or part of Article XVIII must comply with each and every requirement of said Article on or before July 31, 1978.

The remaining provision of the regulation proposed below is intended to provide the additional percent reduction needed to attain the secondary particulate matter standard in the Southwest Pennsylvania Region. The provision requires coke quenching towers to be equipped with interior baffles and prohibits visible emissions, including water mist or vapor, from exiting from any opening other than the top of the quenching tower.

In the Administrator's judgment, an attainment date of July 1978 would provide reasonable time for the design, fabrication and installation of the necessary control equipment. In order to comply with the regulations, either quenching in the coke guide or a particulate control device on the coke side of the battery would be necessary. With over 1600 active coke ovens operating in Allegheny County, the Administrator feels that modifications could not be completed until July 1978, due to various constraints, including, construction time and the maximum number of ovens that could be simultaneously shut down without undue social and economic hardships. Therefore, the Administrator is proposing July 1978 as the attainment date for the secondary particulate matter standard in the Southwest Pennsylvania Region.

#### NEW SOURCE REVIEW

Pennsylvania's existing implementation plan for the Southwest Pennsylvania



Region includes procedures for review of new sources and modified sources which would be subject to the State emission limitations. However, this review procedure would not extend to emission limitations promulgated by the Administrator as part of the plan, such as are proposed below for the attainment of the national secondary standards. To this extent, the State's procedure does not meet the requirements of 40 CFR 51.18 and EPA must, therefore propose a regulation to supplement the State's measure. That proposal, set forth below, is expressly limited to the review of new and modified coke ovens subject to the proposed EPA regulation. Review under the EPA procedure would be limited to determining whether the coke oven is designed and located so as to comply with the EPA regulation and to not interfere with attainment and maintenance of the national ambient air quality standard.

#### PUBLIC COMMENTS SOLICITED

Although the Administrator has concluded that the proposed approval of the existing Pennsylvania implementation plan for the Metropolitan Philadelphia Region, and the proposed regulations for the Southwest Pennsylvania Region are the best approaches available to him at the present time for achieving compliance with the requirements of the Act, further analysis may demonstrate that more appropriate options are available. He, therefore, desires to obtain the comments and suggestions of the public on the problems of achieving the particulate matter standard in the above mentioned regions.

It is the Administrator's intent to hold a hearing on these proposed regulations no sooner than March 25, 1974. The time and location of this hearing will be announced in a subsequent FEDERAL REGISTER.

The Administrator's final promulgation of implementation plans for the attainment of the secondary particulate matter standard for the Metropolitan Philadelphia Region and the Southwest Pennsylvania Region will be significantly influenced by the comments and testimony he receives. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

The existing Philadelphia Region implementation plan for particulate matter, upon which this proposal is based, is available for inspection at the EPA Region III Office, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, during normal business hours.

#### SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region III, Curtis Building, Sixth and Walnut

Streets, Philadelphia, Pennsylvania 19106. All relevant comments received on or before March 25, 1974, will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region III Office and at the Freedom of Information Center, EPA, Room 329, 401 M Streets SW., Washington, D.C. 20460.

This notice is proposed under the authority of sections 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

Dated: February 15, 1974.

JOHN QUARLES,  
Acting Administrator.

It is proposed to amend Subpart NN in 40 CFR Part 52 as follows:

#### Subpart NN—Pennsylvania

1. In Subpart NN, § 52.2026 is added, as follows:

§ 52.2026 Control strategy and regulations: Particulate matter.

(a) The requirements of § 51.13 of this chapter are not met since the State did not submit a plan to provide for the attainment and maintenance of the national secondary standard for particulate matter in the Southwest Pennsylvania Intrastate Air Quality Control Region.

(b) Federal regulation for control of coke ovens. (1) This paragraph is applicable to coke ovens located in Allegheny County, Pennsylvania, in the Southwest Pennsylvania Intrastate Region (§ 51.23 of this chapter).

(2) On or before July 31, 1978, no owner or operator of a coke oven subject to this paragraph shall operate a coke quenching tower unless such quenching tower is equipped with interior baffles and does not permit visible emission, including water mist of vapor, to exit from any opening other than the top of the quenching tower.

(3) On or before July 31, 1978, any owner or operator of a coke oven subject to this paragraph which is not presently subject under the Pennsylvania Implementation Plan to all requirements of Article XVIII of the Rules and Regulations of the Allegheny County Health Department as it appears in said Implementation Plan shall comply with each and every requirement of said Article relating to the control of particulate matter emissions.

§ 52.2034 [Amended]

2. In § 52.2034, the attainment date table is revised by replacing the letter "c", which designates that an 18-month extension was granted for attainment of the national secondary standard for particulate matter in the Metropolitan Philadelphia Interstate and Southwest Pennsylvania Intrastate Regions with the date "July 1975" for the Metropolitan Philadelphia Intrastate Region and "July 1978" for the Southwest Pennsylvania Intrastate Region.

3. In § 52.2036, paragraph (b) is added as follows:

§ 52.2036 Compliance schedules.

(b) Federal compliance schedule. (1) An owner or operator of a coke oven subject to § 52.2026(b) shall, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval, a proposed schedule that demonstrate compliance with § 52.2026(b) within a reasonable time, but no later than July 1978.

(2) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction of process change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(3) The owner or operator shall within five days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) An owner or operator of a coke oven subject to § 52.2026(b) in compliance with such paragraph on the effective date of this regulation shall certify such compliance to the Administrator within 120 days after the effective date of this paragraph.

4. Section 52.2054 is added as follows:

§ 52.2054 Review of new sources and modifications.

(a) Regulation for review of new sources and modifications. (1) This requirement is applicable to any stationary source subject to the requirements of § 52.2026(b), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(3) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(4) A separate application is required for each source.

(5) Each application shall be signed by the applicant.

(6) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and

the manner in which it will be operated and controlled.

(7) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(8) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will:

(i) Operate without causing a violation of § 52.2026(b), and

(ii) Will not interfere with the attainment and maintenance of a national air quality standard.

(9) The Administrator may impose any reasonable conditions upon an approval including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(10) The Administrator may cancel any approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(11) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of source not more than 60 days or less than 30 days prior to such date, and

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(12) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with the methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of such performance test.

(13) Such test shall be at the expense of the owner or operator.

(14) The Administrator may monitor such test and also may conduct performance tests.

(15) The owner or operator of a source shall provide the Administrator 30 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(16) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with the requirements of § 52.2026(b).

(17) Approval to construct or modify shall not relieve the owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

(18) Within 30 days after receipt of an application the Administrator will notify the public, by prominent advertisement in the region affected, of the opportunity for public comment on the information submitted by the owner or operator.

(19) Such information, as well as the Administrator's analysis of the effect of the source on air quality and the Administrator's proposed approval or disapproval, shall be available in at least one location in the region affected.

(20) A copy of the notice required pursuant to this subparagraph shall be sent to the Administrator through the appropriate regional office; to all other State and local air pollution control agencies having jurisdiction in the region where the source will be located; and to any other agency in the region having responsibility for implementing the procedures required under this paragraph.

(21) Public comments submitted within 30 days of the date such information is made available shall be considered by the Administrator in making his final decision on the application.

(22) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial.

[FR Doc. 74-4267 Filed 2-21-74; 8:45 am]

#### [40 CFR Part 52]

##### MISSOURI

#### Disapproval of Proposed Implementation Plan Revision

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, in part, portions of the Missouri plan for implementation of the national ambient air quality standards. The Missouri plan contains specific air pollutant regulations, including Missouri Regulation S-X, "Restriction of Emission of Sulfur Compounds." Section E of this regulation specifies certain ambient air quality standards and provides that these standards will be applicable in lieu of specific sulfur oxide emission limitations of the regulation (Section D) where they are more stringent. In the preamble to the May 31, 1972 FEDERAL REGISTER (37 FR 10845), the Administrator indicated that he was neither approving nor disapproving such provisions for optional control but would deal with such exemptions as revisions to the State plan. Therefore, Section E is not presently part of the approved State implementation plan.

On November 19, 1973, the State of Missouri submitted, for EPA approval pursuant to 40 CFR 51.6, an extension to a variance from Missouri Regulation S-X, for the American Smelting and Refining Company's (ASARCO) primary

lead smelter at Glover, Missouri. Along with the variance extension, the State submitted ASARCO's plan for compliance with Section E of Missouri Regulation S-X which was incorporated by reference in the State's variance extension order. The initial variance was not submitted for approval as a plan revision. On January 7, 1974, the State of Missouri resubmitted the ASARCO variance extension after correcting a procedural deficiency.

This notice proposes to disapprove Section E of Regulation S-X because that regulation implements ambient air quality standards less stringent than the national ambient air quality standards (40 CFR Part 50) in contravention of 40 CFR 52.14. This notice further proposes to disapprove the State's variance since it was adopted expressly to implement Section E.

Disapproval of the variance is proposed for the additional reason that the requirements of 40 CFR 51.4 and 51.6(f) have not been satisfied since amendments to the plan for compliance with Section E were not available for public inspection for thirty days prior to the State's public hearing on the variance extension on October 24, 1973.

Since on November 27, 1973 (38 FR 32583), the Administrator proposed a new regulation (renumbered below as 40 CFR 52.1335) for approval and disapproval of specific compliance schedules which were submitted by the State of Missouri for consideration as proposed revisions to the Missouri implementation plan, the regulation which appears below is in the form of an amendment to that proposal.

An evaluation report on the proposed revision is available for public inspection at the Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108. Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Region VII office at the above address. All comments submitted no later than March 25, 1974 will be considered. Receipt of comments will be acknowledged. All comments received, as well as a copy of the Missouri State implementation plan will also be available for inspection during normal business hours at the Region VII office.

(42 U.S.C. 1857c-5)

Dated February 15, 1974.

JOHN QUARLES,  
Acting Administrator.

It is proposed to amend Part 52 of Chapter I of 40 CFR as follows:

#### Subpart AA—Missouri

§ 52.1335 [Redesignated and amended]

1. § 52.1335 (as proposed on November 27, 1973, 38 FR 32583, FR Doc. 73-24825) is redesignated as § 52.1335 and paragraph (b) is amended by adding the following to the table of compliance schedules:



Source	Location	Regulation involved	Date schedule adopted
American Smelting and Refining Co.	Glover	8-X	Oct. 24, 1972

2. A new § 52.1336 is added as follows:

§ 52.1336 Control Strategy: Sulfur oxides.

(a) Section E of Missouri Regulation S-X is disapproved since it does not assure that sulfur oxide emissions will not interfere with attainment or maintenance of the national ambient air quality standards.

[FR Doc. 74-4272 Filed 2-21-74; 8:45 am]

#### [40 CFR Part 171]

#### CERTIFICATION OF PESTICIDE APPLICATORS

Notice is hereby given that, pursuant to sections 4 and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (85 Stat. 973), the Administrator of the Environmental Protection Agency (EPA) proposes to issue a new 40 CFR Part 171 to read as set forth below. The proposed regulations would establish standards of competence for applicators using pesticides which EPA classifies for "restricted use" pursuant to section 3 of FIFRA.

One of the principal objectives of the FIFRA amendments enacted October 21, 1972, is to assure the proper use of pesticides. The Congress recognized that the current patterns of pesticide use present both benefits and risks to man's health and environment. The underlying theme of the Congressional deliberations was a search for a balance between those benefits and risks. The need for continued use of pesticides was obvious, but the need for more carefully controlled use was equally obvious. It was concluded that the 1947 FIFRA could not accomplish that control and that it therefore needed to be thoroughly overhauled.

A basic problem recognized by the Congress was that despite extensive labeling and use instructions, pesticides were being misused on a large scale. Some pesticides were being applied at many times the label concentrations to combat insect resistance. Applicators were being injured by acutely toxic pesticides because they did not use the prescribed safety measures or misunderstood their proper use. Spray tanks which had been filled with pesticides were washed and indiscriminately drained into streams or city sewers. The environment was being unknowingly and unnecessarily exposed to toxic and persistent chemicals. Label regulation simply was not providing the necessary control over some pesticides to prevent their improper use and the resultant environmental damage.

The only options EPA had under the 1947 FIFRA for controlling misuse of

pesticides, once they had been registered, were suspension or cancellation. A registered pesticide could be bought by almost anyone, and it was not illegal to use it contrary to the label instructions.

The legislation adopted in 1972 added three key regulatory mechanisms to effectuate the needed additional regulation of pesticides:

1. **Classification.** Pesticides which, without regulatory restrictions extending beyond the instructions and warnings appearing on the label, may generally cause unreasonable adverse effects on the environment, including injury to the applicator, are to be classified for "restricted use."

NOTE: Throughout this notice of proposed rule making there are references to classification of pesticides for restricted use. It should be emphasized however that under FIFRA, as amended, EPA can and will give consideration as appropriate to distinguishing among the various uses of a pesticide product in determining proper classification. Thus, certain uses of a pesticide product may be restricted while others are general.

2. **Certification.** Pesticide applicators must be determined to be competent with respect to the use and handling of pesticides. Certain "restricted use" pesticides will be available only to certified applicators.

3. **Enforcement.** It is illegal to use a registered pesticide "in a manner inconsistent with its labeling."

The applicator certification program is an attempt to ensure that applicators have sufficient knowledge to prevent acute injury to human health and environmental effects in or near areas being treated with pesticides. To be certified, an applicator will have to be aware, for example, of the potential toxicity of pesticides and know what steps can and should be taken to prevent himself and other individuals from being needlessly exposed; similarly, he must have sufficient knowledge to prevent the most obvious types of localized environmental damage, including acute injury to non-target species and runoff to streams and lakes. Toward these ends, the proposed standards of competence stress "practical knowledge," i.e., possession of pertinent facts and ability to use them in dealing with problems and situations likely to be encountered in an applicator's work.

#### STATUTORY AUTHORITY

By October 1976, all registered pesticides must be classified for either "general use" or "restricted use" under section 3(d)(1) of FIFRA, as amended. A "general use" pesticide is defined in the Act as one which "will not generally cause unreasonable adverse effects on the environment" when used in accordance with its labeling or widespread and commonly recognized practices; such pesticides normally will be available to the public.

A "restricted use" pesticide is defined as one which "may generally cause unreasonable adverse effects on the environment, including injury to the applicator" unless it is subject to additional

regulatory restrictions beyond labeling. Section 3(d)(1)(C) provides, first, that if a pesticide is classified for "restricted use" because of potential hazards to applicators or other individuals, it can be used only by or under the direct supervision of a certified applicator, and, second, that if a pesticide is classified for "restricted use" because of potential environmental hazards, it can be used only (i) by or under the direct supervision of a certified applicator or (ii) in accordance with other regulatory restrictions imposed by the Administrator.

Section 4 requires the Administrator to prescribe standards for the certification of applicators:

Such standards shall provide that to be certified, an individual must be determined to be competent with respect to the use and handling of the pesticide or class of pesticides covered by such individual's certification.

The term "private applicator" is defined in the Act as a certified applicator who uses or supervises the use of any "restricted use" pesticide for the purpose of producing any agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.

The term "commercial applicator" is defined in the Act as a certified applicator (whether or not he is a private applicator with respect to some pesticide uses) who uses or supervises the use of any "restricted use" pesticide for any purpose or on any property other than as provided by the definition of "private applicator."

Section 4, which provides for applicator certification, reflects the intent of the Congress that States assume the primary responsibility for this activity. States are expected to develop and administer applicator certification programs based on standards of competence which meet or exceed those prescribed by the Administrator. State certification plans must be reviewed and approved by the Administrator and, for this purpose, must be submitted to him by October 21, 1975. EPA strongly believes that applicator certification can most effectively be handled at the State level, where proper consideration can be given to the particular characteristics of agricultural and other uses of pesticides within each State and to existing mechanisms for licensing applicators.

After October 21, 1976, neither commercial nor private applicators may use those pesticides which are restricted for use only by certified applicators unless they are certified for this purpose under a State program approved by the Administrator. EPA has no plans to set up a Federal certification program for commercial or private applicators; indeed, section 4 does not explicitly prescribe a mechanism for setting up such a program. States therefore are cautioned not to expect that a Federal program will be in operation as a substitute for State programs. This means that the availability of certain "restricted use" pesticides after October

21, 1976, will be wholly dependent upon the States' initiative in submitting and implementing certification plans approvable by the Administrator.

While ultimate responsibility for establishing State certification programs and certifying applicators thus rests with the States, EPA will provide certain types of assistance to the States to help them set up their certification programs. EPA will, to the extent possible, provide technical assistance and guidance but, except for very limited demonstration funds, no direct financial assistance. Financing to set up and operate State programs will therefore be a State responsibility. Toward that end, States are encouraged to explore the practice, already employed by some States, of charging fees, such as licensing fees, for examination and certification of applicators.

#### ENVIRONMENT CONSIDERATION

Environmental and human health problems associated with the use and misuse of pesticides can be divided into four categories—acute impact on human health, localized environmental effects, potential long-term health effects and widespread environmental effects, i.e., environmental effects extending beyond the immediate pesticide application site. Acute health effects and localized environmental effects are largely associated with the improper handling and use of pesticides by the individual applicator. Certification can be a basis for ensuring that pesticide users have sufficient practical knowledge to protect themselves and others from acute health effects and to prevent the most common types of localized environmental damage. The proposed standards require such knowledge for certification.

The other problems are associated with the extent of use by all applicators and the characteristics of pesticides, for example, mobility, persistence, and tendency to bioaccumulate in the food chain. There is obviously some overlap. For example, pesticide runoff into streams can create a localized water contamination problem and also contribute to wide-spread environmental contamination.

The exact impact of applicator certification on the problems of potential long-term health effects and widespread environmental effects is unknown. However, it is apparent that certification can have some impact. For example, application techniques and precautions which minimize acute health hazards reduce an applicator's immediate pesticide exposure and thus may also reduce some of the hazards associated with repeated applications and chronic exposure. Since the certification standards stress a practical knowledge of pesticide usage, a certified applicator should be cognizant of application techniques which can mitigate these environmental effects. The additive effect of good practices by more responsible applicators can be expected to lessen the possibility of protracted undesirable effects.

However, it is clear that the certification, alone, is not adequate to prevent

long-term human health and widespread environmental problems. Applicators generally have less reason to consider the widespread environmental effects of a particular application than to protect themselves and others from being poisoned. Even more important, an individual applicator normally is never in a position to control total usage of a given pesticide in a specific area during a growing season. To meet these problems Congress provided other regulatory mechanisms in the FIFRA as amended. They include the registration/classification provisions of section 3 and "such other restrictions as the Administrator may provide by regulation" under section 3(d)(1)(C)(ii). The first allows EPA to bar the use of a pesticide by denying registration. "Such other restrictions" may, for example, include regional or seasonal poundage limitations on the use of a pesticide.

The proposed standards are designed to ensure that applicators will have a "practical knowledge" of the basic elements of pesticide usage, as indicated below. Certification will require the applicator to be competent and aware of the need for proper use and the consequences of misuse. It is designed to ensure that the applicator knows the importance of correct placement of pesticides to avoid or minimize entry into the environment other than to target areas, knows how to prepare the proper and safest formulation for a given situation, and is aware of what constitutes poor handling, mixing, and storage practices—the leading causes of pesticide accidents. These standards will not require that the applicator fully comprehend the scientific basis for the labeling directions, but rather that he knows how to follow the directions, and has sufficient knowledge to augment them in each use situation to prevent adverse human and environmental effects and assure proper use of pesticides.

It is EPA's position that sophisticated academic training should not be necessary to equip an applicator to do such things as identify common types of pests, comprehend instructions and warnings on a pesticide label, make the calculations necessary to arrive at a proper dilution of the product, calibrate application equipment, identify and avoid situations that obviously will result in injury to non-target species, make proper use of protective clothing, and keep pesticide containers out of children's reach.

In developing the proposed standards, EPA considered the following alternatives in defining the nature and scope of problems applicator certification should meet:

A. Applicator certification should be designed to ensure competence with respect to prevention not only of acute health effects and localized environmental damage, but also long-term health hazards and widespread environmental problems.

B. Applicator certification should be mainly designed to ensure competence with respect to prevention of acute

human health effects and localized environmental problems.

EPA also considered the following alternatives in defining the level of knowledge that an applicator should be expected to have:

A. **Academic level.** Full comprehension of the principles and practices of pest control, plus practical knowledge of pesticide application techniques and problems.

B. **Operational level.** Practical knowledge of pest problems, environmental and health concerns, and application techniques and precautions.

Based on the considerations outlined above, the B alternative was adopted in each case. The proposed standards are written in such a way as to require certified applicators to have practical knowledge relevant to prevention of acute health effects and localized environmental contamination. This approach is the one most directly related to the ways in which applicator certification can mitigate the problems arising from improper use of pesticides. At the same time, it ensures that pesticide application will be increasingly in the hands of well trained, more responsible people. Alternative A would require a more comprehensive and sophisticated certification program without necessarily having any greater impact on the environmental hazards.

#### FEDERAL AGENCY EMPLOYEE CERTIFICATION

Consideration has been given to the problem of certification of applicators employed by Federal agencies. Federal pest control programs and joint Federal-State activities often require that personnel pursue their work over wide areas encompassing a number of States, and frequently personnel are moved at short notice to distant localities for special control programs. It appears that it would be impractical for such people to be tested in each state.

Arrangements have therefore been developed with the Federal Working Group on Pest Management to deal with the problem of certifying Federal applicators. The Federal Working Group's panel on Categorization and Training Objectives is developing a plan for establishing competency standards for Federal applicators which will conform to those developed by EPA. Under this system, the Working Group will be responsible for submitting a certification plan for such Federal employees to the Administrator for approval.

Each State will be asked to indicate in its State plan its willingness to accept this program as a substitute for actual examination of Federal applicators by the State.

#### SUMMARY OF PROPOSED REGULATIONS

Section 171.2 defines terms used in the proposed standards; in some instances, terms defined in FIFRA are not repeated herein.

Section 171.3(b) establishes a system of categorization based on occupation. Ten categories were chosen as encompassing the spectrum of commercial



users. As acknowledgement and recognition that there must be different types and levels of competency, the last three of these categories involving demonstration application, regulatory activities, and public health programs have been structured to require especially high levels of proficiency and understanding. To accommodate their own particular situations, States may establish subcategories or request the Administrator's approval to establish additional major categories.

Section 171.4(a) requires that commercial applicators' competence be determined through written examinations and, as appropriate, demonstration testing.

Section 171.4(b) sets forth general standards to be met by all commercial applicators. State standards must be equivalent to or may exceed EPA standards. These general standards would require commercial applicators to have practical knowledge in the following areas:

**Problem Identification.** This element of usage is critical because it is the first step in the application process. The applicator must be able to recognize the pest control problem before he selects among available pesticides. The certified commercial applicator must be familiar with the pest control problems included in his occupational category. These problems vary from State-to-State and the certification standards of each State will require a knowledge of its relevant pest control problems.

**Interpretation of labeling instructions.** After identifying the pest control problem an applicator must select a particular method of control from the available alternatives. Both this step and the subsequent correct use of the pesticide rely heavily on the applicator's ability to interpret label instructions and warnings. Pesticide labels have become lengthy and highly technical. They are valuable only to the extent that the applicator is able to translate their contents into proper use practices. This entails a degree of applicator knowledge that goes beyond simply understanding labeling contents. For example, if the label prohibits use in an aquatic environment, the applicator must determine if proximity to lakes, streams, and drainage makes the pesticide choice inappropriate. Similarly, labels often indicate ranges of application rates which depend upon climatic and soil conditions and the applicator must have the knowledge necessary to distinguish among these varying conditions. Other use factors which are frequently specified on labels and which require additional applicator knowledge for proper use include pre-harvest intervals, types of formulations and applications, and the influence of weather conditions as they relate to the potential for drift and leaching. In addition to these factors, the applicator must understand and heed warnings and instructions which relate directly to his personal safety. These include, for highly toxic pesticides, the proper use of protective clothing and respirators and correct ap-

plicator techniques to control dermal and inhalation exposure. In all cases, the applicator must be familiar with appropriate disposal procedures.

**Application techniques.** Even the ability to identify the pest problem and to interpret labeling instructions does not guarantee proper pesticide use. The applicator must be knowledgeable about application equipment and understand field techniques. This involves: methods of calibration and proper maintenance and cleaning of equipment, mixing and application techniques to ensure a uniformity of the formulated material during the entire application, and proper application to the target area where this is a critical factor.

**Safety.** A final practical element that certified applicators must understand is safety principles. Acute human health hazards in the form of injury or death represent a highly visible, easily understood danger. Field application techniques are directly related to the dermal, respiratory, and overall exposure that an applicator experiences. For example, exposure may be greater when using an air blast machine than a boom sprayer. Each applicator must know the use of protective clothing and equipment, common intoxication symptoms, and first-aid procedures. The certified applicator is required by these standards to have the operational competency necessary to minimize pesticide poisonings.

To illustrate the scope and level of practical knowledge that certified applicators will be expected to have, the Appendix to these proposed regulations provides examples of the kinds of problems and situations that such applicators should be able to handle. Examples are given for four of the ten applicator categories: regulatory pest control; agricultural pest control; industrial, institutional, structural, and health-related pest control; and ornamental and turf pest control. It is emphasized that these examples are not intended to be exhaustive or comprehensive; they are provided solely as a means of furnishing additional insight into the purpose and meaning of the proposed standards.

Section 171.4(c) sets forth specific standards for each commercial applicator category. They identify areas of practical knowledge that are of particular importance in each category.

Section 171.4(d) provides for the adoption of special standards where necessary to cover the highly unusual situation or highly hazardous product requiring that the applicator be clearly identified as an individual with specific product oriented training beyond that required in his occupational category.

In addition, it should be noted that all "restricted use" pesticides will not necessarily be available to all certified applicators. Some pesticides will be limited to commercial applicators and others may be further limited to certain categories of commercial applicators. There is precedent for restricting certain highly toxic products (or these requiring special equipment or handling) to specific

commercial applicators with particular specialized competence not usually possessed by other specific commercial applicators or private applicators. After certification goes into effect, it can be assumed that some products, uses, and formulations will be available only to commercial applicators. However, this should have very little impact on the private applicator. A broad range of products will be available to the private applicator for combating agricultural pest problems, and in addition, he may qualify to use any pesticide registered only for use by commercial applicators by acquiring certification as a commercial agricultural pest control applicator or other appropriate category.

Section 171.5 sets forth standards for private applicators and requires that their competence be determined by written or oral examinations or an equivalent system approved by the Administrator. Private applicators will have to demonstrate their ability to read and understand labels. The private applicator category is limited to farmers, who generally are confronted with a rather narrow range of recurrent pest problems with which they are already familiar or can become familiar by consulting agricultural extension specialists and other experts. Accordingly, the private applicator standards are not as comprehensive as the commercial applicator standards. They are intended to reflect the private applicator's need for practical knowledge of the pest problems associated with his particular farming operations.

Section 171.6 sets forth standards of supervisory competence, which are applicable to both commercial and private applicators whose activities will include supervision of non-certified applicators. These standards would require practical knowledge of State requirements regarding direct supervision of non-certified applicators.

#### ADDITIONAL REGULATIONS

In the near future, EPA will publish additional proposed regulations under section 4. These additional regulations will identify the requisites of an acceptable State certification plan. Consideration is being given to including provisions spelling out what will have to be included in a State plan with respect to matters such as types of examinations or other methods to be used to determine applicators' competence, issuance of credentials to certified applicators, procedures for suspension or revocation of certification, requirements regarding direct supervision of non-certified applicators, training and enforcement activities, and information on resources to be used to administer the State plan. EPA will welcome comments and suggestions regarding these or other aspects of State plan requirements.

#### PUBLIC COMMENT

Any person may file comments on this proposal on or before March 25, 1974. Such comments should be filed in duplicate and addressed to Mrs. Betty J. Bill-

ings, Hearing Clerk, Environmental Protection Agency, Room E-1019, Waterside Mall, Washington, D.C. 20460. All written comments filed pursuant to this notice will be available for public inspection at the Office of the Hearing Clerk during regular business hours, 8 a.m. to 4:30 p.m. daily.

Dated: February 15, 1974.

JOHN QUARLES,  
Acting Administrator.

#### APPENDIX

The following examples are presented solely to illustrate the scope and level of knowledge that certified applicators will be expected to have:

(1) **Regulatory pest control, § 171.4(c)(2).** Introductions of serious pests are a continuing threat which often require prompt and massive action to achieve eradication or containment. State and Federal specialists are primarily responsible for pesticide applicators necessary in such programs. For example, if a new species of grain-infesting Coleoptera (beetle) were introduced into the Great Lakes area, an attempt might be made to eradicate it immediately by using pesticides. Watershed conditions and the proximity of Lake Michigan would be of constant concern to the applicator because of the vulnerability of watersheds to contamination. The effect of each chemical on flight behavior of the beetle would determine how extensively the applicator would apply the material, and an awareness of weather conditions that would influence his judgment as to specific placement. He would need to know something about the potential for this beetle to disperse from the focal point of infestation as an indication of the immediate parameters of application.

(2) **Agricultural pest control, § 171.4(c)(4)(i).** Applicators certified in this category must first demonstrate a knowledge of crops and agricultural pest control problems of his State. For example, in Indiana there are 4 major crops that are beset by more than 40 different pest control problems. The applicator must have a general knowledge of the problems in his State so that he knows what pesticides are available and what use problems should be considered. The applicator should understand, for example, that reentry intervals may be listed on the label; he should know that varying soil conditions may require different rates of application and that the label will generally inform him of the correct rates and concentrations for such conditions. Knowledge of non-target injury would alert the applicator that certain pesticides although equally as effective as others pose a danger to non-target organisms. For example, pesticides X and Y both are effective against an alfalfa pest. However, X will kill bees while Y will not. If bees are not in the area, either pesticide is appropriate, but if bees are observed to be present, the applicator must know to check the label and other instructions to determine if there is a non-target organism problem.

(3) **Industrial, institutional, structural and health related pest control, § 171.4(c)(10).** One of the frequent situations that is dealt with by certified applicators in this category is controlling pests in restaurants. Pest infestations in restaurants may include such entirely different pests as German cockroaches, flour beetles, house flies, mice, and rats. A certified applicator applying or supervising the use of pesticides in such situations must be aware that the approach to the control of each of these is based on habits and development. A different pesticide may be required for each pest and the certified ap-

plicator must be familiar with the potential for food contamination, inhalation problems, and hazard to customers and domestic animals in the area. Not only must choices be made as to chemicals, but in the case of cockroaches, on-the-job decisions must sometimes be made as to the concentration of a pesticide depending on the population levels with which he must contend. Should it be necessary to treat outside the building, additional judgment factors must be considered.

(4) **Ornamental and turf pest control, § 171.4(c)(6).** Persons engaged in applying restricted pesticides for the maintenance and production of ornamental plants face complicated problems. Exact diagnosis of the causative agent is essential, but this can be very confusing because insects, diseases, air pollution, as well as other environmental factors often produce similar symptoms. An incorrect diagnosis might result in the application of the wrong pesticide and thus needlessly contaminate the environment. Each home site to be treated may present a unique problem because of the variety of ornamental plants used in the landscape. It is necessary for the applicator to recognize the plant species and variety since some may be subject to injury by the chemical being used. For example, carbaryl may injure Boston Ivy and dimethoate may defoliate thornless honey locust trees. It might be necessary to cover injury-susceptible plants during spraying operations or to use alternative materials to prevent drift and phytotoxicity problems. The presence of pets (for example, dogs, cats, gold fish) in the yard requires that the applicator select a low toxicity material and/or inform the owner to keep pets out of the treated area. In the case of fish ponds, the applicator must be prepared to cover the pond and to avoid treating any areas that might drain into the pool. The applicator must take cognizance of fruits and vegetables that the homeowner may have growing in his yard.

The certified applicator controlling pests on ornamental plants must know the life cycles of the pests involved. Scale insects for example, are susceptible to control only in the crawler stage. The applicator must know the dates these insects hatch and check the host plants to be certain of each insect's stage of development, otherwise he will not achieve the desired control and would be applying the pesticide ineffectively.

A new Part 171 is proposed to read as follows:

#### PART 171—CERTIFICATION OF PESTICIDE APPLICATORS

Sec.  
171.1 General.  
171.2 Definitions.  
171.3 Categorization of commercial applicators of pesticides.  
171.4 Standards for certification of commercial applicators.  
171.5 Private applicators.  
171.6 Standards for supervision of non-certified applicators by certified private and commercial applicators.

##### § 171.1 General.

This section deals with the certification of applicators of restricted use pesticides.

##### § 171.2 Definitions.

Terms used in this subpart shall have the meanings set forth for such terms in the Act. In addition, as used in this subpart, the following terms shall have the meanings stated below:

(a) The term "accident" means an undesirable and unintended event caused by the use of a pesticide that adversely affects man or the environment.

(b) The term "Act" means the Federal Insecticide, Fungicide and Rodenticide Act, as amended (86 Stat. 973), and other legislation supplementary thereto and amendatory thereof.

(c) The term "Administrator" means the Administrator of the Environmental Protection Agency, or any officer or employee of the Agency to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) The term "Agency," unless otherwise specified, means the United States Environmental Protection Agency.

(e) The term "agricultural commodity" means any plant, or part thereof, and animal produced by a farmer, primarily for sale, consumption, propagation, or other use by man or animals.

(f) The term "calibration of equipment" means adjustment of application equipment in order to control the rate of dispersal and droplet or particle size of a pesticide dispersed by the equipment.

(g) The term "certification" means the recognition by a certifying agency that a person is competent and thus authorized to use or supervise the use of restricted use pesticides.

(h) The term "certified applicator" means any individual who is certified to use or supervise the use of any restricted use pesticide covered by his certification.

(i) The term "commercial applicator" means a certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by the definition of "private applicator."

(j) The term "compatibility" means that property of a pesticide that permits its use with other chemicals without undesirable results being caused by the combination.

(k) The term "competent" means proficiency in the performance of functions associated with pesticide application, the degree of proficiency required being directly related to the nature of the activity and the associated responsibility.

(l) The term "common exposure route" means a likely way (oral, dermal, respiratory) by which a pesticide may enter an organism.

(m) The term "environment" means water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these.

(n) The term "farmer" means a person (farmer, rancher, plant propagator, Christmas tree grower, aquaculturist, floriculturist, orchardist, forester, or other) producing agricultural commodities having a gross value of at least \$1,000 a year or which would normally be expected to be of that value or more at time of sale or use.



(o) The term "forest" means a concentration of trees and related vegetation in non-urban areas sparsely inhabited by and infrequently used by humans; characterized by natural terrain and drainage patterns.

(p) The term "hazard" means a probability that a given pesticide will have an adverse effect on man or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.

(q) The term "host" means any plant or animal on or in which another lives for nourishment, development, or protection.

(r) The term "non-target organism" means a plant or animal other than the one against which the pesticide is applied.

(s) The term "ornamental" means trees, shrubs and other plantings in and around habitations generally, but not necessarily, located in urban and suburban areas, including residences, parks, streets, retail outlets, industrial and institutional buildings.

(t) The term "practical knowledge" means the possession of pertinent facts and comprehension together with the ability to use them in dealing with specific problems and situations.

(u) The term "private applicator" means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person. (See "Farmer", § 171.2(n).)

(v) The term "protective equipment" means clothing or any other materials or devices that shield against unintended exposure to pesticides.

(w) The term "regulated pest" means a specific organism considered by a State or Federal agency to be a pest requiring regulatory restrictions, regulations, or control procedures in order to protect the host, man and/or his environment.

(x) The term "restricted use pesticide" means a pesticide that is classified for restricted use under the provisions of Section 3(d)(1)(C) of the Act.

(y) The term "standard" means the measure of knowledge and ability which must be demonstrated as a requirement for certification.

(z) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(aa) The term "susceptibility" means the degree to which an organism is affected by a pesticide at a particular level of exposure.

(bb) The term "toxicity" means the inherent capacity of a pesticide to cause physiological damage or change at a designated dose or rate of exposure.

(cc) The term "under the direct

supervision of" means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

#### § 171.3 Categorization of commercial applicators of pesticides.

(a) *Procedure.* Categories of applicators (other than Private) using or supervising the use of restricted use pesticides are identified below. State systems of applicator identification shall adopt these categories with such appropriate subcategories as are necessary to meet the particular needs of the State.

(b) *Categories.*—(1) *Agricultural pest control.* (i) *Plant.* This category includes commercial applicators using or supervising the use of restricted use pesticides in production of agricultural crops, including without limiting the foregoing, tobacco, peanuts, cotton, feed grains, soybeans and forage; vegetables; small fruits; tree fruits and nuts, as well as on grasslands and non-crop agricultural lands.

(ii) *Animal.* This category includes commercial applicators using or supervising the use of restricted use pesticides on animals, including, without limiting the foregoing, beef cattle, dairy cattle, swine, sheep, horses, goats, poultry and livestock, and to places on or in which animals are confined.

(2) *Forest pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides in forests, forest nurseries, and forest seed producing areas.

(3) *Ornamental and turf pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers and turf.

(4) *Seed treatment.* This category includes commercial applicators using or supervising the use of restricted use pesticides on seeds.

(5) *Aquatic pest control.* This category includes commercial applicators using or supervising the use of any restricted use pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in Category 8 below.

(6) *Right-of-way pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides in the maintenance of public roads, electric power lines, pipelines, railway rights-of-way or other similar areas.

(7) *Industrial, institutional, structural and health related pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides in, on, or around food handling establishments, human dwellings, institutions such as schools and hospitals, industrial establishments including

warehouses and grain elevators and any other structures and adjacent areas, public or private; and for the protection of stored, processed, or manufactured products.

(8) *Public health pest control.* This category includes State, Federal or other governmental employees using or supervising the use of restricted use pesticides in public health programs for the management and control of pests having medical and public health importance.

(9) *Regulatory pest control.* This category includes State, Federal or other governmental employees who use or supervise the use of restricted use pesticides in the control of regulated pests.

(10) *Demonstration pest control.* This category includes individuals who demonstrate to the public the proper use and techniques of application of pesticides (excluding those compounds and formulations covered by experimental permit) and, in doing so, use or supervise the use of restricted use pesticides. Included are such persons as extension specialists, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs.

(c) *Other categories and subcategories.*—Any State submitting a plan pursuant to section 4 for the certification of applicators, as provided for below, may designate such subcategories within the above 10 categories as it deems necessary. In addition, a State may request the Administrator's approval of additional major categories or may delete a category if not needed in that State.

#### § 171.4 Standards for certification of commercial applicators.

(a) *Determination of competency.* Competence in the use and handling of pesticides shall be determined on the basis of written examinations and as appropriate, demonstration testing, based upon standards which meet or exceed those set forth below and which are approved by the Administrator. Such examination and testing shall include the general standards applicable to all categories (§ 171.4(b)); the additional standards specifically identified for each category or subcategory (if any) in which an applicator is to be classified (§ 171.4(c)); and, as appropriate, any special standards established pursuant to § 171.4(d). In developing the details of standards at the State level and in structuring examinations, it is important to recognize and reflect the extent of proficiency appropriate and necessary to a particular category.

(b) *General standards for all categories of certified commercial applicators.* (1) All commercial applicators shall demonstrate practical knowledge of the principles and practices of pest control and safe use of pesticides. Testing shall be based on examples of problems and situations appropriate to the particular category or subcategory of the applicators' certification and include where relevant the following areas of competency:

(i) *Label and labeling comprehension.* (a) The general format and terminology of pesticide labels and labeling;

(b) The understanding of instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels;

(c) Classification of the product, general or restricted; and

(d) Necessity for use consistent with the label.

(ii) *Safety.* Factors including:

(a) Pesticide toxicity and hazard to man and common exposure routes;

(b) Common types and causes of pesticide accidents;

(c) Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;

(d) Need for and use of protective clothing and equipment;

(e) Symptoms of pesticide poisoning;

(f) First aid and other procedures to be followed in case of a pesticide accident; and

(g) Proper identification, storage, transport, handling, mixing and disposal methods for pesticides, including precautions to be taken to prevent children from having access to pesticides and pesticide containers.

(iii) *Environment.* The potential environmental consequences of the use and misuse of pesticides as may be influenced by such factors as:

(a) Weather and other climatic conditions;

(b) Types of terrain, soil or other substrate;

(c) Presence of non-target organisms; and

(d) Drainage patterns.

(iv) *Pests.* Factors such as:

(a) Common features of pest organisms and characteristics of damage needed for pest recognition;

(b) Recognition of relevant pests; and

(c) Pest development and biology as it may be relevant to problem identification and control.

(v) *Pesticides.* Factors such as:

(a) Types of pesticides;

(b) Types of formulations;

(c) Compatibility, synergism, persistence and toxicity of the formulations;

(d) Hazards and residues associated with use;

(e) Factors which influence effectiveness or lead to such problems as resistance to pesticides; and

(f) Dilution procedures.

(vi) *Equipment.* Factors including:

(a) Types of equipment and advantages and limitations of each type; and

(b) Uses, maintenance and calibration.

(vii) *Application techniques.* Factors including:

(a) Methods of procedure used to apply various formulations of pesticides, such as dusts, wettable powders, emulsions, solutions, and gases, together with a knowledge of which technique of application to use in a given situation;

(b) Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and

(c) Prevention of drift and pesticide loss into the environment.

(viii) *Laws and Regulations.* Applicable State and Federal laws and regulations.

(c) *Specific standards of competency for each category of commercial applicators.* Certain of the above factors (§ 171.4(b)) are of particular importance because of the different types of activities carried out by applicators in each category. Such factors must be especially stressed and specifically reflected in State certification standards, as appropriate. For example, practical knowledge of drift problems should be required of agricultural applicators but not of seed treatment applicators. The latter, however, should be particularly knowledgeable of the hazards of the misuse of treated seed and the necessary precautionary techniques. Accordingly, commercial applicators in each category shall be particularly qualified with respect to the practical knowledge standards elaborated below:

(1) *Agricultural pest control.*—(i) *Plant.* Applicators must demonstrate practical knowledge of the crops grown and the specific pests of those crops on which they may be using restricted use pesticides. The importance of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning soil and water problems, pre-harvest intervals, reentry intervals, phytotoxicity, and potential for environmental contamination, non-target injury and community problems resulting from the use of restricted use pesticides in agricultural areas.

(ii) *Animal.* Applicators applying pesticides directly to animals must demonstrate practical knowledge of such animals and their associated pests. A practical knowledge is also required concerning specific pesticide toxicity since host animals will frequently be used for food. Further, the applicator must know the relative hazards associated with such factors as formulation, application techniques, age of animals, stress and extent of treatment.

(2) *Forest pest control.* Applicators shall demonstrate practical knowledge of the types of forests, forest nurseries, and seed production in their State and the pests involved. They should possess practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programing pesticide applications. A practical knowledge is required of the relative biotic agents and their vulnerability to the pesticides to be applied. Because forest stands may be large and frequently include natural aquatic habitats and harbor wildlife, the consequences of pesticide use may be difficult to assess. The applicator must therefore demonstrate practical knowledge of control methods which will minimize the possibility of secondary problems such as unintended effects on wildlife. Proper use of

specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.

(3) *Ornamental and turf pest control.* Applicators shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings, and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this category must demonstrate practical knowledge of hazards to humans, pets, and other domestic animals.

(4) *Seed treatment.* Applicators shall demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers, and surface active agents which influence pesticide binding and may affect germination. They must demonstrate practical knowledge of hazards associated with handling, sorting and mixing, and misuse of treated seed such as introduction of treated seed into food and feed channels, as well as proper disposal of unused treated seeds.

(5) *Aquatic pest control.* Applicators shall demonstrate practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations, and faulty application of restricted use pesticides used in this category. They shall demonstrate practical knowledge of various water use situations and the potential of downstream effects. Further, they must have practical knowledge concerning the causes of oxygen depletion and concerning potential pesticide effects on fish, birds, beneficial insects, and desirable plants and other organisms which may be present in aquatic environments. These applicators shall demonstrate practical knowledge of the principles of limited area application.

(6) *Right-of-way pest control.* Applicators shall demonstrate practical knowledge of a wide variety of environments since rights-of-way can traverse many different terrains, including waterways. They shall demonstrate practical knowledge of problems of runoff, drift, and excessive foliage destruction and ability to recognize target organisms. They shall also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the impact of their application activities on the adjacent areas and communities.

(7) *Industrial, institutional, structural and health related pest control.* Applicators must demonstrate a practical knowledge of a wide variety of pests including their life cycles, as well as types of formulations appropriate for their control and methods of application that avoid contamination of food, damage and contamination of habitation,



and exposure of people and pets. Since human exposure, including babies, children and elderly people, is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this category. Because health related pest control may involve outdoor applications, applicators must also demonstrate practical knowledge of environmental conditions particularly related to this activity. Paragraphs (c) (8), (9), and (10) of this section will include many persons possessing college degrees although the latter is not a requirement of these regulations. Related professional standards recognized by appropriate scientific societies will be useful in identifying specific items for certification.

(8) **Public health pest control.** Applicators shall demonstrate practical knowledge of vector-disease transmission as it relates to and influences application programs. A wide variety of pests are involved, and it is essential that they be known and recognized, and appropriate life cycles and habitats be understood as a basis for control strategy. These applicators shall have practical knowledge of a great variety of environments ranging from streams to those conditions found in buildings. They should also have practical knowledge of the importance and employment of such non-chemical control methods as sanitation, waste disposal, and drainage.

(9) **Regulatory pest control.** Applicators shall demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulation of pests, and the potential impact on the environment of restricted use pesticides used in suppression and eradication programs. They shall demonstrate knowledge of factors influencing introduction, spread, and population dynamics of relevant pests. Their knowledge shall extend beyond that required by their immediate duties since their services are frequently required in other areas of the country where emergency measures are invoked to control regulated pests and where individual judgments must be made in new situations.

(10) **Demonstration pest control.** Since persons in this category are involved in demonstrating the safe and effective use of pesticides to other applicators and the public, they will be expected to meet inclusive standards as evidenced by satisfying especially rigorous examinations. Many different pest problem situations will be encountered in the course of activities associated with demonstration, and practical knowledge of problems, pests, and population levels occurring in each demonstration situation is required. Further, they should demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods. In general, it would be expected that applicators in this category would possess a practical knowledge of all of the standards detailed in § 171.4(b). In

addition, they shall meet the specific standards required for paragraphs (c) (1) through (7) of this section as may be applicable to their particular activity.

(d) **Special standards.** When the Administrator determines that additional special identification and competency are necessary for an applicator using a particular pesticide, States shall insure that such applicators are properly identified within their appropriate category and are competent to use the particular pesticide as prescribed.

(e) State standards for the certification of commercial applicators may exceed the standards set forth above.

#### § 171.5 Private applicators.

(a) Competence in the use and handling of pesticides by a private applicator will be determined by procedures set forth below. As a minimum requirement for certification, a private applicator must show that he possesses a practical knowledge of the pest problems associated with his farming operation and the proper storage, use, handling and disposal of the pesticides he will use for pest control. This practical knowledge includes ability to:

(1) Recognize common pests and damage caused by them.

(2) Read and understand label and labeling information the common name of the pesticide; the crop, animal, or site to which it will be applied; pest(s) to be controlled; when and how to apply; safety precautions; and any harvest or reentry restriction(s).

(3) Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation.

(4) Recognize environmental situations that must be considered during application to avoid contamination.

(5) Recognize poisoning symptoms and procedures to follow in case of a pesticide accident.

(b) Such competence of each private applicator shall be verified by the responsible State agency through the administration of a private applicator certification system which insures that the private applicator is competent, based upon the standards set forth above, to use the restricted use pesticides under limitations of applicable State and Federal laws and regulations. A certification system shall employ a written or oral testing procedure, or such other equivalent system as may be approved as part of a State plan.

§ 171.6 Standards for supervision of non-certified applicators by certified private and commercial applicators.

Certified applicators whose activities indicate a supervisory role must demonstrate a practical knowledge of Federal and State supervisory requirements regarding the application of restricted use pesticides by non-certified applicators.

These would include the responsibility for providing (a) detailed guidance for applying the pesticide properly, and (b) provisions for contacting the certified applicator in the event he is needed.

[FR Doc.74-4266 Filed 2-21-74; 8:45 am]

#### [ 40 CFR Part 180 ]

#### BHC AND LINDANE

#### Proposed Tolerances

Dr. C. C. Compton, Coordinator, Inter-regional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Arkansas, Louisiana, and Mississippi; the Texas Pecan Growers Association; Agricultural Research Service, the U.S. Department of Agriculture; and the Mississippi Department of Agriculture submitted two petitions PPs 4E1442 and 4E1443 proposing establishment of tolerances for negligible residues of the insecticides BHC (benzene hexachloride) and lindane (gamma isomer of benzene hexachloride) in or on the raw agricultural commodity pecans at 0.01 part per million.

Based on consideration given data submitted in the petitions and other relevant material, it is concluded that:

1. The insecticides are useful for the purpose for which the tolerances are proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and § 180.8(a) (3) applies.

3. The proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), it is proposed that Part 180 be amended as follows:

1. In § 180.133, by adding the following new paragraph to the end of the section:

§ 180.133 Lindane; tolerances for residues.

0.01 part per million (negligible residue) in or on pecans.

2. By revising § 180.140 to read as follows:

§ 180.140 BHC; tolerances for residues.

Tolerances are established for residues of the insecticide BHC (benzene hexachloride) in or on raw agricultural commodities as follows:

1 part per million in or on apples, apricots, asparagus, avocados, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, collards, cucumbers, eggplants, grapes, kale, kohlrabi, lettuce, melons, mustard greens, nectarines, okra, onions (dry bulb only), peaches, pears, peppers, plums (fresh prunes), pumpkins, spinach, squash (summer and winter), strawberries, Swiss chard, and tomatoes.

0.01 part per million (negligible residue) in or on pecans.

#### DETAILS OF CSA'S PROPOSAL

10. CSA intends to contact credit card companies, banks, retail stores or other credit institutions at local, regional or national levels to provide credit card verification service at retail outlets across the country. CSA's clients will provide daily data to CSA's central computing facilities. This data will be processed, formatted and analyzed, and then transmitted over carrier provided wirelines to local distribution sites in major metropolitan areas. There the data will be stored on a communications computer. Local distribution will be provided on facilities leased from carriers in the Domestic Public Land Mobile Radio Service. Receiver/terminals will be placed at retail locations. Each of these receiver/terminals will have a preprogrammed memory, updated by a daily transmission on the sub-audible portion of a mobile telephone base station transmitter, probably during late night or early morning hours, when paging activity is low. By use of key sets, wired to the receiver/terminal, and placed in various locations around the store, retail clerks will be able to determine the status of a credit card.

11. CSA decided on use of Domestic Public Land Mobile Radio Service facilities, rather than other systems, after an analysis of relative merits, which is set out in detail on pages 13 through 19 of the proposal. Basically, as we understand it, CSA found that Domestic Public Land Mobile Radio Service facilities are in existence and can be used quite economically. Wireline telephone service, CSA thinks, would be too costly, since each receiver/terminal would have to be reached independently through a separate communications circuit, whereas radio transmissions can reach multiple receiver/terminals simultaneously. Omnidirectional microwave was also considered, but rejected because such systems are not yet located in enough markets and are not likely to be established for some time. Also, CSA believes that multiple distribution systems would be too expensive due to a need for receiving antennas requiring roof mounting and a cost of \$2.50 per ft. for antenna lead to the receiver/terminal. Further, CSA thinks that, even if several retail establishments could share a common antenna, it would still require an expensive internal wiring system to reach the areas where the CSA receiver/terminal would be located. Finally, CSA believes that its proposal requires that there be no wire distribution system from an external antenna to the CSA receiver/terminal because the receiver/terminals should be movable within the retail store and installation of a wiring system would be costly and inconvenient to the retailer.

12. CSA plans to utilize the sub-audible portion of Domestic Public Land Mobile Radio Service channels. These sub-audible techniques are now often used by Radio Common Carriers for one-way paging. Tests were conducted under developmental authorization EG1772 (Station KUA305, licensed to United Tele-

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before March 25, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, on or before March 25, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: February 12, 1974.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc.74-4268 Filed 2-21-74; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

#### [ 47 CFR Part 21 ]

[Docket No. 19939; RM-2222; FCC 74-149]

#### DOMESTIC PUBLIC LANDS MOBILE RADIO SERVICE

#### Signaling Communications

In re the amendment of Part 21 of rules and regulations, applicable to Domestic public land mobile radio service to allow "signaling communications" by sub-audible means of information intended for reception at multipoint mobile and/or fixed points.

1. The Commission has under consideration a petition for rulemaking in the above-entitled matter, which was submitted on July 3, 1973, by CSA Applications, Inc. (CSA). Also before us are comments filed by Airsignal International, Inc., the National Association of Radiotelephone Systems, Varian Microlinks Division, and a joint comment filed on behalf of seven radio common carriers located in several locations across the country.

#### CSA'S SUMMARY OF ITS PROPOSAL

2. Using facilities leased from mobile common carriers, CSA, which is a communications system corporation, seeks to offer one-way delivery of a "package" of digital information to a large number of mobile and/or fixed points. The digital information "package" is intended to be received at many hundreds of retail locations in a given metropolitan area by an "extremely low-cost" combination of a receiver and miniature computer designed and developed by CSA. This miniature computer can carry out simple "inquiry and response" functions necessary in ordinary retail transactions such as credit card verification. The system operates in the following manner:

3. CSA's receiver-terminals have the

capability of storing vast quantities of data in an "extremely inexpensive" miniature computer/memory. A daily update of new information from a large main-frame computer memory is "broadcast" over the sub-audible portion of the mobile telephone band within a short period of time to thousands of retail sites and then "recorded" in the receiver/terminal memory for later use in a business transaction. When actually used at the retail location, the receiver/terminal can verify information related to the transaction. There is no need for any real-time, interactive access to remote computer facilities by means of two-way communications circuits; a receiver/terminal at the retail location and a one-way sub-audible circuit is sufficient to provide a retail clerk with access to all the information needed to validate a credit sale.

4. Once the necessary FCC authorization sought in this rulemaking is obtained, CSA expects mobile telephone carriers will file tariffs, for a sub-audible digital service to a multitude of fixed or mobile points.

5. The delivery of CSA's updating data need not take place in "real time" to the receiver/terminal because of the device's storage and computing capabilities. CSA could satisfactorily update its receiver/terminal on an interruptible basis during late night and early morning when the paging service activity is very low.

6. CSA's service can be used without interference to existing mobile telephone or paging services. By use of sub-audible transmission techniques, CSA's proposed service can be operated simultaneously with existing mobile telephone service. In addition, the sub-audible portion of the spectrum can be shared with sub-audible paging. The transmission of digital information can be automatically interrupted whenever the service is required for paging. Transmission would be resumed only when the circuits were again free of any other requirements.

7. Thus, CSA believes that its service, through the use of sub-audible techniques, will tap unused frequency resources represented by the Domestic Public Land Mobile Radio Service. No additional frequency assignments are required.

8. Presently, there is no part of the radio spectrum authorized for omnidirectional, one-way multipoint distribution to mobile and/or fixed points which meet the technical and economic criteria underlying CSA's communications requirements. Since CSA's receiver/terminals are to be used in a retail setting, they must be portable and unencumbered by an extensive antenna wiring system. Sub-audible transmission in the mobile telephone spectrum can be received off air with relative low-cost internal receiving antenna and allow access to many portable receiver/terminal devices simultaneously.

9. CSA submits that its proposed rules amendments of Part 21 will stimulate new interrelated uses of computers and communications and better utilization of existing radio spectrum and equipment.

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phone Company of Ohio) during the summer and fall of 1973, and although the formal report required of United Telephone Company has not yet been filed, CSA has provided a report that indicates these transmissions cause no harm to normal carrier sub-audible or audible operations. This report is available for inspection in the Commission's offices in Washington, D.C. CSA does not think that there will be frequent use of these channels by the Radio Common Carriers during the hours it will transmit, but says that if there is any calling, its signal can be interrupted if necessary, without harm to the digital message upon resumption. Finally, CSA believes that its proposal will increase effective use of the spectrum, since it can be provided on existing frequencies.

COMMENTS SUBMITTED TO THE  
COMMISSION ON THE PROPOSAL

13. All comments referred to in paragraph 1 above favored CSA's proposal. Varian-Microlinks Division, however, stated that it believed that multipoint distribution system services and transmissions could be used to feed Domestic Public Land Mobile Radio Service stations clustered in major metropolitan areas, thereby making CSA's proposed service even more efficient. The National Association of Radiotelephone Systems (NARS) supported the proposal but requested that CSA provide more specific information as to the characteristics and costs of the equipment developed by CSA to place digital information on the sub-audible portion of the mobile carriers transmissions since CSA said that this special transmission equipment would normally be operated by the carriers. NARS recognized that CSA indicated low costs (paragraph 3 above) but thought that CSA should be more exact. Finally, NARS also asked for clarification on whether the transmission equipment mentioned is the mini-communications computer (Radio Station Digital Equipment) or is a separate device.

COMMISSION COMMENTS

14. Since the service proposed by CSA could apparently be accommodated with no increased use of the radio spectrum, we find it is in the public interest to issue this notice of proposed rule making.

15. The text of the proposed amendments is set forth below. Authority for this proposed rule making is contained in sections 4(i), 303 and 403 of the Communications Act of 1934, as amended. All interested persons are invited to file written comments on these proposed rules on or before March 29, 1974, and reply comments on or before April 10, 1974. In reaching its decision in this matter the Commission may take into account any other relevant information before it in addition to the comments invited by this notice.

16. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents shall be furnished to the Commis-

sion. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: February 13, 1974.

Released: February 19, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

The specific amendments proposed are as follows:

1. In Part 21, Subpart A, § 21.1 the definition of "signaling communications" would be amended to read as follows:

§ 21.1 Definitions.

**Signaling communication.** One-way communications from a base station to a mobile receiver or to multipoint mobile and/or fixed locations by subaudible means for the purpose of actuating a signaling device in the mobile unit, for communicating information to the desired mobile unit or for communicating information intended for reception at multipoint mobile and/or fixed locations.

2. Section 21.509(e) would be amended to change present paragraph (e) to paragraph (e) (1) and to add a new paragraph (e) (2) as follows:

§ 21.509 Permissible communications.

(e) \* \* \*

(2) Base stations in this service may also be authorized to render one-way signaling communications service by sub-audible means to multipoint mobile and/or fixed locations for purposes of communication information intended for reception at multipoint mobile and/or fixed locations.

[FR Doc.74-4206 Filed 2-21-74;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 528]

[Docket No. 73-84]

SELF-POLICING SYSTEMS

Notice of Proposed Rule-Making; Extension of Time

FEBRUARY 15, 1974.

Upon request of counsel for various conferences in the North Atlantic trades time within which comments may be filed in response to the notice of proposed rulemaking in this proceeding (38 FR 28841; 10-17-73) is enlarged to and including February 22, 1974. Reply of Hearing Counsel shall be filed on or before March 15, 1974. Answers to Hearing Counsel shall be filed on or before March 29, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4232 Filed 2-21-74;8:45 am]

INTERSTATE COMMERCE  
COMMISSION

[49 CFR Part 1100]

[Ex Parte No. 306]

FREIGHT RATES FOR RECYCLABLES

Notice of Proposed Rulemaking

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of February 1974.

The Interstate Commerce Commission having been charged with the responsibility expeditiously to adopt appropriate rules which will eliminate discrimination against the shipment of recyclable materials in rate structures and in other Commission practices where such discrimination exists, the following rules shall be and are hereby proposed for adoption:

1. A person seeking elimination of discrimination against shipments of recyclable materials shall file a formal complaint. Such complaint should be so drawn as to fully advise the parties defendant and the Commission of the discrimination against recyclables complained of; make specific reference to the tariffs or schedules containing the rates, fares or charges occasioning the discrimination against the shipment of recyclable materials, if the claimed discrimination is said to be occasioned by the rate structure; and in other respects comport with the requirements for the commencement of proceedings as set forth in the general rules of practice.

a. For the purpose of this rule, "discrimination" is understood to encompass, but not be limited to, situations in which carriers charge different rates and/or charges for substantially similar transportation services on recyclable materials which are competitive, in whole or in part, with virgin natural resource materials. Any complainant of the view that the "discrimination" referred to in section 603 of P.L. 93-236 is other than "unjust discrimination" prescribed by section 2 of the Interstate Commerce Act shall set forth the reasons therefor in said complaint.

b. For the purpose of this rule, the term "recyclable materials" as used in the statute refers to commodities shown in Standard Transportation Commodity Code Tariff No. 1-B, Traffic Executive Association—Eastern Railroads, Agent, I.C.C. No. C-998, issued jointly with other agents, effective January 1, 1974 (presently under postponement to April 1, 1974, per Supplement 2 thereto), including the following:

STCC No.	Commodity
22 941-----	Textile waste garneted or processed.
22 973 15-----	Notls, ramie.
22 973 25-----	Notls (combing or comb waste), cotton.
thru	
22 973 68-----	Rovings, jute and litle (trtle).

STCC No.	Commodity
32 299 24-----	Cullet (broken glass).
33 119-----	Blast furnace or coke oven products, nec.
32 312-----	Copper matte, speiss, or fine dust.
33 322-----	Lead matte, speiss, or fine dust.
33 332-----	Zinc dross, residues, ashes.
33 342-----	Aluminum residues.
33 394-----	Miscellaneous nonferrous metal residues.
40 1-----	Ashes.
40 2-----	Waste or scrap.

2. Answers filed to claims of discrimination shall be so drawn as to fully advise the complainant, any other parties, and the Commission of the defense to the charge of discrimination against the shipment of recyclable materials that the respondent proposes to assert in its defense and otherwise conform to the requirements of the general rules of practice.

3. The proceeding following the commencement of the action as set forth in

the foregoing rules 1 and 2 shall be handled under modified procedure and will be accorded expeditious handling.

4. The Environmental Protection Agency, the Council on Environmental Quality, other Governmental agencies having an interest in the proceeding, the Environmental Defense Fund, the Sierra Club and other public interest groups, the Institute of Scrap Iron and Steel, the National Association of Secondary Materials and other trade associations having an interest in the proceeding shall be afforded the opportunity to file statements and other pleadings at the time appropriate for the filing of such papers, without the need for petitioning to intervene in the proceeding as otherwise may be required by the general rules of practice, and thereafter in all respects they shall be treated as parties to the proceeding.

5. In all other particulars the proceeding shall be governed by the Commission's general rules of practice.

A copy of this notice of proposed rule-making and order shall be served upon the Environmental Protection Agency, the Council on Environmental Quality, the Environmental Defense Fund, the Sierra Club, the Institute of Scrap Iron

and Steel, and the National Association of Secondary Materials; and a copy shall be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER, as notice to all other interested persons.

No oral hearings shall be scheduled for the receipt of statements, arguments or other comments upon the proposed rules unless a need therefor should later appear, but anyone who wishes to do so may submit statements, arguments or other comments by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before April 1, 1974, an original and 15 copies, and thereafter such statements, arguments and other comments shall be available for inspection or copying as otherwise provided by the Commission's general rules of practice.

(Sec. 603, Regional Rail Reorganization Act of 1973, P.L. 93-236, and the provisions of the Interstate Commerce Act, 49 U.S.C. Section 1 et seq.)

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4240 Filed 2-21-74;8:45 am]



## Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF THE INTERIOR

#### Bonneville Power Administration TRANSMISSION LINE, KING COUNTY, WASH.

##### Availability of Draft Supplement to Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a Draft Supplement to its Fiscal Year 1975 Environmental Statement. This Supplement describes the environmental impacts of a proposed 9.5-mile, 500-kv transmission line from Covington Substation to Raver Substation both located in King County, Washington.

Copies of the Draft Supplement are available for inspection in the library of the headquarters' office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and at the Seattle Area Office, 415 1st Avenue North, Room 250, Seattle, Washington 98109.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, or to the Seattle Area Manager at the above address. Comments on the Supplement should be sent to the Environmental Office by April 12, 1974.

Dated: February 19, 1974.

WILLIAM H. CLAGETT,  
Assistant Administrator.

[FR Doc. 74-4277 Filed 2-21-74; 8:45 am]

#### Bureau of Indian Affairs VILLAGE OF AIAKTALIK ET AL. Ineligibility as Native Villages

Final decision concerning the ineligibility of Aiaktalik, Ayakulik, Litnik, Little Afognak, Port William, and Uganik as native villages for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by Koniag, Inc., a Regional Corporation; by Aiaktalik, Inc., Ayakulik, Inc., Litnik, Inc., Kotol, Inc., Shuyak, Inc., and Uganik, Inc., each being a village incorporated under the laws of Alaska, by and through their Counsel, Edward Weinberg of the law firm of Wyman, Bautzer, Rothman and Kuchel at Suite 1000, 600 New Hampshire Avenue, NW., Washington, D.C. 20037, hereinafter referred to as protestants. The protest of Koniag, Inc., was dated January 10, 1974

and received on January 14, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Aiaktalik, Inc., et al, which joins in the protests filed by Koniag, Inc., was dated January 11, 1974 and was received January 15, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protestants object to the unlisted Native villages of Aiaktalik, Ayakulik, Litnik, Little Afognak, Port William and Uganik being determined to be ineligible; the protestants state because:

There were timely filed with the Enrollment Coordinator applications for changes in enrollment by qualified Alaska Natives in sufficient numbers to establish the enrollment of at least twenty-five eligible Alaska Natives in each of such villages.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(a) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(b) the village is not of a modern and urban character, and a majority of the residents are Natives.

Part 43h of Title 25 Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well. Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

The enrollment print-out of December 10, 1973 did not show anyone enrolled to Aiaktalik, Ayakulik, Litnik, Little Afognak, or Port William who had used the villages in 1970 but did show 12 Natives enrolled to Uganik. The enrollment print-out of January 10, 1974 does not reflect the required 25 Natives enrolled to each of subject villages. The Natives who used the villages for a period of time in 1970 have not been certified for enrollment to

these villages. The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Villages of Aiaktalik, Ayakulik, Litnik, Little Afognak, Port William and Uganik are ineligible for land benefits under said Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a) (b) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 12, 1974.

[FR Doc. 74-4209 Filed 2-21-74; 8:45 am]

#### VILLAGE OF BELLS FLATS Eligibility as Native Village

Final decision concerning the eligibility of Bells Flats as a native village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by The State of Alaska by Charles F. Herbert, Commissioner, Department of Natural Resources, Pouch M., Juneau, Alaska 99801; by the Alaska Chapter of the Sierra Club by Jack Hession, Alaska

Representative, 2400 Barrow, Anchorage, Alaska 99501; by the Alaska Wildlife Federation and Sportsman Council Inc. and Mr. Philip Holdsworth by and through James F. Clark of Robertson, Monagle, Eastaugh and Bradley, attorneys-at-law, P.O. Box 1211, Juneau, Alaska 99801; and by Bureau of Sport Fisheries and Wildlife, Department of the Interior by and through Area Director Gordon W. Watson, 813 D. Street, Anchorage, Alaska 99501; hereinafter referred to as protestants. The protest of the State of Alaska was dated January 17, 1974 and received January 17, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the Sierra Club was dated January 18, 1974 and was received on January 18, 1974 by the Director, Bureau of Indian Affairs. The protest of the Bureau of Sport Fisheries and Wildlife was dated January 18, 1974 and received January 21, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974 and received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by section 5(b) of the Alaska Native Claims Settlement Act, 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll Family List for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine their legal residence."

Protestant Alaska Chapter, Sierra Club states in part: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "The printout prepared by the Bureau of Indian Affairs on November 7, 1973 and that prepared November 8, 1973 show only 22 persons enrolled to Bell's Flats. Of the persons listed in the November 7 printout (which includes information concerning their permanent residence on the filing date, where they resided for two years as of April 1, 1970, where they resided

for 10 years prior to that, their birth place and ancestral birth place) none showed any connection whatsoever with Bell's Flats, other than listing it as their permanent residence. Accordingly, even under the improper standard of "some ties" as printed on the instructions to enrollment form these individuals do not qualify for enrollment for Bell's Flats. Moreover, Bell's Flats is not listed as a village in the 1970 census."

Protestant Area Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior states: "We contend that neither the identifiable physical locations of Bells Flats or Anton Larsen Bay, nor the minimum residence requirement in relation to identifiable physical village location has been established."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 27 Natives had been approved for enrollment in the Native Village of Bells Flats. On July 17, 1973, a field investigation was completed of Bells Flats and at that time 15 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 27 Natives who have been approved for enrollment to Bells Flats, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own

cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of the eligibility of the enrolled Natives of Bells Flats.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Bells Flats is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a) (5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 11, 1974.

[FR Doc. 74-4213 Filed 2-21-74; 8:45 am]

#### VILLAGE OF CHICKALOON Eligibility as Native Village

Final decision concerning the eligibility of Chickaloon as a native village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, by the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Brad-

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ley, P.O. Box 1211, Juneau, Alaska 99801; by Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M. Juneau, Alaska 99801; and by Matanuska-Susitna Borough, P.O. Box B, Palmer, Alaska 99645, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Commissioner, Department of Natural Resources, State of Alaska, was dated January 16, 1974, and was received on January 17, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Matanuska-Susitna Borough was dated January 17, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state, "The Bureau of Indian Affairs' printout run November 8, 1973 shows none of the enrollees to Chickaloon as residents there. Moreover Chickaloon is not listed as a village in the 1970 census. . . . The fact that no one lives there now in addition to the fact that Chickaloon does not appear on the 1970 census creates prima facie evidence that this village is ineligible for certification under the Act."

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by section 5(b) of the Alaska Native Claims Settlement Act (85 Stat. 690). The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine the legal residence."

Protestant Matanuska-Susitna Borough states in part as follows: "That

## NOTICES

thirteen persons enrolled to Chickaloon did not use Chickaloon as a place in which they actually lived in 1970 as required . . . and that Chickaloon is not nor was within the time frame of 43 CFR 2651.2 a Native village."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 36 Natives had been approved for enrollment in the Native Village of Chickaloon. On September 24, 1973, a field investigation was completed of Chickaloon and at that time 13 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 36 Natives who have been approved for enrollment to Chickaloon, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of their eligibility of the enrolled Natives of Chickaloon.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Chickaloon is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 13, 1974.

[FR Doc.74-4195 Filed 2-21-74; 8:45 am]

#### VILLAGE OF CHULONAWICK Eligibility as Native Village

Final decision concerning the eligibility of Chuloonawick (Chuloonavik) as a native village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, and Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and it was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and it was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "1970 census data showed that 25 Natives were not residents of these villages as of the date of the census."

## NOTICES

Protestant Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows:

"Chuloonavik—The Bureau of Indian Affairs' printout dated November 8, 1973, shows only 7 persons presently residing in Chuloonavik. Moreover, Chuloonavik does not appear as a village in the 1970 census. For the reasons set forth with respect to Chuloonavik the Director is called upon to investigate to determine by other criteria of residence whether or not the persons enrolled to Chuloonavik were in fact residents as of April 1, 1970. For the foregoing reasons its inclusion as a village certified under the Act is protested."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 27 Natives had been approved for enrollment in the Native Village of Chuloonawick (Chuloonavik). On September 14, 1973, a field investigation was completed of Chuloonawick (Chuloonavik) and at that time 19 Natives who used the village for a period of time in 1970 were subsequently approved for enrollment on December 17, 1973. The 27 Natives who have been approved for enrollment to Chuloonawick (Chuloonavik), represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village as a place where they actually lived for a period of time as required by § 2651.2(b) of Title 43 of CFR.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Chuloonawick (Chuloonavik) is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 12, 1974.

[FR Doc.74-4212 Filed 2-21-74; 8:45 am]

#### VILLAGE OF COUNCIL Eligibility as Native Village

Final decision concerning the eligibility of Council as a native village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, by Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801, and by Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M. Juneau, Alaska hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Commissioner, Department of Natural Resources, State of Alaska, was dated January 16, 1974, and was received on January 17, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: ". . . we disagree with the provisions that (1) Natives enrolled to a village, but not actually residing therein, are deemed residents of the village; and (2), that a village is considered eligible if 'at least thirteen persons who enrolled thereto . . . have used the village during 1970 as a place where they actually lived for a period of time.' Both provisions seem logically and perhaps legally inconsistent with the wording of the Alaska Native Claims Settlement Act itself. We think that Congress intended that eligible villages be those actually occupied by 25 or more qualified Natives."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "Council—The November 8, 1973 printout by the Bureau of Indian Affairs shows only 6 persons as presently living in Council. Council is not listed as a village in the 1970 census."

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by section 5(b) of the Alaska Native Claims Settlement Act, 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine the legal residence."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970



Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 71 Natives had been approved for enrollment in the Native Village of Council. On August 7, 1973, a field investigation was completed of Council and at that time 16 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 71 Natives who have been approved for enrollment to Council, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of their eligibility of the enrolled Natives of Council.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Council is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a) (5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal within which to file an appeal

brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 11, 1974.

[FR Doc.74-4214 Filed 2-21-74; 8:45 am]

#### VILLAGE OF HEALY LAKE

##### Eligibility as Native Village

Final decision concerning the eligibility of Healy Lake as a Native Village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by William H. Timme, General Counsel for Doyon, Limited, a Native regional corporation, 527 Third Avenue, Fairbanks, Alaska 99701, hereinafter referred to as protestant. The protest was dated January 16, 1974 and was timely received on January 18, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Timme objects to the Native Village of Healy Lake being determined to be ineligible because protestant states that the Native Village of Healy Lake does meet the requirements of 43 CFR 2651.2(b) because:

"... the field report of the B.I.A. and the certified roll, clearly establish the fact that the village is eligible. The majority of the residents are Natives. Healy has none of the attributes of a modern and urban community, much less all of them. The village does have an identifiable physical location and has had one since the early part of this century. There is no question that it was in existence on April 1, 1970. As the B.I.A.'s field report indicates, there were also 13 persons who are enrolled to the village who actually lived in the village during 1970."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b) (3) of the Act is quoted as follows:

Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the

Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of December 1, 1973, 22 Natives had been certified for enrollment in the Native Village of Healy Lake. On August 8, 1973 a field investigation was completed of Healy Lake and at that time 22 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 25 or more Natives who have now been approved for enrollment to Healy Lake as is shown on the January 21, 1974 enrollment printout represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen Natives enrolled thereto used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby reverse the decision made on December 10, 1973 and published on page 35028 in the FEDERAL REGISTER on December 21, 1973 determining that the Native village of Healy Lake is ineligible for land benefits under said Act.

The Director, Juneau Area Office, Bureau of Indian Affairs, therefore hereby determines the Native village of Healy Lake to now be eligible for land benefits under the Alaska Native Claims Settlement Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a) (5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of

the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 12, 1974.

[FR Doc.74-4216 Filed 2-21-74; 8:45 am]

#### VILLAGE OF MONTANA CREEK

##### Eligibility as Native Village

Final decision concerning the eligibility of Montana Creek (Montana) as a Native Village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510 by the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801; by Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M, Juneau, Alaska 99801; and by Matanuska-Susitna Borough, P.O. Box B, Palmer, Alaska 99645, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Matanuska-Susitna Borough was dated January 17, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state: "The Bureau of Indian Affairs printout run on November 7, 1973 shows only 8 persons presently living in Montana Creek."

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required

by section 5(b) of the Alaska Native Claims Settlement Act, 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll Family List for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine the legal residence."

Protestant Matanuska-Susitna Borough states in part as follows: "That thirteen persons enrolled to Montana Creek (Montana) did not use Montana Creek (Montana) as a place in which they actually lived in 1970 as required . . . " and that "Mountana Creek (Montana) is not nor was within the time frame of 43 CFR 2651.2 a Native village."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b) (3) of the Act is quoted as follows:

Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character and a majority of the residents are Natives.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 44 Natives had been approved for enrollment in the Native Village of Montana Creek (Montana). On August 29, 1973, a field investigation was completed of Montana Creek (Montana) and at that time 13 Natives who used the village for a period of time in 1970 had been certified for

enrollment to this village and such enrollment was approved on December 17, 1973. The 44 Natives who have been approved for enrollment to Montana Creek (Montana) represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of the eligibility of the enrolled Natives of Montana Creek (Montana).

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Montana Creek (Montana) is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a) (5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 12, 1974.

[FR Doc.74-4210 Filed 2-21-74; 8:45 am]

#### VILLAGE OF SOLOMON

##### Eligibility as Native Village

Final decision concerning the eligibility of Solomon as a native village for purposes of ANCSA 1971 action upon protest.

This is a written decision on protests filed pursuant to 43 CFR Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box



2025, Anchorage, Alaska 99510, by Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801, and by Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M, Juneau, Alaska 99801, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Commissioner, Department of Natural Resources, State of Alaska, was dated January 16, 1974, and was received on January 17, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: " . . . we disagree with the provisions (1) that Natives enrolled to a village, but not actually residing therein, are deemed residents of the village; and (2) that a village is considered eligible if "at least thirteen persons who enrolled thereto . . . have used the village during 1970 as a place where they actually lived for a period of time." Both provisions seem logically and perhaps legally inconsistent with the wording of the Alaska Native Claims Settlement Act itself. We think that Congress intended that eligible villages be those actually occupied by 25 or more qualified Natives."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "Solomon—The Bureau of Indian Affairs printout run November 8, 1973 shows only 1 enrollee to Solomon as presently living there. Moreover, the 1970 census does not include it as a village."

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by section 5(b) of the Alaska Native Claims Settlement Act. 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the en-

rollees to determine the legal residence."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 39 Natives had been approved for enrollment in the Native Village of Solomon. On August 7, 1973, a field investigation was completed of Solomon and at that time 13 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 39 Natives who have been approved for enrollment to Solomon, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of their eligibility of the enrolled Natives of Solomon.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Solomon is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and

findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 11, 1974.

[FR Doc. 74-4211 Filed 2-21-74; 8:45 am]

#### VILLAGE OF UMKUMUTE Eligibility as Native Village

Final decision concerning the eligibility of Umkumute (Umkumute) as a Native Village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, and Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club, was dated January 18, 1974, and it was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and it was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: " . . . we disagree with the provisions 1) that Natives enrolled to a village, but not actually residing therein, are deemed residents of the village; and 2) that a village is considered eligible if "at least thirteen persons who enrolled thereto . . . have used the village during 1970 as a place where they actually lived for a period of time." Both provisions seem logically

and perhaps legally inconsistent with the wording of the Alaska Native Claims Settlement Act itself. We think that Congress intended that eligible villages be those actually occupied by 25 or more qualified Natives."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows:

"Umkumut—The Bureau of Indian Affairs printout run November 8, 1973 shows all of those enrolled to Umkumut as living in Nightmute. Furthermore, Umkumut is not listed as a village in the 1970 census."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of resident (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 27 Natives had been approved for enrollment in the Native Village of Umkumute (Umkumute). On July 16, 1973, a field investigation was completed of Umkumute (Umkumute) and at that time 27 Natives who used the village for a period of time in 1970 were subsequently approved for enrollment on December 17, 1973. The 27 Natives who have been approved for enrollment to Umkumute (Umkumute), represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled there to have used the village as a place where they actually lived for a period of time as required by § 2651.2(b) of Title 43 of CFR.

The Director, Juneau Area Office, Bu-

reau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Umkumute (Umkumute) is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 11, 1974.

[FR Doc. 74-4215 Filed 2-21-74; 8:45 am]

#### Bureau of Land Management IDAHO STATE ADVISORY BOARD Notice of Meeting

Notice is hereby given that the Bureau of Land Management, Idaho State Advisory Board will meet at 9:30 a.m. on March 12, 1974, at the Rodeway Inn, Boise, Idaho.

The agenda will include discussions of geothermal leasing, State selection and exchange program, wild horse regulations, proposed changes in regulations, proposed changes in district boundaries, BLM Five-Year Goals, and advisory board management.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public, but those wishing to make an oral statement must inform the Chairman in writing prior to the meeting. Interested persons may file a written statement with the Board for its consideration. These should be sent to Chairman, State Advisory Board,

% State Director, Bureau of Land Management, 398 Federal Building, P.O. Box 042, 560 W. Fort Street, Boise, Idaho 83724.

WILLIAM L. MATHEWS,  
State Director.

[FR Doc. 74-4194 Filed 2-21-74; 8:45 am]

[Serial No. N-6002]

#### NEVADA

#### Designation of Lahontan Cutthroat Trout Natural Area

FEBRUARY 12, 1974.

Pursuant to the authority in 43 CFR Subpart 2070, and the authorization from the Director dated December 4, 1973, I hereby designate the public lands in the following described areas as the Lahontan Cutthroat Natural Area for habitat management of the Lahontan Cutthroat Trout and other appropriate multiple-use resource management practices.

MOUNT DIABLO MERIDIAN, NEVADA

T. 41 N., R. 26 E.,  
Sec. 1, lots 1, 2, 3, 6, SE¼NW¼, SW¼SW¼,  
NE¼SW¼, SW¼SE¼;  
Sec. 2, lots 1, 4, S½NE¼, SW¼NW¼, W½  
SW¼, SE¼;  
Sec. 3, all;  
Sec. 4, lots 1, 7, 16, SE¼NE¼;  
Sec. 11, all;  
Sec. 12, lots 1-4, inclusive, N¼NE¼, SE¼  
NE¼, SE¼NW¼, W½NW¼, SW¼, SW¼  
SE¼.

T. 42 N., R. 26 E.,  
Sec. 14, lots 5-8, inclusive, SW¼;  
Sec. 15, lots 7-12, inclusive;  
Sec. 22, N¼, NE¼SW¼, NW¼SE¼;  
Sec. 23, all;  
Sec. 24, all;  
Sec. 25, all;  
Sec. 26, all;  
Sec. 27, W½NE¼, SE¼NW¼, W½NW¼,  
S½;  
Sec. 28, E¼;  
Sec. 33, E½E¼;  
Sec. 34, all;  
Sec. 35, lots 5-20, inclusive;  
Sec. 36, all;

T. 41 N., R. 27 E., unsurveyed,  
Sec. 6, N¼, SW¼;  
T. 42 N., R. 27 E., unsurveyed,  
Sec. 19, W½;  
Sec. 29, W½SW¼;  
Sec. 30, W¼, SE¼;  
Sec. 31, all;  
Sec. 32, W½W½.

The area described aggregates approximately 12,316 acres of national resource lands.

E. I. ROWLAND,  
State Director, Nevada.

[FR Doc. 74-4219 Filed 2-21-74; 8:45 am]

#### Fish and Wildlife Service

#### MARINE MAMMAL PERMIT

#### Notice of Receipt of Application and Notice of Public Hearing

Notice is hereby given that the following applicant has applied for a permit to take marine mammals for scientific research as authorized by section 101(a) (1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) gov-



erning the taking and importing of marine mammals. The director of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, finds the following application sufficient for consideration:

Notice is also hereby given that, as authorized by § 104 of the Marine Mammal Protection Act of 1972, a hearing will be held at 10 a.m., local time, March 11, 1974, at the Bureau of Sport Fisheries and Wildlife conference room, 813 "D" Street, Anchorage, Alaska. The purpose of the hearing is to consider the following application for a scientific research permit.

The applicant, the Bureau of Sport Fisheries and Wildlife of the Department of the Interior, proposes a polar bear research program to:

(1) Immobilize, examine for marks or mark, and released up to 125 polar bear (*Ursus maritimus*) along the north coast and on the sea ice north of Alaska between March 1, 1974 and February 28, 1975. Polar bears killed during the immobilizing procedure will be retained. Mortalities are not expected, but the request is included to cover contingencies. Carcasses retained should number 5 or less.

(2) Obtain measurements, weights, blood samples from up to 25 polar bears; reproductive organs, skulls or a tooth from up to 50 polar bears killed by Eskimos under the native exemption provisions of the Marine Mammal Protection Act of 1972.

(3) To import the reproductive organs, skulls, or a tooth from up to 20 polar bears killed as authorized by Canadian authorities in or adjacent to northwestern Canada between December 21, 1972 and February 28, 1975.

The applicant requests this permit to allow studies now in progress on Alaska polar bears to continue. Alaskan polar bear research through 1972 was conducted by the Alaska Department of Fish and Game and the Bureau of Sport Fisheries and Wildlife. The Bureau increased its research effort under the mandate of the Marine Mammal Protection Act of 1972.

The applicant states that specimens obtained will be utilized to provide estimates of age, to determine if there are differences which indicate different sub-populations, and to provide data on productivity and breeding biology.

The applicant further states that the data will be used for the annual Department of the Interior status reports required by the Marine Mammal Protection Act and for evaluation of management plans which might be proposed. The studies proposed by the applicant are described as part of an international research effort coordinated by the Polar Bear Specialist Group of the International Union for the Conservation of Nature. The applicant also states that the studies will partially fulfill research obligations under Article VII of the Agreement on the Conservation of Polar Bears, signed at Oslo, Norway, in November 1973 (although not yet in effect).

Concurrent with the publication of this notice in the *FEDERAL REGISTER*, the Director is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Documents submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street NW., Washington, D.C. and at the office of the Alaska Area Director, 813 "D" Street, Anchorage, Alaska.

Interested persons may comment on this application by appearing at the hearing referred to above to present oral or written views, or by submitting written data or views, preferably in triplicate to the Director (PSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than March 25, 1974, will be considered.

Dated: February 7, 1974.

LYNN A. GREENWALT,  
Director, Bureau of Sport  
Fisheries and Wildlife.

[FR Doc. 74-3582 Filed 2-21-74; 8:45 am]

#### Office of the Secretary [Secretarial Order 2982]

#### GEOTHERMAL RESOURCES—GEOTHERMAL ENVIRONMENTAL ADVISORY PANEL

##### Establishment

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a) (1). The Acting Secretary of the Interior has issued Order No. 2962 dated February 6, 1974, creating an interagency environmental advisory panel to advise the Department on the environmental aspects of operations under geothermal leases. The Order is published in its entirety below. Further information regarding the Order may be obtained from Mr. Reid Stone, Geothermal Coordinator, Room 4351, Main Interior Building, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-7511.

RICHARD R. HITE,  
Deputy Assistant  
Secretary of the Interior.

FEBRUARY 14, 1974.

Subject: Geothermal Resources—Geothermal Environmental Advisory Panel

FEBRUARY 6, 1974.

**SECTION 1. Purpose.** The purpose of this Order is to establish a Geothermal Environmental Advisory Panel (Panel) to advise the Supervisors of Geological Survey and the Authorized Officers of the Bureau of Land Management or any other land managing agencies in carrying out their responsibilities related to environmental impacts resulting from exploration and development in connection with operations under leases issued under the Geothermal Steam Act of 1970 (30 U.S.C. Secs. 1001-1025).

**Sec. 2. Policy.** The Panel shall be responsible for advising the Supervisors of the Geological Survey and the Authorized Officers of the surface managing agency on the environmental aspects of exploration or development plans for leases in new geological

or geographical areas submitted for approval under regulations 30 CFR 270 and 271 and 43 CFR 3200. In addition, the Panel shall be available, upon request of the Supervisor or the Authorized Officer, for additional advice or consultation regarding operations under any lease which may affect the environment.

**Sec. 3. Organization.** The Director, Geological Survey, after consultation with the Director, Bureau of Land Management, shall appoint an employee of the Department of the Interior as Chairman of the Panel with headquarters in California for the coordination of the Panel's activities. In addition, each of the following may appoint one member to the Panel: Bureau of Land Management, Geological Survey, Bureau of Sport Fisheries and Wildlife, Bureau of Mines, Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Outdoor Recreation, National Park Service, and Office of the Solicitor. The heads of other Executive Departments and the Administrator of the Environmental Protection Agency will each be authorized to appoint one member to the Panel. Any agency, either inside or outside the Department of the Interior, authorized to appoint a member to the Panel may provide that the person so appointed shall act as a member of the Panel only when lands subject to the jurisdiction of that agency are involved.

**Sec. 4. Operation—(a) Supervisor.** The Supervisor for the Geological Survey shall submit for environmental advice the exploration or development plans within the area of operation under leases in any new geological or geographical areas to the Panel prior to his approval of such plans.

**(b) Authorized Officer.** The Authorized Officer of the surface managing agency shall submit to the Panel for environmental advice the plans or permits for activities which are outside the area of operations, but which are directly related to operations under leases in any new geological or geographical areas, prior to his approval of such plans.

**(c) Panel Chairman.** (1) The Chairman, not later than 15 days after receiving notification of a proposed action, shall inform the Supervisor or Authorized Officer whether the Panel intends to provide advice in that particular case. The Supervisor or Authorized Officer shall not delay action for more than 30 days from receipt of plan by the Chairman, unless requested to do so by the Secretary of the Interior.

(2) The Chairman shall coordinate all requests from the Supervisors and the Authorized Officers and furnish each Panel member with plans or necessary information. He shall coordinate replies from Panel members and notify the Supervisor or Authorized Officer of specific recommendations or advice.

(d) **Panel members.** Each member shall be responsible for obtaining the views of his own agency and equivalent State or local organizations on the proposed plan or action.

(e) **Requests for advice.** Where violations of law, regulations, or lease terms which threaten damage to the environment occur or appear likely, the Panel shall, if requested, respond immediately to a request for advice.

**Sec. 5. Meetings.**—(a) The Chairman shall call meetings at locations deemed by him to have the greatest importance to geothermal activity at the time. When it is desirable to do so, the Chairman shall call meetings at operational sites or at areas of particular environmental concern.

(b) The Chairman shall notify the Supervisor and the Authorized Officer of all Panel meetings and may invite them to attend such meetings to present or discuss special aspects of plans or problems submitted to the Panel.

**Sec. 6. Information.** All reports and other documents, including maps, submitted by a geothermal resources lessee to the Super-

visor or the Authorized Officer shall be made available to members of the Panel except information and other material which is not subject to public inspection without the consent of the lessee under 30 CFR 270.79. If the Chairman of the Panel shall request that any material excepted from disclosure to members pursuant to the foregoing sentence be made available to a member or members of the Panel because it is needed in connection with environmental evaluation, and the Supervisor having responsibility for the material shall consent, that material shall be made available to the member or members; however, any member who shall be permitted to inspect that material shall treat it as confidential and shall not make copies of it or reveal its contents to any person not an employee of the Federal Government shall be at any time authorized to inspect such material. Any other information made available to the Panel shall, at the request of any member of the Panel, be made available to the general public.

**Sec. 7. Reimbursement.**—(a) Each agency shall assume responsibility for expenses incurred by its members for carrying out his obligations to the Panel.

(b) The Geological Survey shall provide for the funding, space, and staff support for the Chairman to carry out his responsibilities to the Panel.

**Sec. 8. Term.** The Panel will become effective upon the issuance of this Order. It shall function until such time as the Secretary determines that the officers administering the geothermal resources leasing program no longer need the assistance of a Panel of specially qualified experts to advise them on the potential environmental impacts of operations in new or other areas.

**Sec. 9. Effective date.** This order is effective immediately.

[FR Doc. 74-4166 Filed 2-21-74; 8:45 am]

#### [Secretarial Order 2961] TRANS-ALASKA PIPELINE Contracting Authority

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a) (1). The Acting Secretary of the Interior has issued Order No. 2961 dated February 6, 1974, regarding contracting authority associated with the construction of the Trans-Alaska Pipeline. The Order is published in its entirety below. Further information regarding the Order may be obtained from Mr. John Latz, Technical Assistant to the Under Secretary (Pipeline), U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-2038.

JAMES T. CLARKE,  
Assistant Secretary of the Interior.

FEBRUARY 14, 1974.

[Order No. 2961]

Subject: Trans-Alaska Pipeline—Contracting Authority

FEBRUARY 6, 1974.

**Sec. 1. Purpose.** The purpose of this Order is to grant contracting authority to the Authorized Officer, established in Secretarial Order 2960, issued January 23, 1974.

**Sec. 2. Authority.** This Order is issued in accordance with the authority provided by Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1292).

**Sec. 3. Secretarial Delegation of Authority.** The Authorized Officer, referred to in the "Agreement and Grant of Right-of-way of Trans-Alaska Pipeline," and in the stipulations thereto, is delegated the authority, subject to the limitation contained in Part 205 of the Departmental Manual, to enter into procurement contracts and amendments or modifications thereof.

JOHN C. WHITTAKER,  
Acting Secretary  
of the Interior.

FEBRUARY 6, 1974.

[FR Doc. 74-4218 Filed 2-21-74; 8:45 am]

#### [Order No. 2508, Amdt. 103] SPECIFIC LEGISLATION Delegation of Authority

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

**Sec. 30. Authority under specific acts.** (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

(5) Section 1, Section 4, and Section 5 of the Act of September 21, 1972 (86 Stat. 719), which establishes title in the United States in trust for the land area known as the "McQuinn Strip" for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon.

Actions taken by the Area Director, Portland, pursuant to the memorandum of March 13, 1973, from Deputy Assistant Secretary William L. Rogers are hereby ratified.

JOHN C. WHITTAKER,  
Acting Secretary  
of the Interior.

FEBRUARY 13, 1974.

[FR Doc. 74-4217 Filed 2-21-74; 8:45 am]

#### DEPARTMENT OF AGRICULTURE

##### Forest Service

##### [Region 2]

#### MEDICINE BOW NATIONAL FOREST GRAZING ADVISORY BOARD

##### Notice of Meeting

The Medicine Bow National Forest Grazing Advisory Board will meet at 10 a.m. February 27, 1974 and Supervisor's Office, 605 Skyline Drive, Laramie. The purpose of this meeting is to discuss the following items:

1. Coordinated resource planning as it involves range management planning.
2. Management of wild horses.
3. Fencing policy on the Forest.
4. Transfer of a temporary permit involving the upper limit.
5. Allocation of surplus range.

The meeting will be open to the public. Persons who wish to attend should notify Medicine Bow National Forest at 605 Skyline Drive, Laramie, Wyoming 82070. Phone 745-7308 area code 307. Written statements may be filed with the committee before or after the meeting.

WALTER E. SCHLUMPF,  
Acting Forest Supervisor.

FEBRUARY 11, 1974.

[FR Doc. 74-4225 Filed 2-21-74; 8:45 am]

#### ROOSEVELT NATIONAL FOREST GRAZING ADVISORY BOARD

##### Notice of Meeting

The Roosevelt National Forest Grazing Advisory Board will meet at 10 a.m., March 26, 1974, in Room 225 Federal Building, 301 So. Howes, Fort Collins, Colorado.

The purpose of this meeting is to conduct the annual business meeting of the Board. Items to be discussed will include grazing fee for 1974; recent changes in grazing permits; areas where grazing of livestock is conflicting with other uses; and other routine matters.

The meeting will be open to the public. Persons who wish to attend should notify Dale L. Wills, P.O. Box 1366, Fort Collins, Colorado 80521, phone 482-5155. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public attendants may present opinion or statement on Board discussion only during a set period of time prior to the Board vote on the matter. Each presentation shall be limited to two (2) minutes for each individual unless more time is granted by the Board.

P. E. HAGER,  
Acting Forest Supervisor,  
Rocky Mountain Region.

FEBRUARY 15, 1974.

[FR Doc. 74-4220 Filed 2-21-74; 8:45 am]

#### BIG LEVELS UNIT

##### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Big Levels Planning Unit, George Washington National Forest, Virginia, USDA-FS-R8-DES (Adm.)-74-2.

This environmental statement concerns the proposed management direction and resource allocation for a portion of the Pedlar Ranger District, George Washington National Forest, known as the Big Levels Planning Unit.

This draft environmental statement was transmitted to CEQ on February 14, 1974.



Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agriculture Bldg., Room 2230  
12th St. & Independence Ave., S.W.  
Washington, D.C. 20250  
USDA, Forest Service  
1720 Peachtree Road, N.W., Room 804  
Atlanta, Georgia 30309  
USDA, Forest Service  
District Ranger  
Pedlar Ranger District  
Federal Building  
Buena Vista, Virginia 24416

A limited number of single copies are available upon request to Robert W. Cermak, Forest Supervisor, George Washington National Forest, P.O. Box 233, Harrisonburg, Virginia 22801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Robert W. Cermak, George Washington National Forest, Harrisonburg, Virginia. Comments must be received by April 15, 1974 in order to be considered in the preparation of the final environmental statement.

HANS R. RAUM,  
Acting Regional Forester.  
[FR Doc.74-4162 Filed 2-21-74;8:45 am]

#### NORWOOD DISTRICT G-10 GRAZING ADVISORY BOARD Notice of Meeting

The G-10 Advisory Board will meet at 1 p.m., March 9, 1974 at the Norwood Forest Service Office in Norwood, Colorado. The purpose of this meeting is to discuss matters pertaining to livestock grazing on the Norwood Ranger District.

The meeting will be open to the public. Persons who wish to attend should notify the Norwood District Ranger, Norwood, Colorado, telephone 303 327-4343. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: General public comments will be accepted anytime during the meeting.

Dated: February 12, 1974.

JOHN T. MINOW,  
Forest Supervisor.  
[FR Doc.74-4174 Filed 2-21-74;8:45 am]

#### NOTICES

##### TOIYABE NATIONAL FOREST LIVESTOCK ADVISORY BOARD

###### Notice of Meeting

The Toiyabe National Forest Livestock Advisory Board—Mono Division will meet on March 25, 1974 at the Douglas County Courthouse at 1:30 p.m.

The purpose of the meeting is to discuss livestock grazing on Forest range-lands, to update the Board on recent Forest Service activities and land use planning, and to elect new officers of the Board.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor Jack Lavin, 111 No. Virginia St., Reno, NV 89501, Telephone 784-5331. Written statements may be filed with the Board before or after the meeting. Individuals may participate in discussions at anytime during the meeting.

Dated: February 14, 1974.

ORLO JOHNSON,  
Acting Forest Supervisor,  
Intermountain Region.  
[FR Doc.74-4176 Filed 2-21-74;8:45 am]

#### DEPARTMENT OF COMMERCE

##### Domestic and International Business Administration

[Order 47-1, Amdt. 1]

##### DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL ECONOMIC POLICY AND RESEARCH

###### Delegation of Authority

This order effective January 14, 1974 amends the material appearing at 39 FR 1649 of January 11, 1974.

DIBA Organization and Function Order 47-1, dated November 12, 1973, is hereby amended as follows:

1. In Sec. 2. Delegations, Sec. 2.01 b and c are added to read:

b. Section 4221 of the Internal Revenue Code of 1954, as amended, and the Tariff Act of 1930, as amended (19 U.S.C. 1309), insofar as they relate to findings with respect to exemptions from taxes and import duties on supplies and equipment for aircraft;

c. Such provisions as are necessary to the performance of the Deputy Assistant Secretary's functions of the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.) ("TEA"), and Executive Order 11075 of January 15, 1963, as amended by Executive Order 11106 of April 18, 1963, with respect to foreign trade agreements and tariff matters except Chapters 1 and 2 of Title III of the TEA dealing with the furnishing of adjustment assistance, Section 401 of Title IV of the TEA authorizing the issuance of regulations and delegation of functions, and Section 361 of the TEA dealing with the Adjustment Assistance Advisory Board.

TILTON H. DOBBIN,  
Assistant Secretary for Domestic  
and International Business.  
[FR Doc.74-4156 Filed 2-21-74;8:45 am]

##### National Bureau of Standards FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 12

###### Notice of Meeting

Pursuant to Pub. L. 92-463 and Executive Order 11684, notice is hereby given that the Federal Information Processing Standards Task Group 12—Significance and Impact of ASCII as a Federal Standard will hold a meeting from 10 a.m. to 3 p.m. on Friday, March 1, 1974, in Lecture Room B, Building 101 of the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of the meeting is to review results obtained from ASCII survey questionnaires and to consider matters related to the findings.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John Little, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3723).

Dated: February 19, 1974.

RICHARD W. ROBERTS,  
Director.  
[FR Doc.74-4276 Filed 2-21-74;8:45 am]

##### Office of the Secretary

[Dept. Admin. Order 208-2, Transmittal 194; Dept. Admin. Order 208-2, Amdt. 1, Transmittal 197]

##### CHIEF, PROCUREMENT DIVISION

###### Delegation of Authority

This order, effective January 2, 1974 (and its amendment of February 4, 1974, attached) supersedes the material appearing at 37 FR 8013 of April 22, 1972 and 38 FR 10167 of April 25, 1973.

SECTION 1. Purpose. .01 This order further delegates certain procurement authority of the Assistant Secretary for Administration delegated to him in Department Organization Order 10-5.

.02 This revision provides for delegation of procurement authority from the Director, Office of Administrative Services and Procurement directly to the Chief, Procurement Division, rather than through the Deputy Director for Operations.

Sec. 2. Definitions. .01 "Procurement" means the acquisition (and directly related matters), from non-Federal sources, of personal property, personal and nonpersonal services (including construction) by such means as purchasing, renting, leasing (including real property), contracting, or bartering, but not seizure, condemnation, donation, or requisition.

.02 "Procurement authority" means the powers of an executive agency and of an agency head to perform procurement as set forth in Chapter 4, Title 41 of the U.S. Code or other law. It also includes the power to authorize the publication of advertisements, notices, or proposals in a newspaper required by 44 U.S.C. 3702, which is delegable under 5

#### NOTICES

U.S.C. 302(b)(2). It does not include the authority to decide the objects of procurement, i.e., what procurement items or services are required. The latter is implicit in the managerial authorities of officials of the Department as delegated or assigned to them.

.03 "Contracting Officer" means an official who by delegation or designation has authority to enter into or administer procurement contracts on behalf of the Government and to make related findings and determinations, to the extent and within the limitations of the authority specified in said delegation or designation. Contracting officer includes a person authorized to make small purchases of property or services which in any one transaction do not exceed \$2,500.

.04 "Field Office" means, for the purpose of this order, any organizational element in a city or locality outside the Washington Metropolitan area, whose head reports to an official in a different city or locality, including the Washington area.

.05 "Management consulting services" means any survey, research study, analysis, or consultation concerned primarily with improving the management system or practices of the Department as a whole or of any of its organizational units.

Sec. 3. Procurement Authority of Office of Administrative Services and Procurement. .01 Except as provided in section 4 and subject to the limitations contained in section 5 of this order, the Departmental Office of Administrative Services and Procurement shall perform procurement for all elements of the Department. For this purpose procurement authority is herewith delegated to the Director, Office of Administrative Services and Procurement without limitation. Additionally, procurement authority is herewith delegated to the Chief, Procurement Division, Office of Administrative Services and Procurement, subject to any conditions and limitations imposed by the Director, Office of Administrative Services and Procurement.

.02 The Chief, Procurement Division, may further delegate such authority or any aspect thereof, subject to further conditions or limitations, to other employees within the Division. Each such delegation shall be made by specific written delegation or designation, and shall include or make specific reference to any conditions or limitations on the scope of authority to be exercised. The Chief, Procurement Division, shall be the chief officer responsible for procurement for the Department, subject to the general supervision of the Director, for purposes of 41 U.S.C. 257(b), except as provided in section 4 of this order.

Sec. 4. Procurement Authority of Operating Units. .01 The head of each operating unit, or his designee, may give to heads of field offices, with power of redelegation, authority to purchase from commercial sources, supplies, materials and services not to exceed normal in-plant fund limitations.

.02 The head of each operating unit is authorized to delegate procurement

authority to the head of a field office that has program responsibilities which require the field office to perform procurement beyond that specified in paragraph .01 of this section. Each such delegation shall:

a. Require the advance approval of the Assistant Secretary for Administration, who will review the need for the field office's proposed procurement activity and determine whether staffing arrangements will permit selection and designation of qualified contracting officers for the designated procurement authority.

b. Specify the kinds of procurement actions and classes of procurement items to which exercise of the authority shall be limited, the extent of redelegation and authority that is authorized, and such other conditions and limitations on the scope of authority as the head of the operating unit may desire or be required to impose.

c. Be subject to the conditions and limitations provided in section 5 of this order.

d. Provide that the head of a field office to whom procurement authority is delegated shall be the chief officer responsible for procurement (41 U.S.C. 257(b)) for that field office, and that he may by written delegation or designation redelegate his procurement authority to other contracting officers within the field office, subject to such conditions and limitations on the scope of their authority as he may provide.

.03 The Director, Office of Administrative Services and Procurement, may give specified procurement authority to a designated person or persons in the headquarters of operating units whose headquarters are principally located outside the Main Commerce building. The granting of procurement authority under this provision shall be limited to the kinds and amounts of procurement that the Director, Office of Administrative Services and Procurement, determines can be procured for the operating units more advantageously under such an arrangement, all factors considered, than through the centralized procurement unit of his office. The granting of such procurement authority and the designation of a person or persons in an operating unit headquarters to serve as a contracting officer for such purpose shall be subject to the concurrence of the head of the operating unit involved, or his designee.

.04 The Assistant Secretary for Maritime Affairs is delegated procurement authority, subject to the conditions and limitations provided in section 5 of this order, for (a) general agency services for operating ships, (b) ship construction for the Government's account, and (c) ship construction subsidy contracts under section 502 of the Merchant Marine Act, as amended. The Assistant Secretary for Maritime Affairs may redelegate such authority to a chief officer responsible for procurement for purposes of 41 U.S.C. 257(b) and to other contracting officers within the Maritime Administration, by written delegation or

designation, subject to such conditions and limitations on the scope of their authority as he may provide.

.05 The Assistant Secretary for Administration may in the interests of economy and efficiency, by arrangement with affected heads of operating units, designate certain units to perform centralized field procurement, and make appropriate delegations of procurement authority to effect such operations.

Sec. 5. Limitations relating to delegated procurement authority. .01 The Assistant Secretary for Administration, designated in Department Organization Order 10-5 to serve as "agency head," shall make the determinations and decisions specified in 41 U.S.C. 252(c) (12) and (13), and in 41 U.S.C. 252(c) (11) for each contract or supplement thereto which requires the expenditure of more than \$25,000. If the expenditure under (c) (11) is \$25,000 or less, the determination shall be made only by a chief officer responsible for procurement indicated in sections 3 and 4 of this order. A determination for advance payments (41 U.S.C. 255) shall also be made by a chief officer responsible for procurement.

.02 With respect to the procurement of management consulting services by contract where the total cost of the contract or any supplement thereto is expected to be greater than \$10,000, the approval of the proposed procurement shall be obtained from the Assistant Secretary for Administration prior to submission of the procurement request.

.03 Invitations for bids, requests for proposals, contractual documents, including supplements thereto, notices terminating contracts, and final determinations made by contracting officers under the disputes clause, shall be subject to such legal clearance as specified in instructions to be issued by the General Counsel or his designee with the concurrence of the Assistant Secretary for Administration or his designee. Legal advice shall be sought before other actions are taken in connection with contract awards or contract administration wherever it is apparent that such actions may have potential legal consequences of substance.

.04 Procurement authority shall be exercised in accord with applicable statutory requirements, Executive Orders, the Federal Procurement Regulations and Implementing Departmental regulations, policies, and instructions, and other related laws and regulations.

Sec. 6. Recording delegations of procurement authority. Contracting Officers other than those designated in this order shall be selected, designated and their designations terminated in accord with 41 CFR 1-1.404. A file of each instrument of designation and termination of designation shall be maintained by the head of each office where procurement is performed. A copy of such instrument shall be forwarded promptly to the Director, Office of Administrative Services and Procurement, who shall arrange to maintain a central record of contracting officers of the Department author-



ized to exercise procurement authority covered by this order.

Department Administrative Order 208-2, dated January 2, 1974, is hereby amended as follows:

In sec. 5. *Limitations relating to delegated procurement authority*, renumber the present paragraph .04 as .05 and insert a new paragraph .04, to read as follows:

.04 All Department findings and determinations justifying sole source procurement of Automated Data Processing Equipment (ADPE) in excess of \$10,000 by either lease or purchase shall be submitted to the Director, Office of Administrative Services and Procurement. Review and approval of these findings and determinations shall be made in accordance with the provisions of the Office of Management and Budget Circular No. A-54, Federal Property Management Temporary Regulation E-25, 37 FR 197, October 11, 1972 and DAO 212-1. In conducting such reviews, advice shall be obtained from the ADP Management Division, Office of Organization and Management Systems.

HENRY B. TURNER,  
Assistant Secretary  
for Administration.

[FR Doc.74-4230 Filed 2-21-74; 8:45 am]

[Dept. Organization Order 25-5A, Amdt. 3; Transmittal 189]

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### Organization and Functions

This order effective February 4, 1974, amends the material appearing at 37 FR 12245 of June 21, 1972; 37 FR 26745 of December 15, 1972; and 38 FR 5277 of February 27, 1973.

Department Organization Order 25-5A, dated May 19, 1972, is hereby further amended as follows:

Sec. 3. *Delegation of authority*, the following new subparagraphs are added under paragraph .01:

x. The functions prescribed by Public Law 93-205, the Endangered Species Act of 1973.

y. The functions prescribed by Public Law 93-242, the Offshore Shrimp Fisheries Act of 1973.

HENRY B. TURNER,  
Assistant Secretary  
for Administration.

[FR Doc.74-4229 Filed 2-21-74; 8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Health Resources Administration NATIONAL ADVISORY BODIES Meetings

The Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory Bodies scheduled to assemble the month of March 1974:

#### NOTICES

Council name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Health Professions Education.	March 11-12, 8:30 a.m., Conference Room No. 10, Bldg., 31-C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Open—March 11, 1974, 8:30 a.m.—10:30 a.m.; Closed—remainder of meeting. Contact Ms. Lynn Stevens, Bldg. 31-C, National Institutes of Health, Room 4C-06, 9000 Rockville Pike, Bethesda, Md. Code 301-496-5363.

Purpose: Advises the Secretary with respect to the administration of programs of financial assistance for the health professions, including construction of facilities, student loans and scholarships, capitation for the support of educational programs, special projects and other purposes to improve the quality of education and conducts the final review of grant applications in these areas.

Agenda: The Council will discuss administrative and staff support and this portion will be open to the public. The Council will review grant applications, and this portion will be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92-463, section 10(d).

Council name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Nurse Training.	March 11-13, 1974, 10:30 a.m., Conference Room 4, Bldg. 31, National Institutes of Health, Bethesda, Md.	Open March 11, 10:30 a.m.—noon, Closed remainder of meeting. Contact Dr. Mary S. Hill, Federal Bldg., Room 6C-06, 9000 Rockville Pike Bethesda, Md. 20014. Code 301-496-6365

Purpose: Performs final review of applications for construction projects, special projects for the improvement of nurse training, and research grants. Recommends approval, disapproval, or deferral action to the Administrator of Health Resources Administration.

Agenda: Agenda items for open portion of meeting will cover introduction of new member; consideration of minutes of previous meeting; consideration of meeting dates for 1974 and 1975; and administrative and staff reports. During the remainder of meeting, the Council will conduct a final review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Health Resources Administration, pursuant to the provisions of Pub. L. 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

Portions of the meetings are open to the public for observation and participation. Anyone wishing to participate should contact the above individuals.

Dated: February 14, 1974.

KENNETH M. ENDICOTT,  
Administrator,  
Health Resources Administration.  
[FR Doc.74-4208 Filed 2-21-74; 8:45 am]

#### National Institutes of Health NATIONAL CANCER INSTITUTE Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Diagnostic Radiology Committee, National Cancer Institute, March 13, 1974, 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m. to 4 p.m., March 13, 1974, to discuss new requests for proposals in the area of radiological diagnosis research. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496-5708) will furnish summaries of the open meeting and roster of committee members.

Ihor J. Masnyk, Ph.D., Executive Secretary, Building 31, Room 3A08, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1591) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.925, National Institutes of Health)

Dated: February 14, 1974.

LEON M. SCHWARTZ,  
Associate Director for  
Administration, NIH.  
[FR Doc.74-4170 Filed 2-21-74; 8:45 am]

#### NATIONAL CANCER INSTITUTE Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Subcommittee of the Cancer Treatment Advisory Committee, National Cancer Institute, March 22, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 2. The meeting will be open to the public and is being set up to discuss the National Cancer Program responsibilities of the Division of Cancer Treatment in therapeutic trials involving surgery, radiation, chemotherapy or immunotherapy. Also on the agenda will be discussion of the peer review for Division contracts. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open meeting and roster of subcommittee members.

Dr. C. Gordon Zubrod, Executive Secretary, Building 31, Room 3A52, National

#### NOTICES

Institutes of Health, Bethesda, Maryland 20014 (301/496-4291) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.925, National Institutes of Health)

Dated: February 14, 1974.

LEON M. SCHWARTZ,  
Associate Director for  
Administration, NIH.  
[FR Doc.74-4168 Filed 2-21-74; 8:45 am]

#### NATIONAL CANCER INSTITUTE Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, April 2, 1974, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9:30 a.m. to adjournment for a report from the Chairman, President's Cancer Panel and a report from the Director, National Cancer Institute. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: February 14, 1974.

LEON M. SCHWARTZ,  
Associate Director for  
Administration, NIH.  
[FR Doc.74-4171 Filed 2-21-74; 8:45 am]

#### NATIONAL CANCER INSTITUTE Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, April 23, 1974, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9:30 a.m. to adjournment for a report from the Chairman, President's Cancer Panel and a report from the Director, National Cancer Institute. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda,

Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: February 14, 1974.

LEON M. SCHWARTZ,  
Associate Director for  
Administration, NIH.  
[FR Doc.74-4172 Filed 2-21-74; 8:45 am]

#### NATIONAL HEART AND LUNG INSTITUTE Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Hypertension Information and Education Advisory Committee, National Heart and Lung Institute, April 2, 1974, 9 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9 a.m. to 5 p.m., April 2, 1974. The agenda will include progress reports on various aspects of the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496-4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Dr. John B. Stokes III, NHLI, NIH Building 31, Room 4B44, phone 496-2311.

Dated: February 14, 1974.

LEON M. SCHWARTZ,  
Associate Director for  
Administration, NIH.  
[FR Doc.74-4169 Filed 2-21-74; 8:45 am]

#### Office of Education ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS Notice of Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that a meeting of the Advisory Council on Financial Aid to Students will be held on February 28, 1974 at 9 a.m.-4:30 p.m., on March 1 at 9 a.m.-4:30 p.m., and on March 2, 1974 at 9 a.m.-2 p.m., in Room 4004, Office Building #6, 400 Maryland Avenue, S.W., Washington, D.C.

The Advisory Council on Financial Aid to Students is established under Pub. L. 92-318, Section 137(b), June 23, 1972. The Council is established to advise the U.S. Commissioner on matters of general policy arising in his administration of programs relating to financial assistance to students and on evaluation of the effectiveness of these programs.

The meeting of the Council shall be open to the public. The proposed agenda includes:

1. Review of comments regarding previous meeting of Council.
2. Discussion of Transcript of previous Council meeting (copies will be available).

#### MARCH 1

General Discussion (the Council has been invited to attend a conference sponsored by the National Association of Student Financial Aid Administrators, to be held at the L'Enfant Plaza Hotel from 9:00 a.m.-4:30 p.m., and will base its discussion schedule around this conference).

#### MARCH 2

1. Review of topics discussed at Conference of National Association of Student Financial Aid Administrators, and related matters.
2. Discussion of recommendations for annual report of Council to the U.S. Commissioner of Education.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of Dr. Richard L. McVity, OE Council Delegate, located in Room 4525, Regional Office Building No. 3, 7th and D Streets, S.W., Washington, D.C.

Signed at Washington, D.C. on February 19, 1974.

RICHARD L. McVITY,  
OE Council Delegate.

[FR Doc.74-4231 Filed 2-21-74; 8:45 am]

#### EMERGENCY SCHOOL AID Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the National Advisory Council on Equality of Educational Opportunity will meet from 9 a.m. to 4 p.m. on March 29 and March 30, 1974 in the Council Room of the Sheraton-Carlton Hotel, 923 16th Street, N.W., Washington, D.C.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92-318, Title VII). The Council is established to advise the Assistant Secretary for Education with respect to the operation of programs under the Act, and to review the operation of such programs.

The meeting of the Council shall be open to the public. The proposed agenda includes Subcommittee Reports, legislative recommendations for fiscal year 1975, cite selection for Council member visits.

Signed at Washington, D.C. on February 15, 1974.

HERMAN R. GOLDBERG,  
Associate Commissioner, Office  
of Equal Educational Opportunity.

[FR Doc.74-4191 Filed 2-21-74; 8:45 am]

#### Office of the Secretary OFFICE OF THE ASSISTANT SECRETARY, COMPTROLLER

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare, Office of the Secretary, is revised to add a new section 1W, Office of the Assistant Secretary.



Comptroller. The principal components of the Office will be treated in separate sub-sections. The new section reads as follows:

**SECTION 1W.00 Mission.** The Assistant Secretary, Comptroller is the principal advisor to the Secretary in the financial management of the Department. The Office of the Assistant Secretary, Comptroller provides leadership in establishing basic Department policy in the area of financial management.

**Sec. 1W.10 Organization.** A. The Assistant Secretary, Comptroller reports to the Secretary.

B. The Office of the Assistant Secretary, Comptroller includes:

1. The Immediate Office of the Assistant Secretary, Comptroller
2. The Deputy Assistant Secretary, Budget
3. The Deputy Assistant Secretary, Finance

4. HEW Audit Agency
5. Division of Financial Management Standards and Procedures

C. In the absence of the Assistant Secretary, Comptroller, the following officials, in the order shown, act as Comptroller:

Deputy Assistant Secretary, Comptroller

Deputy Assistant Secretary, Budget  
Deputy Assistant Secretary, Finance  
Director, HEW Audit Agency

**Sec. 1W.20 Functions.** A. The Assistant Secretary, Comptroller:

1. Directs and coordinates all financial management activities of the Department.

2. Together with the Assistant Secretary for Administration and Management, cooperates with the Assistant Secretary for Planning and Evaluation in carrying out responsibility for developing the Department five-year program and financial plan and the development and administration of the Department's planning and budgeting system.

3. Represents or designates representatives for the Department in its relationships on financial management matters with the Office of Management and Budget, Treasury Department, General Accounting Office, and other Federal agencies, inter-departmental committees and boards, and intra-agency advisory committees or groups.

B. Deputy Assistant Secretary, Comptroller:

1. Serves as principal adviser to the Assistant Secretary, Comptroller on all aspects of financial management and provides leadership to all functions of the Comptroller's office.

2. Integrates output of accounting, budgeting and financial reporting functions to serve the needs of the Secretary and Under Secretary.

3. Exercises oversight and leadership to achieve priority Secretarial objectives in the field of financial management.

4. Oversees planning of resource allocations for the Department. Oversees the programming and control of funds for the Department.

5. Acts as a principal HEW negotiator with top OMB staff. Represents the De-

partment at appropriation hearings and bears primary responsibility for negotiating with members and staff of Congressional Appropriations Subcommittees.

6. Serves as principal spokesman for the Comptroller's Office with outside groups and the press.

7. Supervises budget formulation and execution for the Office of the Secretary.

C. The Deputy Assistant Secretary, Budget:

1. Oversees preparation and execution of budgets, estimates and forecasts of resources required to support programs and activities of the Department, including forecasts of resources required to support short and long-range plans.

2. Analyzes, in coordination with other staff advisors to the Secretary, plans and proposals for new or alternative legislation, programs or activities to determine their budgetary and financial management implications.

3. Appraises programs, activities and operations in terms of their contribution to policies, goals and objectives of the Department as a basis for evaluating budgetary requirements. In the case of on-going programs, makes appraisals to determine whether programs have remained in keeping with original objectives as stated in budget requests and other representations to the Office of Management and Budget and to the Congress. Conducts specific studies and appraisals of program needs and performance in areas identified by the Secretary, the Under Secretary and other top management officials.

4. Operates the HEW integrated funding system, whereby grantees with projects cutting across categorical program lines are funded by integrating funds from different HEW sources into one grant award.

5. Represents or designates representatives for the Department in its relationships on financial management matters with Congressional appropriations committees.

6. Develops and administers policies and procedures for allocation and control of employment ceilings in conjunction with the Office of the Assistant Secretary for Administration and Management. Monitors agency staffing levels, and reviews and recommends action on proposed changes in agency staffing levels in accordance with manpower utilization studies approved by the Under Secretary.

D. The Deputy Assistant Secretary, Finance:

1. Oversees development and execution of Department-wide policies and procedures to regulate fiscal, cost control, travel and accounting activities.

2. Develops and executes policies and procedures on expenditure and collection of funds administered by the Department.

3. Establishes and maintains a Department-wide system for financial reporting.

4. Assists HEW components in the design, installation and improvement of their accounting systems and operations. Reviews DHEW accounting systems to

assure compliance with Department accounting systems concepts and legal and General Accounting Office requirements.

5. Establishes uniform standards, classifications, terminologies and policies to be used throughout the Department in its financial management activities.

6. Develops and maintains management data collection and reporting systems concerning programs, activities and operations of the Department (including the operating agencies) as may be necessary to insure sound financial management of the Department.

7. Provides fiscal and accounting services for the Office of the Secretary, and, upon arrangement, for the operating agencies.

E. The Director, HEW Audit Agency:

1. Exercises responsibility for conducting comprehensive audits of all Department programs, functions and activities, including those conducted by the Department's various grantees and contractors. Also, in accordance with OMB directives, performs audits for other Federal agencies at certain universities and State and local governments for which the HEW Audit Agency has been assigned audit cognizance.

2. Develops policies, procedures, standards and criteria relating to audit activities at all levels within the Department.

3. Determines when audits can be most appropriately carried out by Federal organizations outside the HEW Audit Agency or by private organizations and evaluates the results performed by other organizations.

4. Provides Department liaison with the General Accounting Office and other Federal, State and private auditing organizations on all matters pertaining to audits.

F. The Division of Financial Management Standards and Procedures:

1. Develops policy covering reimbursement of indirect costs incurred by DHEW grantees and contractors and coordinates Regional functions responsible for applying the policies. These policies apply to such matters as hospitalization rates for research patients, indirect cost rates for grants and contracts with non-profit institutions, State departments, and local governments; and cover approval of state-wide cost allocation plans on behalf of the Department's operating agencies and other Federal Departments.

2. Serves as a source of technical advice and expertise available to other parts of the Office of the Secretary, to the National Institutes of Health, to the Office of Education, to State and local governments, and to universities. This work entails determining most appropriate methods of allocating operational costs; refining and clarifying methodology of cost allocation studies; developing tests on reliability of effort reporting; conducting in-depth studies at institutions which used the cost allocation management techniques; and extending the cost analysis approach to other health professions and allied health schools as well as to other parts of the university.

**Sec. 1W.30 Delegations of authority.**

A. Except as specifically delegated or as-

signed to other officials of the Department (not under the supervision of the Assistant Secretary, Comptroller) or reserved elsewhere in the Organization Manual, the Assistant Secretary, Comptroller, is authorized to perform all functions of the Secretary in the field of financial management. These functions shall include, but not be restricted to, the authority to:

1. Review and approve the following for the Department prior to submission to the Office of Management and Budget and the Congress: Apportionment and Reapportionment Schedules (SF 132 or SF 142) and Status of Apportionment Accounts (SF-133 or SF-143), provided that those indicating a need for a deficiency or supplemental appropriation shall be approved by the Secretary prior to submission.

2. Make primary allotment for appropriations made to organizational units of the Office of the Secretary.

3. Allocate to operating agencies and other organizational units of the Department funds for programs in which more than one operating agency of the Department participates.

4. Approve appropriation transfer authorizations involving intra- and inter-departmental transfers of funds.

5. Approve the establishment of working funds and working capital funds within the Department.

6. Designate certifying officers in the Department pursuant to Public Law 389, approved December 29, 1941, and to revoke such authorizations. To designate such officers and employees of the Department as are required to be bonded to the United States and to certify such officers and employees to the disbursing office of the Treasury Department, and to revoke such designations.

7. Authorize travel advances (see Travel Manual, Chapter 2-10).

8. Review all reports of violations in the Department under the Administrative Control of Funds regulations.

9. Determine the appropriation or fund to be charged with any award, compromise, or settlement made by the Attorney General pursuant to 28 U.S.C. 2677, if such award, compromise, or settlement cannot reasonably be charged in its entirety to the appropriation or fund which finances the organization or activity which employs the individuals whose negligence resulted in the claim or suit.

10. Approve the reprogramming and/or redistribution of funds between projects, programs and activities within a single appropriation fund or account.

11. Establish a consolidated appropriation in each agency for discretionary funds to be used in support of integrated funding for projects which cut across categorical program lines.

12. Approve the issuance of Department manuals relating to audit, budget, accounting, travel and transportation, and any other Department manuals prescribing policies and procedures relating to budgetary and financial management.

B. In exercising the authority described in Section 1W.30, the Assistant

Secretary, Comptroller, as he deems appropriate, may:

1. Redesignate any portion thereof;
2. Authorize further redelegations;
3. Supersede or modify, in whole or in part, in accordance with established procedures, any directives (orders, instructions, delegations, etc.) issued prior to this date by the Secretary or the Federal Security Administrator relating to such subject matter.

#### CHAPTER 1W0501—DIVISION OF OS BUDGET SERVICES

**SECTION 1W0501.00 Mission.** The Division of OS Budget Services is responsible for the formulation, presentation, and execution of the Office of the Secretary budget and is the focal point for all budget and fiscal matters for the various offices that comprise the Office of the Secretary.

**Sec. 1W0501.20 Functions.** A. The Director, Division of OS Budget Services reports directly to the Deputy Assistant Secretary, Comptroller.

**Sec. 1W0501.20 Functions.** A. The Director, Division of OS Budget Services, serves as budget officer and principal financial management advisor to Office and Division Chiefs within the Office of the Secretary.

B. In performance of its function the Division:

1. Participates in planning, directing and coordinating financial and budgetary programs of the Office of the Secretary.

2. Directs and provides technical guidance to administrative officers in preparing budgets. Coordinates individual budgets for preparation of a single budget document for presentation to Departmental management, the Office of Management and Budget and the Congress.

3. Assists in planning and presentation of the budget before the Office of Management and Budget and the Congress and develops materials for key members of the Office of the Secretary in testimony at hearings before these bodies.

4. Reviews the budget as approved by Congress and recommends a financial plan for its execution. Makes allocations to constituent offices within the guidelines of the approved financial plan.

5. Allocates employment ceilings for OS components and develops and monitors the Office of the Secretary average grade plan.

6. Develops and maintains budgetary controls to insure observance of established ceilings on both funds and personnel.

7. Prepares requests for apportionment of appropriated funds. Maintains control of allotted funds against current obligations. Maintains and monitors subsidiary expenditure controls for appropriations in the Office of the Secretary, including separate plans for each of the Regional Offices.

8. Provides analysis and coordination of accounting reports of the various accounting points in the Office of the Secretary.

9. Develops financial operating procedures and manuals. Assures implementation within the Office of the Secretary of Departmental and Federal fiscal policies and procedures.

#### DEPUTY ASSISTANT SECRETARY, BUDGET

**SECTION 1W10.00 Mission.** The Deputy Assistant Secretary, Budget is the principal advisory to the Assistant Secretary, Comptroller on matters pertaining to formulation, analysis, presentation, and execution of budgets, apportionments, reprogrammings, consolidated funding, and other mechanisms relating to the optimum direction and coordination of the financial resources of the Department.

**Sec. 1W10.10 Organization.** The Deputy Assistant Secretary, Budget reports to the Assistant Secretary, Comptroller and his Office includes the following:

1. Immediate Office
2. Division of Budget Operations
3. Division of Health Budget Analysis
4. Division of Education Budget Analysis

5. Division of Welfare Budget Analysis

6. Division of Budget Standards and Presentation

**Sec. 1W10.20 Functions.** The Deputy Assistant Secretary, Budget:

A. Encourages sound budgetary practices throughout the Department, including the provision of technical guidance and training to agency budget staffs.

B. Prepares and issues Department-wide budgetary policies.

C. Promulgates uniform budgetary standards, classifications, and terminologies.

D. Evaluates budgetary proposals, including the identification of major issues, and formulates, where appropriate alternatives budgetary strategies.

E. Develops the annual budget and other budgetary and financial documents as required.

F. Explains and interprets the HEW budget and other appropriations matters to the Office of Management and Budget, Committees of the Congress, and other interested parties.

G. Participates in the Department's planning and evaluation process, particularly in the establishment of long-range resource requirements, the setting of agency planning ceilings, and the identification and resolution of policy issues which cut across agency lines. Comments on draft regulations and reorganization proposals.

H. Maintains Department-wide systems for budget execution, expenditure reporting, and administration of employment ceilings.

I. Reviews and approves Requests for Treasury warrants, apportionments, reprogrammings, transfers of funds, and other mechanisms relating to the funding of approved programs.

J. Conducts special studies and analyses of budgetary and related processes.

K. Plans, implements, and coordinates a Department-wide system designed to provide consolidated funding support for integrated social research and services projects.



## CHAPTER 1W1003—DIVISION OF BUDGET OPERATIONS

**SECTION 1W1003.00 Mission.** The Division of Budget Operations has Department-wide responsibility for the review, analysis and appraisal of financial elements of program execution, and for development and execution of policies related to the efficient and effective allocation, expenditure and control of funds. In addition, the Division is responsible for developing and maintaining a Department-wide system designed to provide consolidated funding support for integrated social research and services projects.

**Sec. 1W1003.10 Organization.** The Division of Budget Operations is headed by a Director who operates under the general direction of the Deputy Assistant Secretary, Budget. The Director is assisted by a staff of analysts and supporting staff organized into three major functional areas: expenditure estimation and control, manpower and special projects, and consolidated and special funding.

**Sec. 1W1003.20 Functions.** The Division of Budget Operations

A. Develops and executes Department-wide policies for efficient and effective allocation and expenditure of funds administered by the Department. Performs special studies of organizations and processes for the purpose of improving methods and procedures from the standpoint of better financial management and of more effective HEW operations.

B. Establishes and maintains a Department-wide budget execution system. Develops and issues uniform standards, classifications, and procedures which will (1) distribute and apply resources consistent with Departmental policy and with the budget as approved by the Congress; (2) assure adequate controls of such resources at the operating agency level; and (3) provide adequate opportunity for shifts in direction or scope and for financing needs not anticipated at the time the original budget was presented to the Congress.

C. Establishes and maintains a system of cost estimates and projections. Develops and maintains a Department-wide system of controls over outlays to assure adherence to Congressional and Presidential ceilings and cutbacks on outlays. Prepares cutback plans, as required, which minimize adverse impact on the Department's programs and the Secretary's priorities.

D. Develops and administers policies and procedures for Departmental operations under Continuing Resolutions pending enactment of regular appropriations.

E. Reviews agency Treasury warrant requests and apportionment and reapportionment schedules and develops recommendations to the Deputy Assistant Secretary, Budget before their submission to the Department of the Treasury and the Office of Management. Reviews and recommends action on agency requests for reprogramming and/or redistribution of funds.

F. Plans, organizes, and directs special studies of organizations and processes for the purpose of improving methods and procedures from the standpoint of better financial management and more effective HEW operations. Conducts special studies and analyses in support of the budget process as the need arises and in the interest of sound financial management.

G. Prepares periodic and special reports on the status of Departmental budget execution. Develops sound reporting practices.

H. Develops and administers policy and procedures for interagency and interdepartmental arrangements and agreements for transfer of funds.

I. Develops and administers policies and procedures for allocation and control of employment ceilings in conjunction with the Office of the Assistant Secretary for Administration and Management. Monitors agency staffing levels, and reviews and recommends action on proposed changes in agency staffing levels in accordance with manpower utilization studies approved by the Under Secretary.

J. Responds to inquiries from the Congress, the Executive Branch, and the public for information on funds expended by the Department, the status of programs or projects, and other matters related to budget execution.

K. Plans, implements, and coordinates a Department-wide system designed to provide consolidated funding support for integrated social research and services projects which will allow a prospective grantee seeking support for a project requiring funding from several DHEW sources to submit one application, obtain approval and funding through one system, and be subject to one set of reporting and monitoring requirements. Develops policy and procedures for application, reporting, management, and appraisal of projects receiving consolidated funding support.

L. Reviews and evaluates consolidated funding applications; assures that consultation is provided to prospective grantees; identifies programs with interest in the proposal; develops funding matrix; and assigns applications to appropriate agencies and staff elements and review.

M. Administers a formal Departmental review and approval process for consolidated funding projects, including establishment of priorities for the types of projects to be funded. Approves or disapproves applications subject to the grantmaking authorities of the agency heads.

## CHAPTER 1W1006—DIVISION OF HEALTH BUDGET ANALYSIS

## CHAPTER 1W1007—DIVISION OF EDUCATION BUDGET ANALYSIS

## CHAPTER 1W1008—DIVISION OF WELFARE BUDGET ANALYSIS

**SECTION 1W1006-1008.00 Mission.** The Divisions of Budget Analysis direct and coordinate development and preparation of budgets, estimates and forecasts of resources required to support operations and activities of a given program area of the Department. The Divisions assist the Deputy Assistant Secretary, Budget and, through him, the Assistant Secretary, Comptroller and top management of the Department in evaluating and acting upon program and budget proposals. Division staff members assist the Secretary in presenting and justifying budgets submitted to OMB and to Congressional Committees on Appropriations.

**Sec. 1W1006-1008.10 Organization.** The Divisions of Budget Analysis are headed by Directors who report to the Deputy Assistant Secretary, Budget. The Directors are assisted by a staff of budget analysts and supporting personnel who are assigned responsibility for specific programs of the Department.

**Sec. 1W1006-1008.20 Functions.** The Divisions of Budget Analysis provide staff assistance to the Secretary, the Under Secretary, the Comptroller and heads of operating agencies in the budgetary management of the Department. In the performance of this function, the Divisions:

1. Direct and coordinate the preparation of budget policies, estimates and forecasts of resources required to support programs and activities of the Department; concurrent with development of the regular budget, work together with the Office of the Assistant Secretary for Planning and Evaluation to prepare the five-year program and financial plan and other long-range financial plans and revisions. Participate in the DHEW planning and evaluation process. Prepare recommendations for the DAS, Budget on draft regulations and reorganization proposals.

2. Assist the Deputy Assistant Secretary, Budget, the Assistant Secretary, Comptroller, heads of operating agencies, the Under Secretary and the Secretary in the evaluation of programs and budgetary proposals with emphasis given to identification of issues, development of alternative proposals, development of reliable cost projections to price out legislative and planning proposals, and appraisal of proposals for consistency with approved plans and policies.

3. Work in conjunction with the Division of Budget Operations to encourage sound financial planning and budgetary management in staff offices of OS and in the HEW operating agencies.

4. Advise and assist agency heads in establishment and organization of budget staffs.

5. Provide substantive guidance, advice, assistance, and training to budget formulation staff offices and operating agencies.

6. Prepare special analyses as necessary in the process of budget formulation and presentation.

7. Keep staff offices and operating agencies currently informed on substantive budget developments in their program areas.

8. Assist the Secretary and operating agency heads by serving as primary liaison for the Department in presentation and interpretation of estimates and poli-

cies to OMB and Congressional Committees on Appropriations.

## CHAPTER 1W0900—DIVISION OF BUDGET STANDARDS AND PRESENTATION

**SECTION 1W0900.00 Mission.** The Division of Budget Standards and Presentation is responsible for analyzing the overall budget process and for coordinating and presenting the Departmental budget.

**Sec. 1W0900.10 Organization.** The Division is headed by a Director who reports to the Deputy Assistant Secretary, Budget. The Director supervises a staff of budget analysts and supporting personnel.

**Sec. 1W0900.20 Functions.** Conducts a systematic analysis of the overall Department budget process and analyzes and recommends alternative procedures. In cooperation with the Division of Budget Operations, develops and manages the (Department) Budget Information system.

2. Assists the Deputy Assistant Secretary, Budget and the Deputy Assistant Secretary, Comptroller in development of overall budget planning figures to be issued to the operating agencies. Develops and issues directives to operating agencies specifying material to be submitted to the Office of the Secretary, the Office of Management and Budget and the Congress. Establishes and maintains controls on agency budget submissions. Coordinates formulation of the overall Department budget document.

3. Coordinates presentation of the Department budget request to OMB. Reviews and recommends appropriate changes in the appropriation structure and the bill language. Establishes and maintains controls on exhibits and special material required by OMB. Coordinates and prepares the Department appeal upon issuance of the OMB allowance. Coordinates the budget review of the Department's legislative program.

4. Coordinates and reviews material to be released by the Department at the press conference and press release on the President's budget.

5. Coordinates the Department budget presentation to both Houses of the Congress. Prepares the opening statement and back-up material to be used by the Secretary in his appearance before the Appropriations Committees. Coordinates and reviews material prepared for Appropriations Committees and serves as a focal point or liaison between Committee staff and the Department. Coordinates and reviews material prepared on the effect of House action for use by the Senate Appropriations Committee. Prepares the Department's appeal letter to the Senate. Coordinates and reviews the material on the effect of Senate action and other material required.

6. Responsible for establishing and maintaining liaison with budget components of the Department, other components of the Office of the Secretary, the Office of Management and Budget, and the Congressional Appropriations Committees as an ongoing responsibility.

7. Participates in planning and evaluation system. Reviews and/or directs

the review of program and financial plans of the Department; coordinates and reviews program memoranda which are part of the Department's long-range plan and participates in the development of analyses dealing with broad program areas of Department interest.

## DEPUTY ASSISTANT SECRETARY, FINANCE

**SECTION 1W0900.00 Mission.** The Deputy Assistant Secretary, Finance provides guidance and leadership on accounting systems, financing, and financial and cost reporting. He is the principal advisor to the Assistant Secretary, Comptroller in these areas.

**Sec. 1W0900.10 Organization.** A. The Deputy Assistant Secretary, Finance reports to the Assistant Secretary, Comptroller and his Office includes:

1. Immediate Office
2. Division of Accounting Operations.
3. Division of Accounting Systems and Procedures
4. Division of Financial and Management Reporting

B. In the absence of the Deputy Assistant Secretary, Finance, the Director, Accounting Systems and Procedures; the Departmental Fiscal Policy Officer; the Director, Financial and Management Reporting; or the Director, Accounting Operations, in that order, act for him.

**Sec. 1W0900.20 Functions.** The Deputy Assistant Secretary, Finance:

A. Develops and issues Department-wide policies and procedures relating to fiscal, cost, travel, and accounting activities, including the Department Accounting Manual. Also, coordinates and approves individual agency accounting manuals and systems and relationships with the General Accounting Office concerning these manuals and systems.

B. Develops and executes policies and procedures relating to the expenditure and collection of funds administered by the Department, including fiscal, accounting, and related reporting policies and procedures which apply to recipients of HEW grants, contracts and loans.

C. Establishes uniform standards, policies, classifications, and terminologies to be used throughout the Department in its financial and cost reporting.

D. Establishes and maintains a Department-wide system for financial and cost reporting.

E. Develops and maintains management data collection and reporting system concerning programs, activities, and operations of the Department (including the operating agencies) as may be necessary to insure sound financial management of the Department.

F. Represents the Department in its relationships with the Office of Management and Budget, Treasury Department, General Accounting Office, General Services Administration, and other Federal agencies, inter-departmental committees and boards, intragovernmental committees or groups on accounting and financial reporting. Is responsible for Departmental implementation of central agency directives relating to the fiscal and accounting areas.

G. Provides accounting and related

services for the Office of the Secretary, and upon request, for the operating agencies.

**Sec. 1W0900.30 Delegations of authority.** A. Except as specifically delegated or assigned to other officials of the Department (not under the supervision of the Deputy Assistant Secretary, Finance) or reserved elsewhere in this Manual, the Deputy Assistant Secretary, Finance is authorized to perform all functions of the Assistant Secretary, Comptroller in the area of accounting and financial reporting. These functions shall include, but not be restricted to, the authority to:

1. Approve the issuance of Department manuals relating to accounting, payroll, travel and transportation, and any other Department manuals prescribing policies and procedures relating to accounting and financial reporting.

2. Designate cashiers and certifying officers in the Department and revoke such designations; certify such officers and employees to the disbursing office of the Treasury Department, and revoke such designations; and resolve by appropriate administrative action cash and fund loss irregularities amounting to less than \$150.

3. Approve appropriation transfer authorizations involving intra- and inter-departmental transfers of funds.

B. In exercising the authority described in this Section, the Deputy Assistant Secretary, Finance may:

1. Redelegate any portion thereof;
2. Authorize further redelegations;
3. Supersede or modify in whole or in part any directives (orders, instructions, delegations, etc.) heretofore issued.

## CHAPTER 1W0902—DIVISION OF ACCOUNTING OPERATIONS

**SECTION 1W0902.00 Mission.** The Division of Accounting Operations provides accounting, financial reporting, and fiscal services for the Office of the Secretary, which includes the Working Capital and Consolidated Funds, Office of Child Development, Departmental Management, and the Office of Civil Rights.

**Sec. 1W0902.10 Organization.** A. The Division of Accounting Operations is composed of a staff of accountants and supporting personnel under the direction of the Director, Division of Accounting Operations, who reports to the Deputy Assistant Secretary, Finance.

B. In the absence of the Director, Division of Accounting Operations, the Deputy Director, Division of Accounting Operations, acts for him.

**Sec. 1W0902.20 Functions.** A. The Division of Accounting Operations:

1. Develops and maintains the accounting manual for the Office of the Secretary in conformance with the Department Accounting Manual.

2. Maintains official records and accounts for the Office of the Secretary.

3. Maintains appropriation and obligation records and accounts for the Office of the Secretary.



4. Establishes and maintains financial controls over cash, accounts receivable, property and other assets.
5. Develops reporting systems and prepares financial and cost reports covering activities of the Office of the Secretary.
6. Examines and pays vendor invoices, transportation and other bills.
7. Examines and pays travel vouchers for employees in the Office of the Secretary.
8. Provides cashier services to the Office of the Secretary.
9. Provides billing activities for the Department Working Capital Fund.
10. Provides accounting and reporting activities for the Department's Centralized Payroll.

#### CHAPTER 1W0903—DIVISION OF ACCOUNTING SYSTEMS AND PROCEDURES

**SECTION 1W0903.00 Mission.** The Division of Accounting Systems and Procedures performs staff work for the Department in the development of accounting policy, systems, and procedures. It monitors agency systems to insure conformance with Departmental policy and advises the Deputy Assistant Secretary, Finance and the Assistant Secretary, Comptroller on questions pertaining to financial operations.

**Sec. 1W0903.10 Organization.** The Division of Accounting Systems and Procedures consists of a staff of systems and operating accountants and supporting staff and is headed by a Director who reports to the Deputy Assistant Secretary, Finance.

**Sec. 1W0903.20 Functions.** The Division of Accounting Systems and Procedures provides Department-wide leadership for accounting policy, systems, and procedures as well as policy relative to grantee and contractor accounting requirements and reporting. The Division performs the following functions:

1. Develops fiscal and accounting policy and procedures for Department-wide application, promulgates these procedures, as well as other Government-wide financial procedures, through the Department manual system. Has specific responsibility for developing and issuing Department Accounting Manuals to prescribe principles and standards governing DHEW accounting activities in the areas of fiscal and fund accounting, aspects of financial reporting, general ledger, cost accounting, accrual accounting, property accounting and grantee and contractor accounting and reporting.
2. Conducts financial management studies and surveys relative to the above areas and assists staff offices and operating agencies in the design, installation and improvement of their accounting systems and operations.
3. Provides advice and assistance to staff offices and operating agencies on accounting and fiscal matters.
4. Serves as principal staff advisor to the Deputy Assistant Secretary, Finance on accounting and fiscal matters.
5. Maintains liaison with the Office of Management and Budget, the General Accounting Office, and the Treasury Department and other agencies on matters

involving accounting policy and procedures or grantee or contractor accounting or reporting and such other matters as the Deputy Assistant Secretary, Finance may designate.

6. Reviews and drafts Department reports on Congressional bills affecting aspects of financial management.

7. Maintains continual review of agency accounting systems to assure compliance with Department accounting systems concepts, and legal and General Accounting Office requirements.

8. Conducts or performs research projects in fiscal accounting and topics of financial management.

9. Develops and issues policy concerning fiscal and other financial management matters involving the HEW Regional accounting operations and has technical jurisdiction over such matters as concern the Regional operations.

10. Provides financial technical assistance to Regional operations, agencies, grants management fund, central payroll, financial management information systems development and other central systems as may be necessary.

#### CHAPTER 1W0904—DIVISION OF FINANCIAL AND MANAGEMENT REPORTING

**Sec. 1W0904.00 Mission.** The Division of Financial and Management Reporting performs staff work for the Department in the development and operation of financial management information reporting systems and establishes policies and procedures to satisfy fiscal reporting requirements. The Division also establishes fiscal policy and procedures on Travel and Voucher Examination for Department-wide application and compliance.

**Sec. 1W0904.10 Organization.** The Division of Financial and Management Reporting consists of a staff of systems and operating accountants and other specialists under the supervision of a Director responsible to the Deputy Assistant Secretary, Finance.

**Sec. 1W0904.20 Functions.** The Division of Financial and Management Reporting provides Departmental leadership in the areas of financial management information systems, fiscal reporting, expenditure control and policy and procedures on Travel and Voucher Examination. The Division performs the following functions:

1. Develops travel and transportation policies for Department-wide application and promulgates these policies through the Department manual system. Develops and issues the HEW Travel Manual, which identifies and prescribes the full range of policies and procedures to apply to travel, transportation and related activities of all HEW.
2. Develops fiscal policies and procedures on voucher examination and related activities for Department-wide application and promulgates these policies through the Department manual system. Issues the HEW Voucher Examination Manual to prescribe policies and procedures governing fiscal activities of all HEW Voucher Examination offices.
3. Represents HEW with the Office of

Management and Budget, the General Accounting Office, the Department of the Treasury, the General Services Administration and other Federal agencies on financial management matters.

4. Reviews and drafts Department reports on Congressional bills affecting financial management matters.

5. Develops fiscal reporting procedures for Department-wide application.

6. Develops expenditure control policy and procedures for Department-wide application in collaboration with the Division of Budget Operations.

7. Establishes and maintains a Department-wide system for the reporting of actual expenditures compared to planned expenditures for top Departmental Management.

8. Develops and maintains information reporting systems to provide specialized, timely, accurate and meaningful financial data for top Departmental management.

9. Directs the development and implementation of reporting systems reports, methods and techniques to respond to the many requests, both recurring and one-time "flash", for financial data pertaining to Departmental funds.

#### HEW AUDIT AGENCY

**SECTION 1W13.00 Mission.** The HEW Audit Agency is responsible for the development and maintenance of a comprehensive audit program for the Department and its operating agencies. In brief, the Agency's mission is to determine whether the Department's operations are being conducted economically and efficiently, and to provide a reasonable degree of assurance that Federal funds are being expended properly and for the purpose for which they were appropriated. The HEW Audit Agency serves as principal advisor to the Secretary and top Department officials in this area.

**Sec. 1W13.10 Organization.** A. The HEW Audit Agency is comprised of a staff of auditors and supporting administrative personnel under the supervision of a Director responsible to the Assistant Secretary, Comptroller. The Director shall have direct access to the Secretary, however, when he deems this necessary to the fulfillment of his responsibilities. The Agency consists of

1. Immediate Office of the Director
  2. Division of State and Local Audits
  3. Division of University and Non-profit Audits
  4. Division of Social Security Audits
  5. Division of Audit Coordination
  6. Regional Audit Directors, Washington Area Audit Director, and their staffs.
- B. During the absence of the Director, the Deputy Director serves as Acting Director.

**Sec. 1W13.20 Functions.** A. The HEW Audit Agency provides staff assistance to the Secretary, Assistant Secretaries, and operating agency officials in the development and conduct of comprehensive audits which include examinations of the Department and its grantees and contractors.

B. In the performance of its mission, the Audit Agency:

1. Develops policies, procedures, standards, and criteria relating to audit activities at all levels within the Department.
2. Develops general and special audit programs as may be necessary to provide appropriate audit and examination of programs and activities performed by the Department and its operating agencies.
3. Determines when audits and examinations can be most appropriately carried out by organizations outside of the HEW Audit Agency, including other agencies of Government, or by private organizations.

4. Evaluates the adequacy of audits performed for the Department by organizations outside the HEW Audit Agency to determine that such audits are being conducted in consonance with Department objectives.

5. Conducts comprehensive audits of all Department program, activities, and functions including those carried out by and through the Department's grantees and contractors.

6. Prepares and disseminates reports of audits, examinations, and studies to the Secretary, operating agencies, and others who may be concerned in a particular audit or study.

7. Accumulates and provides operating agencies with data concerning audit reports and unexplained audit findings. This data serves as the basis for each operating agency's Stewardship Report to the Secretary. Evaluates the Stewardship Reports and provides the Secretary and other key Department officials with an analysis of the significant management decisions being made as a result of audit.

8. Conducts followups and special analyses to determine propriety of action taken on previous audit findings and recommendations.

C. Reviews legislative and program proposals for audit implications and evaluates their conformity and consistency with established audit policy.

D. As requested by the Department's operating agencies, performs special reviews of grant or contract proposals for the purpose of determining financial capabilities of grantees or contractors.

E. In the interest of economy and interdepartmental cooperation, performs audits of programs and activities administered by other Federal departments and agencies that involve participation by institutions of higher education and State and local governments.

F. Provides necessary Departmental liaison with the General Accounting Office and other Federal, State, and private auditing organizations on all matters pertaining to audits. With respect to General Accounting Office audits and investigations of Department Activities:

1. Reviews drafts and final reports covering Department activities and advises the Secretary and his staff of significant findings.
2. Reviews all replies to GAO reports prior to release and secures necessary clearance within the Office of the Secretary.

3. Performs followup reviews to determine propriety of action taken with respect to GAO recommendations.

4. Maintains liaison with representatives of the Office of Management and Budget and others regarding General Accounting Office reports.

G. Collaborates with and provides assistance to the Office of Grant and Procurement Policy in the execution of its responsibilities for the development of grant management and administration policy. Supports the Division of Financial Management Standards and Procedures in its responsibility for formulating policy to govern establishment of indirect cost rates.

H. Functions of Audit Agency Division are as follows:

1. Division of Audit Coordination
  - a. Develops agencywide audit policies, procedures and instructions.
  - b. Develops agencywide work plans, audit schedules and audit priority adjustments for budgetary and operating purposes.
  - c. Coordinates processing of GAO reports and letters.
  - d. Maintains liaison with other Federal audit organizations in determining audit cognizance and arranging for cross-servicing.

2. Division of Social Security Audits
 

- a. Develops technical standards and policies for audit of programs and activities of the Social Security Administration.
- b. Develops audit programs to evaluate effectiveness of all aspects of the administration of Social Security programs.
- c. Reviews issued audit reports and visits regional offices and audit sites to appraise technical adequacy of and provide technical assistance on Social Security audits.

d. Develops consolidated reports to top management based on audit findings on Social Security activities.

e. Maintains liaison with headquarters officials on Social Security audit matters.

3. Division of State and Local Audits, Division of University and Nonprofit Audits.

Each of the above Divisions is responsible, in its assigned area, for:

- a. Developing technical standards and policies for audits.
- b. Developing audit programs to evaluate effectiveness of operations.
- c. Reviewing issued audit reports and visiting regional offices and audit sites to appraise technical adequacy of audits and to provide technical assistance on audits.
- d. Developing consolidated reports and other reports to top management based on audit findings.
- e. Maintaining liaison with headquarters officials on audit matters.

#### DIVISION OF FINANCIAL MANAGEMENT STANDARDS AND PROCEDURES

**SECTION 1W14.00 Mission.** The Division of Financial Management Standards and Procedures is responsible for developing, reviewing and monitoring the implementation of Department policies and procedures on reimbursement of in-

direct costs incurred by DHEW grantees and contractors.

**Sec. 1W14.10 Organization.** The Division of Financial Management Standards and Procedures consists of the Director of that office, who is responsible to the Assistant Secretary, Comptroller, and of a staff of accountants and supporting personnel.

**Sec. 1W14.20 Functions.** In fulfilling its mission, the Division performs the following functions:

1. Formulates policies and procedures for determining and reimbursing the costs of grantee/contractor institutions applicable to DHEW awards, including such procedures as are necessary for indirect cost and similar cost negotiations. Performs such functions for all other Federal agencies as delegated by the General Services Administration or the Office of Management and Budget.
2. Monitors and provides assistance relative to the activities of Regional Offices and operating agencies in implementing policies and procedures formulated by the Division; works to assure compliance and uniform interpretation.
3. Provides guidance to grantees and contractors on problems concerning cost allocations to DHEW grants and contracts.
4. Conducts and participates in selected studies and projects relating primarily to questions on indirect costs such as the development of program cost-finding systems, financial management problems of grantee/contractor institutions, and the effects of legislation and Department policies on the operations and financial health of grantee/contractor institutions.
5. Reviews new or proposed legislation and program regulations to assure compliance with Department financial policies and compatibility with Department financial management objectives; identifies the need for new or revised Department financial policies and procedures.
6. Maintains liaison with the Office of Grants and Procurement Policy to assure that financial management policies are consistent with and conform to general grant and contract policies and procedures as established by the Assistant Secretary for Administration and Management; provides recommendations to the Office of Administration and Management on the development of general grant/contract policies.
7. Serves as the Department's liaison with and provides recommendations through the Assistant Secretary, Comptroller to the Office of Management and Budget, General Services Administration, Cost Accounting Standards Board, and other Federal agencies on the development of Government-wide financial management policies related to the administration of grant/contract programs; participates in the formulation of these policies.

Dated: February 15, 1974.

THOMAS S. MCFEE,  
Acting Assistant Secretary for  
Administration and Management.

[FR Doc. 74-4244 Filed 2-21-74; 8:45 am]



## PUBLIC HEALTH SERVICE

## Statement of Organization, Functions, and Delegations of Authority

Part 1 in the Statement of Organization, Functions, and Delegations of Authority of the Department, Chapter 1N, entitled Executive Secretariat (38 FR 18571, 7/12/73) is amended.

In section 1N.20 Functions, Subsection 1N.20B2b is amended to revise the functional statement for the Executive Secretariat and to establish two branches within the Executive Secretariat as follows:

b. *Executive Secretariat (1N02).* The Executive Secretary: serves as the focal point for the control of correspondence and action items of the Assistant Secretary for Health, Deputy Assistant Secretary for Health, and Executive Officer/PHS, including substantive policy review and evaluation, action assignment, followup to insure timely and appropriate action, and clearances; establishes procedures for the preparation and management of written communications involving the Office of the Assistant Secretary for Health; coordinates the development of meeting agendas; reports on meetings of the Assistant Secretary for Health and follows up on action items resulting from these meetings; maintains or assigns responsibility for the maintenance of the official files of the Assistant Secretary for Health; assures rapid communications between the Office of the Assistant Secretary for Health and the PHS agencies.

*Policy Monitoring Branch (1N0203).* The Branch: (1) reviews for policy implications and coordinates the clearance of correspondence and action documents involving the Assistant Secretary for Health, Deputy Assistant Secretary for Health, and the Executive Officer/PHS; (2) keeps PHS agencies informed of the Assistant Secretary for Health's decisions; (3) follows through on Assistant Secretary for Health's inquiries; (4) provides advice and assistance on preparation of documents; (5) coordinates preparation of agendas and briefing materials for the Assistant Secretary for Health's meetings; (6) attends meetings of the Assistant Secretary for Health for the purpose of recording and following up on decisions or action items; (7) coordinates Office of the Assistant Secretary for Health's weekly activity reports and Executive Secretariat Issue Lists; (8) prepares replies to correspondence when appropriate; (9) modifies replies prepared in PHS to conform with established policy.

*Correspondence Operations Branch (1N0205).* The Branch: (1) Provides direction for document control in all organizational elements of the Executive Secretariat; (2) assigns correspondence and action items to the relevant component of PHS for appropriate action; (3) generates and maintains records of assigned correspondence; (4) insures that correspondence is acted upon in a timely manner; (5) provides statistical measurements of correspondence man-

agement; (6) reviews replies to insure compatibility with style and format; (7) obtains necessary clearances; (8) assures rapid communications between the Office of the Assistant Secretary for Health and the PHS agencies and provides a messenger service system in the Office of the Assistant Secretary for Health; (9) provides typing support for the Executive Secretariat; (10) provides guidance to PHS in correspondence management; (11) maintains or assigns responsibility for the maintenance, storage, and retrieval of internal documents, general files, and the health reference materials files of the Assistant Secretary for Health; (12) assists in the development of procedures and guidelines for the preparation of correspondence.

Dated: February 15, 1974.

THOMAS S. McFEE,  
Acting Assistant Secretary  
for Administration and Management.

[FR Doc.74-4245 Filed 2-21-74;8:45 am]

DEPARTMENT OF  
TRANSPORTATIONFederal Railroad Administration  
STATE PARTICIPATION PROGRAM  
Procedural Guidelines

The Federal Railroad Administration (FRA) has recently completed rule making proceedings on State Participation pursuant to sections 202 and 206 of the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et seq.) (the Act) with the publication of a final rule in 38 FR 34782, December 18, 1973, as corrected by the notice in 39 FR 1772, January 14, 1974.

The purpose of this notice is to publish a document which sets forth a statement of FRA policy, as well as procedural guidelines to assist State agencies in preparing submissions for Certification or Agreement, and in applying for and administering Federal payments authorized under section 206(d) of the Act. The document also includes the prescribed forms in which submissions for Certification or Agreement, and applications for Federal payments must be made, as well as the prescribed Payment Agreement. The FRA will provide each appropriate State agency with a similar package which will include complete information on the State Participation Program.

In fulfillment of its statutory duty pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the FRA has considered the environmental impact of the State Participation Program. It is the judgment of this agency, based on available information, that no significant environmental impact will result from execution of the State Participation Program.

These guidelines shall become effective on February 13, 1974.

JOHN W. INGRAM,  
Administrator.

## NOTICES

STATE PARTICIPATION PROGRAM  
PROCEDURAL GUIDELINES

I. Purpose. These guidelines are designed to assist State agencies in preparing submissions for Certification or Agreement and in applying for and administering Federal payments authorized under section 206(d) of the Federal Railroad Safety Act of 1970 (hereafter referred to as "the Act").

II. Package contents. The attached package includes the forms required to be submitted for the State Participation Program:

1. Form for submission for Certification or Agreement;
2. Application for Federal Payment, Payment Agreement and Terms and Conditions;
3. Questionnaire on Source of State Funds;
4. Summary of Program Costs.

III. Policy. In developing the State Participation Program, the FRA has sought to reflect the intent of Congress that the cooperative Federal-State rail safety effort result in a safety enforcement program which is as uniform as possible throughout the country. Consequently, additional subparts of section 212, Title 49 of the Code of Federal Regulations will set out in detail the technical qualifications which will be required of all State inspectors who will be conducting the investigative and surveillance activities prescribed for each Federal safety rule. To further insure uniformity under subpart C qualifications for State track inspectors and junior track inspectors are identical to those qualifications required for Federal inspectors. Thus, inspections will be conducted throughout the country by similarly qualified personnel, whether they be State or Federal employees.

Uniformity will also be sought through policies concerning the Federal payments made available under the Federal Railroad Safety Act of 1970 (the Act). Section 206(d) of the Act authorizes Federal payments of "up to 50 per centum of the cost of the personnel, equipment, and activities of such State agency reasonably required, during the ensuing fiscal year, to carry out a safety program under such certification or agreement." Subject to the availability of funds and upon approval of an application in the attached prescribed form, the Administrator will provide 50 per centum of the salary costs of the minimum number of inspectors determined by him to be necessary for an effective State program. This number of inspectors has been prescribed for the Track Safety Standards in 49 CFR Part 212, Subpart C. Similarly, a minimum number of inspectors will be prescribed for each additional railroad safety regulation promulgated under the Act. In addition, Federal share payments will only be applicable to salary costs of State inspectors up to compensation levels which do not exceed those of similarly qualified Federal inspectors. Salary costs above Federal compensation levels will be borne solely by the State.

Beyond salary costs, Federal payments will be available for up to 50 per centum of such other costs as are determined by the Administrator to be reasonably required to carry out the State program. Such costs of the program may include equipment and travel expenses of State inspectors, support costs such as administrative and secretarial services, office space, equipment and supplies directly involved in the conduct of the State Participation Program. These latter costs may include the cost of the preparation of reports required by the Act, FRA regulations or the terms and conditions of the Payment Agreement. The "Summary of Estimated Program Costs" included in the Payment Application will be reviewed by the FRA as a proposed budget, and may be subject to discussions and negotiations between the FRA

and the State agency. The Administrator shall make the final determination as to the reasonableness of estimated program costs and the apportionment to be paid to each State agency.

IV. Submission for certification/agreement. The enclosed form entitled "State Participation Program" is the prescribed form for a submission for Certification or Agreement under section 206 of the Act and 49 CFR Part 212. The information required in this form is that information which is specified in 49 CFR 212.13 for an Initial Certification and Report.

The completed form should be returned to the Docket Clerk, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, as soon as possible after the date of the FRA information meeting attended by representatives of your State. State agencies must be certified or enter into an agreement before they become eligible for Federal payments under section 206(d) of the Act and 49 CFR 212.33. A closing date of April 15, 1974 has been established for applications for Federal payments for the State participation activities to be conducted in fiscal year 1975. Although submissions for Certification or Agreement received after April 15, 1974 will be accepted and may be approved, no applications for Federal payments will be accepted after that closing date. As a result, Federal funds for the State Participation Program for 1975 will not be available to those States which submit applications after April 15, 1974. Therefore, States are encouraged to submit this completed form as early as possible.

The following instructions are furnished for completing the submission for Certification or Agreement:

This Initial Certification will be for fiscal year 1975 (July 1, 1974 to June 30, 1975), and will relate to the FRA Track Safety Standards, 49 CFR Part 213.

Item Number 3 (page 2, section 5) of the Initial Certification Report requires the State to designate a State Participation Program coordinator. This person will function as the State agency's contact point for liaison and correspondence between the FRA and the State agency. Therefore, it is important that his correct title, full address and telephone number (including area code and extension) be included in the Report.

Item Number 4 (page 2, section 6) of the Initial Certification Report requires a description of the State agency's present railroad safety program. The form itself gives a broad indication of the types of information to be included. In addition to this information, the State agency should include copies of its statutory and regulatory authority over rail operations within the State, including operations of rail rapid transit and municipal or State-owned railroads.

Item Number 5 (page 2, section 5) of the Initial Certification Report requires a list of State employees to be assigned as railroad safety inspectors with respect to 49 CFR Part 213. Section 212.53 of 49 CFR requires a State agency to have at least one track inspector before an Initial Certification is submitted. This track inspector may already be hired or must be hired within 30 days after Certification or Agreement. If the candidate for the track inspector position is not a State employee at the time of the submission of the Report, the State agency should include, in addition to the information specified in the form, an address at which the candidate can be reached.

The Opinion of Counsel which concludes the Initial Certification form should include a copy of the appropriate State statute or regulation which confers upon the State agency the authority specified in paragraph 1-3 (page 3, section 5).

## NOTICES

V. Eligibility for Federal payment. To qualify for Federal funds, a State agency, which has jurisdiction over the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within the State, must be certified or must enter into an agreement as provided by section 206 of the Act and 49 CFR Part 212. In addition, the State agency must give assurances that it will provide the funds necessary to finance all costs in excess of Federal payments, and that the aggregate expenditure of State funds (exclusive of Federal payments) for railroad safety programs will be maintained at a level which does not fall below the average level of expenditures for railroad safety programs during the two fiscal years immediately preceding October 16, 1970, the date of enactment of the Federal Railroad Safety Act.

VI. Payment application. The applicant must be the State agency which has jurisdiction over railroad facilities, equipment, rolling stock, and operations within the State, and which has been certified or entered into an agreement under section 206 of the Act and 49 CFR Part 212. Application for a Federal payment must be made in the prescribed form which is attached below.

Federal appropriations for the State Participation Program are made on a fiscal year basis for activities to be conducted in the ensuing fiscal year. For example, the appropriation made available to FRA in fiscal year 1974 (FY 74—July 1, 1973 to June 30, 1974) will be obligated within that year to be expended on the program for the following year, fiscal year 1975 (FY 75—July 1, 1974 to June 30, 1975). Any funds not obligated by the end of FY 74, June 30, 1974, will lapse. For this reason it is important that the enclosed Payment Application be received no later than the closing date of April 15, 1974. This will allow adequate time for processing and review and will insure that final Payment Agreements can be signed and funds thereby obligated prior to July 1, 1974. Again State agencies are encouraged to return the executed Payment Application to the Docket Clerk, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590 as early as possible. Each State will be notified within 60 days of the closing date for applications of the amount of Federal payment which will be provided.

The following instructions are furnished for completing the Payment Application:

The applicant must be the State agency which has submitted the completed forms for certification or agreement.

Number 2 (page 1, section 6) of the Payment Application requires the State agency to certify what the average level of State expenditures was for the last two fiscal years preceding October 16, 1970, the date of enactment of the Act. This figure will constitute the base figure for State expenditures on railroad safety in the future. It was established by Congress in section 206(d) of the Act. The fiscal years to which the Act refers are FY 69 and 70, the Federal fiscal year which runs from July 1 to June 30. If State operations are based on a different fiscal year, include an attachment, numbered "2a", which explains the time period covered by the figure for expenditures. If exact figures are not available, the average may be based on best estimates of State expenditures. If a best estimate is used, include an attachment numbered "2b", which explains the basis for the estimated figure.

Number 4 (page 1, section 6) of the Payment Application requires the State agency to complete the attached "Summary of Estimated Program Costs". Page 3, section 6 of the application provides the necessary form. As was stated in section III above, this information is to be completed in the form of

a proposed budget. These costs should reflect the activities included in the Description of State Participation Program on page 2 of the application.

Number 5 (page 1, section 6) of the Payment Application states the specific assurances which the Congress has made the preconditions to a Federal payment under section 206(d) of the Act.

The Description of the State Participation Program on page 2 of the Application gives guidance as to the type of information to be included. It should be noted that this description differs from that required under number 4 (page 2, section 5) of the Initial Certification Report. The Initial Certification Report describes the existing State rail safety program. The description included in the Payment Application refers to the activities contemplated for FY 75 in carrying out the investigation and surveillance prescribed for the Track Safety Standards.

VII. Payment agreement and terms and conditions. The Payment Agreement and Terms and Conditions form Part II of the combined Payment Application and Agreement package and should be completed, signed and returned with the Payment Application. If review of the material submitted in the Application/Agreement package requires clarification or changes the State agency will be contacted by the FRA. When the final terms have been agreed upon, the Agreement will be signed by the appropriate FRA official and a copy of the executed Agreement will be returned to the State Participation Program coordinator.

The Terms and Conditions of the Payment Agreement are based upon Federal requirements for the administration of programs of assistance to State and local governments. Portions of Office of Management and Budget Circulars, as well as statutes and regulations referred to in the Terms and Conditions are included in the Appendices to the package.

The State is responsible for insuring that the actions listed in the executed Payment Application and Agreement forms are fulfilled and that the Terms and Conditions are met. The State agency must submit a Semiannual Progress Report as specified in paragraph 1 of the Terms and Conditions. The reports are to detail the activities of the State agency related to the State Participation Program, and are to cover the periods July 1 through December 31 and January 1 through June 30. The report must be submitted to the FRA by February 1 and August 1 for the appropriate six-month period. The reports will be cumulative and will cover all actions of the program for the entire fiscal year.

The Act authorizes the Administrator to pay up to 50 per centum of the costs of the personnel, equipment and activities reasonably required to carry out the State Participation Program. The amount of Federal payment specified in paragraph 4 of the Payment Agreement is the greatest amount of Federal funds which the FRA will pay for investigative and surveillance activities during that fiscal year. For example, if the Payment Agreement specifies a Federal payment in the amount of \$10,000, and the total cost of the State program for the entire fiscal year is \$25,000, the State will receive the \$10,000 amount specified in the Payment Agreement—even though this amount is less than 50 per centum of actual program costs. On the other hand, if the total cost of the State program is only \$18,000, then the Federal payment must be reduced to \$9,000. This will be accomplished either by a reduction in the final reimbursement or by a refund from the State to the Federal Government from funds advanced.



VIII. Questionnaire on source of State funds. The purpose of this questionnaire is to gather some important information on the nature of State funding procedures. This information will be of great assistance to the FRA in the preparation of future budget requests for the State Participation Program. It must be submitted to the Docket Clerk (see page 3 above) no later than April 15, 1974.

Name and Telephone Number of Person to be contacted if additional information should be needed as specified on the form should be the State Participation Program coordinator designated in the Initial Certification Report. We have chosen to use the same State official so that contact points between the Federal Government and the State agency can be kept to the minimum. This will enable both the FRA and the State agency to keep more accurate records as to the communications which will go on between them. The State Participation Program coordinator may refer the inquiring Federal official to the appropriate State official.

IX. Summary of program costs. The purpose of this form is two-fold. First, it will give FRA specific breakdown of the average level of State expenditures on railroad safety for the last two fiscal years preceding the enactment of the Act. These figures are the basis for the figure in number 2 on page 1 of the Payment Application. The "cost" column for FY 69 and 70 should reflect actual costs. If actual cost figures are unavailable, best estimates may be used. A notation should be included as to whether FY 69 and 70 figures are "actual" or "best estimate" costs.

The second purpose of this form is to provide FRA with estimates as to the program costs in coming years. This information will assist us in our budgetary planning for the State Participation Program. Since this appropriation is a fiscal year appropriation, we will have to prepare an appropriation request for the program each year. These figures will provide a basis and justification for the requested level of funding.

Note that the column designated for FY 75 is identical to the Summary of Estimated Program Costs Fiscal Year 1975 included in the Payment Application.

#### STATE PARTICIPATION PROGRAM

The State of \_\_\_\_\_, by and through the \_\_\_\_\_ (the State agency), hereby submits to the Federal Railroad Administrator (the Administrator) the following information:

( ) As an initial certification, for the fiscal year 19\_\_\_\_ with respect to 49 CFR \_\_\_\_\_ pursuant to the requirements of section 206 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435) and 49 CFR Part 212.

( ) As an application for an agreement for the fiscal year 19\_\_\_\_ to carry on certain investigative and surveillance activities, with respect to 49 CFR \_\_\_\_\_ pursuant to the requirements of section 206 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435) and 49 CFR Part 212.

#### I. REPORT

1. The State agency has been furnished a copy of 49 CFR \_\_\_\_\_.  
2. The following railroads operate the stated number of miles of main and branch lines within the State of \_\_\_\_\_:

Railroad	Number of miles operated	
	Main line	Branch line
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
Total _____	_____	_____

Total number of miles operated \_\_\_\_\_ (If additional pages are needed, designate as #2a, 2b, 2c, etc.)

3. \_\_\_\_\_ has been designated the State participation program coordinator for the State of \_\_\_\_\_. The State participation program coordinator maintains offices at \_\_\_\_\_

(Full Address and Telephone Number)  
4. Description of State agency railroad safety program:

This section should include a detailed description of the existing organization, programs, and functions of the State agency with respect to railroad safety within the State. The description should include, but not be limited to, information on personnel (safety inspectors, administrative, supervisory and clerical employees assigned full time or part time (including estimated man years) to the railroad safety program), equipment (such as testing devices, motor vehicles, typewriters, file cabinets, and related items required for use on the railroad safety program), activities (such as safety regulations presently enforced, nature, number and frequency of inspections, role in accident investigation), and any additional pertinent information which will demonstrate the State agency's capability to conduct the investigative and surveillance activities prescribed by the Administrator.

5. The following State employees will be assigned as railroad safety inspectors to perform the investigative and surveillance activities prescribed by the Administrator with respect to 49 CFR \_\_\_\_\_:

List the name, State employee identification number, if any, and qualifications of each such employee.

6. Railroad safety inspectors assigned to perform the investigative and surveillance activities prescribed by the Administrator with respect to 49 CFR \_\_\_\_\_ shall be paid at the following compensation levels:

List the compensation level for each employee included in paragraph 5 of this report.

#### II. OPINION OF COUNSEL

I, \_\_\_\_\_, acting as Counsel for the State agency, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, do certify the following:

1. \_\_\_\_\_, has legal jurisdiction over (State Agency)  
safety practices applicable to railroad facilities, equipment, rolling stock, and operations within the State of \_\_\_\_\_;  
2. \_\_\_\_\_, has the legal authority (State Agency)  
to conduct investigative and surveillance activities in connection with the rules, regulations, orders, and standards issued by the Federal Railroad Administrator under the Federal Railroad Safety Act of 1970; and

3. State funds may be used for the purpose of carrying out investigative and surveillance activities prescribed by the Federal Railroad Administrator under the Federal Railroad Safety Act of 1970.

#### PAYMENT APPLICATION AND AGREEMENT STATE PARTICIPATION PROGRAM

##### PART I—PAYMENT APPLICATION

1. Program. The \_\_\_\_\_ (the State agency) hereby applies to the Federal Railroad Administration (the Administration) for a Federal payment under section 206(d) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435(d)) (the Act) and 49 CFR 212.33 to carry out the investigative and surveillance activities prescribed by the Federal Railroad Administrator (the Administrator) for each Federal safety rule, regulation, order, and standard as set forth in this application. The State agency:

( ) Has submitted to the Administrator under section 206 (a) and (b) of the Act and 49 CFR Part 212 an initial certification to carry out the investigative and surveillance activities prescribed by the Administrator with respect to 49 CFR \_\_\_\_\_ for the fiscal year 19\_\_\_\_.

( ) Intends to enter into an agreement with the Administrator under section 206(c) of the Act and 49 CFR Part 212.

2. The State agency certifies that the average level of expenditures by the State of \_\_\_\_\_ for railroad safety programs during the two fiscal years immediately preceding October 16, 1970, amounted to \$\_\_\_\_\_ per year.

3. The State agency plans to carry out the investigative and surveillance activities prescribed by the Administrator with respect to 49 CFR \_\_\_\_\_ during the fiscal year 19\_\_\_\_.

4. To accomplish the investigative and surveillance activities referred to in paragraph 3, the State agency proposes to expend funds as set forth in the attached "Summary of Estimated Program Costs".

5. State expenditures. The State agency assures that it will provide the funds necessary to finance all costs in excess of Federal payments, and that the aggregate expenditure of State funds (exclusive of Federal payments) for railroad safety programs will be maintained at a level which does not fall below the average level of expenditures set forth in paragraph 2 of this application.

Description of State Participation Program  
Fiscal Year 19\_\_\_\_

This page, and any needed additional pages (designated as Page No. 3a, 3b, 3c, etc.), should include a description of the State's planned program with respect to the investigative and surveillance activities prescribed for each Federal railroad safety rule, regulation, order, or standard for which a certification is submitted or an agreement is entered into. The description should include information on:

Personnel. Number of inspectors, supervisory and clerical employees assigned full time or part time to the program, with respect to general administrative personnel, the position title, the activities and time devoted to the program; contribution of those employees who work part time on the program should be estimated in man years.

Equipment. Testing devices, motor vehicles, typewriters, file cabinets, telephones, and general office supplies required for pur-

chase or use on the program (when such equipment is also used for purposes other than the activities of the program show that portion of the cost allocable to the program).

Activities. The investigative and surveillance activities contemplated, the extent of territory to be covered in the course of these activities, mode of transportation, reports to be submitted, etc.

#### Summary of estimated program costs, fiscal year 1975

	Number	Man-years <sup>1</sup>	Estimated costs
<b>A. Personnel:</b>			
(1) Technical. Personnel directly engaged in the railroad safety program. This category will usually be limited to inspectors who conduct investigative and surveillance activities. Entries under this heading should be identified in an attachment by job title and a description of the activities charged to the program.			
Total technical personnel.....	_____	_____	\$_____
(2) Administrative. Personnel indirectly involved in the railroad safety program. Entries under this heading should be identified in an attachment by job title and a description of the activities charged to the program.			
Total administrative personnel.....	_____	_____	_____
(3) Clerical and other—(specify type of activity and basis for calculating cost).....			
Total clerical and other.....	_____	_____	_____
Total personnel.....	_____	_____	_____
<b>B. Equipment:</b>			
(1) Motor vehicle.....			
(2) Office equipment.....			
(3) Other (Identify in detail in an attachment).....			
Total equipment.....	_____	_____	_____
<b>C. Activities:</b>			
(1) Travel expense.....			
(2) Expenses at seminars and training sessions.....			
Total activities.....	_____	_____	_____
<b>D. Other expenses (specify).....</b>			

<sup>1</sup> Use decimal point to show fraction of man-year where applicable.

Payment Agreement No. \_\_\_\_  
Amount \$\_\_\_\_\_

#### PART II—PAYMENT AGREEMENT

1. Agreement. The State agency agrees to carry out investigative and surveillance activities and the Administration agrees to reimburse the State agency for a portion of the costs of carrying out such investigative and surveillance activities. This Agreement is made for the purpose of providing Federal funds pursuant to section 206(d) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435(d)) and 49 CFR 212.33.

2. Project. The State agency agrees to undertake the investigative and surveillance activities (herein called the Program) proposed in "Part I—Application," in accordance with the "terms and conditions" attached to and incorporated into this Payment Agreement.

3. Financial Management System. (a) The State agency certifies that its Financial Management System ( ) does ( ) does not satisfy the requirements of paragraph 3 of the Terms and Conditions.

(b) The State agency certifies that: ( ) Its procurement standards comply with Attachment O of Office of Management and Budget Circular (OMB Circular) A-102. (See Appendix A.)

( ) Its procurement standards do not comply with Attachment O of OMB Circular A-102. (See Appendix A.)

(c) The State agency's Financial Management System is maintained by \_\_\_\_\_ (Commission or other Agency).

This unit has recently been reviewed by \_\_\_\_\_ (DOT element or other Federal Government Agency, if available, or State Agency) on \_\_\_\_\_ (Date)

4. Federal funds. The Administration agrees to reimburse the State agency in the

sum of \$\_\_\_\_\_, or one half of the costs incurred for carrying out the Program during fiscal year 19\_\_\_\_, whichever is less. This Payment Agreement expires June 30, 19\_\_\_\_. The Administration is not obligated under this Agreement to reimburse the State agency for any obligations incurred after that date.

State Agency \_\_\_\_\_  
By \_\_\_\_\_  
Title \_\_\_\_\_

Date \_\_\_\_\_  
FEDERAL RAILROAD ADMINISTRATION

By \_\_\_\_\_  
Signature of Contracting Officer \_\_\_\_\_

Date \_\_\_\_\_  
Name of Contracting Officer \_\_\_\_\_

Certification

I, \_\_\_\_\_, acting as Attorney for the State agency, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, do certify that I have examined the Payment Agreement and find that acceptance by the State agency has been authorized, and that the execution thereof is proper and in accordance with the laws of the State of \_\_\_\_\_, and that, in my opinion, the State agency has legal authority to carry out the Payment Agreement in accordance with the terms thereof.

\_\_\_\_\_  
Attorney for the State Agency

#### PAYMENT AGREEMENT

##### STATE PARTICIPATION PROGRAM

##### TERMS AND CONDITIONS

1. Program accomplishment. The State agency shall submit to the Administration a completed copy of the Semiannual Progress Report on Railroad Safety for the periods of

July 1 through December 31 and January 1 through June 30 for each fiscal year or portion thereof that the Administration provides funds to aid the State in conducting the investigative and surveillance activities specified in Part I—Application. This report must be submitted by February 1 for the period of July 1 through December 31, and by August 1 for the period of January 1 through June 30.

2. Program budget. a. The State agency shall incur obligations against, and make disbursements of, Program funds in general conformity with the proposed actions and estimated costs listed in Part I—Application. b. The State agency shall request prior approval from the Administration for Budget Revisions whenever:

(1) The cumulative amount of transfers among budget categories listed on the Summary of Estimated Program Costs for Fiscal Year 19\_\_\_\_ exceeds or is expected to exceed five percent of the payment budget; or  
(2) The revisions pertain to the addition of items requiring approval in accordance with the provisions of OMB Circular A-87. (See Appendix B)

c. The State shall notify the Administration promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the State agency by more than \$5,000 or 5 percent of the Payment Agreement, whichever is greater.

d. When requesting approval for budget revisions, the State agency shall submit an Interim Progress Report, using the Semiannual Progress Report Form, and an explanation justifying the request. However, the State agency may request by letter the approvals required by the provisions of OMB Circular A-87. (See Appendix B)

e. Within 30 days from the date of receipt of the request for budget revisions, the Administration will review the request and notify the State agency whether or not the budget revisions have been approved, or, if the revision is still under consideration, when to expect a decision.

3. Financial management. a. The State agency shall maintain a Financial Management System which is in compliance with the standards listed in Attachment G to OMB Circular A-102. (See Appendix C)

b. Financial records of the State agency related to the Program, including books of original entry, source documents, supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and other related documents and records, must be retained by the State agency for a period of three (3) years following the submittal of the last Financial Status Report for the fiscal year, with the following qualifications:

(1) The records shall be retained beyond the three-year period if audit findings have not been resolved;

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for three years after its final disposition;

(3) When records are transferred to or maintained by the Administration, the three-year retention requirement does not apply.

c. The State agency is authorized to substitute microfilm copies in lieu of original records.

d. The Administration shall request the State agency to transfer certain records to Federal custody when the administration determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping the Administration will make arrangements with the State agency to retain any records which are continuously needed for joint use.

e. The State agency's financial procedures shall require audits to be made by the State agency, or at its direction, to determine, at







highway speed limits that have been imposed because of the gasoline shortage the number of fatalities appears to be declining, and the most effective means of ameliorating the problem of speed-related fatalities at high speeds may consequently be changing. The effect of the speed limit reduction on high-speed-related fatalities is not as yet clear, although statistics for the months of November and December 1973 indicate a correlation. In December, 18 States had reduced their speed limits to 50 or 55 miles per hour. In those States highway fatalities were 25.1 percent lower than for the corresponding month in 1972. In the other 32 States, fatalities were reduced 12.5 percent. Since the compilation of these data, a nationwide speed limit of 55 miles per hour has been imposed. Speed reduction may therefore bring about an overall nationwide reduction of highway fatalities.

These factors may indicate the advisability of a lower speedometer limitation than that previously endorsed by the NHTSA. Comments are therefore requested on (1) whether there should be a rule on maximum speedometer indication and, if so, (2) what is the most appropriate maximum speedometer indication, taking into account the current lower speed limits, the possible corresponding highway fatality reduction, effectiveness, and driver convenience.

Interested persons are invited to submit comments on the matters discussed above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Comment closing date: April 23, 1974. (Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 15, 1974.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.74-4192 Filed 2-21-74; 8:45 am]

Office of the Secretary

#### ADVISORY COMMITTEE ON TRANSPORTATION-RELATED SIGNS AND SYMBOLS

##### Notice of Public Meeting

February 27, 1974, the Advisory Committee on Transportation-Related Signs and Symbols will hold a public meeting beginning at 10 a.m. in Room 10330, Department of Transportation Building, 400

Seventh Street SW., Washington, D.C. The purpose of the meeting, which is the first organizational meeting of the Committee, is to establish the timetable for accomplishing the Committee's mission, which is to develop a comprehensive system of signs and symbols to serve United States domestic and international transportation needs which, after proper testing, can be recommended as a uniform standard.

The Committee is a broadly technical advisory committee with representatives principally from Federal agencies, transportation-oriented industries and associations, and qualified sources outside Government. The Committee's functions are solely advisory and its advice and recommendations are the result of its independent judgment. Its membership is comprised of approximately 50 percent from Government agencies and 50 percent from industry sources.

For further information contact the Committee's Executive Director, William R. Myers, Office of Facilitation, TES-50, Department of Transportation, Room 10308, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-4584.

This notice is issued pursuant to section 10, Federal Advisory Committee Act (Pub. L. 92-463) and Executive Order 11686 (37 FR 21421).

Issued in Washington, D.C., on February 15, 1974.

BENJAMIN O. DAVIS, Jr.,  
Assistant Secretary for Environment, Safety and Consumer Affairs.

[FR Doc.74-4223 Filed 2-21-74; 8:45 am]

#### ATOMIC ENERGY COMMISSION ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

##### Notice of Meeting

FEBRUARY 19, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on March 7-9, 1974, in Room 1046, 1717 H Street, NW, Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

(1) Thursday, March 7, 1974: 9:30 a.m.-12:30 p.m. 1:30 p.m.-8:00 p.m. Grand Gulf Nuclear Station Units 1 and 2—The Committee will consider the construction permit application for this plant. This will include presentations by representatives and consultants of the AEC Regulatory Staff and the Mississippi Power and Light Company and discussions with these groups. Closed sessions will be held during this period, if required, to discuss proprietary information related to fuel element, design, fabrication and operation, including loss-of-coolant accident analysis and security plans for this facility.

(2) Friday, March 8, 1974: 9:30 a.m.-10:30 a.m.: Meeting with AEC Regulatory Staff—To hear presentations and discuss matters related to reactor operating experience and licensing activities, including:

Zion Station—Neutron flux tilt, performance of diesel-generators, and control rods.  
Oconee Nuclear Station Unit 2—Primary coolant pump failure  
Shippingport Nuclear Station—Failure of turbine-generator  
Performance of Diesel-Generators at Nuclear Plants

(3) 4:00 p.m.-6:45 p.m.: Meeting on North Anna Power Station Units 3 and 4—The Committee will hear presentations from and hold discussions with representatives of the AEC Regulatory Staff and the Virginia Electric Power Company regarding the application for a construction permit for this facility, particularly the seismic conditions at the site.

This meeting will include closed sessions, if required, to discuss security plans for this facility and privileged information related to the reactor fuel.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than February 27, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and as follows:

Grand Gulf Nuclear Station, Units 1 and 2  
Deputy Chancery Clerk  
Claiborne County Courthouse  
Port Gibson, Mississippi 39150  
North Anna Nuclear Station  
Office of Mr. Dean Agee  
Executive Secretary  
Board of Supervisors  
Louisa County Courthouse  
Louisa, Virginia 23093

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written

statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 6, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 AM and 5:15 PM daylight saving time.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW, Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW, Washington, D.C., on or after May 10, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-4319 Filed 2-20-74; 12:05 pm]

[Docket No. STN 50-437]

#### OFFSHORE POWER SYSTEMS Change in Location of Local Public Document Room

In the matter of Offshore Power Systems (Floating Nuclear Power Plants). In the notice of hearing on application for manufacturing license published in the FEDERAL REGISTER on December 10, 1973 (38 FR 34008), addresses of three local public document rooms were given where members of the public could go to inspect documents in the captioned mat-

ter. Notice is hereby given that as of February 13, 1974, the Wallace R. Holst Community Library, North School, Lafayette and Evans Avenues, Brigantine, New Jersey, no longer serves as a local public document room in the above matter. All available documents have been transferred to the Stockton State College Library, Pomona, New Jersey 08240. Copies of available documents may be inspected by members of the public at the Stockton State College Library between the hours of 8 a.m. and 10 p.m. Monday through Thursday; 8 a.m. and 6 p.m. on Friday; 9 a.m. and 4 p.m. on Saturday; and 2 p.m. and 10 p.m. on Sunday.

Other than the above mentioned change, additional locations where documents may be inspected by members of the public, as stated in the Notice of Hearing, remain the same.

Dated at Bethesda, Maryland, this 15th day of February 1974.

For the Atomic Energy Commission.

KARL R. GOLTER,  
Chief, Light Water Reactors  
Group 1-3 Directorate of Licensing.

[FR Doc.74-4154 Filed 2-21-74; 8:45 am]

[Docket No. 50-395; Construction Permit No. CPPR-94]

#### SOUTH CAROLINA ELECTRIC AND GAS CO.

##### Recision of Order Suspending Certain Construction Activities

In the matter of South Carolina Electric and Gas Company (Virgil C. Summer Nuclear Station, Unit 1).

By order dated December 7, 1973, South Carolina Electric and Gas Company, Post Office Box 764, Columbia, South Carolina ("the licensee"), was ordered to show cause why further construction at the site of Seismic Category I structures under Construction Permit No. CPPR-94 should not be suspended pending completion of an investigation and evaluation of geologic faults at the construction site.

Pursuant to 10 CFR 2.202 the licensee on January 2, 1974 filed an answer consenting to the entry of an order in accordance with the Order to Show Cause of December 7, 1973.

By order dated January 10, 1974, the licensee was ordered to suspend further construction of Seismic Category I structures at the plant site of the Virgil C. Summer Nuclear Station, Unit 1, pending completion of the investigation and evaluation of the geologic faults in accordance with the Order to Show Cause of December 7, 1973.

On January 15, 1974, the licensee submitted to the Regulatory Staff a report of the geologic investigation at the Virgil C. Summer plant site. This report concluded that the geologic faults discovered during construction excavation which were the basis for the Order to Show Cause are presently inactive and, in all probability, have been inactive for approximately 100 million years. This report, and a subsequent review by an independent panel of reviewers engaged by the licensee to review the investigation, concluded that the geologic evidence shows that the faults discovered during construction excavation at the Virgil C. Summer Nuclear Station, Unit 1 plant site are not "capable" faults as defined in 10 CFR 100, Appendix A, "Seismic and Geologic Siting Criteria for Nuclear Power Plants". After an intensive technical review by the Regulatory Staff and its consultants of the report submitted by the licensee, the Regulatory Staff concurs with the conclusion that the aforementioned geologic faults are not "capable" faults as defined in 10 CFR 100, Appendix A. The results of this review are discussed in the Staff Evaluation of the Geologic Investigation Program Conducted at the Virgil C. Summer Nuclear Station, Unit 1, dated February 12, 1974. This verifies the suitability of the Virgil C. Summer Nuclear Station, Unit 1 site for a nuclear power plant and confirms the suitability of the plant design bases established in consideration of the seismic and geologic characteristics of the site as described in the Preliminary Safety Analysis Report.

In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2 and 50, it is hereby ordered, That: The Order of January 10, 1974 suspending further construction of Seismic Category I structures at the plant site of the Virgil C. Summer Nuclear Station, Unit 1, is rescinded, effective immediately.

Dated at Bethesda, Maryland, this 15th day of February, 1974.

L. MANNING MUNTZING,  
Director of Regulation.

[FR Doc.74-4153 Filed 2-21-74; 8:46 am]

[Docket Nos. 50-434, 50-435]

#### VIRGINIA ELECTRIC AND POWER CO.

##### Notice of Availability of Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Surry Power Station Units 3 and 4, to be constructed by Virginia Electric and Power Company on the applicant's site on the James River in Surry County, Virginia is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW, Washington, D.C. and in the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. The Draft Statement is also being made available at the Council on the Environment, Eighth Street Office Building, Richmond, Virginia 23219. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.



The Applicant's Environmental Report, as supplemented, submitted by Virginia Electric and Power Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on November 2, 1973 (38 FR 30294).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by April 8, 1974. Comments by Federal, State, and local officials or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. Upon consideration of comments submitted with respect to the draft environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 13th day of February 1974.

For the Atomic Energy Commission.

GORDON K. DICKER,  
Chief, Environmental Projects  
Branch 2, Directorate of Li-  
censing.

[FR Doc.74-4152 Filed 2-21-74; 8:45 am]

#### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON BABCOCK & WILCOX WATER REACTORS

##### Postponement of Meeting

FEBRUARY 20, 1974.

The meeting of the Advisory Committee on Reactor Safeguards Subcommittee on Babcock & Wilcox Water Reactors, notice of which was published in the FEDERAL REGISTER on February 20, 1974, 39 FR 6548, has been postponed until further notice.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-4376 Filed 2-21-74; 10:03 am]

#### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON GRAND GULF NUCLEAR STATION

##### Rescheduling of Meeting

FEBRUARY 20, 1974.

The meeting of the Advisory Committee on Reactor Safeguards Subcommittee

tee on the Grand Gulf Nuclear Station, notice of which was published in the FEDERAL REGISTER on February 11, 1974, 39 FR 5222, has been rescheduled for March 6, 1974, from 1:30 p.m. to 5:30 p.m. instead of March 4, 1974.

All other aspects of the notice published on February 11, 1974, remain the same, including the determination to close portions of the meeting, with the exception that the date of availability of the minutes will be May 8, 1974, instead of May 6, 1974. Inquiry regarding schedule or cancellation may be made on March 4, 1974. Written statements by the public will be accepted through February 27, 1974.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-4377 Filed 2-21-74; 10:03 am]

#### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE NORTH ANNA POWER STATION

##### Rescheduling and Relocation of Meeting

FEBRUARY 20, 1974.

The meeting of the Advisory Committee on Reactor Safeguards Subcommittee on the North Anna Power Station, notice of which was published in the FEDERAL REGISTER on February 20, 1974, 39 FR 6548, has been rescheduled for March 6, 1974, in Room 1046, 1717 H Street NW., Washington, D.C., from 9 a.m. to 12 noon, instead of in Madison Heights, Virginia, on March 5, 1974.

All other aspects of the notice published on February 20, 1974, remain the same, including the determination to close portions of the meeting.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-4378 Filed 2-21-74; 10:04 am]

#### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REACTOR FUELS

##### Meeting

FEBRUARY 20, 1974.

The FEDERAL REGISTER notice published at 39 FR 5223 on February 11, 1974, concerning the February 28-March 1, 1974, meeting of the Advisory Committee on Reactor Safeguards Subcommittee on Reactor Fuels is revised as follows:

(a) The meeting will be shortened to one day only, February 28, 1974.

(b) The meeting will be held at the Seven Continents Restaurant, O'Hare Airport, Chicago, Illinois, instead of in Washington, D.C.

(c) The subject matter for the meeting will be limited to plutonium recycle and reactor vendor power distribution calculations, the previously scheduled discussions with Combustion Engineering and Exxon Nuclear Company having been postponed until further notice.

A revised agenda of the portion of the meeting which will be open to the public is set forth below:

THURSDAY, FEBRUARY 28, 1974—2 pm-6 pm  
Discussion with AEC Regulatory Staff on  
Plutonium Recycle.

All other aspects of the notice published at 39 FR 5223 concerning the meeting of the Advisory Committee on Reactor Safeguards Subcommittee on Reactor Fuels remain the same.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-4374 Filed 2-21-74; 10:03 am]

#### LABOR-MANAGEMENT ADVISORY COMMITTEE

##### Notice of Meeting

FEBRUARY 20, 1974.

The Atomic Energy Commission's Atomic Energy Labor-Management Advisory Committee will hold a meeting on March 21, 1974, at the AEC's Washington office, Room No. 1146, 1717 H Street NW., Washington, D.C. The meeting will be open to the public; it will begin at 10 a.m. and end at approximately 1 p.m. Practical considerations may require alterations in the agenda or schedule.

The following agenda items are scheduled for discussion:

1. Discussion of AEC Immediate Action Directive (IAD) 0504-33, issued December 20, 1973, which effectuates the AEC's exercise of Section 4(b)(1) of the Occupational Safety and Health Act of 1970 in declaring its inapplicability to contractor employees working at AEC's Government-owned, contractor-operated (GOCO) facilities. The IAD prescribes safety and health standards and employees' rights which will make AEC's safety program compatible with the requirements of the Occupational Safety and Health Act, while precluding the exercise of state jurisdiction over GOCO facilities in agreement states.

2. Manpower Supplies for Future AEC and Nuclear Plant Construction.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 10 copies thereof, postmarked, if possible, no later than March 1, 1974, to Mr. H. T. Herrick, Chairman, Atomic Energy Labor-Management Advisory Committee, Division of Labor Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a total period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among

those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Chairman of the Committee named in paragraph (a), above. His telephone number is Area Code 301-973-5083.

(e) Questions at the meeting may be asked only by members of the Advisory Committee.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes of the meeting will be made available for copying, following their acceptance by the Committee, in accordance with the Federal Advisory Committee Act, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, upon payment of all charges required by law.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-4375 Filed 2-21-74; 10:03 am]

#### CIVIL AERONAUTICS BOARD

[Docket No. 25280; Order 74-2-48]

#### INTERNATIONAL AIR TRANSPORT ASSOCIATION

##### Order Regarding Specific Commodity Rates

Issued under delegated authority, February 14, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 281 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA) and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreements, adopted pursuant to unopposed notices to the carriers and promulgated in IATA letters both dated January 31, 1974, set forth a new item description and rate, applicable over the North Atlantic, and name three additional rates under existing commodity descriptions as outlined in the attachment hereto.<sup>1</sup>

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreements are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 24193 and Agreement C.A.B. 24194, R-1 and R-2, be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained herein for purposes of tariff publication, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and

2. The findings and approval herein shall not be deemed to modify the findings and Orders of the Board in its decision in Agreements Adopted by IATA

<sup>1</sup> Filed as part of the original document.

Relating to North Atlantic Cargo Rates, Order 73-2-24 of February 6, 1973, Order 73-7-9 of July 5, 1973, and Order 73-9-109 of September 28, 1973, and are subject, where applicable, to all provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-4237 Filed 2-21-74; 8:45 am]

#### FEDERAL MARITIME COMMISSION

[Docket No. 74-7]

#### TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA ET AL.

##### Order of Investigation

Trans-Pacific Freight Conference of Japan/Korea, Pacific Westbound Conference, Japan/Korea-Atlantic and Gulf Freight Conference and Far East Conference are composed of common carriers in the trades between the United States and Japan/Korea. For over one year it has been widely alleged that malpractices, particularly rebates, have become commonplace in the United States-Japan/Korea trades. Information available to the Commission strongly suggests that these malpractices may be reaching such serious proportions as to threaten the stability of these trades. However, while carriers are prone to complain freely of this situation, they are more than reluctant to provide specific data.

All of the conferences in the trades between the United States and Japan/Korea have self-policing provisions in their basic conference agreements as required by section 15 of the Shipping Act, 1916, and 46 CFR Part 528. Moreover, the inbound conferences (Trans-Pacific Freight Conference of Japan/Korea, Japan/Korea-Atlantic and Gulf Freight Conference) have recently agreed to strengthen their neutral body systems. However, a review of the self-policing reports filed with the Commission by the four conferences and the allegations of malpractices indicates that the self-policing activity may be inadequate. We are unable to reconcile this level of self-policing activity with the information concerning alleged malpractices mentioned above.

Section 15 of the Shipping Act, 1916, requires the Commission to disapprove any conference agreement, after notice

and hearing, on a finding of inadequate policing of the obligations thereunder. Therefore, the Commission is of the opinion that an investigation should be undertaken in order to determine whether the conferences named above are failing to adequately police the obligations under the agreements in violation of section 15 of the Shipping Act, 1916. This investigation should consist initially of investigation by Hearing Counsel and field investigators of importers, exporters, and common carriers in the trades between the United States and Japan/Korea.

Now therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended, an investigation and hearing is hereby instituted to determine whether the self-policing practices and procedures of Trans-Pacific Freight Conference of Japan/Korea, Pacific Westbound Conference, Japan/Korea-Atlantic and Gulf Freight Conference and Far East Conference are adequate and whether the agreements should be disapproved, cancelled or modified pursuant to section 15, Shipping Act, 1916; and

It is further ordered, That Trans-Pacific Freight Conference of Japan/Korea, Pacific Westbound Conference, Japan/Korea-Atlantic and Gulf Freight Conference, and Far East Conference, and members thereof as shown in the Appendix hereto, be made respondents in this proceeding; and

It is further ordered, That this proceeding be referred for public hearing before an administrative law judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the presiding administrative law judge consistent with the procedure set out hereinabove; and

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER; and

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission immediately and file Petition for Leave to Intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72), with a notice to all parties to this proceeding;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding should be mailed directly to all parties of record.

By the Commission.  
[SEAL] FRANCIS C. HURNEY,  
Secretary.

##### APPENDIX

Far East Conference  
Gerald J. Flynn, Chairman  
11 Broadway, Room 760  
New York, New York 10004  
Pacific Westbound Conference  
D. D. Day, Jr., Chairman  
635 Sacramento Street  
San Francisco, California 94111



Trans-Pacific Freight Conference of Japan/  
Korea  
James E. Mazure, Chairman  
Sumitomo Seimei Yaesu Building  
2nd Floor  
3, 4-Chome, Yaesu  
Chuo-Ku, Tokyo  
JAPAN  
Japan/Korea—Atlantic & Gulf Freight Conference  
James E. Mazure, Chairman  
Sumitomo Seimei Yaesu Building  
2nd Floor  
3, 4-Chome, Yaesu  
Chuo-Ku, Tokyo  
JAPAN  
American Export Lines, Inc.  
17 Battery Place  
New York, New York 10004  
American President Lines, Ltd.  
601 California Street  
San Francisco, California 94108  
Blue Sea Line (Joint Service)  
Furness, Withy Agencies (U.S.A.)  
General Agents  
5 World Trade Center  
Suite 7411  
New York, New York 10048  
Barber Lines, A/S  
Barber Steamship Lines, Inc.  
Agent  
17 Battery Place  
New York, New York 10004  
Compania Peruana De Vapores  
Kerr Steamship Company, Inc., General Agents  
One California Street  
San Francisco, California 94111  
Japan Line, Ltd.  
Japan Line (New York) Services, Ltd.  
General Agents  
One World Trade Center  
Suite 2867  
New York, New York 10048  
Kawasaki Kisen Kaisha, Ltd.  
"K" Line—Kerr Corporation  
General Agents  
29 Broadway  
New York, New York 10006  
Knutsen Line  
Boyd, Weir & Sewell, Inc.  
General Agents  
17 Battery Place  
New York, New York 10004  
Lykes Bros. Steamship Company, Inc.  
Lykes Center  
300 Poydras Street  
New Orleans, Louisiana 70138  
Maersk Line  
Moller Steamship Company, Inc.  
General Agents  
One World Trade Center  
Suite 3527  
New York, New York 10048  
Maritime Company of the Philippines, Inc.  
North American Maritime Agencies  
General Agents  
17 Battery Place  
New York, New York 10004  
Mitsui O.S.K. Lines, Ltd.  
One World Trade Center  
Suite 2211  
New York, New York 10048  
Nippon Yusen Kaisha, Ltd.  
One World Trade Center  
Suite 5031  
New York, New York 10048  
Pacific Far East Lines, Inc.  
One Embarcadero Center  
San Francisco, California 94111

Phoenix Container Liners Ltd.  
Kerr Steamship Company, Inc.  
General Agents  
One California Street  
San Francisco, California 94111  
Scindia Steam Navigation Company, Ltd.  
United States Navigation, Inc.  
General Agents  
17 Battery Place  
New York, New York 10004  
Sea-Land Service, Inc.  
P.O. Box 1050  
Elizabeth, New Jersey 07207  
Seatrains International S.A.  
Seatrains Lines, Inc. (Container Division)  
Port Seatrain  
Weehawken, New Jersey 07087  
Showa Shipping Company, Ltd.  
Norton, Lilly & Company, Inc.  
General Agents  
425 California Street  
San Francisco, California 94104  
States Steamship Company  
320 California Street  
San Francisco, California 94104  
Transportation Maritime Mexicana, S.A.  
Williams, Dimond & Company, Inc.  
General Agents  
215 Market Street  
San Francisco, California 94105  
United Philippine Lines, Inc.  
United States Navigation Company, Inc.  
General Agents  
17 Battery Place  
New York, New York 10004  
United States Lines, Inc.  
One Broadway  
New York, New York 10004  
Waterman Steamship Corporation  
120 Wall Street  
New York, New York 10005  
Yamashita-Shinnihon Steamship Company, Ltd.  
Texas Transport & Terminal Company, Inc.  
General Agents  
21 West Street  
New York, New York 10006  
Zim Container Service  
One World Trade Center, Suite 2969  
New York, New York 10048

[FR Doc. 74-4233 Filed 2-21-74; 8:45 am]

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

FEBRUARY 19, 1974.

On October 4, 1973, there was published in the FEDERAL REGISTER (38 FR 27546), a letter dated September 28, 1973, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period beginning October 1, 1973. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 17 of the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea, which provides for the limited carryover of

shortfalls in certain categories to the next agreement year.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of February 19, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 26/27 (other than duck fabric and printcloth) for the twelve-month period which began on October 1, 1973.

SETH M. BODNER,  
Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy As-  
sistant Secretary for Re-  
sources and Trade Assistance.

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On September 28, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1973 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.

Pursuant to paragraph 17 of the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of September 28, 1973 for cotton textile products in Category 26/27 (other than duck fabric and printcloth) to 2,929,344 square yards for the twelve-month period beginning October 1, 1973.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and

The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

In Category 26, all T.S.U.S.A. Nos. except the following:

320...01 through 04, 06, 08  
321...01 through 04, 06, 08  
322...01 through 04, 06, 08  
326...01 through 04, 06, 08  
327...01 through 04, 06, 08  
328...01 through 04, 06, 08

320...34 326...34  
321...34 327...34  
322...34 328...34

This level has not been adjusted to reflect any entries made on or after October 1, 1973.

cotton textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely yours,

SETH M. BODNER,  
Chairman, Committee for the Im-  
plementation of Textile Agreements,  
and Deputy Assistant Secretary for  
Resources and Trade Assistance.

[FR Doc. 74-4246 Filed 2-21-74; 8:45 am]

#### CONSUMER PRODUCT SAFETY COMMISSION

##### PEDAL-POWERED VEHICLES

##### Notice of Public Hearing

Notice is given that a public hearing will be held on Thursday, March 21, 1974, at 10 a.m. in the hearing room, Consumer Product Safety Commission, 6th floor, 1750 K Street NW., Washington, D.C., to discuss a petition submitted by Consumers Union of United States, Inc., requesting the Commission to promulgate regulations for the safety of pedal-powered vehicles and other similar type vehicles. The hearing will be held pursuant to section 27(a) of the Consumer Product Safety Act (Pub. L. 92-573, section 27(a), 86 Stat. 1227; 15 U.S.C. 2076 (a)).

The Commission received the petition on December 5, 1973, along with a copy of an article written by Consumers Union in Consumer Reports, October, 1973. The petition is set forth below. The petition, article, and a pedal-powered vehicle manufacturer's reply to the article are available for inspection at the Office of the Secretary, Consumer Product Safety Commission, 10th floor, 1750 K Street NW., Washington, D.C.

Among the reasons given in support of the petition are alleged power train defects, speed limitations, braking defects, design defects, and stability defects making the vehicles unsuitable for use on public roads.

The petitioner requests that the Commission develop a consumer product safety standard for pedal-powered vehicles, devise appropriate labeling to keep these products off the public roads, and mandate substantially upgraded performance requirements.

The hearing is to be held to help the Commission determine whether or not the petition or any part of the petition should be granted. Information, views, and arguments relevant to the material covered in the petition are sought, particularly the views of individual consumers.

Persons interested in attending the hearing are requested to write or call Mr. Don Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 496-7197. Those persons who wish to make a formal pres-

entation are requested to submit a copy or outline of their presentation and the amount of time requested for such presentation. Persons unable to attend the hearing who wish to present written comments for the Commission's consideration are invited to do so. Written material should be accompanied by a summary of not more than 250 words. All comments should be received by close of business March 14, 1974.

The hearing will be a legislative-type proceeding conducted by a member or representative of the Commission and will be transcribed by a stenographer. Persons will have an opportunity to present their statements; there will be no provision for cross-examination of witnesses.

In the event the space available for the hearing will not accommodate every-one wishing to attend, attendance will be determined on the basis of when the request for attendance is received.

Dated: February 19, 1974.

SABYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

The subject petition reads as follows except that the product's trade name and manufacturer are not given and the attachments to the petition are not included:

Consumers Union/a Nonprofit Organization/Publisher of Consumer Reports  
Washington Office: 1714 Massachusetts Avenue, Washington, D.C. 20036/202-785-1906

Mr. John O'Connor  
Product Standards Division  
Bureau of Engineering Sciences  
Consumer Product Safety Commission  
Washington, D.C. 20207

NOVEMBER 29, 1973.

Dear Mr. O'Connor:

I appreciated the opportunity to talk with you about possible Commission action on the apparent safety defects associated with pedal-powered vehicles. As you know, the Commission's General Counsel, Michael Brown, has indicated in his prior letter of October 18, 1973, that the pedal-powered vehicle described in the article we forwarded to him from the October issue of Consumer Reports is a "consumer product as that term is defined in section 3(a) of the Consumer Product Safety Act," and that the "Commission has the authority to regulate pedal-powered vehicles to the extent and in the manner provided for in the Act."

As you also know from the article we published, another copy of which is attached for your convenience, Consumers Union has adjudged the particular [pedal-powered vehicle] we tested as "not acceptable" for use on public roads.

The purpose of this letter is to request that the Commission undertake regulatory action under the Consumer Product Safety Act to eliminate the unreasonable risk of injury associated with this and related products. We have great confidence that you will move with dispatch to ameliorate the hazards posed by these products.

Consumers Union, the largest consumer group in the United States, is a nonprofit organization established in 1936. Consumers Union is the publisher of Consumer Reports, which now has a paid circulation of approximately 2.2 million. Consumers Union is supported solely by the subscribers to Con-

sumers Reports, and accepts no commercial advertising or support. Consumers Union represents its approximately 375,000 members in administrative, judicial, and, upon invitation, legislative proceedings of concern to consumers.

The problem. The (pedal-powered vehicle which is the subject of the Consumer Reports story) is a three-wheeled vehicle with a low silhouette just over 8½ feet long, over four feet wide, and 135 pounds heavy. As noted in our article, it has an open-topped plastic body accommodating two side-by-side pedalers, though it can be operated by one. Steering is via a bicycle-type handlebar on the left side. A hand lever on the right handlebar engages the drum brake only on the front wheel. The three-speed gear shift, utilizing a sliding lever centrally mounted in a slot, has no clutch pedal and no reverse; to back up, you stick your foot over the side and push. The vehicle is pictured in the attached Consumer Reports article.

According to . . . advertising (pedal-powered vehicles), . . . (are) intended for use in resort areas, retirement villages, condominiums, and colleges campuses and for trips to the neighborhood store and commuting to work.

The following specific characteristics, some of which were reported in our article, make the (pedal-powered vehicles) unsuited for use on public roads.

(A) Power Train defects making the (pedal-powered vehicles) unsuited for use on public roads:

- (1) No reverse.
- (2) Inadequate low gear making a "short 3 percent grade" the effective upper limit to its hill-cresting abilities.
- (3) Upon failure to make it to the top of a hill, pedals turning in reverse as vehicle rolls backward may painfully trap feet.
- (4) Transmission chain tends to slip, fall off, or break during hard pedaling.
- (5) Crankshaft drive bolts tend to shear.
- (6) Shift lever tends to break.
- (B) Speed defects making the PPV unsuited for use on public roads.

- (1) Approximately 20 mph maximum speed on a level, smooth blacktop surface.
- (2) Approximately 10 mph maximum speed that "(pedal-powered vehicles) can be pedaled for any length of time."

(C) Braking defects making the (pedal-powered vehicles) unsuited for use on public roads:

- (1) On level concrete with two riders aboard, at 15 mph, stopping distance of about 30 to 35 feet.
- (2) On 10 percent grade, with two riders rolling down at 15 mph, impossible to stop because of severe brake fade.

(D) Design defects making the (pedal-powered vehicles) unsuited for use on public roads:

- (1) Over four-foot width makes it difficult to drive completely out of the way of ordinary vehicular traffic on right side of road.
- (2) PPV rider's spines are at car-bumper height.
- (3) PPV low silhouette makes it hard for motorists to see.

(4) Front tire scrubbed itself bald after 20 miles and a few locked-wheel stops.

- (5) No seat belts.
- (6) No rollover bar.
- (7) Adjustable bucket seats accommodate children under 10 years old, yet such children are generally unable to see the road over the cowl.

(E) Stability defects making the (pedal-powered vehicles) unsuited for use on public roads:

- (1) With only left seat occupied, a sharp right turn at moderate speeds could make vehicle overturn.



(2) With two pedalers aboard, vehicle rolled over at about 15 mph if turned very abruptly.

(3) When coasting downhill "steering response became overquick and unstable. The driver had to brace his left elbow against the car body to prevent unwanted steering motions that could lead to loss of control and overturning."

*The manufacturer's inadequate response to the problem.* In June 1973, subsequent to our original tests, we purchased a second (pedal-powered vehicle) which had improved the vehicle in the following respects:

- (a) It had a stronger front fork;
- (b) It had a new brake cable which, upon proper adjustment, was able to brake hard enough to lock the wheel, but only on level ground and then only with one rider aboard;
- (c) It had a new, more durable front tire;
- (d) It had a new stronger shift lever;

Additionally, we were told that (the company) has plans to redesign the rear axle and redistribute rear-axle loads. (The company) has also reassured us "that owners of (the pedal-powered vehicle) who encountered mechanical failures caused by design weaknesses would receive the latest redesigned parts and repairs from their dealers free of charge." Apparently, the manufacturer is unwilling and/or unable to initiate a recall program.

These steps are hardly adequate to meet the problem outlined above. Even "redesigned" (pedal-powered vehicles) remain unsuited for use on public roads, and thousands of (pedal-powered vehicles) without the benefits of (the company's) marginal redesign program have already been sold. Our staff people have already suffered skinned limbs when our (pedal-powered vehicle) overturned on several different occasions and have already had their feet painfully trapped under the vehicle's pedals.

The (pedal-powered vehicle), without four wheels for stability, without a more versatile transmission, without adequate brakes, without competent steering, surely is unsuited for use on public roads.

*Our general suggestions for CPSC's response to the problem.* The CPSC has the authority to declare these and substantially similar vehicles "banned hazardous products." We do not suggest this course at this time since it does appear that a consumer product safety standard and appropriate labeling could be devised to keep these products off the public roads where the dangers they pose to their occupants and bystanders are so apparent, and to mandate substantially upgraded performance requirements.

Once our findings are confirmed, we are willing to work with the Commission, in

<sup>1</sup> The response of the manufacturer, . . . to our article is also attached. As that letter notes, the owners' manual does warn riders of the danger posed by the pedals turning in reverse as the vehicle rolls backward. But this manual's warning does not eliminate the unreasonable risk of hazard, as our own experience demonstrates. Moreover, the stability and stopping distance problems we outline are real and easily verifiable notwithstanding the relatively high instantaneous lateral "G" forces the vehicle may be able to tolerate or the favorable experience (the company's) Director of Marketing has had with the (pedal-powered vehicles) he has demonstrated. Finally, even if (the company's) quality control program is now the "best," it was plainly insufficient to protect consumers like us who purchased defective (pedal-powered vehicles) for possible use on public roads.

## NOTICES

whatever capacity it believes will be of aid, in formulating a specific regulatory approach to meet the problems we have identified.

Very truly yours,

JAMES A. BRONSKY,  
Attorney.

[FR Doc. 74-4144 Filed 2-21-74; 8:45 am]

## REFLECTIVE BICYCLE TIRES

### Notice of Meeting

Notice is given that a meeting will be held on Tuesday, February 26, 1974, at 10 a.m., in room 216, 5401 Westbard Avenue, Bethesda, Md., between representatives of the 3M Company and the staff of the Commission's Bureau of Engineering Sciences to discuss the use of reflective bicycle tires to make bicycles visible and identifiable as bicycles in the dark.

The meeting was requested by 3M Company. The discussion will concern data compiled by the Company relevant to reflectorization provisions of contemplated regulations the Commission will promulgate in the future to ban hazardous bicycles intended for use by children and to establish safety requirements for certain bicycles intended for use by children under 16 years of age.

Persons interested in attending the meeting are requested to contact Mr. Don Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (phone (301) 498-7197).

Dated: February 19, 1974.

JOLYON E. DAVIS,  
Acting Secretary, Consumer  
Product, Safety Commission.

[FR Doc. 74-4286 Filed 2-21-74; 8:45 am]

## COST OF LIVING COUNCIL

[Phase IV Price Notice 1974-4]

### PROFIT MARGIN VIOLATIONS AND EFFECT OF PRICE EXEMPTIONS

#### Statement of Clarification

The purpose of this notice is to clarify the Cost of Living Council's policies and regulations concerning profit margin violations generally and reporting and profit margin rules as the latter apply to firms whose products have been exempted from price controls.

The Council believes that these matters are not well understood. For example, in a recent newsletter widely circulated nationally, the statement was made that enterprises that violate price control regulations probably will be able to escape the treble damage penalty if they report such violations voluntarily. Also, when price controls applicable to an industry are terminated, it is not expected that reports will be required for stub periods following the last reporting period prior to the termination date.

*Profit margin violations.* The "treble damage penalty" applies only with respect to profit margin violations for the full fiscal year. Sections 155.176 and

155.177 of the Phase IV price procedures regulations provide the Council with discretionary authority to order remission of revenues equal to three times the amount of the dollar value of the unlawful profit margin excess or three times the revenues derived from unlawful price increases, whichever is less.

These provisions are essentially the same as the antecedent profit margin violations regulation in Phase II. As is well-known, the Price Commission exercised this "treble rollback" authority on a number of occasions during Phase II and the amounts ordered to be remitted were returned to the market place in the form of refunds and price reductions. The necessity for this strong deterrent was based in part upon the premise that in the absence of such a deterrent a firm could freely violate the profit margin limitations with the knowledge that, at worst, it would be ordered only to return to its former position with respect to the unlawful price levels which led to the profit margin violation.

The same need for effective deterrent authority exists in Phase IV where mandatory pricing restrictions are in some ways more stringent and more pervasive than in Phase II. It is therefore inconsistent with the tenor and purpose of the Phase IV regulations to conclude that compliance efforts with regard to profit margin violations will be conducted in Phase IV on the basis merely of voluntary corrective measures with no penalties for unlawful price behavior.

The Council does encourage voluntary and prompt remedial actions and in many cases has reduced penalties which might otherwise be imposed in order to diminish the burden on its limited enforcement resources. While voluntary corrective action is appropriate where a violation is inadvertent or is of a less serious and readily-correctable nature, a violation of the profit margin limitation for a full fiscal year where a substantial number of transactions are involved suggests the need for strong administrative and sometimes legal remedial action.

The Council has a wide range of sanctions and penalties available to it to assure compliance with its regulations. These will be utilized as the Council deems most appropriate to the circumstances in each case when full fiscal year profit margin violations are revealed in 1974.

*Effect of price exemptions.* With regard to reporting requirements as price controls are terminated, the Council has followed the practice in Phase IV of gradual exemption on a case-by-case basis. In this process, the Council ordinarily does not exempt firms but exempts sales of certain items, the prices charged for those items or the items themselves. The recent price exemptions covering copper scrap, fertilizer and automobiles, for example, were stated in terms of the sale of those products or prices charged for those products.

In contrast, the small business exemption totally exempts the small firms themselves—they are "exempt from and

not included in the coverage of" the Phase IV rules. This means that if a firm is exempt from the requirements of Phase IV price rules it is exempt from the administrative or procedural requirements such as reporting, recordkeeping and prenotification as well as the strictly substantive rules concerning cost-justification of price increases. However, when the exemption is stated in terms of the sale of certain items or the items themselves, the firm which sells those items continues to be bound by reporting and the other requirements mentioned above unless otherwise provided in the regulations.

Section 150.161(a) states that except for the specific exceptions listed in § 150.161(b), each Tier I and II firm must submit quarterly reports. The exception in § 150.161(b) dealing with the subject of firms which have revenues from the sale of exempt items or from exempt sales provides that in order to be excused from quarterly reporting requirements a firm must have had, "during its most recent fiscal year," revenues of the character described which amount to 90 percent or more of total revenues and less than \$50 million of revenues from sale of non-exempt items. This makes it clear that a firm is not exempt from reporting by virtue of exempt sales unless it has both a very high volume of exempt sales on a percentage basis and a very low dollar volume of non-exempt sales based on last year's figures. The profit margin regulation (§ 150.11) contains an identical rule that provides, in effect, that a firm continues to be bound by the profit margin limitation in the current year despite newly-exempt sales unless on the basis of last year's sales it had 90 percent or more of total revenues from exempt sales and less than \$50 million of revenues from the sale of non-exempt items.

However, the Council has not previously explained its intention with respect to the 90 percent-\$50 million rule as applied to last year's sales. The Council interprets the words "during its most recent fiscal year" in §§ 150.11(e) and 150.161(b)(1) to mean during the firm's most recent fiscal year on the basis of application to last year's sales of all the price exemptions which are in effect in Phase IV. In other words, as the sale of additional products becomes exempt during Phase IV those exemptions relate back on their effective dates, for the purpose of the 90 percent and \$50 million sales computations in §§ 150.11(e) and 150.161(b)(1), to "exempt" last fiscal year's sales of the items the sales of which are exempt this year.

If a price exemption in the middle of the first quarter of FY 1974 results in a firm's meeting the 90 percent-\$50 million test on the basis described, the 45-day "stub period" in FY 1974 in which the firm was not exempt from the profit margin test or quarterly reporting need not be reported since cost-justification and profit margin compliance are usually tested on the basis of a full quarter's operation. On the other hand, any specific violation which occurred during the stub period and which would be unaffected by

subsequent decontrol within that period—such as failure to prenotify—is not excused any more than a price increase or profit margin violation relating to the last fiscal year is excused by subsequent decontrol.

The termination of controls on certain prices does not necessarily mean, therefore, that reporting requirements or profit margin restrictions terminate at the same time. This is particularly true in the case of the larger mixed firms or conglomerates. Each firm must determine for itself, in accordance with the cited regulations as explained by this notice, when the degree of price exemption reaches the level and point in time at which quarterly reporting and profit margin limitations no longer apply.

*Profit margin excess and exempt sales.* In order to provide further amplification concerning the Phase IV profit margin rules, the Council plans to issue in the near future a ruling or notice which will explain how to compute a profit margin excess which is attributable to exempt sales.

Issued in Washington, D.C., on February 20, 1974.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

[FR Doc. 74-4278 Filed 2-20-74; 9:55 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from February 11 through February 15, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability.

Copies of individual statements are available for review from the originating agency. (Copies will also be available through two commercial sources, the National Technical Information Service of the Department of Commerce, and the Environmental Law Institute of Washington, D.C. NTIS and ELR accession numbers appear at the end of each statement summary.)

#### DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3985.

#### FOREST SERVICE

##### Draft

Westside Timber Sale, Tongass N.F. Alaska: February 12. The statement refers to a proposed timber sale on the north side of Montague Island, Tongass National Forest. The sale consists of six clearcut units totalling 382 acres. The gross sale area is 1,100 acres, and the total volume is 11,068 MBF. An estimated 4.4 miles of road would be constructed

for log trucking; the area is currently roadless and undeveloped. (36 pages) (ELR Order No. 40246.) (NTIS Order No. EIS 74 0246-D.)

Sewage Facility, Olympic N.F., Grays Harbor County, Washington: February 11. The statement refers to the proposed construction of a sewage collection and treatment plant for a Forest Service facility on the south shore of Lake Quinault. The plant and drainfield site would occupy 5.5 acres within the 8,900 acre South Quinault Ridge roadless area. There will be construction disruption, and continuation of existing Forest Service administration and recreation facilities at the present site. (63 pages) (ELR Order No. 40233.) (NTIS Order No. EIS 74 0233-F.)

#### SOIL CONSERVATION SERVICE

##### Draft

Cane Creek Recreational Development RC&D, Lincoln County, Ark.: February 11. Proposed is a watershed protection and recreation development project on Cane Creek. Projects measures will include a 1,750 acre recreational lake and a 1,900 acre state park. Production will be lost from 3,550 acres of forest land, 645 acres of cropland, 99 acres of grassland, and 85 acres of ponds; bottomland hardwood wildlife habitat will be lost on 1,220 acres. (38 pages) (ELR Order No. 40234.) (NTIS Order No. EIS 74 0234-D.)

White Oak Creek Fish and Wildlife Plan, Quachita and Nevada Counties, Ark.: February 11. The statement refers to the proposed development of 3,455 acres as a public fish and wildlife area, in order to increase hunting activities. Development will include the creation of 1,100 acres of green tree reservoirs (Type 1 wetland); enhancing and preserving 600 acres of Type 6 and 7 wetland; managing 300 acres of pine hardwood and 1,455 acres of bottom land hardwood; and improving access and creating basic facilities. There will be increased vehicular traffic noise, and littering; wildlife habitat may be reduced. (33 pages) (ELR Order No. 40239.) (NTIS Order No. EIS 74 0239-D.)

#### ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, 301-973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, E-722, AEC, Washington, D.C. 20545, 301-973-7373.

##### Draft

Comanche Peak Station, Units 1 and 2 Somervell County, Tex.: February 12. The statement refers to the issuance of construction permits to the Texas Utilities Generating Company for the two unit Comanche Peak Steam Electric Station. Each unit will produce 3425 MWT, which will be used to generate 1161 MWe (net) design levels of 3575 MWT and 1206 MWe (net) are anticipated. A 3228 acre reservoir will be constructed to provide cooling water for the station. In addition to the land inundated by the reservoir, 400 acres of rangeland will be committed to project measures; another 439 acres will be acquired as right-of-way for 15 miles of transmission lines; 8 farm residences will be displaced. (ELR Order No. 40244.) (NTIS Order No. EIS 74 0244-D.)

Surry Power Station, Units 3 and 4 Surry County, Va.: February 15. The statement refers to the proposed issuance of a construction permit to the Virginia Electric Power Company for Units 3 and 4 at the Surry Power Station. Each Unit will employ a pressurized water reactor to produce 2631 MWT in order to generate 882 MWe (net); an ultimate power level of 2768 MWT is anticipated. Exhaust steam will be cooled by the recirculation of condenser cooling water through



floating spray modules in a land locked canal, for which makeup water will be obtained from the existing discharge canal for Units 1 and 2. Blowdown will be discharged to the existing intake canal for Units 1 and 2. James River water will be consumed at 60 cfs. (ELR Order No. 40257.) (NTIS Order No. EIS 74 0257-D.)

#### DEPARTMENT OF DEFENSE

##### AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, 202-697-9297.

##### Draft

Operation GIANT PATRIOT, February 14: The statement refers to a Strategic Air Command Operational Base Launch program known as GIANT PATRIOT. Included in the program would be eight test launches of Minuteman II missile from operational facilities by operational crews. Flight path corridors would traverse Oregon, western Montana, northern Idaho, southwest Washington, and northwest California, and would terminate at Canton Island in the Phoenix Island Group. The purpose of the tests is to demonstrate the deterrent capability of the Minuteman force. Some missile hardware will impact short of the Pacific Ocean, with debris dropping in remote, unpopulated areas in Idaho. Construction would be required for support sites. (ELR Order No. 40253) (NTIS Order No. EIS 74 0253-D.)

##### Final

B-1 Bomber Program (2), February 11: The statement, which updates a final which was filed in November 1971, covers major environmental impacts (air pollution, stratospheric modification, noise pollution, and sonic boom) during the developmental period of the B-1 bomber. Operation and deployment of the 241 aircraft B-1 fleet is also discussed. The B-1 system is intended as a replacement for the B-52. First flight is scheduled for mid 1974, with a 23 month flight test program (87 pages). (ELR Order No. 40241) (NTIS Order No. EIS 74 0241-F.)

#### DEPARTMENT OF DEFENSE

##### ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW, Washington, D.C. 20314, 202-693-7168.

##### Draft

Bell Foley Lake Project, Strawberry River, Ark., February 11: The project involves the construction and subsequent operation and maintenance of Bell Foley Lake on the Strawberry River. The project will be used for flood control, outdoor recreation and fishery enhancement. The lake will be created by the construction of a dam which will be a 2,570 ft. long earth embankment with a top elevation of 150 ft. above the stream bed. Adverse impacts include the inundation of 6,000 acres at the top of the conservation pool, and 12,450 acres at the top of the flood storage pool, the loss of 27 miles of stream fishery habitat and the relocation of 33 families. (ELR Order No. 40232) (NTIS Order No. EIS 74 0232-D.)

Hahn Shopping Center, Corte Madera, Marin County, Calif., February 11: The project involves the filling of 28.2 acres of grasslands and marsh with 500,000 cubic yards of dry fill, including both fill and surcharge. This acreage in addition to 17 acres of previously filled land is to be used as a site for the Hahn Shopping Center, a regional shopping center situated in the Corte Madera, Marin County. Adverse impacts include a

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decrease in water quality from project runoff, increases in air and noise pollution, the loss of 45.2 acres of wildlife habitat, and an increase in local traffic (San Francisco District) (80 pages). (ELR Order No. 40242) (NTIS Order No. EIS 74 0242-D.)

Beach Erosion Control, Rockaway Peninsula, N.Y., February 11: The statement refers to the beach erosion project for the Rockaway Beaches, Queens. The project consists of the placement of beach fill, which will be taken from one of two borrow areas located near the project area. There are several alternatives for the proposed beach maintenance. Adverse impacts include increased turbidity due to maintenance procedures and disruption of present marine life caused by withdrawal of materials from offshore sources and subsequent placement on beaches. (New York District) (18 pages) (ELR Order No. 40235) (NTIS Order No. EIS 74 0235-D.)

Saw Mill River, Flood Protection (2), Westchester County, N.Y., February 11: The revised draft refers to the Saw Mill River Flood protection project which consists of channel deepening and sheet piling along the existing channel alignment to contain the channel excavation. Existing channel and foundation walls would be capable of containing a design flood of 1450 cubic feet per second. Adverse impacts include the removal of vegetation in the project area, and the encouragement of further development in the newly protected flood plain. The first draft was submitted to the Council on October 10, 1973 (New York District) (36 pages). (ELR Order No. 40237) (NTIS Order No. EIS 74 0237-D.)

Zintel Canyon Dam, Kennecott, Wash., February 11: The project consists of construction of a detention dam at the mouth of Zintel Canyon 2.8 miles upstream from the city of Kennecott. Also included in the project is a combination of buried conduit and improved channel from the intersection of West Seventh Avenue and Vancouver Street to State Highway 14. The project will help provide flood protection for a 90 acre section of Kennecott. Adverse impacts are loss of some vegetation, loss of recreational use behind the dam during water impoundment, and temporary construction disturbances to residents and traffic (Walla Walla District) (26 pages). (ELR Order No. 40229) (NTIS Order No. EIS 74 0229-D.)

Preferential Mail Facility, Hartford, Conn., February 13: The proposed project is the construction of a Preferential Mail Facility in Hartford, Conn. The building will be a single floor operation with a public lobby multi-story office area, and parking area. The facility will acquire 22.5 acres. Adverse effects stemming from the project are increased traffic, and noise and air pollution levels. Comments made by: USDA, EPA, DOI, DOT, and state and local agencies and concerned citizens. (ELR Order No. 40248) (NTIS Order No. EIS 74 0248-F.)

##### NAVY

Contact: Mr. Jack Bowers, Assistant Secretary for Installation and Logistics, Washington, D.C. 20350.

The following statement was incorrectly reported in the Council's January 26, 1974 FEDERAL REGISTER listing, and has therefore been corrected. The commenting period for this statement began on January 9, 1974.

U.S. Naval Submarine Base, New London, Conn., January 9: The statement refers to the widening of a 7.5 mile navigation channel. Deposit of 2.7 million cu. yds. of spoil will be made at a New London disposal site. There will be adverse impact to marine biota (two volumes). Comments made by: EPA, DOI, DOC, and state and local agencies and

concerned citizens. (ELR Order No. 40077) (NTIS Order No. EIS 74 0077-F.)

#### ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 9630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

##### Draft

Parker Water and Sanitation District, Colorado, February 12: The statement refers to the construction of sewage treatment facilities in Parker, which is twenty miles southeast of Denver. The facilities will include an interceptor sewer and an 0.25 mgd treatment facility. Expansion of the facility in 0.25 mgd increments has been planned for, with the first such expansion expected in 1976. The facility will serve an area of 2,240 acres, with a present estimated population of 1,650 persons. The project is expected to encourage more rapid growth of the area; current estimates are for a population of 35,000 in 1993. (ELR Order No. 40243) (NTIS Order No. EIS 74 0243-D.)

WSSC Piscataway Wastewater Treatment Facility, Prince Georges County, Md., February 11: The statement refers to the proposed granting of Federal financial assistance for the addition of advanced wastewater treatment facilities to the existing 90 MGD plant, and the installation of 18,000 feet of 108 inch outfall pipe. The outfall pipe would relocate the effluent discharge point from the headwaters of the Piscataway Bay to a point in the main channel of the Potomac Estuary approximately 2500 feet due west of Moccley Point. There will be construction disruption and a loss of some vegetation and wildlife habitat. An increase in sludge loads would result from the action. (ELR Order No. 40227) (NTIS Order No. EIS 74 0227-D.)

##### Final

Denver Sewage Treatment Plant Expansion, Colorado, February 11: Proposed is the expansion of the Metropolitan Denver Sewage Disposal District No. 1 wastewater treatment plant from its present capacity of 98 MGD to a total treatment capacity of 168 MGD. Project measures would include modification of existing secondary scum clarifiers, four 150 foot diameter primary clarifiers, ten 140 foot secondary clarifiers, a pure oxygen aeration system and facilities for mechanical screening, grit removal, sludge pumping and treatment, and chlorination. Plant effluent would be discharged to the South Platte River at the present outfall site. Impact will include construction disruption, odor and noise problems, and foaming in the River at the outfall (approx. 255 pages). Comments made by: DOI, DOT, HUD, COE, USDA, and state and local agencies. (ELR Order No. 40230) (NTIS Order No. EIS 0230-F.)

#### DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street SW, Washington, D.C. 20410, 202-755-5980.

##### Draft

Zia Urban Renewal, City of Gallup, McKinley County, N. Mex., February 12: The statement refers to the proposed approval of an amendment to the Zia Urban Renewal Project, in the City of Gallup. Project measures would include the construction and repair of public streets and sidewalks; drainage system improvements; acquisition and clearance of substandard buildings; and provision of housing for project relocatees. Adverse impacts will include the isolation of the project area from the main part of the City by the construction of an Intown Interstate Bypass (I-40), and the increase of pressure

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##### FEDERAL HIGHWAY ADMINISTRATION

##### Draft

U.S. 113, Frederica to Little Heaven, Kent County, Delaware: February 13. Proposed is the construction of 2.2 miles of divided dual highway, US 113, between Frederica and Little Heaven. Impact of the project will include the displacement of two families and 3 small businesses. (36 pages) (ELR Order No. 40249.) (NTIS Order No. EIS 74 0249-D.)

Alabama 5, Winston-Marion and Franklin, Winston-Marion Franklin Counties, Ala., February 11: The statement refers to the proposed improvement of Alabama Rte. 5 beginning 0.6 mile north of Delmar and running in a NW direction to 2.7 miles NW of Phil Campbell. The total length of the project is 17 miles. There are three alternate in the proposed improvement. Adverse impacts include acquisition of several acres of land, dislocation of several families and businesses, and destruction of some wildlife habitat. There will also be increases in the levels of water, noise and air pollution (30 pages). (ELR Order No. 40236) (NTIS Order No. EIS 74 0236-D.)

Rte. 7, Norwalk to Danbury, Conn., February 11: The project involves the relocation of Route 7 from the vicinity of I-84 in Danbury, passing through the towns of Wilton, Ridgefield and Redding. The length of this multilane expressway project covers approximately 20 miles. Adverse impacts include relocation of 87 families and 33 businesses, an increase in the noise level, and the necessity of acquiring 489 acres of woodland and 157 acres of wetlands for right-of-way. Approximately 23 acres of Wooster Mountain State Park, which is considered 4(f) land, will be used (221 pages). (ELR Order No. 40231) (NTIS Order No. EIS 74 0231-D.)

Rte. 106, Merrimack County, N.H., February 11: The statement refers to the improvement of 3.8 miles of N.H. Route 106 in the town of Loudon, Merrimack County. The new segment will have two lanes, 2 new bridges over the Soucook River, and six intersections. Adverse impacts include acquisition of 105 acres of land, relocation of 6 families and 1 business, loss of wetlands, and a temporary increase in the level of the Soucook River during construction. There will also be the normal temporary negative impacts associated with highway construction (133 pages). (ELR Order No. 40228) (NTIS Order No. EIS 74 0228-D.)

Ferry County Airport, Ferry County, Wash., February 13: The statement refers to the construction of a new airport near Republic, Washington, in order to replace an existing facility which is considered inadequate. The project will include a paved 3500' x 60' runway, a taxiway, and tie-downs, and will be sited on land to be leased from the Washington State Parks and Recreation Commission (41 pages). (ELR Order No. 40250) (NTIS Order No. EIS 74 0250-D.)

##### Final

Outer Belt Freeway, Sumter County, S.C., February 14: The statement refers to the proposed construction of the Outer Belt Freeway, extending from the eastern terminus of the U.S. 78/378 Bypass to the western end of the Bypass to form a complete loop around the city of Sumter. The facility would be approximately 14.5 miles long. Six to eight businesses and 12 to 18 families would be displaced, 268 acres of timberland would be committed to right-of-way. Temporary disruption of existing streets during construction and disruption of natural drainage patterns will occur (30 pages). Comments made by: EPA, HUD, DOC, DOI, COE, and state agencies. (ELR Order No. 40254) (NTIS Order No. EIS 74 0254-F.)

U.S. 25, Aiken and Edgefield Counties, S.C., February 14: Proposed is the widening (from

two to four lanes), and reconstruction of 8.5 miles of U.S. 25. The relocation of eight residences will be required (20 pages). Comments made by: HUD and DOI. (ELR Order No. 40255) (NTIS Order No. EIS 74 0255-F.)

Clarks Fork Canyon Road, Park County, Wyo., February 14: The statement refers to the proposed reconstruction of the Clarks Fork Canyon Road between Highway Wyoming 120 and U.S. 212. Project length will be between 22.8 and 37.7 miles, depending upon the route selected. Environmental impacts include disruption of wildlife habitat, land stability, and visual values and construction in undisturbed areas (126 pages). Comments made by: USDA, DOI, HUD, EPA, and state and local agencies and concerned citizens. (ELR Order No. 40252) (NTIS Order No. EIS 74 0252-F.)

GARY L. WIDMAN,  
General Counsel.

[FR Doc.74-4226 Filed 2-21-74; 8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/13]

#### NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

##### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before April 23, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 23, 1974.



## APPLICATIONS RECEIVED

EPA File Symbol 2663-BG. Buhl Chemical Company, P.O. Box 526, Weirsdale, Florida 32695. Zee-Tox Copper Naphthenate Concentrate. Active Ingredient: Copper Naphthenate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2663-EE. Buhl Chemical Company, P.O. Box 526, Weirsdale, Florida 32695. Zee-Tox Copper Wood Treatment & Fungicide. Active Ingredients: Copper Naphthenate 20%; Petroleum Distillate 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2663-ER. Buhl Chemical Company, P.O. Box 526, Weirsdale, Florida 32695. D & B Protective Pruning Paint. Active Ingredients: Asphalt 37.4%; Copper Naphthenate 3.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9046-EE. Consan Pacific Inc., P.O. Box 208, Whittier, California 90608. Ener-Jet NP 125. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetraoctadim ethylenediamine tetraacetate 3.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 299-RIG. C. J. Martin Company, P.O. Box 9, Nacogdoches, Texas 75961. Martin's Carbolia Oil. Active Ingredients: Petroleum distillate 80%; Anthracene Oil 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 675-GR. National Laboratories, Lehn & Fink Industrial Products Division of Sterling Drug Inc., 225 Summit Avenue, Montvale, New Jersey 07645. Roccal Mist Air Sanitizer Odor Neutralizer Module. Active Ingredients: Triethylene Glycol 8.0%; Dipropylene Glycol 2.0%; Alkyl dimethyl benzyl ammonium chloride 0.1%; Essential Oils 1.0%; Ethyl Alcohol 16.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11304-E. Pool Brite Manufacturing, 7756 Balboa Boulevard, Van Nuys, California 91406. Leslie's Algicide. Active Ingredient: Colloidal Silver 0.70%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13360-R. Willetts & Company, P.O. Box 48, Whitville, North Carolina 28472. Wilco Casoron Granules. Active Ingredient: Dichlobenil 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: February 14, 1974.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc.74-4269 Filed 2-21-74; 8:45 am]

# UTAH AIR QUALITY IMPLEMENTATION PLAN

Notice of Public Hearing: Salt Lake City, Utah

The U.S. Environmental Protection Agency (EPA) will hold a public hearing to receive comments on a proposed amendment to the sulfur dioxide regulation applicable to the Huntington Canyon power plant located near Huntington, Utah as published in the December 7, 1973 Federal Register (38 FR 33777). It will be held on March 20, 1974 at the State Auditorium, 203 State Capitol Bldg., Salt Lake City, beginning

at 10 a.m. The Administrator of the Environmental Protection Agency proposes to withdraw the promulgated sulfur dioxide regulation for the first operating unit of the Huntington Canyon power plant, revoke the extension which provided for the attainment of the primary standards for sulfur oxides, and amend the Federal compliance schedule to exclude sulfur oxides control for the first unit of the power plant.

Copies of the revised regulations and the supporting technical documentation are available for inspection at the Region VIII Office, Environmental Protection Agency, Suite 900, 1880 Lincoln Street, Denver, Colorado 80203 and the Freedom of Information Center, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Written comments or any supplemental remarks will be accepted until the close of business March 22, 1974.

Dated: February 15, 1974.

ALAN G. KIRK II,  
Assistant Administrator for  
Enforcement and General Counsel.

[FR Doc.74-4273 Filed 2-21-74; 8:45 am]

[OPP 32005]

## REGISTRATION OF PESTICIDES CONTAINING DDT

### Notice of Application

Applications were made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), to register a pesticide containing DDT. The applicants, products, and intended uses are:

Evergreen Helicopters, Inc., P.O. Box 358, McMinnville, Oregon 97126, E. H. I. DDT & Oil (Application No. 33814-R, Received January 30, 1974), for use in controlling the Douglas fir tussock moth.

Woods Industries, Inc., DBA Crop King Chemical, P.O. Box 1016, Yakima, Washington 98907, Crop King Colloidal DDT-400 (Application No. 33602-U, Received January 11, 1974), for use in Oregon on canberries, blueberries, strawberries, ornamentals, stone fruits, mint, dry peas, hops, beets, corn (sweet), and cole crops.

Woods Industries, Inc., DBA Crop King Chemical, P.O. Box 1016, Yakima, Washington 98907, Crop King Colloidal DDT-400 (Application No. 33602-L, Received January 8, 1974), for use in Idaho on dry peas.

This notice does not indicate a decision by this Agency on the applications.

Any Federal Agency or other interested party may comment in writing on these applications. Address comments to Federal Register Section, Technical Services Division (HM-569), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, on or before March 25, 1974. Comments should include the date of this notice and application number.

Dated: February 13, 1974.

HENRY J. KOPF,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.74-4184 Filed 2-21-74; 8:45 am]

## WATER POLLUTION CONTROL ADVISORY BOARD

### Notice of Meeting

Pursuant to P.L. 92-463, notice is hereby given that a meeting of the Water Pollution Control Advisory Board will be held at 10 a.m. on March 4 and 5, 1974, in the Administrator's Conference Room (11th floor), 401 M Street SW., Washington, D.C. 20460.

The Board advises the Administrator on matters of policy relating to the activities and functions of the Administrator under the Federal Water Pollution Control Act. The purpose of the meeting is to present to the Board an overview of the Agency's Water Pollution Control Program and consider Board activities for the coming year.

The meeting will be open to the public. A limited number of seats—approximately 10—will be available on a reserved first come basis. Any member of the public wishing to attend the meeting or requesting additional information should contact Robert F. Powell, Executive Secretary, EPA Telephone: 202-755-6906.

Oral statements or questioning of Board members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Board before or after the meeting.

ROGER STRELOW,  
Acting Assistant Administrator  
for Air and Water Programs.

FEBRUARY 20, 1974.

[FR Doc.74-4382 Filed 2-21-74; 10:21 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Report 688]

### COMMON CARRIER SERVICES INFORMATION

#### Domestic Public Radio Services Applications Accepted for Filing

FEBRUARY 19, 1974.

Pursuant to §§ 1.227(b) (3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with

<sup>1</sup> All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

<sup>2</sup> The above alternative cut-off rules apply to those applications listed in the appendix having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

### APPLICATIONS ACCEPTED FOR FILING DOMESTIC PUBLIC LAND MOBILE SERVICE

20941-C2-P-74, William G. Bowles, Jr., d/b as Keokuk Mobilphone (NEW). C.P. for a new 1-way station to operate on 152.24 MHz to be located at Iowa & South 7th Street, Keokuk, Iowa.

20942-C2-P-74, William G. Bowles, Jr., d/b as Keokuk Mobilphone (NEW). C.P. for a new 2-way station to operate on 152.21 MHz to be located at Iowa & South 7th Street, Keokuk, Iowa.

20943-C2-P-74, Southern Bell Telephone and Telegraph Company (KTS273). C.P. to change antenna system and antenna location operating on 152.64 MHz located at 304 Pine Avenue, Albany, Georgia.

20944-C2-P-74, Autophone of San Antonio (KKJ451). C.P. for additional facilities to operate on 454.150, 454.200, 454.250, and 454.350 MHz located at 700 East Hildebrand, San Antonio, Texas.

20945-C2-P-74, Tele-Page, Inc. C.P. for a new station to operate at: Loc. #1: near Prescott, 13,200 ft. in direction S38 degrees from Courthouse, Prescott, Arizona, operating on base facilities 152.09 MHz; and Loc. #2: 543 West Gurley, Prescott, Arizona, operating on base facilities 152.09 MHz and control facilities 454.10 MHz.

20946-C2-P-74, South Central Bell Telephone Company (KKM580). C.P. for additional facilities to operate on 152.66 MHz located at 248 East Capitol Street, Jackson, Mississippi.

20948-C2-P-74, Lincoln Desha Telephone Company (KLB709). C.P. to reinstate expired authorization operating on 152.61 MHz located at intersection of Court and Waterman Streets, Dumas, Arkansas.

20949-C2-P-74, Lincoln Desha Telephone Company (KFL950). C.P. to reinstate expired authorization operating on 152.78 MHz located at Star City Water Tower, Star City, Arkansas.

20950-C2-P/L-74, RCA Alaska Communications, Inc. (KTR987). C.P. to change antenna system and change antenna location operating on 152.54, 152.63, and 152.72 MHz located at AFS Radome, 156 miles, 298 degrees TN from Bethel, Alaska, Cape Romanzof, Alaska.

20951-C2-P-74, Euclid Telecommunications, Inc. (KQC880). C.P. to change antenna system operating on 152.21 MHz located at 635 E. 185th Street, Euclid, Ohio, Loc. #1.

20952-C2-P-74, Richard P. Blyler, d/b as Lebanon Mobilphone (KEV940). C.P. for additional facilities to operate on 454.025 and 454.075 MHz located at 25 Maple Street, Lebanon, Pennsylvania.

20953-C2-P-74, Morris Communications, Inc. (KIT731). C.P. for additional facilities to operate on 454.15 and 454.30 MHz located on Paris Mountain, Lake Circle Drive, 6 miles North of Greenville, South Carolina.

20954-C2-P-74, Central Radio Dispatch, Inc. (NEW). C.P. for a new 2-way station to operate on 152.21 MHz to be located on Kilgore Hwy & Farm & Market Road, Tyler, Texas.

20955-C2-P-74, Con-Tac Communications, Inc. (NEW). C.P. for a new 1-way station to operate on 152.24 MHz to be located 2.4 miles S of North Platte City Limits and SW of Hwy 83, North Platte, Nebraska.

20956-C2-P-74, Con-Tac Communications, Inc. (NEW). C.P. for a new 2-way station to operate on 152.21 MHz to be located 2.4 miles S of North Platte City Limits and SW of Hwy 83, North Platte, Nebraska.

20958-C2-P-74, Nashville Mobilphone, Inc. (NEW). C.P. for a new 2-way station to operate on 152.18 MHz to be located 0.5 mile NW of US #31 & 4 miles NW of Franklin, Tennessee.

### Major Amendment

881-C2-P-72, RAM Broadcasting of Arkansas, Inc. (NEW), Forest City, Arkansas. Amend to change the 152.21 MHz facilities to 1/2 mile East of Hwy #1 North, and 2 miles North of Forrest City Limits, Madison, Arkansas. All other particulars to remain as reported on PN dated August 30, 1971.

### Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

### New York

Inter/Electronics Corporation (NEW), 3279-C2-P-72. Messages By Radio, Inc. (KEA200), 3786-C2-P-72. Mobilphone Radio System (KEA254), 5104-C2-P-72. Beep Communication Systems, Inc. (KEK-287), 5103-C2-P-72.

### RURAL RADIO SERVICE

60202-C6-P-74, Western States Telephone Company (NEW). C.P. for a new rural subscriber station to operate on 157.89 and 157.95 MHz to be located approximately 17 miles SW of St. Johns, Arizona.

60203-C6-P-74, The Mountain States Telephone and Telegraph Company (WAY49). C.P. for additional facilities to operate on 157.77 MHz located at Hay Lake Ranch, 25.6 miles North East of Pine, Arizona.

### POINT TO POINT MICROWAVE RADIO SERVICE

3080-C1-P-74, Southern Bell Telephone and Telegraph Company (WDD43), 325 Gardenia Street, West Palm Beach, Florida. Lat. 26°42'34" N., Long. 80°03'11" W. C.P. to change antenna system, replace transmitter, and change point of communication to WPEC-TV, West Palm Beach, Fla., for freq. 6197.2V MHz on azimuth 344°37'.

3081-C1-R-74, The Bell Telephone Company of Pennsylvania (KOC47). Within the territory of the grantee. Application for Renewal of License for Term: March 11, 1974, to March 11, 1975.

3062-C1-P-74, American Telephone and Telegraph Company (KEL79), 811 Tenth Avenue, New York, New York. Lat. 40°45'59" N., Long. 73°52'27" W. C.P. to add freq. 4150H MHz toward Roslyn Harbor, N.Y., on azimuth 81°30'.

3063-C1-P-74, Same (KYS89), 0.1 Mile N.E. of Roslyn, New York. Lat. 40°48'19" N., Long. 73°38'38" W. C.P. to add freq. 4110H MHz toward New York 7, New York, on azimuth 261°43'; freq. 4150V MHz toward Stamford, Conn., on azimuth 13°51'.

3064-C1-P-74, Same (KYS88), Intersection of Catcoona & Mayno Lane, Stamford, Connecticut. Lat. 41°03'09" N., Long. 73°33'48" W. C.P. to add freq. 4150V MHz toward Roslyn Harbor, N.Y., on azimuth 193°55'.

3065-C1-P-74, General Telephone of the Southwest (KLT55), Ropesville, 3.4 Miles East of Ropesville, Texas. Lat. 33°24'34" N., Long. 102°05'32" W. C.P. to change antenna system, replace transmitter, and correct azimuth and path length on freqs. 6286.2H and 6404.8H MHz toward Lubbock, Tex., on azimuth 48°2'.

3066-C1-P-74, Same (KLT56), 1305 4th Street, Lubbock, Texas. Lat. 33°35'31" N., Long. 101°50'58" W. C.P. to change antenna system, alarm center location, replace transmitter, correct azimuth and path length on freqs. 6034.2H and 6152.8H MHz toward Ropesville, Tex., on azimuth 228°10'.

3079-C1-TC-(3)-74, Brentwood Company, Consent to transfer of control from Time Incorporated, TRANSFEROR, to Frank K. Spain, d/b as Microwave Service Company, TRANSFEREE. Stations: KTG33 Frazer Mtn., Calif., KTR34 Breckenridge Mtn., Calif., and Station WHA83 Breckenridge Mtn., California.

3073-C1-P-74, Mid-Kansas, Inc. (KBC60), 2 Miles North of Manhattan, Kansas (Lat. 39°14'11" N., Long. 96°35'23" W.). C.P. to change azimuth of transmitting antenna toward Junction City, Kansas, to 227 degrees 30 minutes.

3074-C1-P-74, Same as above (KBC62), 2.7 Miles WSW of Junction City, Kansas (Lat. 39°00'55" N., Long. 96°53'55" W.). C.P. to change station location to above coordinates, resulting in the following changes in transmitting azimuth: toward Council Cove, Kansas, 135 degrees 25 minutes; toward Abilene, Kansas, 256 degrees 49 minutes; and toward Clay Center, Kansas, 336 degrees 03 minutes.

3076-C1-P-74, Midwestern Relay Company (WLJ52), Milwaukee, Wisconsin (Lat. 43°05'29" N., Long. 87°54'07" W.). C.P. to add new point of communication on frequency 11425H MHz (via power split) toward Milwaukee, Wisconsin, on azimuth 233 degrees 03 minutes.

3076-C1-P-74, Same as above (KPR28), Capitol Peak, 11.5 Miles WSW of Olympia, Washington (Lat. 46°58'30" N., Long. 123°08'17" W.). C.P. to change transmitting azimuth toward Aberdeen (KPR29), Washington to 270 degrees 06 minutes.

3077-C1-P-74, Same (KPR29), Aberdeen, Washington (Lat. 46°58'23" N., Long. 123°49'03" W.). C.P. to change station location to above coordinates. Frequencies 5967.4H, 6086.0H, & 6189.8H MHz toward Westport, Washington, on azimuth 246 degrees 47 minutes; frequencies 5967.4H, 6086.0H, & 6189.8H MHz toward Ocean Shore, Washington, on azimuth 273 degrees 02 minutes.

3080-C1-P-74, Illinois Bell Telephone Company (KSO40), 201 S. Neil Street, Champaign, Illinois. C.P. to replace transmitter and increase output power on authorized frequency 5945.2H MHz toward Tuscola, Illinois.



- 3061-C1-P-74, Same as above (KZ171), 1 Mile North of Tuscola, Illinois. C.P. to replace transmitters and increase output power on frequencies 6345.5H MHz toward Champaign and 6197.2H MHz toward Mattoon, Illinois.
- 3082-C1-P-74, New England Telephone and Telegraph Company (KCL85), 25 Concord Street, Manchester, New Hampshire. C.P. to add 6345.5V MHz toward Dunbarton, New Hampshire.
- 3083-C1-P-74, Same as above (KZ159), 1 Mile North of Dunbarton, New Hampshire. C.P. to add 6093.5 MHz toward Springfield, New Hampshire, and Manchester, New Hampshire.
- 3084-C1-P-74, Same (WAD82), on Oak Hill, 3.3 miles South of Springfield, New Hampshire. C.P. to add 6345.5 MHz toward Enfield and Dunbarton, New Hampshire.
- 3085-C1-P-74, Same (WAD81), 4 miles East of Enfield, New Hampshire, on East Hill. C.P. to add 6093.5 MHz toward West Lebanon and Springfield, New Hampshire.
- 3086-C1-P-74, Same (WAD83), on Craft Hill, 1 Mile NE of West Lebanon, New Hampshire. C.P. to add 6345.5H MHz toward Enfield, New Hampshire.
- 3087-C1-P-74, General Telephone Company of Florida (KIL88). C.P. to change antenna system and replace transmitters operating on 5974.8V, 6034.2V & 6093.5V MHz toward Clearwater, Florida.
- 3088-C1-P-74, General Telephone Company of Florida (KIN50), Cleveland Avenue and Betty Lane, Clearwater, Florida. C.P. to change antenna system and replace transmitters operating on 6226.9V, 6286.2V, & 6345.5V MHz toward Tampa, Florida.

Applications filed pursuant to section 212 of the Communications Act of 1934, as amended to hold positions as officer or director of more than one communications carrier.

File No.	Applicant	Nature of application
I-D-339-2...	Frank K. Spain.	For authority to hold Interlocking Officer and/or Director in Microwave Service Co., Alabama Microwave, Inc., Microwave Service Co. of Florida, Inc., and upon consummation of the transfer of control, Brentwood Co.
I-D-334-1...	Gene Schneider.	For authority to hold Interlocking Officer and/or Director in United Video, Inc., and United Webco, Inc.
I-D-362....	Roy L. Bliss.	Do.

[FR Doc.74-4205 Filed 2-21-74; 8:45 am]

[Docket No. 19934; FCC 74-141]

#### PHONE-MATE INC. ET AL.

#### Memorandum Opinion and Order Instituting Investigation

In the matter of Phone-Mate, Inc., Complainant v. American Telephone & Telegraph Company and South Central Bell Telephone Company, Defendants.

1. On August 21, 1973, Phone-Mate, Inc. (complainant) filed a formal complaint asking that the Commission find unreasonable and discriminatory under sections 201(b) and 202(a) of the Communications Act, the telephone company practices, pursuant to AT&T's Tariff F.C.C. No. 263, of requiring an allegedly unnecessary protective device to be used with complainant's Phone-Mate automatic telephone answering devices.

2. The tariff provision in question is section 2.6.4(B)(1) of AT&T's Tariff F.C.C. No. 263, the relevant portions of which are as follows:

Customer-provided voice transmitting and/or receiving terminal equipment which involves direct electrical connection to the facilities furnished by the Telephone Company for long distance message telecommunications service may be used with such facilities in accordance with (a) and (b) following:

(a) The connection shall be made through a Telephone Company network control signalling unit and a connecting arrangement which shall be furnished, installed and maintained by the Telephone Company. . . .

3. The essence of the complaint is that Phone-Mate automatic telephone answering devices may not be connected to the telephone network, irrespective of any actual demonstrable harm caused to this network, except through a network control signalling unit and connecting arrangement furnished, installed and maintained by the telephone company. Complainant asserts (1) that since Phone-Mate devices are powered by four flashlight batteries, they do not cause excessive voltages; (2) that tests conducted by an independent testing laboratory have shown that Phone-Mate devices cause no longitudinal imbalance; and (3) that since Phone-Mate devices are intended to answer incoming telephone calls, only limited network signalling functions are involved upon the seizing and release of the telephone line. Thus complainant maintains that Phone-Mate devices are harmless, and the telephone company practice of requiring a protective device is unreasonable.

4. In answer, defendants state that they have no affirmative duty to analyze each of the numerous models of customer-provided equipment in order to demonstrate in what way each product harms or is likely to harm the telephone network or telephone company personnel, and that this procedure is obviated by the requirement for a protective device. We note, however, that AT&T has already liberalized its tariff to provide for the direct electrical connection without a protective device, of certain customer-provided headsets and non-powered conferencing equipment. (See section 2.6.4 (E) of AT&T's Tariff F.C.C. No. 263).

5. We now have the benefit of five years operating experience under the AT&T interconnection tariffs, which were filed in 1968 pursuant to our Carterfone decision.<sup>1</sup> Based on this experience and the complaint raised by Phone-Mate, we are now prepared to institute an investigation to determine whether or not section 2.6.4(B)(1) of AT&T's Tariff F.C.C. No. 263, as applied to Phone-Mate devices, sets "reasonable standards to prevent harmful interconnection" (14 F.C.C. 2d at 572; emphasis added). Thus, AT&T will be expected to demonstrate that its tariff is reasonable within the meaning of section 201(b) of the Communications Act. We will also inquire into whether

<sup>1</sup> Carterfone, 13 F.C.C. 2d 420 (1968), *aff'd on reconsideration*, 14 F.C.C. 2d 571 (1968).

AT&T's tariff and practices operate to give an undue preference or other favorable treatment to customers who interconnect with Bell System terminal equipment rather than similar equipment offered by Phone-Mate.

6. It should be noted that prior to the filing of the instant complaint, defendant South Central Bell Telephone Company commenced a civil action against complainant in the Chancery Court for Knox County, Tennessee. That action, which is presently pending before that court, seeks, among other things, to enjoin complainant and others from inducing the violation of defendant's General Subscriber Services Tariff on file with the Tennessee Public Service Commission. Taking note of the instant complaint and recognizing that the ultimate result of this proceeding might assist the court in its determination, the court, on November 6, 1973, requested the FCC to expedite consideration of the instant complaint and to provide the court with such findings as may be of assistance to the court. In view of the Tennessee court's request, we will order that this proceeding be expedited. In furtherance of this objective, and in accordance with § 0.365 of the Commission's rules (47 CFR 0.365), we will provide for review of the initial decision by the Commission rather than the Review Board.

7. We should make clear the relationship of this proceeding to the Joint Board proceeding in Docket No. 19528. We recently stated in another proceeding concerning the lawfulness of certain provisions of AT&T's private line service tariffs, that the Joint Board proceedings are not concerned with the question of the lawfulness of any existing interstate tariffs; that questions concerning whether there is any justification under interstate tariffs for requiring carrier-provided protective connecting arrangements in particular cases would be resolved in separate proceedings; and that, if we find in such separate proceedings that protective devices are needed in the public interest, then the Joint Board would be concerned with whether to permit customers (or others), rather than the carriers exclusively, to provide any such devices. 42 FCC 2d 651-52 (1973).<sup>2</sup> Thus, in the instant case, we are not concerned with whether Phone-Mate or others may have the option of supplying the interfaces now supplied only by the carrier for direct interconnection of Phone-Mate, but whether there is any need for such interfaces and if so, whether any modification should be made in the characteristics of such carrier-provided interfaces and the practices of the carriers with respect thereto.

8. In view of the foregoing, it is ordered, That pursuant to the provisions of sections 4(1), 201, 202, 205, 208 and 403 of the Communications Act, an expedited investigation is hereby instituted into the lawfulness of section 2.6.4 (B)(1) of AT&T's Tariff F.C.C. No. 263.

<sup>2</sup> See also 41 FCC 2d 239, 240.

#### FEDERAL MARITIME COMMISSION PACIFIC AMERICA CONTAINER EXPRESS LINE

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 14, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

##### Notice of agreement filed by:

John R. Mahoney, Esq., Casey, Lane & Mitendorf, 26 Broadway, New York, N.Y. 10004.

Agreement No. 9925-1, between Associated Container Transportation (Australia) Ltd., and Australian Coastal Shipping Commission (trading as The Australian National Line) modifies the approved joint service Agreement No. 9925 of these carriers operating under the trade name "Pacific America Container Express Line (PACE LINE)" between Australia, New Zealand and various South Pacific Islands, on the one hand, and Atlantic and Gulf ports of the United States, Puerto Rico, Virgin Islands and the Panama Canal, on the other hand.

The purpose of this modification is to amend Agreement No. 9925 to provide for the continuation of the containership service by these carriers under an arrangement to be known as the "Pacific American Container Express Service," in lieu of the joint service in the same trade under terms and conditions consistent therewith.

9. It is further ordered, That the scope of the proceeding shall include inquiry into the following issues:

(1) the operation, technical, economic or other effects of the use of the Phone-Mate devices in connection with the switched telephone network upon the operation of the telephone system used to provide interstate and foreign message telecommunications service to the public or upon the employees and facilities of the telephone companies providing such service or upon the public in its use of such telephone system;

(2) whether such tariff provision and the practices of the carriers with respect thereto as applied to Phone-Mate devices, are or will be unjust or unreasonable within the meaning of section 201(b) of the Communications Act; or will make an unjust or unreasonable discrimination or will subject any person or class of persons to undue or unreasonable prejudice or disadvantage, or will give any undue or unreasonable preference or advantage to any person or class of persons, within the meaning of section 202(a) of the Communications Act;

(3) whether the Commission should, pursuant to section 205, prescribe any changes in such tariff provisions or the practices of the carriers with regard thereto insofar as Phone-Mate devices are concerned and, if so, what changes should be so prescribed.

10. It is further ordered, That the hearing in this proceeding shall be held at the Commission's offices in Washington, D.C. at a time to be specified by the presiding Administrative Law Judge; and that such Administrative Law Judge shall, upon the closing of the record, prepare and issue an initial decision, which shall be subject to the submittal of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules (47 CFR 1.276, 1.277), after which the Commission shall issue its decision as provided in § 1.282 of the Commission's rules (47 CFR 1.282).

11. It is further ordered, That AT&T and South Central Bell Telephone Company are hereby named parties respondent herein.

12. It is further ordered, That a trial staff of the Common Carrier Bureau shall participate and be separated both from the Commission and from the Administrative Law Judge. (See In re AT&T, Docket 18128, 32 FCC 2d p. 89, 90 (1971)).

Adopted: February 11, 1974.

Released: February 13, 1974.

#### FEDERAL COMMUNICATIONS COMMISSION

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-4203 Filed 2-21-74; 8:45 am]

<sup>3</sup> Commissioner Burch, Chairman; Commissioners Reid and Wiley concurring in the result.

By Order of the Federal Maritime Commission.

Dated: February 19, 1974.

FRANCES C. HURNEY,  
Secretary.

[FR Doc.74-4234 Filed 2-21-74; 8:45 am]

#### FEDERAL POWER COMMISSION

[Docket No. RP73-47]

#### SEA ROBIN PIPE LINE CO.

#### Order Accepting Stipulation and Agreement

FEBRUARY 13, 1974.

On September 29, 1972, Sea Robin Pipe Line Company (Sea Robin) tendered for filing certain tariff sheets which would increase rates to its jurisdictional customers by \$30,780,109. On November 13, 1972, this Commission issued an order in this proceeding accepting such tariff sheets for filing and suspending their effectiveness until April 15, 1973. In our order of November 13, this Commission advised Sea Robin that the proposed rates (1) reflected the cost of certain non-certificated facilities and were subject to revision if such facilities were not in service on or before April 15, 1973, and (2) did not reflect a Seaboard classification of costs and, consequently Sea Robin could "be required to absorb the impact of any under collection of these rates as may occur". Sea Robin's motion to delete the above quoted language was denied on January 15, 1973.

On March 15, 1973, Sea Robin submitted revised cost and revenue data which reflected the elimination of the non-certificated facilities referred to above and reduced the proposed increase from \$30.8 to \$24.9 million. Sea Robin also filed two sets of tariff sheets reflecting the elimination of the non-certificated facilities; one set of which purported to be based on a Seaboard classification of costs. On April 13, 1973, we issued an order rejecting these sheets due to their failure to reflect Seaboard and accepted the other set of tariff reflecting Sea Robin's historical rate design without prejudice to Sea Robin tendering Seaboard rates.

Sea Robin on April 25, 1973, filed an "Application for Rehearing and Motion for Reinstatement of Revised Tariff Sheets or Alternatively, for Acceptance of Substitute Revised Tariff Sheets". The Substitute Revised Tariff Sheets contained rates based on an unmodified Seaboard classification of costs. On May 25, 1973, this Commission issued an order denying the application for rehearing and accepted Sea Robin's tariff sheets containing Seaboard rates. Sea Robin has billed its customers pursuant to such tariff sheets for services rendered on and after April 15, 1973.

On August 21, 1973, a settlement conference was convened at the request of Sea Robin. Negotiations On August 21 and 22 resulted in the submission of the settlement now before us for consideration. On October 5, 1973, the Presiding

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Administrative Law Judge certified to the Commission the Stipulation and Agreement together with the record relating thereto.

The principle features of the settlement agreement may be summarized as follows:

Article I provided for a settlement cost of service of \$83,424,271 and includes a rate of return of 8.93 percent with a return to equity of 11.75 percent.<sup>1</sup> The settlement rates are based on an unmodified Seaboard classification and provide for a sales rate monthly demand charge of \$1.34, commodity charge of 8.147¢ and cost of gas charge of 25.757¢. The transportation rate monthly demand charge is \$1.34 and the commodity charge is 7.188¢.

Article II states that Sea Robin will file revised tariff sheets reflecting the rates set forth in Article I within 15 days after the date the Commission's order approving the settlement agreement become final and no longer subject to judicial review. Within two weeks of such filing, Sea Robin will refund to its customers the difference between the amounts computed on the basis of the rates in effect on April 15, 1973, and the proposed settlement rates based on the volumes purchased by each customer from April 15, 1973, to the date such refunds are computed. Refunds will include interest computed at 7 percent annually.

In Article III the parties agree that the settlement agreement shall not affect Sea Robin's PGA clause which was approved by the Commission in Docket No. RP73-89.

The settlement rates have been computed using a depreciation rate of 8.33 percent. The propriety of this depreciation rate is reserved for trial and decision in a hearing to be held after the Commission has acted on this settlement agreement. In Article IV Sea Robin agrees to reduce its rates and made refunds in the event a depreciation rate of less than 8.33 percent is determined to be proper for Sea Robin and the company will make accounting adjustments to its books to reflect depreciation expense and reserves based on such lower depreciation rate.

Sea Robin presently transports gas for Tennessee Gas Pipeline Company and Southern Natural Gas Company. Both of these companies have requested reductions in their contract demand levels. The settlement rates reflect contract demands for Tennessee and Southern lower than those presently authorized. Article V provides that should the Commission issue orders denying these requested lower contract demands by Tennessee and Southern, Sea Robin agrees to refund to its customers any money collected on the basis of contract de-

<sup>1</sup> See Appendix A for the test period costs as filed by Sea Robin and as subsequently amended by the Company, and as finally agreed upon for settlement.

mands higher than those reflected in the settlement and will reduce its rates by reflecting such higher contract demands.

Articles VII, VIII, and IX contain standard provisions relating to the reporting of refunds, terms of the agreement and general reservations of the settlement agreement.

At a conference before the Presiding Administrative Law Judge held on October 4, 1973, which afforded the parties an opportunity to comment upon the agreement, all parties present with the exception of Commission Staff expressed their complete concurrence with the agreement. Commission Staff Counsel, however, expressed Staff's reservations to the agreement which were previously made known in a letter to all parties dated August 30, 1973, which stated:

After review of the settlement agreement submitted by Sea Robin on August 22, 1973, and to which all parties have expressed agreement, staff has noted that the agreement's treatment of interest as a tax deduction does not comply with the Commission's Opinion No. 600, in that the interest deduction does not include interest on borrowings related to construction. In order to insure this agreement's acceptance by the Commission, Staff recommends adjustment of the interest deduction to include interest on construction-related borrowings or, alternatively, utilization of staff's capitalization, which included such borrowings.<sup>2</sup>

Staff then stated that, in its view, the record was complete and recommended that the settlement be certified to the Commission for its consideration as to the proper disposition of the tax interest deduction issue as well as the other issues set forth in the settlement agreement.<sup>3</sup>

While Sea Robin did deduct the interest expense on debt used for the construction of new facilities in its formal presentation, it did not do so in its calculations of the settlement cost of service, which is contrary to Commission Opinion No. 600, issued August 23, 1971 (El Paso Natural Gas Company, Docket No. RP70-11, et al.). There the Commission stated:

... we find that it is proper to deduct the short-term interest expense from the income tax allowance, even though in this case it was not included in our determination of interest and debt expenses found in our Phase I rate-of-return decision.

If, in fact, as the result of this borrowing, the future rate base of El Paso was increased by the amount of such debt through new additions or constructions, including interest during construction, then to ignore the tax effect in the cost of service would, in effect, be giving El Paso a double return on the tax effect involved. . . . However, the tax savings realized from interest charged to construction are in no way amortized or in any other manner flowed through to consumers after the construction projects are placed in service. Therefore, unless this expense is deducted in the immediate proceeding, El Paso customers will never realize the tax benefit that El Paso has actually received.

<sup>2</sup> Commission Staff Counsel's letter of August 30, 1973, to all Parties.

<sup>3</sup> Transcript, pages 15-16.

The interest expense related to construction debt amounts to \$434,003 and has a cost of service effect of decreasing the Federal and State Income Tax Allowance by \$421,345, as shown in Appendix B. As to all other items included within the proposed settlement, we conclude that each has been disposed of in a manner consistent with the public interest. For these reasons we shall accept and approve the Stipulation and Agreement with the condition that Sea Robin revise its cost of service calculations to include the deductions set forth above in conformity with Commission Opinion No. 600.

The Commission finds:

The settlement of these proceedings on the basis of the proposed agreement filed by Sea Robin on September 24, 1973, is reasonable and proper in the public interest in carrying out the provisions of the Natural Gas Act with the condition that Sea Robin revise its cost of service to reflect short term interest relating to borrowing for construction and adjust the settlement rates accordingly.

The Commission orders:

(A) The settlement agreement filed by Sea Robin in Docket No. RP73-47 is incorporated herein by reference, is conditionally approved and shall be made effective subject to the terms and conditions of this order.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, and the Commission's rules and regulations (18 CFR Chapter I), a hearing shall be held for purposes of cross-examination concerning the reserved issue of depreciation.

(C) Within 45 days of the issuance of this order, Sea Robin shall file revised tariff sheets incorporating the terms of and conditions of the settlement agreement as modified to reflect inclusion of the tax deductions for short term interest related to borrowing for construction in Sea Robin's settlement cost-of-service and settlement rates.

(D) On February 27, 1974, a conference shall be held before the Presiding Administrative Law Judge in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, at which time all parties to this proceeding will be given the opportunity to indicate their agreement or disagreement with the condition in paragraph C regarding tax treatment of interest related to construction. Should the parties agree with the condition in paragraph C, the Presiding Administrative Law Judge is authorized to set dates for the service of rebuttal testimony by Sea Robin and for a hearing for purposes of cross-examination concerning the reserved issue of depreciation. Should the parties not agree to this condition, the Presiding Administrative Law Judge is authorized to set procedural dates for further settlement discussions if the parties deem necessary or hearing on all issues, including depreciation, pre-

sented by Sea Robin's September 29, 1972 filing.

(E) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Sea

Robin, or any party affected by this order, in any proceeding not pending, or hereafter instituted by or against Sea Robin, or any other company, person or party affected by this order.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.<sup>4</sup>

[SEAL] KENNETH F. PLUMB,  
Secretary.

<sup>4</sup> Commissioner Brooke, dissenting, with whom Commissioner Moody concurs, issued a separate statement which is filed as part of the original document.

#### APPENDIX A—SEA ROBIN PIPELINE CO.

[Docket No. RP73-47]

Comparison of cost of service and rate base

Line No.	Particulars	Per company as filed	Company revisions	Per company as revised	Staff adjustments	Staff as filed	Adjustment to staff cost	Per settlement	Settlement over (under) company
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
1	Purchased gas cost.....	\$57,944,248	(\$14,955,496)	\$42,988,752	\$8,626,764	\$51,615,516	-----	\$51,615,516	\$8,626,764
2	Operation and maintenance expenses.....	4,735,314	(323,164)	4,412,150	(534,495)	3,877,655	\$263,864	4,141,619	(270,631)
3	Depreciation expense.....	13,211,969	(1,910,493)	11,301,476	(4,661,791)	6,639,685	3,497,938	10,137,623	(1,163,833)
4	Taxes, other than income taxes.....	240,742	-----	240,117	(2,542)	238,200	-----	238,200	(2,542)
4	Return: Co. at 9.75 percent; staff at 8.94 percent; settlement at 8.93 percent.....	14,678,032	(2,993,961)	11,684,071	(2,380,109)	9,503,962	184,149	9,688,111	(2,195,960)
5	Federal income taxes.....	13,490,838	(3,378,404)	10,112,434	(5,963,587)	4,148,846	3,807,040	7,954,886	(2,156,548)
6	State income taxes.....	673,678	(156,817)	516,859	(304,840)	212,519	194,255	406,804	(110,055)
7	Other gas revenue—credits.....	(3,853,280)	3,084,842	(768,388)	-----	(768,388)	-----	(768,388)	-----
8	Total cost of service.....	101,530,589	(20,633,493)	80,897,096	(5,230,100)	75,476,996	7,947,255	83,424,271	2,727,175
9	Rate base:								
10	Net plant.....	148,251,700	(22,476,398)	125,775,302	(14,479,296)	111,296,006	978,600	112,274,606	(13,600,696)
11	Working capital.....	9,308,073	(3,508,763)	5,799,310	(80,771)	5,718,539	736,544	6,455,083	(80,771)
12	Accumulated deferred income taxes.....	(4,964,579)	269,898	(4,694,681)	183,047	(4,511,634)	-----	(4,511,634)	(183,047)
13	Total rate base.....	152,595,199	(30,707,263)	121,887,906	(14,377,020)	107,510,886	978,600	108,489,486	(13,398,420)

#### APPENDIX B—SEA ROBIN PIPELINE CO.

[Docket No. RP73-47]

Settlement cost of service

Line No.	Particulars	Settlement as filed	Additional interest	Adjusted settlement cost of service
1	Operation and maintenance expenses:			
2	Purchased gas cost.....	\$51,615,516	-----	\$51,615,516
3	Production and gathering expenses.....	1,216,168	-----	1,216,168
4	Transmission expenses.....	1,967,888	-----	1,967,888
5	Customers account expenses.....	2,311	-----	2,311
6	Administrative and general expenses.....	955,162	-----	955,162
7	Total operation and maintenance expenses.....	55,757,035	-----	55,757,035
8	Depreciation expense.....	10,137,623	-----	10,137,623
9	Federal income taxes.....	7,954,886	(400,571)	7,554,315
10	State income taxes.....	406,804	(20,774)	386,030
11	Ad valorem taxes.....	219,576	-----	219,576
12	Other taxes.....	18,625	-----	18,625
13	Return at 8.93 percent.....	9,688,111	-----	9,688,111
14	Other gas revenue.....	(768,388)	-----	(768,388)
15	Total cost of services.....	84,424,271	(421,345)	(83,002,926)

[FR Doc.74-3951 Filed 2-21-74;8:45 am]

[Docket No. E-8614]

#### LOUISVILLE GAS AND ELECTRIC CO.

##### Proposed Changes in Rates and Charges

FEBRUARY 15, 1974.

Take notice that Louisville Gas and Electric Company (Louisville) on January 22, 1974, by telegram dated January 21, 1974, tendered for filing an amendment to its existing Service Schedule E, short term power, appended to its interconnection agreement with Public Service Company of Indiana, designated as Louisville's First Supplemental Agreement to Rate Schedule FFC No. 21.

Louisville states that it has offered to make available off-peak power and en-

ergy from its coal-fired generation to help relieve shortages of residual oil fuels in the New England area, subject to the establishment of an appropriate rate schedule. In order to avoid delays resulting from the filing of such rate schedule, following a request for commencement of such service, and until a more appropriate rate schedule can be submitted, Louisville proposes to effect such sales under its existing Service Schedule E, Short Term Power. The offer is limited to the off-peak hours of 10 p.m. to 7 a.m. e.d.t., Monday through Saturday and all hours on Sunday.

In view of the limitation on service hours and the fact that the Demand Charges in its Short Term Power Schedule contemplate furnishing of power and

energy during on-peak hours, Louisville requests that the Commission authorize it, on an emergency basis, to make Fuel Conservation Power and Energy sales under Service Schedule E and to adjust the Demand Charge to 20 cents per kilowatt-week or 2½ cents per kilowatt-day if for less than a full week, when, and only when, the reservation is limited to the off-peak hours stated above. Authority is also requested to further reduce the 20 cents per kilowatt-week by ½ per kilowatt of reduction for each hour the supplying party is unable or unwilling to supply capacity in the full amount reserved.

Louisville states that Public Service Company of Indiana has been advised of this request. The latter company on



January 24 filed its concurrence by telegram dated January 23, 1974, with Louisville's telegram described above.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4346 Filed 2-21-74; 8:45 am]

#### FEDERAL RESERVE SYSTEM FIRST ALABAMA BANKSHARES, INC.

##### Acquisition of Bank

First Alabama Bankshares, Inc., Birmingham, Alabama, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 80 percent or more of the voting shares of the successor by merger to American Bank and Trust Company, Hartselle, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 13, 1974.

Board of Governors of the Federal Reserve System, February 13, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.

[FR Doc.74-4187 Filed 2-21-74; 8:45 am]

#### FIRST FINANCIAL SERVICES, INC. Formation of Bank Holding Company

First Financial Services, Inc., Falls City, Nebraska, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of First National Bank, Falls City, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in

writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 14, 1974.

Board of Governors of the Federal Reserve System, February 14, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary  
of the Board.

[FR Doc.74-4190 Filed 2-21-74; 8:45 am]

#### FIRST VIRGINIA BANKSHARES CORP. Proposed Acquisition of Gadsden Finance Company

First Virginia Bankshares Corporation, Falls Church, Virginia, has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to indirectly acquire voting shares of Gadsden Finance Company, Gadsden, Alabama. Notice of the application was published on December 21, 1973, in The Gadsden Times, a newspaper circulated in Gadsden, Alabama.

Applicant states that the proposed subsidiary would engage in the activities of a finance company, including the extension of small personal loans; financing retail installment sales; granting real estate loans, primarily second mortgage loans; and acting as agent or broker in the sale of property insurance, credit life insurance and credit accident and health insurance only to its loan customers. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 13, 1974.

Board of Governors of the Federal Reserve System, February 13, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.

[FR Doc.74-4188 Filed 2-21-74; 8:45 am]

#### NORTHERN MICHIGAN CORP. Acquisition of Bank

Northern Michigan Corporation, Escanaba, Michigan, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Northern Michigan Bank of Marquette, Marquette, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 11, 1974.

Board of Governors of the Federal Reserve System, February 14, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.

[FR Doc.74-4189 Filed 2-21-74; 8:45 am]

#### SOUTHEAST BANKING CORP. Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 80 percent or more of the voting shares of Pinellas Central Bank and Trust Company, Largo, Florida, and The Security Bank, Pinellas Park, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 11, 1974.

Board of Governors of the Federal Reserve System, February 13, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.

[FR Doc.74-4175 Filed 2-21-74; 8:45 am]

#### GENERAL SERVICES ADMINISTRATION

##### Public Buildings Service

#### ADVISORY COMMITTEE FOR PROTECTION OF ARCHIVES AND RECORDS CENTERS

##### Establishment of Advisory Committee

This notice is published in accordance with the provisions of section 9(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), and advises of the establishment of the following advisory committee:

Designation. Advisory Committee for Protection of Archives and Records Centers.

Purpose. The committee will (1) review the present state-of-the-art in protection of records in archives and records centers, including structural design, methods of records storage, records media, protective personnel, fire protection systems, and firefighting; (2) determine gaps in the data base of knowledge and the action needed to fill the gaps; (3) review present firesafety objectives for records protection, especially those of General Services Administration; (4) determine appropriate levels of protection; and (5) propose revisions and alternatives to present standards and practices to the Administrator of General Services.

Authority for this committee will expire within 1 year, unless the Administrator formally determines that continuance is in the public interest.

Dated: February 13, 1974.

L. F. ROUSH,  
Commissioner,  
Public Buildings Service.

[FR Doc.74-4185 Filed 2-21-74; 8:45 am]

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES National Endowment for the Arts ARCHITECTURE CITY OPTIONS ADVISORY PANELS

##### Notice of Meetings

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Architecture City Options Midwestern Region 3 Advisory Panel to the National Endowment for the Arts will be held at 9 a.m. on February 27 and at 9 a.m. on February 28, 1974 in Denver, Colorado. Also a closed meeting of the Architecture City Options Western Region 4 Panel to the National Endowment for the Arts will be held at 9 a.m. on March 1 and at 9 a.m. on March 2, 1974 in Denver, Colorado.

These meetings are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endow-

ment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

PAUL BERMAN,  
Director of Administration, Na-  
tional Foundation on the Arts  
and the Humanities.

[FR Doc.74-4222 Filed 2-21-74; 8:45 am]

#### ARCHITECTURE TASK FORCE ADVISORY PANEL

##### Notice of Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Architecture Task Force Advisory Panel to the National Endowment for the Arts will be held at 10 a.m. on February 25, 1974 in the Council on Environmental Quality conference room, 722 Jackson Place NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

PAUL BERMAN,  
Director of Administration, Na-  
tional Foundation on the Arts  
and the Humanities.

[FR Doc.74-4221 Filed 2-21-74; 8:45 am]

#### OFFICE OF MANAGEMENT AND BUDGET

##### CLEARANCE OF REPORTS

##### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 19, 1974. (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing

division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

##### NEW FORMS

##### DEPARTMENT OF AGRICULTURE

Economic Research Service, Rappahannock County Land Ownership Survey, Form ----; single time; Foster/Planchon; owners of land in county.  
Statistical Reporting Service, Wheat Variety Survey—1974, Form ----; single time; Lowry; wheat farmers.

##### DEPARTMENT OF COMMERCE

Economic Development Administration, Validation Survey for Industry Innovation in Municipal Market, Form ED 729; single time; Ellett; local public purchasing officials.

##### SMALL BUSINESS ADMINISTRATION

Contractor Compliance Data, Form SBA 601 C; single time; Sunderhaus/Lowry; federally-assisted contractors over \$10,000.  
Financial Statement of Debtor, Form SBA 770; occasional, small business borrowers.  
Financial Statement, Form SBA 362; occasional; Caywood; small business borrowers.

##### REVISIONS

##### DEPARTMENT OF COMMERCE

Economic Development Administration, Employment and Remuneration of Expeditors, Form ED 100; Occasional; Lowry; all applicants for EDA financial assistance.

##### DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Center for Disease Control, Tuberculosis Hospital Bed Census, Form CDC 5.6; Annual; Evinger; hospitals with beds for tuberculosis patients.

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Traveler Survey, Form ----; Single time; Foster; travelers.

##### VETERANS ADMINISTRATION

Certification of Delivery of Advance Payment and Enrollment, Form 22-1999v; occasional; Caywood; Certifying official.

##### EXTENSIONS

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, Requisition of Funds Applicable to College Housing Program—Related Forms, Forms 4300, 4300A, 4301, 4302, 4304; occasion; CVAD; educational institutions.

##### DEPARTMENT OF LABOR

Employment Standards, Administration, Application for a Certificate to Employ Full-Time Students in a Retail or Service Establishment, Form WH-200; Occasion; Evinger (x); business firms.



Application for a Certificate to Employ Full-Time Students at Special Minimum Wages in Agriculture, Form WM 257; occasion: Evinger (x); farms.

PHILLIP D. LARSEN,  
Budget and Management Officer.  
[FR Doc.74-4291 Filed 2-21-74; 8:45 am]

#### ADVISORY COMMITTEE ON GNP DATA IMPROVEMENT Notice of Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Advisory Committee on GNP Data Improvement to be held in Room 10104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on Monday, March 4, 1974, at 9:45 a.m.

At this meeting the Committee will review proposed recommendations for improving the data of Economic Censuses for the Gross National Product accounts.

The meeting will be open to public observation and participation. Anyone wishing to participate should contact the GNP Data Improvement Project, Statistical Policy Division, Room 10222, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-3793.

VELMA N. BALDWIN,  
Assistant to the  
Director for Administration.  
[FR Doc.74-4328 Filed 2-21-74; 8:45 am]

#### RAILROAD RETIREMENT BOARD RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM Quarterly Excise Tax Rate

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)) as amended by section 5(a) of Public Law 91-215, the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1974, shall be at the rate of seven and one-half cents.

Dated: February 14, 1974.

By authority of the Board.

[SEAL] R. F. BUTLER,  
Secretary of the Board.  
[FR Doc. 74-4177 Filed 2-21-74; 8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

[70-5452]

#### CONSOLIDATED NATURAL GAS CO. Notice of Proposed Issue and Sale

FEBRUARY 15, 1974.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, has filed a declaration with this

#### NOTICES

Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, \$50,000,000 principal amount of -- percent Debentures due March 1, 1999. The interest rate (which will be a multiple of 1/4 of 1 percent) and the price, exclusive of accrued interest, (which will be not less than 98 percent or more than 102 percent of the principal amount thereof) will be determined by competitive bidding. The debentures will be issued as a new series under a Fourth Supplemental Indenture dated as of March 1, 1974, to the Indenture between Consolidated and Manufacturers Hanover Trust Company, New York, New York, as Trustee. The Indenture includes a prohibition until March 1, 1979, against refunding the issue with or in anticipation of funds borrowed at a lower effective interest cost. The Series 1999 bonds will be subject to a sinking fund, commencing March 1, 1979, designed to retire 80% of the aggregate principal amount thereof by maturity. The proceeds of the sale of the debentures will be used to finance, in part, the 1974 capital expenditures of Consolidated's subsidiary companies, presently estimated at \$175,600,000, including \$119,400,000 required to develop sources of additional gas supply.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at \$129,500 including \$28,000 service charges at cost, of Consolidated Natural Gas Service Company, Inc., a wholly owned service company, and accountants fees and expenses of \$10,000. The fees and expenses of counsel for the underwriters are to be paid by the successful bidders; the amount will be supplied by amendment.

It is further stated that no State commission and no Federal commission other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 13, 1974, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request.

At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4165 Filed 2-21-74; 8:45 am]

[File No. 500-1]

#### CONTINENTAL VENDING MACHINE CORP.

##### Notice of Suspension of Trading

FEBRUARY 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 14, 1974 through February 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4163 Filed 2-21-74; 8:45 am]

[File No. 500-1]

#### HOME-STAKE PRODUCTION CO.

##### Notice of Suspension of Trading

FEBRUARY 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 14, 1974 through February 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4164 Filed 2-21-74; 8:45 am]

#### NOTICES

[70-5454]

#### MISSISSIPPI POWER CO.

##### Notice of Proposal To Amend Articles of Incorporation and To Issue and Sell Newly Authorized Preferred Stock at Competitive Bidding

FEBRUARY 12, 1974.

Notice is hereby given that Mississippi Power Company ("Mississippi"), 2992 West Beach, Gulfport, Mississippi 39501, an electric utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to amend its Articles of Incorporation by increasing the number of shares of authorized preferred stock ("new Preferred Stock"), par value \$100 per share, by 150,000 shares. Mississippi is currently authorized to issue 244,139 shares of preferred stock. It is stated that the new Preferred Stock will be created, and its terms established, by resolution of the board of directors of Mississippi. All issued and outstanding shares of Mississippi's common stock, being the entire number of shares of all of Mississippi's outstanding stock entitled to vote on the foregoing amendment, have been voted in favor of said amendment.

Mississippi further proposes to issue and sell the new Preferred stock at competitive bidding, for the best price obtainable, but in no event for a price less than \$100 per share nor more than \$102.75 per share. It is stated that the proceeds from the sale of the new Preferred Stock, together with cash contributions to capital of \$5,500,000 by Southern, \$31,800,000 to be received from various public authorities for construction of pollution control facilities, and available cash on hand, will be used to finance Mississippi's 1974 construction program (estimated at \$71,329,000), to pay notes payable, and for other lawful purposes.

The fees, commissions, and expenses incurred or to be incurred in connection with the foregoing proposals will be supplied by amendment. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 11, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission,

Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4182 Filed 2-21-74; 8:45 am]

[812-3586]

#### MUTUAL BENEFIT GROWTH FUND, ET AL. Notice of Application

FEBRUARY 14, 1974.

Notice is hereby given that Mutual Benefit Growth Fund ("Growth Fund") and Mutual Benefit Fund ("Benefit Fund") (collectively referred to as "Funds") both of which are open-end diversified, management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Mutual Benefit Financial Service Company ("FISCO"), 520 Broad Street, Newark, New Jersey 07101, the principal distributor and investment adviser for Growth Fund and Benefit Fund (hereinafter collectively called "Applicants") have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants from section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of representations made herein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. The offering price of the shares of each Fund is equal to the net asset value plus a sales charge.

Applicants have requested exemptions from section 22(d) of the Act to sell shares of Growth Fund and Benefit Fund at net asset value, without a sales charge, under the following circumstances:

1. Where shareholders of Growth Fund or Benefit Fund who have redeemed their shares or any portion thereof desire to

reinvest in shares of Growth Fund or Benefit Fund, respectively, up to the amount of the redemption proceeds (or to the nearest full share if fractional shares are not purchased), and

2. Where shareholders of Growth Fund who redeem their shares or any portion thereof desire to invest in shares of Benefit Fund under the exchange privilege up to the amount of the redemption proceeds (or to the nearest full share if fractional shares are not purchased), and where shareholders of Benefit Fund who redeem their shares or any portion thereof desire to invest in shares of Growth Fund under the exchange privilege up to the amount of the redemption proceeds (or to the nearest full share if fractional shares are not purchased).

It is contemplated that shareholders of Growth Fund or Benefit Fund will be notified of these reinvestment privileges in connection with the processing of redemption requests. To be effective, the shareholders written order of reinvestment or exchange would be required to be postmarked or received by FISCO within 15 days after the request for redemption was received. The reinvestment or exchange will be made at the net asset value per share of the Fund next determined after the written order is received.

Applicants state that in order to minimize the possibility of shareholder abuse through speculation on a possible short-term decline in the net asset value of Growth Fund or Benefit Fund shares, the redemption and exchange privileges will be offered on a one-time basis and must be exercised within the relatively short period of time specified.

Further, applicants state that no sales personnel or dealer will receive compensation of any kind in connection with these transactions. Costs involved in calling the attention of shareholders to these privileges will be borne by FISCO. It is not expected that additional bookkeeping costs incurred by Growth Fund and Benefit Fund in connection with such transactions will be significant. Shareholders electing an exchange will be required to pay a \$5 service charge applicable to all exchanges.

Applicants submit that, in some instances, shareholders may mistakenly redeem their shares through a misunderstanding or unawareness of their rights as shareholders or the characteristics of the security.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than March 11, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be



controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4178 Filed 2-21-74;8:45 am]

[File No. 500-1]

#### ALBEE HOMES, INC.

##### Notice of Suspension of Trading

FEBRUARY 12, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and the convertible subordinated debentures, 5 percent, 6/30/82 of Albee Homes, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:30 p.m. (e.d.t.) on February 12, 1974 through midnight (e.d.t.) on February 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4179 Filed 2-21-74;8:45 am]

[File No. 500-1]

#### B.G.I. CORP.

##### Notice of Suspension of Trading

FEBRUARY 12, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of B.G.I. Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:30 p.m. (e.d.t.) on February 12, 1974, through midnight (e.d.t.) on February 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4180 Filed 2-21-74;8:45 am]

#### BROKERS DIVERSIFIED SERVICES CORP.

##### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 12, 1974.

I. Brokers Diversified Services Corp. ("Services"), a Massachusetts corporation located at 600 Lincoln Street, Worcester, Massachusetts, filed with the Commission on June 14, 1972, a notification on Form 1-A and an offering circular relating to a proposed offering of 100,000 shares of \$0.01 par value common stock at \$5 per share. These shares were to be offered on a best efforts basis. Several amendments have been filed, the most recent on April 5, 1973. Ridgewood Securities Corporation of 112 Water Street, Boston and 2801 E. Oakland Park Boulevard, Fort Lauderdale, Florida 33306, was originally listed as the underwriter. Subsequent amendments substituted Duvest Corporation, 15 Exchange Place, Jersey City, New Jersey, and M. E. Hand Securities Inc., Seneca Turnpike, New Hartford, New York, as the underwriters.

II. The Commission, on the basis of information reported to it by the staff, has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in the light of circumstances under which they were made not misleading, particularly with respect to the following:

1. The failure to reveal an obligation of the issuer to pay interest on its outstanding common stock.

2. The failure to reveal an offer to present shareholders to exchange their shares in the issuer for shares of an affiliate.

3. The failure to disclose the existence of a plan which was approved by the Massachusetts Insurance Commissioner for the mass marketing of auto insurance by one of the largest insurance companies in the Commonwealth of Massachusetts.

4. The failure to disclose a stockholder's suit against Issuer.

5. Financial statements contained in the offering circular fail to reflect the agreement to pay interest on outstanding common stock and the basis upon which the interest is to be paid.

6. Sales of unregistered securities by the Issuer and affiliated Issuers in violation of Sections 5 and 17 of the Securities Act of 1933.

B. The terms and conditions of Regulation A have not been complied with in the following respects:

1. The notification fails to disclose the sale of unregistered shares to all persons required by Item 9.

2. The offering circular fails to disclose the obligation to pay interest on unregistered common stock issued and the option to exchange such stock for stock of an affiliated company, and

3. No exemption is available under the Regulation for the securities purported to be offered hereunder in that the offering, if made, would exceed the ceiling for the Regulation A exemption under Rule 254.

C. The offering, if made, would be in violation of Section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules and practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4183 Filed 2-21-74;8:45 am]

[70-5455]

#### CONNECTICUT LIGHT AND POWER CO. Proposal To Issue and Sell First Mortgage Bonds and Preferred Stock at Competitive Bidding

FEBRUARY 12, 1974.

Notice is hereby given that the Connecticut Light & Power Company ("CL&P"), Selden Street, Berlin, Con-

necticut 06037, an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested parties are referred to said application, which is summarized below, for a complete statement of the proposed transactions.

CL&P proposes to issue and sell, at competitive bidding, \$65 million principal amount of its First and Refunding Mortgage Bonds, Series AA ("Bonds"), due March 1, 2004. The interest rate, which shall be a multiple of  $\frac{1}{8}$  of 1 percent, and the price, which will be not less than 99 percent nor more than 102.75 percent of the principal amount thereof, will be determined by competitive bidding. The Bonds will be issued under the Indenture of Mortgage and Deed of Trust dated as of May 1, 1921 ("Indenture") between CL&P and Bankers Trust Company, Trustee, as supplemented and amended from time to time, and as further supplemented by a supplemental indenture to be dated March 1, 1974 ("Supplemental Indenture"). The Supplemental Indenture provides, among other things, that Bonds shall not be redeemed at the applicable general redemption price prior to March 1, 1979, from the proceeds of borrowings secured by CL&P at an effective interest cost to CL&P of less than the effective interest cost of the Bonds.

CL&P further proposes to issue and sell, at competitive bidding, 1,000,000 shares of its preferred stock, Series K ("Preferred Stock"), par value \$50 per share. The dividend rate, which shall be a multiple of \$0.04, and the price to be paid to CL&P, which shall be not less than \$50 nor more than \$51.375 per share, will be determined by competitive bidding. The terms of the Preferred Stock will be established by resolution of the Board of Directors amending CL&P's Certificate of Incorporation. Such terms include the provision that Preferred Stock shall not be redeemed prior to March 1, 1979, from the proceeds of borrowings or from the proceeds of any sale of stock ranking prior to or on a parity with the Preferred Stock as to dividends or assets, if such borrowed funds or such shares have an effective interest or dividend cost to CL&P of less than the effective dividend cost to CL&P of the Preferred Stock.

The application states the CL&P will use the net proceeds from the sale of Bonds and Preferred Stock, estimated to be approximately \$115 million, to repay short-term borrowings incurred for the purpose of financing CL&P's construction program (estimated to total \$148,000,000 for 1974). Such short-term borrowings aggregated \$93,560,000 as of December 31, 1973, and will aggregate an estimated \$115 million at the time of the aforementioned sales.

A statement of the fees, commissions and expenses incurred or to be incurred

in connection with the proposed transaction will be supplied by amendment. The approval of the Connecticut Public Utilities Commission is required for the issuance of the Bonds and Preferred Stock. No other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 11, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules, as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4181 Filed 2-21-74;8:45 am]

#### SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

##### ADVISORY COMMITTEE ON DRUG DETECTION

##### Notice of Meeting

FEBRUARY 14, 1974.

Both morning and afternoon sessions of the Advisory Committee on Drug Detection on February 26, 1974, 10 a.m., Room 3104, the New Executive Office Building, 726 Jackson Place NW., Washington, D.C., will be open to the public. Any member of the public wishing to attend or participate should contact John A. Whysner, M.D. (202) 456-6611. This hereby amends previous notice FR Doc. 74-3661, published February 14, 1974.

JOHN A. WHYSNER,  
Chairman.

[FR Doc.74-4276 Filed 2-21-74;8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Notice 14]

##### MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 15, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein. Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's rules of practice.

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.



mission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 730 (Sub-No. 360), filed January 16, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum, and petroleum products*, in bulk, in tank vehicles, from points in San Juan County, N. Mex., to points in Arizona.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Salt Lake City, Utah.

No. MC 14702 (Sub-No. 53), filed July 19, 1973. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: Edward R. Kirk, Suite 1660, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, from the plantsite of Consolidated Aluminum, at Carrollton, Ky., to points in Ohio, Massachusetts, Indiana, Michigan, Pennsylvania, New Jersey, New York, Connecticut, Maine, New Hampshire, Rhode Island, and Vermont, restricted to traffic originating at and destined to the above-named origins and destinations.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 16903 (Sub-No. 37), filed January 10, 1974. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind. 47401. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Stone and granite, cut, uncut, finished, ground, or in the rough* from Adams County, Pa., to points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Michigan, Kentucky, and Tennessee, and (2) *stone, cut, uncut, finished and in the rough, crushed, ground, and pulverized*, from Hanover (York County), Pa., to

points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Michigan, Kentucky, and Tennessee, and (3) *granite, cut, uncut, finished, ground, and in the rough*, from St. Peters (Chester County), Pa., to points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, Ohio, West Virginia, Virginia, North Carolina, South Carolina, and Georgia, (1), (2), and (3) restricted to traffic originating at the above-named origin points and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or Indianapolis, Ind.

No. MC 19227 (Sub-No. 199), filed October 25, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Electrical transformers, circuit breakers, and/or parts*, which by reason or size or weight requires the use of special equipment; and (2) *electrical equipment and parts*, which do not require the use of special equipment when moving in connection with commodities in (1) above, from Rankin County, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority (1) in the lead Docket, at Rankin County, Miss., to provide a through service from Florida, Alabama, Georgia, and South Carolina to those destination points named above, and (2) in Sub-No. 43 with the lead docket, at Florida and Rankin County, Miss., to provide a through service from Texas to those destination points named above. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 22254 (Sub-No. 72), filed January 8, 1974. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 8900 South Freeway, Fort Worth, Tex. 76134. Applicant's representative: Elliott Bunce, 618 Perpetual Building NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Motorcycles*, uncrated, and *parts and accessories* thereof, from Los Angeles, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 26396 (Sub-No. 110), filed January 4, 1974. Applicant: POPELKA TRUCKING COMPANY, doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th Street, NW., Washington, D.C. 20036.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Bee keeper's supplies and accessories* used in the installations thereof, (1) from Polson, Mont., to Paris and Dallas, Tex.; Sioux City, Iowa; Watertown, Wis.; Hornell, N.Y.; Lynchburg, Va.; Hahira and Atlanta, Ga.; Umatilla, Fla.; Oakland and Los Angeles, Calif.; Memphis, Tenn.; Greensboro, N.C.; and Grand Rapids, Mich.; and (2) between Polson, Mont., and Hamilton, Ill., (B) *plastic pipe and fittings*, from Denver, Colo., to points in Idaho, Washington, Oregon, and California; and (C) (1) *building materials and pipe, cement*, containing asbestos fibre, from the plantsite of Johns-Manville Products in Waukegan, Ill., to points in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; and (2) *building materials*, from the plantsite of Johns-Manville Perlite Corp. at or near Joliet, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC 136777 (Sub-No. 3), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 29910 (Sub-No. 139), filed January 14, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelly Building, Fort Smith, Ark. 72901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Day and Night Company, Payne Company, at Collierville, Tenn. as an off-route point in connection with applicant's regular route authority to and from Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or New Orleans, La.

No. MC 29910 (Sub-No. 140) filed January 17, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and tubing, and fittings, and material* used in the installation thereof, except commodities in bulk, in tank vehicles, from Colfax, N.C., to points in Mississippi, Louisiana, Arkansas, Texas, and Oklahoma.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Colfax, N.C., to provide a through service from points in North Carolina, South Carolina, and Georgia to named

destination states above. If a hearing is deemed necessary, applicant requests it be held at Winston-Salem or Charlotte, N.C.

No. MC 31389 (Sub-No. 178), filed January 16, 1974. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughton Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Class A and B explosives, and those requiring special equipment), serving points in Macomb and Oakland Counties, Mich. (except the Detroit, Mich., commercial zone), as off-route points in connection with regular route operations to and from Detroit, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Cleveland, Ohio; or Washington, D.C.

No. MC 43475 (Sub-No. 58), filed January 14, 1974. Applicant: GLENDENNING MOTORWAYS, INC., 1665 West County Road C, St. Paul, Minn. 55113. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Western Potato Service, Inc., at or near Grand Forks, N. Dak., to points in Minnesota, Wisconsin, and Illinois.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either St. Paul or Minneapolis, Minn., or Fargo, N. Dak.

No. MC 50307 (Sub-No. 71), filed January 16, 1974. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Bursteln, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials, supplies and equipment, used in the manufacture thereof*, between Front Royal, and Woodstock, Va.; Carlisle and York, Pa.; Martinsburg, W. Va.; and the New York, N.Y., commercial zone.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 63417 (Sub-No. 60), filed January 15, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., P.O. Box 2888, Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture* from Hardeeville and points in Horry County, S.C., to Sumter, S.C., and

points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 64932 (Sub-No. 522), filed January 11, 1974. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plant site and storage facilities of Dow Chemical Company at Midland, Mich., Hanging Rock, Ohio, Pevely, Mo., and Channahon Township, (Will County), Ill., to points in the United States on and east of U.S. Highway 85, restricted to shipments originating at said plant sites and storage facilities.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67646 (Sub-No. 71), filed January 2, 1974. Applicant: HALL'S MOTOR TRANSIT CO., a Corporation, P.O. Box 999, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hancock, Md., and Uniontown, Pa.; From Hancock over U.S. Highway 40 to Uniontown, and return over the same route, serving all intermediate points and the points of Keyser, Moorefield, Paw Paw, and Petersburg, W. Va., and points in Allegany and Garrett Counties, Md., as off-route points.

NOTE.—The purpose of this application is (1) to eliminate gateway and (2) to convert portions of the applicant's existing authority to regular route. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 72243 (Sub-No. 36), filed January 2, 1974. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road, Warren, Ohio 44482. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, or in sections*; (2) *building sections and building panels*; (3) *parts and accessories* used in the installation thereof; and (4) *metal prefabricated structural components and panels*, from Portland, Tenn., to points in the United States (except Hawaii and Alaska).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Memphis, or Nashville, Tenn.

No. MC 73165 (Sub-No. 337), filed August 23, 1973. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33d Street, Birmingham, Ala. 35202. Applicant's representative: R. Connor Wiggins, 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Valves, hydrants, attachments, and accessories*; and (2) *materials, equipment, and supplies* used in the manufacture thereof (except commodities in bulk), between points in Jefferson County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at points in Jefferson County, Tex.: in Sub-No. 102, on iron and steel articles, to provide a through service from Birmingham, Ala., and points within 10 miles thereof to points in the United States; with the combined authorities in Sub-No. 102 and 278, to provide a through service from points in Pennsylvania, Maryland, and New York, to points in the United States; with the combined authorities in Sub-No. 102 and 183 to provide a through service from points in Brooke, Cabell, and Marshall Counties, W. Va., to points in the United States; with the combined authorities in Sub-No. 102 and 186 to provide a through service from the plant site of Kentucky Electric Steel Company, Boyd County, Ky., to points in the United States; with the combined authorities in Sub-No. 102 and 216 to provide a through service from Tennessee Forging Steel Co. near Harriman, Tenn., to points in the United States; and with the combined authorities in Sub-No. 102 and 187, on pipe fittings and pipe valves and fire hydrants, from Coshocton, Ohio, to points in the United States; in Sub-No. 328, on iron valves, hydrants, fittings, and gaskets to provide a through service from Talladega, Ala., to points in the United States; and in Sub-No. 272 to provide service between Bridgeton, N.J., on the one hand, and, on the other, points in the United States. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 82079 (Sub-No. 37), filed January 14, 1974. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Ave. SW., Grand Rapids, Mich. 49507. Applicant's representative: J. M. Neath, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen and non-frozen, and non-edible foods* (except commodities in bulk), from Logansport, Ind., to points in Michigan and Ohio, with the return of damaged or rejected merchandise.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Indianapolis, Ind.

No. MC 102616 (Sub-No. 591), filed January 11, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo



Road, Akron, Ohio 44319. Applicant's representative: James Annand (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Midland, Mich., Hanging Rock, Ohio, Pevely, Mo., and Channahon Township (Will County, Ill., to points in the United States on and east of U.S. Highway 85, restricted to traffic originating at the plant sites and storage facilities of the Dow Chemical Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 105159 (Sub-No. 32), filed December 10, 1973. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. 55066. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dried milk products* and (2) *commodities* the transportation of which is otherwise exempt under Section 203 (b) of the Interstate Commerce Act when moving in mixed loads with the commodities described in (1) above, from St. Peter, Nicollet, Preston, Wanamingo, Stillwater, Sleepy Eye, Northfield, Waconia, and Rochester, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requested it be held at Minneapolis, Minn.

No. MC 106398 (Sub-No. 698), filed January 11, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Stueben and Oneida Counties, N.Y., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 107403 (Sub-No. 858), filed August 13, 1973. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, in bulk, in tank vehicles, from Auburndale and Lake Alfred, Fla., to Louisville, Ky.; (2) *alcoholic liquors and distilled spirits*, in bulk, in tank vehicles, from Bardstons, Ky., to Lakeland, Fla.; (3) *alcoholic liquors*, in bulk, in tank vehicles, from

Louisville and Frankfort, Ky., and Lawrenceburg, Ind., to St. Louis, Mo.; (4) *alcoholic liquors*, in bulk, in tank vehicles, from Owensboro, Ky., to St. Louis, Mo.; and (5) *lead oxide*, in bulk, in tank vehicles, from Indianapolis, Ind., to Louisville, Ky.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108207 (Sub-No. 381), filed January 17, 1974. Applicant: FROZEN FOOD EXPRESS, INC., Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Missouri, Iowa, Nebraska, Minnesota, Mississippi, and Memphis, Tenn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Dallas, Tex.

No. MC 108884 (Sub-No. 27), filed January 17, 1974. Applicant: ROGERS TRANSFER, INC., Route 46, P.O. Box 175, Great Meadows, N.J. 07838. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site and storage facilities of Banquet Foods Corporation located at or near Wellston, Ohio, to points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109478 (Sub-No. 131), filed January 17, 1974. Applicant: WORSTER MOTOR LINES, INC., R.D. #1, Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, NOIBN, including cough drops, candy, and chewing gum in packages, from Holland, Mich., to Canajoharie, N.Y.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 110988 (Sub-No. 307), filed January 14, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: E. Stephen Helsley, 805 McLaughlin Bank Bldg., 666 11th St., NW.,

Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plantsite and storage facilities of the Dow Chemical Company, at Pevely, Mo., and points in Channahon Township (Will County), Ill., to points in the United States on and east of U.S. Highway 85, restricted to shipments originating at the plantsite and storage facilities of the Dow Chemical Company.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111496 (Sub-No. 17), filed January 17, 1974. Applicant: TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn. 55414. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plant site and warehouse facilities of Western Potato Service, Inc., located at or near Grand Forks, N. Dak., to points in Minnesota, Wisconsin, and Illinois.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at the origin point named above to provide a through service from points in North Dakota on and north of U.S. Highway 2 and those points in Minnesota on carrier's regular route authority, to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 112801 (Sub-No. 151), filed January 18, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and West Virginia to Cottage Grove, La Crosse and Milwaukee, Wis.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 152), filed January 7, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn and products of soy beans and blends thereof* in bulk in tank vehicles, from the plant sites and warehouse facilities of Archer Daniels Midland Company at or near Decatur, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 153), filed January 8, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and plastics*, in bulk, in tank vehicles, from the plant site and facilities utilized by General Electric Plastics located at or near Mount Vernon, Ind., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Iowa, Kansas, Maryland, Mississippi, Missouri, Oklahoma, South Carolina, Texas, Vermont, West Virginia, Washington, Minnesota, Illinois, Indiana, Ohio, Michigan, Connecticut, Massachusetts, Wisconsin, Kentucky, North Carolina, Pennsylvania, California, New Jersey, New York, Virginia, Louisiana, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 313), filed January 14, 1974. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Alabama, Arkansas, Arizona, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Washington, Wisconsin, and Wyoming, restricted to shipments originating at plantsite and facilities utilized by John Morrell & Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 112822 (Sub-No. 314), filed January 14, 1974. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products, in containers*, from Joplin, Mo., to points in Arkansas, Arizona, California, Colorado, Florida, Georgia, Iowa, Illinois, Kansas, Louisi-

ana, Michigan, Minnesota, Missouri, Mississippi, Montana, New Mexico, Nevada, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Little Rock, Ark.

No. MC 113362 (Sub-No. 266), filed January 14, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ 8th Ave. NE., Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen potatoes and potato products), from the plantsite and warehouse facilities of Western Potato Services, Inc., at Grand Forks, N. Dak., to points in Ohio, Pennsylvania, Kentucky, Tennessee, West Virginia, Virginia, Maryland, and New Jersey; restricted to traffic originating at and destined to the points named above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 113388 (Sub-No. 103), filed January 16, 1974. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry, frozen poultry products, and frozen vegetables*, from Presque Isle, Caribou, and Portland, Maine, to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 391), filed January 14, 1974. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations and soaps, shampoo, and aerosols*, when transported in vehicles equipped with mechanical refrigeration, from Morristown, N.J., to points in Texas and California.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114211 (Sub-No. 220), filed January 11, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Ap-

plicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down or in sections; (2) *building sections and building panels*; (3) *parts and accessories* used in the installation thereof; and (4) *metal prefabricated structural components and panels*, from Portland, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests a consolidated hearing.

No. MC 114274 (Sub-No. 25), filed January 18, 1974. Applicant: VITALIS TRUCK LINES, INC., 137 NE. 48th Street Place, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, as are dealt in by wholesale, retail, and chain grocery and food business houses, (except commodities in bulk), from Iowa City and Muscatine, Iowa, to points in Illinois, Minnesota, and Wisconsin, restricted to traffic originating at the origin points and destined to the destination states.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 181), filed January 14, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Grand Forks, N. Dak., to points in Minnesota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, Tennessee, New York, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, the District of Columbia, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Louisiana, Mississippi, Alabama, Georgia, North Carolina and South Carolina, and Florida.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 115180 (Sub-No. 89), filed January 14, 1974. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat*



packinghouses (except hides and commodities in bulk), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sunflower Beef Packers, Inc., at York, Nebr., to Chicago, Ill., and points in Ohio, Pennsylvania, Maine, Massachusetts, New Hampshire, Vermont, New York, New Jersey, Rhode Island, Connecticut, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Kentucky, Michigan, and the District of Columbia, restricted to shipments originating at and destined to the points named above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 115311 (Sub-No. 180), filed January 15, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Bruce E. Mitchell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, or in sections; (2) building sections and building panels; (3) parts and accessories used in the installation thereof; and (4) metal prefabricated structural components and panels*, from Portland, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115322 (Sub-No. 97), filed January 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *frozen foodstuffs*, from Salisbury, Md., to Erie, Pa., and points in New York.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115331 (Sub-No. 353) (AMENDMENT), filed November 8, 1973, published in the *FEDERAL REGISTER* issue of January 31, 1974, and republished as amended, this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, wood chips, vermiculite, lighter fluid, and accessories* used in outdoor cooking, from points in St. Louis, Taney, Jasper, and Newton Counties, Mo., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Ken-

tucky, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

NOTE.—The purpose of this republication is to amend the territorial description. Applicant states that the requested authority can be tacked with its existing authority at Alabama and Mississippi, to provide service to Georgia, Louisiana, and New Mexico. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 116073 (Sub-No. 291), filed January 14, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tassar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles, in initial movements, and buildings, complete or in sections*, transported on wheeled undercarriages, from Marshfield, Wis., to points in Illinois and the Upper Peninsula of Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 116474 (Sub-No. 29) (correction), filed October 1, 1973, published in *FEDERAL REGISTER* issue of November 23, 1973, and republished as corrected, this issue. Applicant: LEAVITT'S FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, Ore. 97477. Applicant's representative: David C. White, 2400 SW. Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Laminated wood products, prefabricated wood timbers, trusses, and beams, and accessories* used in the erection, construction, and completion of the foregoing when shipped therewith, (1) from Drain, Ore., to points in Arizona, Idaho, and Utah under contract with Duco-Lam, Inc.; (2) from Springfield, Ore., to points in Arizona, Idaho, Montana, Nevada, and Utah, under contract with Rosboro Lumber Company; and (3) from Riddle, Ore., to points in Arizona, Idaho, Montana, Nevada, Oregon, Utah, California and Washington under contract with D. R. Johnson Lumber Company.

NOTE.—The purpose of this republication is to add California as a destination point, which was erroneously omitted. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 116519 (Sub-No. 21), filed January 3, 1974. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural imple-*

*ments (except tractors), machinery, attachments, and equipment designed for use with such articles when moving in mixed loads therewith, from points in Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Texas, Missouri, Nebraska, New York, Ohio, Pennsylvania, South Carolina, South Dakota, and Wisconsin, to ports of entry on the International Boundary line between the United States and Canada, located in Michigan, New York, Vermont, and Maine; (2) (a) new tractors, other than tractors designed primarily for the hauling of goods on the highway, (b) wheeled vehicles, other than automobiles, commercial motor vehicles and trailers designed primarily for the carriage of goods on the highway, (c) agricultural machinery and agricultural implements, other than hand implements, (d) self-propelled industrial and construction machinery, and (e) parts and attachments for the above goods, provided that the same may only be carried when their transportation is the same transportation of the goods described in (a), (b), (c), and (d) inclusive above, from ports of entry or the International Boundary line between the United States and Canada, located in Michigan and New York to points in Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Maine, Michigan, Mississippi, Minnesota, Missouri, Montana, Nebraska, New York, New Hampshire, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Tennessee, Vermont, and Wisconsin; and (3) riding tractors, from Cleveland and Willard, Ohio, to ports of entry on the International Boundary line between the United States and Canada, located in Michigan and New York, (1), (2), and (3) of the above, restricted to foreign commerce.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117574 (Sub-No. 235), filed January 18, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: James W. Haggard, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the facilities of FPG Industries, Inc., located at or near Wichita Falls, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Wichita Falls, Tex.: in Sub-Nos. 181 and 207 to provide a through service from Crystal City, Mo., and Carleton, Mich., respectively, to points in Washington, Oregon, California, Montana, Idaho, Utah, Nevada, Arizona, New Mexico, Colorado, and Wyoming; and in Sub-No. 219 from Clinton and Laurinburg, N.C., to points in Washington, Oregon, Utah, Idaho, Nevada, and Arizona. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117815 (Sub-No. 225), filed January 16, 1974. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business, as described in Sections A, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the plantsite and storage facilities of Oscar Mayer & Co., Madison, Wis., and the plantsite and storage facilities of Oscar Mayer & Co., Davenport, Iowa, restricted to traffic originating at and destined to the named points.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 284), filed January 13, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite of Georgia-Pacific Corporation located at or near Stamps and Glenwood, Ark., to points in Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 126970 Sub-Nos. 1 and 3, therefore dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority; in Sub-No. 7 at points in Logan County, Ky., to serve points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York (except points in Suffolk, Nassau, Queens, and Kings Counties, N.Y.), North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, and Wisconsin; in Sub-No. 186 at Jackson, Tenn., to serve points in Delaware, Iowa, Maryland, Michigan, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; in Sub-No. 184 at points in Grundy and Coffee Counties, Tenn., to serve points in Minnesota, Iowa, Arkansas, and all points east thereof; and at points in Muhlenberg County, Ky., to serve points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Arkansas and all points east of the Mississippi River. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119792 (Sub-No. 39), filed January 11, 1974. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a Corporation, 3215 South Hamilton Ave., Chicago, Ill. 60608. Applicant's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food-*

*stuffs, meats, meat products, and meat by-products*, from points in Mobile County, Ala., to points in Kentucky, Tennessee, Georgia, Florida, North Carolina, South Carolina, Illinois, Indiana, Wisconsin, Michigan, Ohio, Minnesota, Nebraska, Iowa, Kansas, Missouri, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Oklahoma.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Chicago, Ill.

No. MC 120257 (Sub-No. 18), filed January 14, 1974. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Fifth Road, Fort Worth, Tex. 76116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials, and materials, equipment, and supplies* used in the manufacture, distribution, installation, and application of such commodities (except commodities in bulk), from the plantsite and storage facilities of the National Gypsum Company, at or near Mobile, Ala., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., New Orleans, La., or Dallas, Tex.

No. MC 121631 (Sub-No. 3), filed January 14, 1974. Applicant: MARSHFIELD DRAYAGE COMPANY, a Corporation, 302 West 2d Street, Marshfield, Mo. 65706. Applicant's representative: Turner White, 910 Plaza Towers, Springfield, Mo. 65804. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except explosives, articles of unusual value, household goods, commodities in bulk, commodities requiring special equipment, and articles injurious and contaminating to other freight), Serving the plantsite of the Nlangu Corporation, approximately ten miles northwest of Conway, Mo., as an off-route point, and Bennett Springs State Park, Mo., as an off-route point in connection with carriers authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, or St. Louis, Mo.

No. MC 123407 (Sub-No. 154), filed January 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal buildings, knocked down and set-up, all accessories, attachments, structural steel*, from the plantsite and warehouse of American Steel Building Co., Inc., located at or near Houston, Tex., to points in Louisiana, Mississippi, Georgia, North

Carolina, South Carolina, Alabama, Tennessee, Virginia, and Arkansas.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at the point of origin and points of destination to provide service between points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 124070 (Sub-No. 30), filed January 8, 1974. Applicant: CHEMICAL HAULERS, INC., P.O. Box 2038, Hammond, Ind. 46323. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plantsite and storage facilities of the Dow Chemical Company at Pevely, Mo., and Channahon Township (Will County), Ill., to points in the United States located on and east of U.S. Highway 85, restricted to traffic originating at the plantsite and storage facilities of the Dow Chemical Company.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124211 (Sub-No. 243), filed January 16, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Hides, leather, pelts, skins, and parts thereof* and (2) *such commodities as are dealt in and used by the processors and distributors of those commodities described in (1) above, between points in Nebraska, and those points in Iowa and Missouri on and west of U.S. Highway 169, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).*

NOTE.—Applicant states that he can presently perform a portion of the requested authority in Sub-Nos. 16, 37, 38, 112, and 119. The purpose of this application is to eliminate existing gateways and broaden the commodity description. Common control was approved in MC-F-11887. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126305 (Sub-No. 56), filed January 14, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RD #2, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal pellets, wood chips, vermiculite, lighter fluid, fireplace logs and materials, and equipment and supplies* used or useful in the manufacture and sale thereof (except commodities in bulk), between the facilities of Kingsford Company, located in Pulaski County, Ky., Houston County, Ala., and Tucker County, W. Va.,



on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., Birmingham, Ala., or Washington, D.C.

No. MC 127042 (Sub-No. 140), filed January 17, 1974. Applicant: HAGEN, INC., 3232 Highway 75 North-Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities utilized by Oscar Mayer & Co., at or near Davenport, Iowa, to points in Madison, Wis., restricted to traffic originating at the named origin and destined to the named destinations.

**NOTE.**—Common control was approved in MC-F-11806. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 128220 (Sub-No. 10), filed January 17, 1974. Applicant: RALPH LATHAM, doing business as LATHAM TRUCKING COMPANY, P.O. Box 508, Burnside, Ky. 42519. Applicant's representative: John M. Nader, P.O. Box E., Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, wood chips, vermiculite, and lighter fluid*, (1) from the plantsite of Keeter Charcoal Co., at or near Branson, Mo., to points in Alabama, Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas; and (2) from the plantsite of Husky Industries, at or near Jacksonville, Fla., to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri and Tennessee.

**NOTE.**—Applicant states that the requested authority can be tacked in (1) and (2) of the above, (a) at Burnside, Ky., to serve points in Florida, Georgia, North Carolina, and South Carolina; (b) in Sub 7 at Cookeville, Tenn., to serve Florida, Georgia, North Carolina, Ohio, South Carolina, Virginia, West Virginia, and Michigan; and (c) at Dothan, Ala., in pending Sub 9 to serve points in Florida, Georgia, and South Carolina, but it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 128375 (Sub-No. 108), filed January 16, 1974. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transport-

ing: *Paper and paper products*, (1) from Portland, Oreg., to points in Nebraska (except Lincoln), and (2) from Pine Bluff, Ark., to points in Nebraska and Kansas City, Mo., under contract with Hammermill Paper Company, Western Paper Company Division, such that traffic destined to Kansas City, Mo., will be limited to traffic moving on the same vehicle, a portion of which has a final stop at a point in Nebraska.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Lincoln, Nebr.

No. MC 128698 (Sub-No. 9), filed January 8, 1974. Applicant: ERDNER BROS., INC., Fow and Leahy Avenues, Swedesboro, N.J. 08085. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from the warehouse facilities of Stouffer Frozen Foods Corporation located at Cleveland, Ohio, to points in Delaware, Maryland, New Jersey, New York, points in that part of Pennsylvania located on and east of U.S. Highway 15, and the District of Columbia; (2) from the plant and warehouse facilities of Stouffer Frozen Foods Corporation located at Solon and Cleveland, Ohio, to points in Virginia, restricted to traffic originating at the plantsite and warehouse facilities of Stouffer Frozen Foods Corporation at either Solon or Cleveland, Ohio, and destined to the above-named territory; and (3) from the plantsite and storage facilities of Stouffer Frozen Foods Corporation, at or near King of Prussia, Pa., to Cleveland and Solon, Ohio, restricted to traffic originating at or destined to the points named in (3) above.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128857 (Sub-No. 7), filed January 14, 1974. Applicant: G. L. GIBBONS, doing business as G. L. GIBBONS TRUCKING SERVICE, 11601 N. Casa Grande Highway, Rillito, Ariz. 85703, P.O. Box 5861, Tucson, Ariz. 85703. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Slag*, from railroad at Kingman, Ariz., to Southern California Edison plant located in Southpoint, Nev.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix or Tucson, Ariz.

No. MC 128988 (Sub-No. 37), filed January 16, 1974. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor

vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from the facilities of Westinghouse Electric Corporation at or near Greensboro, N.C., to points in Arizona, California, Nevada, Oregon, and Washington, restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128988 (Sub-No. 38), filed January 16, 1974. Applicant: JO-KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lamps and related parts*, from the facilities of Westinghouse Electric Corporation at or near Fairmont, W. Va., to points in Arizona, California, Nevada, Oregon, Washington, and Utah, restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment, under a continuing contract with Westinghouse Electric Corporation.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128988 (Sub-No. 39), filed January 16, 1974. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), from the facilities of Westinghouse Electric Corporation at or near Mansfield, Ohio, to points in Arizona, California, Nevada, Oregon, and Washington, restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, under continuing contract with Westinghouse Electric Corporation.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128988 (Sub-No. 40), filed January 16, 1974. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier,

by motor vehicle, over irregular routes, transporting: *Gears, condensers, turbines, and related parts*, from the facilities of Westinghouse Electric Corporation at or near Sunnyvale, Calif., to points in Pascagoula, Miss.; Irwin, Pa.; and Greensboro, N.C., restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment, under continuing contract with Westinghouse Electric Corporation.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133119 (Sub-No. 45), filed January 18, 1974. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, Iowa 51001. Applicant's representative: Roger Heyl (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen pizza*, from Minneapolis, Minn., to points in Louisiana, Texas, and Albuquerque, N. Mex., restricted to traffic originating at the facilities of or utilized by Totino's Finer Foods, Inc., at Minneapolis, Minn., and destined to the named destinations.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 134068 (Sub-No. 16), filed December 27, 1973. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 East Fruitland Avenue, Vernon, Calif. 90058. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Dairy products and puddings*, from points in Wisconsin and Minnesota, to points in Arizona, California, Idaho, New Mexico, Oregon, and Wisconsin; (2) *gift packages, foodstuffs, advertising material, and related equipment and supplies*, from Madison and Sun Prairie, Wis., to points in Arizona, California, Idaho, New Mexico, Oregon, and Washington; and (3) *butter*, from points in California, Oregon, and Washington, to points in Minnesota and Wisconsin.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134145 (Sub-No. 42), filed January 14, 1974. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Machines, computing and parts, materials and supplies*, used in the manufacturing thereof; and (2) *crating materials, wooden*, between Mt. Sterling, and Campton, Ky., on the one hand, and, on the other, Nashville, Tenn.,

under contract with Computer Peripherals, Inc.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn., or Chicago, Ill.

No. MC 134323 (Sub-No. 60), filed January 18, 1974. Applicant: JAY LINES, INC., 720 North Grand Street, Amarillo, Tex. 79105. Applicant's representative: Gallyn Larsen, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Missouri Beef Packers at or near Rockport, Mo., to points in Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Florida, and Alabama, under a continuing contract with Missouri Beef Packers.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Lincoln, Nebr.

No. MC 134405 (Sub-No. 16), filed December 28, 1973. Applicant: BACON TRANSPORT CO., a Corporation, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Chickasha, Okla., to points in Arkansas, Kansas, Louisiana, Mississippi, and Tennessee.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 134477 (Sub-No. 49), filed January 7, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat product, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux Falls, S. Dak., to points in Illinois, Indiana, Michigan, Minnesota, North Dakota, Ohio, and Wisconsin.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux Falls, S. Dak.

No. MC 134477 (Sub-No. 50), filed January 7, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant).

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux Falls, S. Dak.

No. MC 134681 (Sub-No. 1), filed January 11, 1974. Applicant: VULCRAFT CARRIER CORPORATION, 4425 Randolph Rd., Charlotte, N.C. 28211. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Neb. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 767, from Norfolk, Nebr., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; (2) *steel joists and accessories* therefor, from St. Joe, Ind., to points in Ohio, Pennsylvania, New York, Michigan, Illinois, Indiana, Kentucky, West Virginia, and Wisconsin; and (3) *such materials, supplies and equipment* as are dealt in or utilized in the manufacture of commodities described in (1) above (except commodities in bulk), from points in Ohio, Pennsylvania, New York, Michigan, Illinois, Indiana, Kentucky, West Virginia, and Wisconsin, to St. Joe, Ind., under a continuing contract or contracts with Nucor Corporation.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134735 (Sub-No. 3), filed January 14, 1974. Applicant: ROLPH TRUCKING, INC., 1830 South 27th Avenue, Phoenix, Ariz. 85009. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Steel roofing, siding and floor decking*, from the plantsite of Verco Manufacturing, Inc., located at Fontana, Calif., to points in Arizona, Nevada, Utah, Wyoming, Washington, and Oregon, under continuing contract with Verco Manufacturing, Inc.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.



No. MC 135874 (Sub-No. 32), filed January 14, 1974. Applicant: LTL PERISHABLES, INC., 132nd and Q Streets, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Western Potato Service, Inc., located at Grand Forks, N. Dak., to points in Iowa, Minnesota, Kansas, Missouri, Nebraska, and South Dakota.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Grand Forks, N. Dak.

No. MC 135989 (Sub-No. 1), filed January 11, 1974. Applicant: COAST EXPRESS, INC., P.O. Box 1713, Whittier, Calif. 90609. Applicant's representative: William J. Lippman, 1819 H Street NW., Suite 550, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal fasteners and fastening systems* (bolts, nuts, screws, washers, and related items) and *power and hand tools* used in the installation of such fasteners and systems, from the plant sites and warehouse facilities of The Lamson & Sessions Co., located at Birmingham, Ala., Chicago, Ill., and Cleveland, Ohio, to points in Texas, New Mexico, Arizona, California, Nevada, Utah, Colorado, Wyoming, Montana, Idaho, Oregon, and Washington, under contract with The Lamson & Sessions Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, Chicago, Ill., or Washington, D.C.

No. MC 136051 (Sub-No. 3), filed January 17, 1974. Applicant: RPD, INC., 3600 NW. 82nd Avenue, P.O. Box 816, Miami, Fla. 33152. Applicant's representative: Francis W. McInerney, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, components, materials, supplies, advertising materials, and equipment, materials, and supplies* utilized in the manufacture thereof, between points in Missouri, Arkansas, points in Mississippi on and north of Interstate Highway 20 and U.S. Highway 80, points in Tennessee on and west of Interstate Highway 65, points in Kentucky on and west of Interstate Highway 75, points in Illinois on and south of Interstate Highway 74, points in Indiana on and west of U.S. Highway 231 south of the junction of Interstate Highway 74, points in Iowa on and south of Interstate Highway 80, points in Oklahoma on and east of Interstate Highway 40, points in Kansas on and east of U.S. Highway 183, and points in Nebraska east of U.S. Highway 81 and south of U.S. Highway 20, under a continuing contract or contracts with General Motors Parts Division of General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136318 (Sub-No. 18), filed January 2, 1974. Applicant: COYOTE TRUCK LINE, INC., 395½ B West Fleming Drive, Morganton, N.C. 28655. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Santa Ana, Calif., to points in New Mexico, Colorado, Texas, Arkansas, Louisiana, Oklahoma, and Kansas, under contract with B. P. John Furniture Company, a division of Consolidated Foods Corporation, Santa Ana, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 136897 (Sub-No. 10), filed January 7, 1974. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant site of CF&I Steel Corporation at Pueblo, Colo., to points in Arizona and California, under contract with CF&I Steel Corporation, Pueblo, Colo.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Pueblo, Colo.

No. MC 138328 (Sub-No. 6) (amendment), filed December 17, 1973, published in the FEDERAL REGISTER issue of January 24, 1974, and republished as amended this issue. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk and in sacks, from the facilities of Murray Elevator at or near Murray, Utah, to points in Arkansas, California, Iowa, Missouri, Montana, Oregon, Washington, Wisconsin, and Wyoming.

NOTE.—The purpose of this republication is to indicate that applicant seeks to serve points in Iowa within its destination territory. Applicant holds contract carrier authority in MC 133233 Sub 1 and other subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 138884 (Sub-No. 1), filed December 18, 1973. Applicant: CONDOR CORPORATION, R.F.D. No. 2, Dixfield, Maine 04224. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: *Uncrated glued wood furniture panels* in box-type trailers (except commodities in bulk or in tank vehicles), from the shipper's plant at Andover, Maine, to customers of the shipper located at points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and North Carolina, under contract with Andover Wood Products, Inc., Andover, Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 139284 (Sub-No. 2), filed January 14, 1974. Applicant: STAFFORD TRUCKING COMPANY, 4316 South Main, P.O. Box 337, Stafford, Tex. 77477. Applicant's representative: Damon R. Gapps, P.O. Box 1540, Midland, Tex. 79701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite ore*, in bulk, in open top equipment, between points in Louisiana and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex., or Washington, D.C.

No. MC 139327, filed January 9, 1974. Applicant: SUN CARRIER, 515 River Road, Clifton, N.J. 07014. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by department stores, and mail order houses; and (2) *materials, supplies, and equipment*, used in the conduct of such business, for the account of Allied Stores, its division and subsidiaries, New York, N.Y., between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Pennsylvania, and Delaware.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 13952 (Sub-No. 2), filed January 11, 1974. Applicant: VICTOR D. GOERING AND TOM N. WEEMS, doing business as WEGO, 701 East 2nd, Hutchinson, Kans. 67201. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Component parts* for mobile homes and recreational vehicles, between Hutchinson, Kans., on the one hand, and, on the other, points in Adams, Antelope, Burt, Dodge, Fillmore, Hall, Hamilton, Merrick, Richardson, Scotts Bluff, and York Counties, Nebr., under a continuing contract with Merchandise Warehouse Division of City Transfer and Storage Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 139386 (Sub-No. 1), filed January 2, 1974. Applicant: DONALD W. JENSEN AND DAN G. JENSEN, doing business as JENSEN TRANSIT CO., a Partnership, 250 Summit Street, River Falls, Wis. 54022. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising equipment, premiums, materials, and supplies*, when shipped therewith, from St. Paul, Minn., to River Falls and Osceola, Wis.; (2) *return of rejected shipments and empty used malt beverage containers*, from River Falls and Osceola, Wis., to St. Paul, Minn.; (3) *carbonated beverages and related advertising equipment, premiums, materials, and supplies*, when shipped therewith, (a) from St. Paul, Minn., to Osceola and River Falls, Wis., and Red Wing, Minn., and (b) from Red Wing, Minn., to Osceola and River Falls, Wis.; (4) *return of rejected shipments and empty used carbonated beverage containers* (a) from River Falls and Osceola, Wis., and Red Wing, Minn., to St. Paul, Minn., and (b) from Osceola and River Falls, Wis., to Red Wing, Minn.; and (5) *wine and related advertising materials, equipment, and supplies* when shipped therewith, from Atlanta, Ga., to points in Minnesota and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Minneapolis, Minn.

No. MC 139391 (Sub-No. 1), filed January 11, 1974. Applicant: G & H TRANSPORTATION CO., INC., P.O. Box 157, Widener, Ark. 72394. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and periodicals*, from Buffalo, N.Y., to points in Oklahoma, Texas, New Mexico, Arizona, California, and Colorado, under contract with Select Magazine, Inc., at New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139432 (Sub-No. 1), filed January 18, 1974. Applicant: CLIFFORD L. AKSLAND, an individual, doing business as SUNRISE TRANSPORTATION, J 9850 E. Highway 120, Manteca, Calif. 95336. Applicant's representative: Thomas M. Loughran, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed supplements and bulk sugar beet final molasses residuum*, in tank truck equipment, between Nyssa, Oreg., and San Jose, Calif., under a continuing contract with Loomix, Inc.; and (2) *bulk sugar beet final molasses residuum*, in tank truck equipment, from Twin Falls, Idaho, to points in San Jose, Calif., under a continuing contract with Loomix, Inc.

NOTE.—Applicant holds common carrier authority in MC 11912 Sub 1, therefore dual

operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 139438, filed January 4, 1974. Applicant: KELLEY FREIGHT SYSTEMS, INC., 13191 Lincoln Street, NE., Blaine, Minn. 55433. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-packaged homes and buildings, complete or in sections, and all equipment, supplies, and component parts* used in the construction, erection, or completion of such homes and buildings, from Minneapolis, Minn., to points in Iowa, Michigan, North Dakota, South Dakota, and Wisconsin, under contract with Shelterbuilt, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139439, filed January 8, 1974. Applicant: WILLIAM EDWARDS, INC., P.O. Box 938, Verona, Va. 24482. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn*, between Staunton, and Waynesboro, Va., and Wayne, N.J., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Tennessee, Virginia, Oklahoma, Kentucky, Alabama, Pennsylvania, Maryland, Texas, and Florida; and (2) *yarn and beams* from points in Georgia, North Carolina, South Carolina, Tennessee, Virginia, Oklahoma, Kentucky, Alabama, Pennsylvania, Maryland, Texas, and Florida, to points in Staunton, Va., under a contract or continuing contracts with United Yarn Products Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139441, filed January 10, 1974. Applicant: CHIEF'S MOVING & STORAGE CO., a Corporation, 477(a) Holly Street, Denver, Colo. 80216. Applicant's representative: Joseph F. Nigro, 400 Denver Hilton Office Bldg., 1515 Cleveland Place, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods*, as defined by the Commission, on through bills of lading for exempt freight forwarders of household goods, between points in Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 139442, filed January 10, 1974. Applicant: ALPHA CARGO MOTOR EXPRESS, INC., 2821 West 7th Street, P.O. Box 425, Fort Worth, Tex. 76101. Applicant's representative: Clayte Binton, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick (face or building), tile (hollow building), blocks (concrete, plain*

*or polyester glazed), fire brick, and materials and accessories* used in the installation of such commodities, when moving in connection therewith; and (2) *concrete products, reinforced, precast or prestressed*, viz.: beams, columns, girders, joists, lintels, panels, side slabs, and trim, between points in Texas, Arkansas, Oklahoma, Kansas, Louisiana, Missouri, and Mississippi, under contract with Acme Brick Company, Division of Justin Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 139444, filed January 14, 1974. Applicant: ROSS J. AIELLO, doing business as AIELLO TRUCKING CO., 123 36th Street, Pittsburgh, Pa. 15201. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from the warehouses of Commonwealth Warehouse and Storage, Inc., located at Pittsburgh, Pa., to points in Pennsylvania on and west of U.S. Highway Route 15, under a continuing contract with Commonwealth Warehouse and Storage, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 139445, filed January 14, 1974. Applicant: TANK TRANSPORT, INC., 610 W. Rawson Ave., Oak Creek, Wis. 53154. Applicant's representative: Allan B. Torhorst, 217 East Jefferson Street, Burlington, Wis. 53105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in bulk, in tank vehicles, (1) from points in Illinois and Michigan, to points in Wisconsin; and (2) from points in Wisconsin, to points in Iowa, Illinois, Minnesota, and Michigan, under continuing contracts with Industrial Fuel Oil, Inc., Center Fuel Co., and Petro Products Limited.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis., or Chicago, Ill.

No. MC 139446, filed January 7, 1974. Applicant: UNITED TRANSFER COMPANY, a Corporation, P.O. Box 117, Manette Station, Bremerton, Wash. 98310. Applicant's representative: John E. Loidhammer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainer-



ization of such traffic between points in Clallam, Jefferson, Grays Harbor, Mason, Kitsap, Pierce and Thurston Counties, Wash.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Seattle or Olympia, Wash.

#### MOTOR CARRIER OF PASSENGER(S)

No. MC 2890 (Sub-No. 48) (clarification), filed October 17, 1973, published in the FEDERAL REGISTER issue of January 24, 1974, and republished as clarified this issue. Applicant: AMERICAN BUS-LINES, INC., 1200 Eye Street NW., Washington, D.C. Applicant's representative: James E. Wilson, Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle as passengers. (1) Between junction New Jersey Turnpike and Interstate Highway 78 (New Jersey Turnpike exit 14), and Harrisburg, Pa.: From junction New Jersey Turnpike and Interstate Highway 78 (New Jersey Turnpike exit 14), over Interstate Highway 78 to junction Interstate Highway 81 (near Indian Gap, Pa.), thence over Interstate Highway 81 to junction Interstate Highway 83, thence over Interstate Highway 83 to Harrisburg, Pa., and return over the same route, serving: (a) The junction of Interstate Highway 78 and U.S. Highway 22 at or near Lebanon, N.J., as an intermediate point for the purpose of joinder only; (b) the junction of Interstate Highway 78 and U.S. Highway 22 near Fogelsville, Pa. (along Pennsylvania Highway 100), as an intermediate point for the purpose of joinder only; and (c) the junction of Interstate Highway 78 and U.S. Highway 22 at or near Still Valley, N.J., as an intermediate point for the purpose of joinder only.

(2) Between Interstate Highway 78 and Easton, Pa.: From junction Interstate Highway 78 and Pennsylvania Highway 611, over Pennsylvania Highway 611 to Easton, and return over the same route; (3) Between Interstate Highway 78 in Bethlehem, Pa.: From junction Interstate Highway 78 and Pennsylvania Highway 191, over Pennsylvania Highway 191 to Bethlehem, and return over the same route; (4) Between Interstate Highway 78 and Hamburg, Pa.: From junction Interstate Highway 78 and Pennsylvania Highway 61 to Hamburg, and return over the same route; and (5) Between junction New Jersey Turnpike and Interstate Highway 287 (New Jersey Turnpike exit 10), and junction Interstate Highway 287 and Interstate Highway 78, at or near Pluckemin, N.J.: From junction New Jersey Turnpike and Interstate Highway 287 (New Jersey Turnpike exit 10), over Interstate Highway 287 and Interstate Highway 78 at or near Pluckemin, N.J., and return over the same route, serving the

junction of Interstate Highway 287 and U.S. Highway 22 at or near Somerville, N.J., and the junction of New Jersey Turnpike and Interstate Highway 287 (New Jersey Turnpike exit 10), for purposes of joinder only.

**NOTE.**—The purpose of this republication is to indicate that the joinder points described in part (5) above are terminal points and not intermediate points as previously published. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116313 (Sub-No. 4), filed January 9, 1974. Applicant: TROMBLY MOTOR COACH SERVICE, INC., Route 125 Bypass at Hillside Way, North Andover, Mass. 01845. Applicant's representative: Robert G. Bleakney, Jr., 225 Franklin St., Boston, Mass. 02110. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round-trip operations, beginning and ending at Lowell and Lawrence, Mass., and extending to the racetrack of Yankee Greyhound Racing, Inc., at Seabrook, N.H. If a hearing is deemed necessary, applicant requests it be held at Lawrence or Boston, Mass.

#### WATER CARRIER APPLICATION

No. W-1274, filed February 7, 1974. Applicant: DIAMOND MANUFACTURING COMPANY, INC., 645 Indian Street, Savannah, Ga. 31402. Applicant's representative: William F. Jackson, Jr., 919 18th St. N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels, as a contract carrier by water in the transportation of commodities generally, and by towing vessels in the performance of towage, between ports and points along the Atlantic Coast and tributary waterways, and between ports and points along the Gulf of Mexico and tributary waterways, non-radially, under contract with B. F. Diamond Construction Company, Inc.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

#### FREIGHT FORWARDING APPLICATION

No. FF-447, filed February 1, 1974. Applicant: FLORIDA FREIGHT FORWARDERS, INC., 37 East Virginia, P.O. Box 2157, Memphis, Tenn. 38101. Applicant's representative: Harry E. Dixon, Jr., 1205 North 18th St., P.O. Box 4319, Monroe, La. 71201. Authority sought to engage in operation, in interstate commerce, as a freight forwarder, through use of the facilities of common carriers by railroad and motor vehicle, in the transportation of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Memphis, Tenn., and points in its commercial zone, to points in Florida.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-4111 Filed 2-21-74; 8:45 am]

[Finance Dockets Nos. 27508, 27525]

#### AUTO-TRAIN CORP. AND SEABOARD COAST LINE RAILROAD CO.

##### Environmental Statement Not Required

Auto-Train Corp., operation rail passenger and automobile transport service, between Louisville, Ky., and Sanford, Fla.

Auto-Train Corp., Seaboard Coast Line Railroad Company, operating agreement, Louisville and Nashville Railroad Company.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicants be, and they are hereby, directed to publish the appended notice in newspapers of general circulation in the Cities of Louisville, Ky., Montgomery, Ala., and Sanford, Fla., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 14th day of February, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,  
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated February 14, 1974, it has been determined that (1) the proposal by the Seaboard Coast Line Railroad Company and the Louisville and Nashville Railroad Company to operate the properties or part thereof of Auto-Train Corporation between Louisville, Ky. and Sanford, Fla., (2) the proposal by Auto-Train Corporation to acquire trackage rights over and joint use of certain lines of railroad of the Louisville and Nashville Railroad Company between Louisville, Ky., and Montgomery, Ala., a distance of approximately 489 miles, and certain lines of railroad of the Seaboard Coast Line Railroad Company be-

tween Montgomery, Ala., and Sanford, Fla., a distance of approximately 532 miles, and (3) the application by Auto-Train Corporation to operate a passenger-auto-ferry service between Louisville, Ky., and Sanford, Fla., do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (c) of the NEPA.

Based on an examination of existing auto-train service between Lorton, Va., and Sanford, Fla., it was concluded that a vast majority of auto-train riders would have traveled to Florida in private automobiles if the service had not been available. Extension of the auto-train service to Louisville should, therefore, result in a decrease in the number of private automobiles entering Florida from the North Central United States on the highways. To the extent that this occurs, there should be a limited beneficial impact on the environment. It was also concluded that initiation of this service would be consistent with the development of the tourist industry in Florida. These beneficial effects should not be significant in view of the relatively small percentage of tourists that would utilize auto-train service.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 11, 1974.

[FR Doc.74-4252 Filed 2-21-74; 8:45 am]

[Rule 19, Ex Parte 241, Exemption 63]

#### BESSEMER AND LAKE ERIE RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

##### Exemption Under Mandatory Car Service Rules

It appearing, that the Bessemer and Lake Erie Railroad Company (BLE), and the Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC), have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 390, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GB", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the BLE and the PC without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks		PC	
BLE			
BLE.....	BA BWC CASO NH	NYC PAE PC PCA	PCB P&E PRR TOC

Effective February 12, 1974.

Expires April 30, 1974.

Issued at Washington, D.C., February 12, 1974.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[FR Doc.74-4250 Filed 2-21-74; 8:45 am]

[Rule 19, Ex Parte 241, Exemption 64]

#### WESTERN MARYLAND RAILWAY CO.

##### Exemption Under Mandatory Car Service Rules

It appearing, that there are substantial quantities of paper and paper products available for shipment at Owings Mills, Maryland, a station located on the Western Maryland Railway Company (WM); that the WM is unable to furnish sufficient system cars, and foreign cars of suitable ownership to move this freight promptly; that the resulting congestion will force the closing of a major manufacturing plant, thus causing unemployment to a large work force.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, the WM be, and it is hereby, authorized to place for loading and accept from shippers located at Owings Mills, Maryland, twenty (20) plain boxcars of any size, described in the Official Railway Equipment Register I.C.C. R.E.R. No. 390, issued by W. J. Trezise as having mechanical designation XM, regardless of the provisions of Car Service Rule 2 (See exception)

Exception: This exemption shall not apply to cars subject to Revised Service Order No. 1145, nor to cars subject to Car Relocation Directives Nos. 44 or 67 issued by the Car Service Division, Association of American Railroads.

Effective February 13, 1974.

Expires February 20, 1974.

Issued at Washington, D.C., February 12, 1974.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[FR Doc.74-4251 Filed 2-21-74; 8:45 am]

[Notice No. 451]

#### ASSIGNMENT OF HEARINGS

FEBRUARY 19, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument ap-

pear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 22, 1974.

MC-128383 Sub 31, Pinto Trucking Service, Inc., now assigned February 26, 1974, at Washington, D.C., is postponed indefinitely. MC 80430 Sub-126, Gateway Transportation Co., Inc., now assigned March 18, 1974, at Nashville, Tenn., is cancelled and re-assigned for hearing on March 25, 1974, at Atlanta, Ga., in a hearing room to be later designated.

MC 124692 Sub 114, Sammons Trucking, now assigned February 25, 1974, at San Francisco, is cancelled and application dismissed.

FD 27384, Overnite Transportation Company Notes, now being assigned hearing March 4, 1974 (1 week), at the Stouffer's Cincinnati Inn, 150 W. 5th Street, Cincinnati, Ohio.

MC-C-8235, Smitty's Van & Storage, Inc., Julius Schmidt, DBA Jet Moving & Storage, Andrews Van Lines, Inc., Greyhound Van Lines, Inc., and King Van Lines—Investigation of Operations, now being assigned hearing April 1, 1974 (1 day), at Kansas City, Mo., in a hearing room to be later designated.

MC-115331 Sub 352, Truck Transport, Inc., now being assigned hearing April 8, 1974 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC-139206, F. M. S. Transportation, Inc., now being assigned hearing April 10, 1974 (3 days), at St. Louis, Mo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4256 Filed 2-21-74; 8:45 am]

#### ANNUAL REPORTS OF CARRIERS

##### Identity of Large Stockholders

The forms of annual reports required to be filed by carriers subject to financial reporting requirements of the Interstate Commerce Act include schedules which provide for the disclosure of the identity and other information with respect to the largest holders of the respondent carriers' outstanding capital stock.

There are indications that the carriers are not responding in the manner contemplated in the instructions and are not using all of the means available to identify the person or organizations represented by a "nominee".

The instructions contemplate disclosure of the identity of the "beneficial owners" of the stock and the particulars of any trusts, including voting trusts. Moreover, the carriers should be able by using the "Nominee List", now available



from the American Society of Corporate Secretaries, 9 Rockefeller Plaza, New York, N.Y. 10020, to identify the persons or organizations the nominees represent. The shares reported in the name of multiple nominees for individual banks or other investors should be aggregated for the purpose of determining the largest security holders (e.g. thirty for a railroad).

The top security holders should not include the name of Cede & Co., which is the nominee of Depository Trust, a stock exchange device used to facilitate stock transfers. Depository Trust has an obligation to fully inform any issuer of a security of the participants in the depository which hold that security, and the amount of the holdings. Such shares registered in the name of Cede & Co. shall be included in the holdings of the person or organization for whose account they are being held and considered in determining the list of the "largest security holders."

The procedures prescribed in this notice should be incorporated into 1973 annual reports.

Dated: February 14, 1974.

[SEAL] JOHN A. GRADY,  
Director, Bureau of Accounts.

[FR Doc.74-4253 Filed 2-21-74;8:45 am]

[Notice No. 28]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 14, 1974. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74390. By order of February 19, 1974, the Motor Carrier Board approved the transfer of Clarence W. Johnson, Doing Business As John Truck Service, Holliday, Mo., of Certificate No. MC-135923 issued June 15, 1972, to Harry C. Johnson, Holliday, Mo., authorizing the transportation of dry fertilizer from East St. Louis and Henry, Ill., and Fort Madison, Iowa, to points in Monroe and Randolph Counties, Mo. Mr. Thomas P. Rose, attorney at law, Jefferson

Building, P.O. Box 205, Jefferson City, Mo. 65101.

No. MC-FC-74960. By order entered February 19, 1974, the Motor Carrier Board approved the transfer to Lehman Bros. Truck Service, Inc., Marissa, Ill., of the operating rights set forth in Certificate No. MC-59486, issued August 12, 1957, to Henry V. Lehman and Arthur R. Lehman, doing business as Lehman Bros. Truck Service, Marissa, Ill., authorizing the transportation of general commodities, with the usual exceptions, between Marissa, Ill., and St. Louis, Mo. over specified routes, serving the intermediate and off-route points of Lenzburg and Darmstadt, Ill., those within three miles of Masissa; those within three miles of Lenzburg; and those in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone; coal and agricultural commodities, from Freeburg, Ill., over specified routes to St. Louis, Mo., serving intermediate and off-route points within five miles of Freeburg, restricted to pick-up only; and general commodities, with the usual exceptions, from St. Louis, Mo., over specified routes, to Freeburg, Ill., serving intermediate and off-route points within five miles of Freeburg, restricted to delivery only. Delmar O. Koebel, 109 West St. Louis Street, Lebanon, Ill. 62254, attorney for applicants.

No. MC-FC-74971. By order of February 19, 1974, the Motor Carrier Board approved the transfer to Midwest Transportation Company, an Iowa corporation, Council Bluffs, Iowa, of the operating rights in Certificates No. MC-134063 (Sub-No. 2) and MC-134063 (Sub-No. 3) issued January 12, 1973 to Frank R. Chullino, doing business as Midwest Transportation Company, Council Bluffs, Iowa, authorizing the transportation of alcoholic beverages, except malt beverages, in containers, from and to specified points and areas in Indiana, Illinois, Kentucky, Ohio, Michigan, Missouri, Nebraska, New York, Pennsylvania, Massachusetts, New Jersey, Maryland and Connecticut. Patrick E. Quinn, 605 South 14th St., Lincoln, Nebr. 68501, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4257 Filed 2-21-74;8:45 am]

[Notice No. 26]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 15, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965.

These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 71459 (Sub-No. 41 TA), filed February 11, 1974. Applicant: O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Page, Ariz., and Ogden, Utah, serving all intermediate points and serving the off-route points of Wahweap Lodge (near Page) and Fredonia, Ariz.; Browning Arms plantsite (near Mountain Green), Clearfield, Morgan, and Tooele, Utah, and Evanston, Wyo.; From Page over U.S. Highway 89 to junction of Interstate Highway 15 (near Salt Lake City, Utah); thence over Interstate Highway 15 to Ogden, and return over the same route; (2) Between Salina, Utah, and Shiprock, N. Mex., serving all of the intermediate points between Salina, Utah, and Montrose, Colo., including Salina and Montrose and the intermediate points of Dolores and Cortez, Colo., and the off-route points of Dove Creek, Gunnison, and Palisade, Colo.; From Salina over Utah State Highway 4 (Interstate Highway 70) to the junction of U.S. Highway 50; thence over U.S. Highway 50 to the junction of U.S. Highway 550; thence over U.S. Highway 550 to the junction of Colorado State Highway 62; thence over Colorado State Highway 62 to the junction of Colorado State Highway 145; thence over Colorado State Highway 145 to the junction of U.S. Highway 160; thence over U.S. Highway 160 to the junction of U.S. Highway 666; thence over U.S. Highway 666 to Shiprock, N. Mex., and return over the same route.

(3) Between Durango, Colo., and junction U.S. Highways 89 and 160 (near Tuba City, Ariz.), serving all intermediate points, and the off-route points of Bloomfield, N. Mex., and Peabody Mine Sites near Kayenta, Ariz.; From Durango, over U.S. Highway 550 to New

Mexico State Highway 504; thence over New Mexico State Highway 504 to the Arizona-New Mexico State line; thence over unnumbered Arizona State Highway to the junction of U.S. Highway 160; thence over U.S. Highway 160 to the junction of U.S. Highway 89 (near Tuba City, Ariz.), and return over the same route; (4) Between the junction of U.S. Highway 550 and Colorado State Highway 62 and Durango, Colo., serving no intermediate points and serving Durango for the purpose of joinder only as an alternate route for operating convenience only in connection with carrier's regular route operations: From the junction of U.S. Highway 550 and Colorado State Highway 62, over U.S. Highway 550 to Durango, Colo., and return over the same route; and (5) Between Thistle, Utah, and junction U.S. Highways 6 and 50 with Interstate Highway 70 (near Green River), serving no intermediate points, and serving the junction of U.S. Highways 6 and 50 with Interstate Highway 70 for the purpose of joinder only, as an alternate route for operating convenience only in connection with carrier's regular route operations: From Thistle over U.S. Highways 6 and 50 to junction Interstate Highway 70, and return over the same route.

NOTE.—Applicant requests the right to serve the commercial zones of all points. Applicant also requests the right to tack the above authority to its existing authorities and to interline with other motor carriers, for 180 days.

SUPPORTING SHIPPERS: There are approximately 147 statements from supporting shippers attached to the application, which may be examined here at the Offices of the Interstate Commerce Commission, or at the field office named below. SEND PROTESTS TO: Gerald E. Blair, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 117613 (Sub-No. 16 TA) (Amendment), filed January 29, 1974, published in the FEDERAL REGISTER issue of February 11, 1974, and republished as amended this issue. Applicant: DONALD M. BOWMAN, JR., Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Building materials and materials and supplies used in the manufacture, packaging and distribution thereof, tan bark, and marble chips, from points in Caroline County, Va., to points in Delaware, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, and the District of Columbia, for 180 days.

NOTE.—The purpose of this republication is to indicate applicant's amended commodity description.

SUPPORTING SHIPPER: William C. Eckardt, Jr., General Manager, Concrete Division, G. & W. H. Corson, Inc.,

Plymouth Meeting, Pa. 19462. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 118159 (Sub-No. 138 TA), filed February 7, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Hyplains Dressed Beef, Dodge City, Kans., to points in Atlanta, Tucker, Augusta, Fort Gordon, and Albany, Ga.; Kingston and Salem, N.C.; Columbia, S.C.; and Bristol, Va., for 180 days. SUPPORTING SHIPPER: Hyplains Dressed Beef, Inc., James Mitchell, Traffic Manager, P.O. Box 539, Fort Dodge Road, Dodge City, Kans. 67801. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 119908 (Sub-No. 23 TA), filed February 1, 1974. Applicant: WESTERN LINES, INC., 3523 N. McCarty, P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Paul E. Robertson (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from Port Bienville (located near Pearlport, Miss., in Hancock County), to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Tennessee, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPERS: Port Bienville Terminals, Inc., Port Bienville, Miss., P.O. Box 128, Pearlport, Miss. 39572; Steel, Inc., 1500 Lafayette St., Suite 117, Gretna, La. 70053. SEND PROTESTS TO: District Supervisor John Mensing, Bureau of Operations, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Avenue, Houston, Tex. 77002.

No. MC 126243 (Sub-No. 11 TA), filed February 5, 1974. Applicant: ROBERTS TRUCKING CO., INC., Hwy. 271 South, P.O. Drawer "G", Poteau, Okla. 74953. Applicant's representative: Wilburn Williamson, Suite 280, 3535 NW. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid latex, liquid foam rubber, in bulk, in shipper-owned tank trailers, between Poteau, Okla.; Dalton, Ga.; Chattanooga, Tenn.; Lake Charles, La.; Lewisville, Ark.; Monticello, Hope, Ark.; Lincoln, Nebr.; Des Moines, Iowa;

Hillsboro, Marlin, and Texas City, Tex.; Wilburton, Davis, Pawhuska, Miami, Hugo, and Bristow, Okla., for 180 days. SUPPORTING SHIPPER: Textile Rubber & Chemical Co., Route 1, Dalton, Ga. 30720. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 126305 (Sub-No. 57 TA), filed February 4, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Charcoal, charcoal pellets, wood chips, vermiculite, lighter fluid, fireplace logs, and materials, equipment and supplies used or useful in the manufacture and sale thereof, except commodities in bulk, between the facilities of Kingsford Company located in Pulaski County, Ky., Houston County, Ala., and Tucker County, W. Va., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Kingsford Company, 940 Commonwealth Building, Louisville, Ky. 40201. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 212 Building, Birmingham, Ala. 35203.

No. MC 128515 (Sub-No. 4 TA), filed February 6, 1974. Applicant: PAUL'S HAULING, LTD., 272 Oak Point Rd., Winnipeg, Manitoba, Canada R3E 1T0. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, from the ports of entry on the United States-Canada Boundary Line in Montana, North Dakota, and Minnesota, to points in Montana, North Dakota, South Dakota, Minnesota, and Wisconsin, for 180 days. Supporting shippers: Oskey Gasoline & Oil Co., Inc., 2950 Metro Drive, Minneapolis, Minn.; and Twin City Barge & Towing Company, 1303 Red Rock Road, P.O. Box 3032, St. Paul, Minn. 55165. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 128988 (Sub-No. 44TA), filed February 1, 1974. Applicant: JO/KEL, INC., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Marine, industrial, and commercial gears, condensers, turbines, and related parts and accessories, from the facilities of Westinghouse Elec-



tric Corporation at or near Sunnyvale, Calif., to Pascagoula, Miss., Irwin, Pa., and Greensboro, N.C. Restriction: Restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corporation, Corporate Transportation, RD #5, Leger Road, Irwin, Pa. 15642. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139338 (Sub-No. 1 TA), filed February 4, 1974. Applicant: KENNETH

DEEM, Route 1, Broseley, Mo. 63932. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Pulpwood*, from Doniphan, Mo., East of Highway 162 to Highway 160 E. to Highway 67N, to Poplar Bluff, Mo., East on Highway 60 to Wickliff, Ky., south on Highway 62 three miles, for 180 days. Supporting shipper: Holland Stave Company, Doniphan, Mo. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 139481 (Sub-No. 1TA), filed February 6, 1974. Applicant: CARLTON TRUCKING, INC., 4588 State Route 82, Mantua, Ohio 44255. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common*

*carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, fittings therefor, and materials and supplies* used in the installation thereof, from the plantsite of Carlon Products Corporation at Mantua Township (Portage County), Ohio to points in Michigan and points in Indiana on and north of Interstate Highway 70, for 180 days. Supporting shipper: Carlon Products Corporation, P.O. Box 133, Aurora, Ohio 44202. Send protests to: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4254 Filed 2-21-74; 8:45 am]

### CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

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Title 40—Protection of the Environment  
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SUBCHAPTER N—EFFLUENT GUIDELINES AND  
STANDARDS

PART 424—FERROALLOY MANUFACTURING  
POINT SOURCE CATEGORY

Subpart A—Open Electric Furnaces With  
Wet Air Pollution Control Devices Subcategory

Subpart B—Covered Electric Furnaces and  
Other Smelting Operations With Wet Air  
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Subpart C—Slag Processing Subcategory

On October 18, 1973 notice was published in the FEDERAL REGISTER, (38 FR 29008), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory of the ferroalloy manufacturing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the ferroalloy manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 424. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c), and 307(c) of the Federal Water Pollution Control Act, as amended (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which also appears in Part II of today's FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307 (b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory. In addition, the regulations as proposed were supported by two other documents; (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Stand-

ards for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category" (August 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, The Ferroalloys Industry" (August, 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows in this document.

It should be noted that the production of calcium carbide (although similar to that for ferroalloys and often conducted in the same plants) is not included in these regulations for ferroalloys. Calcium carbide is included in the regulations to be promulgated under Part 415, Inorganic Chemicals Manufacturing Industry.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: Union Carbide Corporation; Alcoa, Inc.; Ohio Ferro-Alloy Corporation; Foote Mineral Company; The Ferroalloys Association; Chromium Mining and Smelting Corporation; Aronetics, Inc.; Colorado Department of Public Health; United States Water Resources Council; U.S. Atomic Energy Commission; U.S. Department of the Interior; U.S. Department of Commerce and U.S. Department of Health, Education, and Welfare.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) The commentators noted that the treatment system for scrubber wastewater was not demonstrated in its entirety in any one plant, and that therefore one cannot assign costs to it. Additionally, the comment was made that the concentrations upon which the proposed guidelines were based were lower than those found in the plants observed during the survey.

Although the treatment systems proposed for best practicable control technology currently available, best available technology economically achievable and new sources is not presently in use in any one plant, the various modules of which they are comprised are in use in this industry, or in similar industries. As the industry's trade association pointed out in its comments, "[l]ittle information is available on water pollution from ferroalloy plants and on treatment of waste water from them . . . . Minimal effort has been directed toward . . . perfecting control technology for those pollutants that are

generated." Because of this background (or lack thereof), it was necessary to synthesize a treatment system which would work for this industry, from technologies utilized in this and similar industries. Because the treatment modules are in use, a cost estimate can be made for the total system which is reasonably accurate. Additionally, in the Development Document, examples of such modules or systems in similar industries are discussed in further detail than previously.

Definition of what constitutes "best practicable" technology for many industries involves, at first, a general review of the industry to determine the best technologies being practiced in the industry. Then, after closer review and investigation of these technologies, the "best practicable" technology would be assessed as the average of the best, though not necessarily the best technology, after taking into account information relating to other factors spelled out in the Act. In those industries where present treatment is uniformly inadequate, a higher degree of treatment than is presently practiced may be required, based on a comparison with existing treatments for similar wastes in other industries. Factors for determining the "best available" technology are similar, except that rather than assessing the average of the best, the focus would be on the very best technology currently in use or demonstrably achievable.

Under this analysis of the statutory standard, it is the opinion of the Agency that it is not necessary that "best practicable" technology be currently in use as a single treatment. As applied to the ferroalloy industry, the methodology employed resulted in sufficient data to support the resulting limitations, and is completely consistent with the statutory requirements.

(2) The relationship between the 30 day average limitations and the 24 hour maximum limitations was questioned.

The 30 day average limitations are by no means the absolute lowest values attainable by the indicated technology, but represent values which can be readily controlled around on a day to day basis. The 24 hour maximum limitation was established so as not to exceed these 30 day values by more than a factor of two. In the absence of sufficient performance data from the industry to establish a factor between the two limitations on a statistical basis, a factor of two was chosen after taking into consideration the operational variability involved. This factor of two is considered to be generous.

(3) It was remarked that some plants might be forced to lower their production rates; since recirculated non-contact-cooling water would be of higher temperature than once-through. It was also remarked that data to permit determination of heat content (as described in the proposed regulation) was not obtained during plant sampling.

In the interests of uniformity with the guidelines for other industries, no regulation for the control of non-contact cooling water will be promulgated at this

time. However, non-contact cooling water for all industries will be studied in the future and standards for non-contact cooling water will then be established.

(4) The costs of treatment and facilities were thought by some commentators to be low, particularly when a plant might have to retrofit such facilities. They were also thought to be low because the costs might be "book value", or a percentage of the total facility, rather than actual costs. It was also noted that the costs are not those which would actually be incurred by a plant presently requiring such installations, since the costs are given in August, 1971 dollars. It was also thought that the costs did not include land costs.

The costs as given are generous estimates of those which may be incurred. Costs such as those for demolition, etc., which might be necessary for installation of treatment in an existing plant, were not included, since these costs would be highly variable from plant to plant. Also highly variable will be the cost of land. However, it is believed that none of the seven plants in the industry which were visited and which utilized wet air pollution control systems will be forced to purchase land for water pollution control purposes. Because of the variability in cost and the belief that no plant in the industry will be required to purchase such land, this cost was not included. Inflation, has of course, affected the actual costs, so that such a system if actually built now would be somewhat more expensive than if built in August 1971.

(5) Some commentators objected to the use of limitations on a gross, rather than net basis. It was remarked, for example, that the amounts to be removed and the cost of removal are dependent upon the intake levels, that discharge levels could not be met because of the intake levels, etc.

If not otherwise specified, the effluent limitation numbers in this regulation will be applied as absolute discharge limitations. The use of such absolute limitations is generally appropriate since the concentration of a pollutant remaining after the application of a given treatment technology is relatively independent of minor variations in the pollutant concentration in the waste or the source of the pollutant. EPA intends to amend the NPDES regulations to take into account, when appropriate, pollutants already existing in the stream, so that in certain cases an effluent limitation may be adjusted to take into account pollutants entering with a discharger's supply providing the water is withdrawn from the same source into which it is discharged. If the source is other than the receiving waterbody, the effluent standards will be applied as absolute limitations without adjustment.

(6) It was remarked that ranges of numbers (i.e., limitations) are needed for flexibility in writing the permit, so that variations in age, size, location, etc., may receive allowances. It was also noted

that the location (climate) of a plant could have an effect on the wastewater treatment system's performance.

Range is provided for, as are the other factors, by the breaking up of the industry into subcategories with different effluent limitations. The factor of size has been taken into account when writing the permit on a production basis. Additionally, the factor of location (climate) can be rectified when designing the treatment system. A special provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added, to account for special circumstances applicable to individual dischargers that may not have been adequately taken into account when the regulations were developed.

(7) Some commentators felt that the data base was insufficient for the promulgation of guidelines and that not enough time was covered to be truly representative of year-round operating conditions.

Within the required time constraints for the collection of data, it was impossible to expand the sampling and analytical work to cover more plants, or even to collect more samples from the same plants. However, it is felt that the overall type sampling performed provides a good representation of wastewaters and that this data, together with the contractor's many years of experience in water and waste treatment in similar industries, provides an adequate basis for the regulation. The only water usage at the vast majority of plants in the ferroalloys industry is for non-contact cooling. Only one third of the electric furnaces in the industry use wet air pollution control methods. The economic impact study noted that nine plants (out of 22) use wet methods. Of these nine, six (or 2/3rds) were visited, and five sampled—a rather high level of coverage. The data thus obtained is the best available from any source at this time.

(8) Some comments were received regarding the testing methods and procedures followed.

The analytical methods used for measuring the pollutants in the various samples are now reported in the Development Document. As to any inaccuracy in the flow measurements, these measurements were the best which could be obtained during the sampling program.

(9) Many commentators objected, some very strenuously, to the requirement of zero discharge of pollutants for new sources of open electric furnaces, to be achieved by the use of dry, rather than wet, dust collection systems. The point was raised that it was "unreasonably restrictive for the Environmental Protection Agency to specify a particular type of emission control equipment . . . ."

The proposed guidelines and standards have been rewritten to permit a discharge. The reason for this is that flexibility in selecting air pollution control equipment is believed to be necessary, and application of the best practicable

and best available technologies to wet scrubber emission control systems will not effect a zero discharge.

(10) It was remarked that the cost of water pollution cleanup may cause the premature phasing-out of older, smaller units, and that the combined economic impact of air and water pollution control would be very large, and that this impact would be borne by the plants without [air and water pollution control] equipment.

The economic impact study indicates that no plant closings will be caused by the cost of waste water treatment. Since no plants will close, any smaller older furnaces prematurely phased out will be replaced by the more profitable larger furnaces. This has been general practice in the industry in the past few years. The combined cost of air and water pollution control could be large, particularly for those plants not presently controlling their air emissions. However, most or all of these plants utilize open furnaces, and will almost certainly install baghouses for air pollution control because of the present cost favorability. The eight plants which are reported in the economic impact study as being the most impacted by the water pollution control regulations are those which have already taken a responsible attitude toward air pollution by installing control devices. They would thus not incur costs for air pollution control systems.

(11) Some commentators felt that the standards were more restrictive (for 1977 and 1983) for open furnaces than for covered furnaces.

The standards are based upon water usage (per Mwh) and concentrations. Although the water usage for scrubbers cleaning gases from open furnaces was expected to be higher than for covered furnaces (since scrubber water usage is generally a function of gas volume and open furnaces may emit up to 50 times more gas than do covered furnaces), the water use was found to be slightly less during the sampling survey. Very few open furnaces utilizing wet air pollution control systems were found, compared to the number of such systems on covered furnaces. Most open furnaces were either uncontrolled or used baghouses. It was not thought to be reasonable to base the limitation on the water usage at plants using electrostatic precipitators or steam/hot water scrubbers, since the water usage of these systems is very much less than those of venturi scrubbers. Since the field data indicates that water usage on open furnace scrubbers is less than for covered furnace scrubbers, a more restrictive standard is justified.

(12) It was pointed out that the blowdown from a slag concentrator at plant F (which was originally reported to flow to a closed lagoon) flows to a cinder dump. On this basis, it was suggested that the limitation of zero discharge for 1983 and new sources is not applicable.

Although the plant in question states that there is no discharge from the slag concentration operation after the blow-



down reaches the cinder dump, a reexamination of the facts in this case leads us to believe that zero discharge for this category may not be uniformly achievable. Therefore, the limitations for this category have been changed to allow for discharge of blowdown from slag processing operations after treatment.

(13) One commentor expressed concern that "disruptions or losses in U.S. productive capacity will increase our reliance on imports and adversely affect our international balance of payments."

Two factors are expected to be the major determinants of future ferroalloy imports versus the amount processed domestically from foreign ores. First, the U.S. depends almost entirely upon imported ores (chrome, nickel, manganese, tungsten, etc.) to produce ferroalloys. The countries exporting these ores are beginning to develop ferroalloy processing capabilities. Once they have developed sufficient capacity, it is likely that they will attempt to shift the U.S. purchases from ores to ferroalloys. Second, the world wide demand for ferroalloys based on sustained high levels of steel production may affect the foreign ferroalloys supply that has traditionally constituted a significant portion of our consumption.

In summary, the effects of pollution control costs upon foreign trade are expected to be insignificant in the context of the more fundamental changes expected in the world wide ferroalloys supply/demand situation.

(14) The comment was made that "conclusions based on average figures will understate the economic impact on smaller plants since the analysis is heavily weighted toward the assessment of impact on large plants." It was also questioned whether the eight plants that must install effluent controls by 1977 were small plants and whether those eight plants would be able to pass on the costs through price increases.

The contractor analyzed the incremental costs for various size plants and found the costs to be directly (linearly) related to production capacity over a broad range of furnace and/or plant size. Thus, the impact on profitability is unrelated to company size, and it cannot be construed that smaller firms will be more adversely affected than larger firms. Half of the plants requiring effluent control investments by 1977 are owned by one firm. Since the combined output from those plants represent one third of the U.S. production, it is reasonable to assume that it is in a position to be a leader in price increases.

(15) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent guidelines.

The committee's proposal is under evaluation as a contribution toward future refinements on guidelines for some industries. The Committee has indicated that its proposed methodology could not

be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(b) *Revision of the proposed regulation prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) In the interests of uniformity with the other industry guidelines, the noncontact cooling water subcategory of this industry has been eliminated. Standards for noncontact cooling water for all industries will be promulgated in the future.

(2) Orthophosphate has been deleted as a pollutant parameter for the open electric furnaces with wet air pollution control devices subcategory (Subpart A) and the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory (Subpart B). Phenols have been deleted as a pollutant parameter from Subpart A, and oil has been deleted as a pollutant parameter from all subcategories. These changes result from a reexamination of the raw data collected by the Agency's contractor and consideration of the costs of monitoring.

(3) A discharge from new open electric furnaces is now allowed. The reason for this is that flexibility in selecting air pollution control equipment is believed to be necessary, and application of the best practicable and best available technologies to wet scrubber emission control systems will not effect a zero discharge. This also allows plants to select air pollution control systems which are the most efficient and economic for that particular plant.

(4) Discharge of blowdown from slag processing operations (for 1983 and new sources) is now permitted. This results from an evaluation of data submitted by industry and a closer look at the data collected by the Agency's contractor.

(5) The standards for hexavalent chromium in Subpart A and B have been increased after consideration of the sensitivity of the analytical method.

(6) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances appli-

cable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The above listed changes will not significantly affect the conclusions of the economic study of the proposed regulations. The change in the standard for hexavalent chromium and the deletion of some parameters should not affect the cost of the treatment system. Dropping of the noncontact cooling water segment of this industry from the present promulgation will result in a reduction of investment costs of at least \$1.2 million dollars for 1977 and 1983. This represents about 8 percent of the total calculated investment for the entire industry. While this "savings" has a slight effect on the economic impact from this regulation, it should be kept in mind that noncontact cooling water will be regulated in the future, and some additional investment may be necessary. Allowing for discharge of blowdown from slag processing operations should also result in very minor savings.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the smelting and slag processing segments of the ferroalloy manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category" (February, 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, The Ferroalloys Industry" (August, 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the ferroalloys industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute

terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C., 20401 for a nominal fee.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 424, Ferroalloy Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 23, 1974.

Dated: February 8, 1974.

RUSSELL E. TRAIN,  
Administrator.

#### PART 424—FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

##### Subpart A—Open Electric Furnaces With Wet Air Pollution Control Devices Subcategory

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- 424.10 Applicability; description of the open electric furnaces with wet air pollution control devices subcategory.
- 424.11 Specialized definitions.
- 424.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 424.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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- 424.15 Standards of performance for new sources.
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##### Subpart B—Covered Electric Furnaces and Other Smelting Operations With Wet Air Pollution Control Devices Subcategory

- 424.20 Applicability; description of the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory.
- 424.21 Specialized definitions.
- 424.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 424.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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- Sec.
- 424.30 Applicability; description of the slag processing subcategory.
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- 424.34 [Reserved]
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- 424.36 Pretreatment standards for new sources.

##### Subpart A—Open Electric Furnaces With Wet Air Pollution Control Devices Subcategory

§ 424.10 Applicability; description of the open electric furnaces with wet air pollution control devices subcategory.

The provisions of this subpart are applicable to discharges resulting from the smelting of ferroalloys in open electric furnaces with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration that the furnace off-gases are burned above the furnace charge level by air drawn into the system. After combustion the gases are cleaned in a wet air pollution control device, such as a scrubber, an electrostatic precipitator with water or other aqueous sprays, etc. The provisions of this subpart are not applicable to noncontact cooling water or to those electric furnaces which are covered, closed, sealed, or semi-covered and in which the furnace off-gases are not burned prior to collection (regulated in Subpart B).

##### § 424.11 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart. (b) The term "Mwh" shall mean megawatt hour(s) of electrical energy consumed in the smelting process (furnace power consumption).

§ 424.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not

been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS.....	0.319	0.160
Chromium total.....	.006	.0032
Chromium VI.....	.0006	.0003
Manganese total.....	.004	.002
pH.....	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS.....	0.703	0.352
Chromium total.....	.014	.007
Chromium VI.....	.0014	.0007
Manganese total.....	.141	.070
pH.....	Within the range 6.0 to 9.0	

§ 424.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:



Effluent characteristic	Effluent Limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units kg/Mwh		
TSS.....	0.024	0.012
Chromium total.....	.0008	.0004
Chromium VI.....	.0008	.0004
Manganese total.....	.008	.0039
pH.....	Within the range 6.0 to 9.0	
English units lb/Mwh		
TSS.....	0.052	0.026
Chromium total.....	.0017	.0009
Chromium VI.....	.0017	.0009
Manganese total.....	.017	.0086
pH.....	Within the range 6.0 to 9.0	

#### § 424.14 [Reserved]

#### § 424.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units kg/Mwh		
TSS.....	0.024	0.012
Chromium total.....	.0008	.0004
Chromium VI.....	.0008	.0004
Manganese total.....	.008	.0039
pH.....	Within the range 6.0 to 9.0	
English units lb/Mwh		
TSS.....	0.052	0.026
Chromium total.....	.0017	.0009
Chromium VI.....	.0017	.0009
Manganese total.....	.017	.0086
pH.....	Within the range 6.0 to 9.0	

#### § 424.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the open electric furnaces with wet air pollution control devices subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 424.15; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge

of pollutants, be correspondingly reduced in stringency for that pollutant.

#### Subpart B—Covered Electric Furnaces and Other Smelting Operations With Wet Air Pollution Control Devices Subcategory

§ 424.20 Applicability; description of the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory.

The provisions of this subpart are applicable to discharges resulting from the smelting of ferroalloys in covered electric furnaces or other smelting operations, not elsewhere included in this part, with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration (known as covered, closed, sealed, semi-covered or semi-closed furnaces) that the furnace off-gases are not burned prior to collection and cleaning, and which off-gases are cleaned after collection in a wet air pollution control device such as a scrubber, wet baghouse, etc. This subcategory also includes those non-electric furnace smelting operations, such as exothermic (i.e., aluminothermic or silicothermic) smelting, ferromanganese refining, etc., where these are controlled for air pollution by wet air pollution control devices. This subcategory does not include noncontact cooling water or those furnaces which utilize dry dust collection techniques, such as dry baghouses.

#### § 424.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "Mwh" shall mean megawatt hour(s) of electrical energy consumed in the smelting process (furnace power consumption).

§ 424.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are funda-

mentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units kg/Mwh		
TSS.....	0.419	0.209
Chromium total.....	.008	.004
Chromium VI.....	.008	.004
Manganese total.....	.084	.042
Cyanide total.....	.004	.002
Phenols.....	.005	.002
pH.....	Within the range 6.0 to 9.0	
English units lb/Mwh		
TSS.....	0.922	0.461
Chromium total.....	.018	.009
Chromium VI.....	.018	.009
Manganese total.....	.184	.092
Cyanide total.....	.009	.005
Phenols.....	.013	.005
pH.....	Within the range 6.0 to 9.0	

Provided, however, That for nonelectric furnace smelting processes, the units of the effluent limitations set forth in this section shall be read as "kg/kg of product (lb/ton of products)", rather than "kg/Mwh (lb/Mwh)", and the limitations (except for pH) shall be three (3) times those listed in the table in this section.

§ 424.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent Limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units kg/Mwh		
TSS.....	0.082	0.016
Chromium total.....	.001	.0005
Chromium VI.....	.0001	.0005
Manganese total.....	.011	.005
Cyanide total.....	.0005	.0003
Phenols.....	.0004	.0002
pH.....	Within the range 6.0 to 9.0	
English units lb/Mwh		
TSS.....	0.071	0.035
Chromium total.....	.002	.0012
Chromium VI.....	.0002	.0012
Manganese total.....	.022	.012
Cyanide total.....	.001	.0006
Phenols.....	.0009	.0005
pH.....	Within the range 6.0 to 9.0	

Provided, however, That for nonelectric furnace smelting processes, the units of the effluent limitations set forth in this section shall be read as "kg/kg of product (lb/ton of product)", rather than "kg/Mwh (lb/Mwh)", and the limitations (except for pH) shall be three (3) times those listed in the table in this section.

#### § 424.24 [Reserved]

#### § 424.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units kg/Mwh		
TSS.....	0.032	0.016
Chromium total.....	.001	.0005
Chromium VI.....	.001	.0005
Manganese total.....	.011	.005
Cyanide total.....	.0005	.0002
Phenols.....	.0004	.0002
pH.....	Within the range 6.0 to 9.0	
English units lb/Mwh		
TSS.....	0.071	0.035
Chromium total.....	.002	.0012
Chromium VI.....	.0002	.0001
Manganese total.....	.022	.012
Cyanide total.....	.001	.0006
Phenols.....	.0009	.0005
pH.....	Within the range 6.0 to 9.0	

Provided, however, That for nonelectric furnace smelting processes, the units of the effluent limitations set forth in this section shall be read as "kg/kg of product (lb/ton of product)", rather than "kg/Mwh (lb/Mwh)", and the limitations (except for pH) shall be three (3) times those listed in the table in this section.

#### § 424.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within

the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter, shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 424.25; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

#### Subpart C—Slag Processing Subcategory

§ 424.30 Applicability; description of the slag processing subcategory.

The provisions of this subpart are applicable to discharges resulting from slag processing, wherein (1) the residual metallic values in the furnace slag are recovered via concentration for return to the furnace, or (2) the slag is "shot" for other further use.

#### § 424.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 424.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will

make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed —
Metric units kg/kg processed		
TSS	2.659	1.339
Chromium total	.053	.026
Manganese total	.532	.266
pH	Within the range 6.0 to 9.0	
English units lb/ton processed		
TSS	5.319	2.659
Chromium total	.106	.053
Manganese total	1.064	.532
pH	Within the range 6.0 to 9.0	

§ 424.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units kg/kg processed		
TSS.....	0.271	0.136
Chromium total.....	.0054	.0027
Manganese total.....	.054	.027
pH.....	Within the range 6.0 to 9.0	
English units lb/ton processed		
TSS.....	0.542	0.271
Chromium total.....	.011	.0054
Manganese total.....	.108	.054
pH.....	Within the range 6.0 to 9.0	



§ 424.34 [Reserved]

§ 424.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units kg/kg processed		
TSS.....	0.271	0.136
Chromium total.....	.0064	.0027
Manganese total.....	.054	.027
pH.....	Within the range 6.0 to 9.0	
English units lb/ton processed		
TSS.....	0.542	0.271
Chromium total.....	.011	.0064
Manganese total.....	.108	.054
pH.....	Within the range 6.0 to 9.0	

§ 424.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the slag processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter, shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 424.35; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-3718 Filed 2-21-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 424 ]

FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Pretreatment Standards for Incompatible Pollutants; Notice of Proposed Rulemaking

Notice is hereby given pursuant to sections 301, 304, and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); (33 U.S.C. 1251, 1311, 1314, and 1317(b)); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 424—Ferroalloy Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory of the ferroalloy manufacturing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 424) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants.) Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; *And provided further*, That when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is appropriate to support the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 424.15, 424.25, and 424.35 of the proposed regulation for point sources within the open electric furnaces with wet air pollution control devices subcategory, with covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory (October 18, 1973; 38 FR 29008), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 424.16, 424.26, and 424.36 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category" is now being published. The economic analysis report entitled "Eco-

nomic Analysis of Proposed Effluent Guidelines, The Ferroalloys Industry" (August, 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of ferroalloys, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to



above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of ferroalloys. The two reports exceed, in the aggregate, 200 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the *FEDERAL REGISTER*. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the ferroalloy manufacturing category (38 FR 29008; October 18, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 424) which currently is also being published in Part II of today's *FEDERAL REGISTER*.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the rele-

vant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document, the process waste waters from the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory contain high concentrations of chromium (total and hexavalent) and manganese which could interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. In the opinion of the EPA, these process waste waters should be treated to the level required by the application of the best practicable control technology currently available before discharge of these materials to publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304, and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2,

provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 424 be amended to add §§ 424.14, 424.24, and 424.34. All comments received by March 25, 1974, will be considered.

Dated: February 8, 1974.

RUSSELL E. TRAIN,  
Administrator.

Part 424 of 40 CFR is proposed to be amended by adding §§ 424.14, 424.24, and 424.34 as follows:

**§ 424.14 Pretreatment standards for existing sources.**

For the purpose of pretreatment standards for incompatible pollutants established under Part 128.133 of this chapter, the effluent limitations guidelines set forth in § 424.12 shall apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

**§ 424.24 Pretreatment standards for existing sources.**

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 424.22 shall apply and, subject to the provisions of Part 128 of this chapter, concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

**§ 424.34 Pretreatment standards for existing sources.**

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 424.32 above shall apply and, subject to the provisions of Part 128 of this chapter, concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

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PART III



## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

PROTECTION AND ENFORCEMENT  
OF  
ENVIRONMENTAL QUALITY

Policies, Procedures, and Responsibilities

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# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 50]

[Docket No. R-74-253]

## PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

### Proposed Departmental Policies, Responsibilities, and Procedures

Notice is hereby given that pursuant to guidelines of the Council on Environmental Quality ("CEQ") published in the FEDERAL REGISTER of August 1, 1973 (38 FR 20550), the Department of Housing and Urban Development ("HUD") herewith publishes its proposed regulations concerning the implementation of the National Environmental Policy Act of 1969 ("NEPA") (Pub. L. 91-190, 42 U.S.C. 4321 et seq.).

On July 18, 1973 (38 FR 19182) the Department published its procedures for implementation of NEPA in the form of HUD Handbook 1390.1, "Departmental Policies, Responsibilities and Procedures for Protection and Enhancement of Environmental Quality." The Department is now codifying regulations as 24 CFR Part 50 and at the same time revising HUD Handbook 1390.1 to incorporate the changes proposed by these regulations.

In addition to the changes required by the CEQ guidelines, HUD is making minor revisions to its procedures in order to facilitate and promote the Department's implementation of NEPA.

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or statements. Comments should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All relevant material received on or before April 8, 1974, will be considered before adoption of final rules. Copies of comments submitted will be available for examination during business hours at the above address.

Issued at Washington, D.C., February 12, 1974.

JAMES T. LYNN,  
Secretary of Housing and  
Urban Development.

### PART 50—DEPARTMENTAL POLICIES, RESPONSIBILITIES AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

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AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

#### Subpart A—General Policy and Responsibilities

##### § 50.1 Purpose and authority.

(a) The National Environmental Policy Act of 1969 (Pub. L. 91-190, 42 U.S.C. 4321 et seq.) (hereinafter "NEPA") establishes national policy, goals and procedures for protecting and enhancing environmental quality and directs the Federal Government to use all practicable means, including financial and technical assistance, to implement the national policy. NEPA, as implemented by Executive Order 11514 and the Guidelines of the Council on Environmental Quality, 40 CFR Part 1500, requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

(b) The purpose of these regulations is to set forth departmental environmental policy, to assign responsibilities, and to provide procedural guidance to all headquarters and field offices for environmental clearances under NEPA. These regulations apply to HUD legislative proposals, policy and guidance documents, and individual project approval actions on insurance, loans and grants, subsidies, and demonstration projects.

##### § 50.3 Terminology.

For the purposes of this part, the following terms shall apply:

(a) *Environment*. Environment is not defined in NEPA or in the CEQ Guidelines. However, it is clear from section 102 of NEPA and elsewhere that the term is meant to be interpreted broadly to include physical, social, cultural, and aesthetic dimensions. Examples of environmental considerations are: Air and water quality, erosion control, natural hazards, land use planning, site selection and design, subdivision development, conservation of flora and fauna, urban congestion, overcrowding, displacement, and relocation resulting from public or private action or natural disaster, noise pollution, urban blight, code violations, and building abandonment, urban sprawl, urban growth policy, preservation of cultural resources, including properties on the National Register of Historic Places, urban design and the quality of the built environment, the impact of the environment on people and their activities.

(b) *Major Federal actions* signifi-

cantly affecting the quality of the human environment. Those actions taken by a Federal agency which require Environmental Impact Statements in accordance with section 102(2)(C) of NEPA. As HUD processes between 15,000 and 20,000 applications per year at the project level, not including insurance actions on individual houses, the three-level environmental clearance process defined in this part shall be used to determine which action is a major Federal action significantly affecting the quality of the human environment.

(c) *Significant environmental impact*. For the purpose of this part, the term "significant environmental impact" is used to describe the consequences of an action significantly affecting the quality of the human environment. This term is defined to some extent in 40 CFR 1500.6 of the CEQ Guidelines, but the definition in general is a matter of discretion delegated to agency heads for formulation of guidelines subject to the approval of CEQ.

(d) *Environmental impact*. An environmental impact is any alteration of environmental conditions or creation of a new set of environmental conditions, adverse or beneficial, caused or induced by the action or set of actions under consideration. Assessment of the significance of the environmental impact generally involves two major elements: A quantitative measure of magnitude and a qualitative measure of importance. Such a determination is a matter of judgment and consensus; at the project level, this judgment shall be governed by HUD environmental policies and standards.

(e) *HUD environmental policies and standards*. National, Departmental, and program objectives, policies, standards, and procedures. These include: (1) National environmental goals and policies as expressed in NEPA, other statutes and Executive Orders, and guidelines issued by the Council on Environmental Quality; (2) Department-wide standards and policies such as HUD Circular 1390.2; and (3) Environmental considerations contained in program policy and guidance documents, including environment-related project selection criteria, minimum property standards, and environmental elements of program circulars, handbooks and other issuances.

(f) *Major amendatory*. For the purposes of this part, significant change in the nature, magnitude or extent of the action from that which was originally evaluated and which may have a significant effect on the quality of the human environment, such as an environmentally significant change in location or site, area covered, size or design. An increase or decrease in cost is considered a major amendatory only when the increase or decrease reflects such an environmentally significant change in the project.

(g) *Threshold*. A criterion of size or of environmental impact above which a Special Environmental Clearance is always required. The threshold is designed to screen out the more important HUD actions for special attention. HUD

thresholds are set forth in Appendix A-1 to this part.

(h) *Decision points*. Those points of Federal commitment in the decision-making process before which prescribed environmental clearances must be completed. HUD decision points are set forth in Appendix A-1 to this part.

(i) *Finding of inapplicability*. A determination made in accordance with this part by an authorized HUD official that no Environmental Impact Statement (hereinafter "EIS") is required for the proposed HUD action under consideration. The Finding of Inapplicability for project level actions is a part of the Special Environmental Clearance.

(j) *Comments*. Formal reactions by one Federal agency to the proposed action and the Draft Environmental Impact Statement of another Federal agency; also formal reactions of State and local agencies or of public or private groups to the proposed action. Each Federal agency, including HUD, shall take these comments received on its Draft Environmental Impact Statement into account in the Final Environmental Impact Statement and in the approval or disapproval of the proposal.

(k) *Areas of jurisdiction by law or special expertise*. The areas in which one agency is asked to comment on major actions by another agency in accordance with NEPA and the CEQ Guidelines. Appendix II to the CEQ Guidelines provides CEQ views on those areas. HUD Draft Environmental Impact Statements shall be sent to those agencies listed under the appropriate areas to solicit their comments.

(l) *Substantial rehabilitation*. Repair or rehabilitation of a structure which prolongs its useful life for twenty (20) years or more.

##### § 50.5 General policy.

(a) It is the policy of the Department to reject proposals which have unacceptable environmental impacts, based on HUD environmental policies and standards, which cannot be avoided, and to encourage modification of project proposals or plans in order to enhance environmental quality and minimize environmental harm. At each stage of the environmental clearance HUD officials shall work with the applicant to seek means for avoiding adverse environmental impact, maximizing environmental quality, and considering superior alternatives.

(b) When environmental clearances reveal conditions or safeguards which should be implemented once a project is approved in order to protect and enhance environmental quality or minimize adverse environmental impacts, such conditions or safeguards shall be set forth as requirements in the contract, grant, or other documents which delineate the obligations of the recipient. The contractor's performance in meeting such conditions shall be monitored and evaluated as part of the normal project monitoring and evaluation.

## PROPOSED RULES

(c) Environmental impact shall be evaluated on as comprehensive a scale as is feasible, with a view to the overall cumulative impact of HUD actions and programs, as well as the project specific impacts of a particular proposal. Environmental factors shall be considered as early as possible in the review and decision-making process.

(d) Section 102(2)(A) of the National Environmental Policy Act directs all agencies to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man's environment." When making determinations regarding environmental impacts, HUD officials shall consult HUD professional personnel, such as urban planners, landscape architects, civil engineers, sanitary engineers, architects, economists, demographers, sociologists, lawyers, and others who are qualified to provide advice on specialized and broad aspects of environmental concerns.

(e) HUD officials shall continue to establish and review environmental policies, standards and procedures for administering HUD programs to promote environmental quality. HUD policies and procedures must be consistent with this Handbook.

##### § 50.7 Office responsibilities for protection and enhancement of environmental quality.

(a) *Assistant Secretary for Community Planning and Development (CPD)*. The Assistant Secretary for CPD is assigned the overall departmental responsibility for administering and coordinating the department-wide aspects of environmental policies and procedures set forth in this part. He shall be assisted as appropriate by all HUD Assistant Secretaries, the General Counsel, the Federal Insurance Administrator, the New Communities Administrator, the Federal Disaster Assistance Administrator, and the HUD Regional Administrators, and he shall have authority to delegate portions of the total responsibility as appropriate. The Assistant Secretary for CPD shall provide leadership in moving toward a unified departmental set of policies and standards to be applied to all HUD actions. He shall also be HUD's principal point of contact with the Council on Environmental Quality, the Advisory Council on Historic Preservation, the Environmental Protection Agency, other Federal agencies and State and local groups on environmental matters. He shall promulgate such additional internal HUD guidance as may be necessary for carrying out these functions and shall monitor and audit HUD activities pursuant to this policy. He shall maintain a current list of (1) all environmental impact statements being prepared, and (2) the Findings of Inapplicability, on policy issuances or other Central Office functions. He shall transmit, quarterly, to CEQ a list of all HUD environmental impact statements under preparation and all Findings of Inapplicability. He may designate a senior staff member as the Departmental Environmental Clearance Officer (hereinafter "ECO") to act for him in carrying out responsibilities under this part.

(b) *General Counsel*. The General Counsel shall:

(1) Designate an Environmental Clearance Officer (ECO) who shall act as his principal advisor on environmental matters and establish environmental clearance procedures for his office;

(2) Require the preparation of the Environmental Impact Statement or Finding of Inapplicability for all new HUD legislative proposals which may have significant environmental impact;

(3) Require the preparation of a Draft Environmental Impact Statement or a Finding of Inapplicability prior to the publication of each notice of proposed rulemaking in the FEDERAL REGISTER, and a Final Environmental Impact Statement (where applicable) prior to the approval and promulgation of new regulations which may have a potential for significantly affecting the quality of the human environment;

(4) Be provided the opportunity to review Draft and Final Environmental Impact Statements prior to issuance for policy actions and Central Office project actions;

(5) Support the Assistant Secretary for CPD on matters relating to litigation, interpretation of statutory requirements and other areas as appropriate.

(c) *Assistant Secretaries and Administrators of the Federal Insurance Administration, the New Communities Administration and the Federal Disaster Assistance Administration*. (1) Designate an Environmental Clearance Officer (ECO) (a senior official or staff director) who shall act as principal advisor on environmental matters, maintain an environmental reference file of appropriate background and resource material, oversee the development of environmental policies, standards and procedures for the office, monitor proposed policy actions and provide for environmental clearances for those which may have a potential for significantly affecting the quality of the human environment and maintain liaison with the Assistant Secretary for CPD;

(2) Revise existing program policies, procedures, standards, criteria, and application forms promulgated by his office to include provisions for environmental considerations and clearance requirements in accordance with departmental policies and procedures set forth in this part; and/or issue a new document of environmental standards, criteria, and clearance procedures which shall govern all programs under his jurisdiction.

(3) Establish and maintain, in consultation with the Assistant Secretary for CPD, orderly procedures for environ-



mental clearances for proposed policy actions which may have significant environmental impact. These shall provide for an Environmental Impact Statement or Finding of Inapplicability for proposed legislation, new regulations, policy issuances, guidance documents or revisions to program policies and procedures which may have a potential for significantly affecting the quality of the human environment;

(4) Assign sufficient qualified personnel to activities required to implement this part and to address general issues of environmental protection and enhancement; and

(5) Provide to the Assistant Secretary for CPD a formal evaluation each year of progress in his program area in those activities specified in paragraph (c) (2) through (4) of this section. This shall include a review of environmental clearances of programs and policy documents accomplished in the previous year and an assessment of what needs to be done in the upcoming year.

(d) *Assistant Secretary for Administration.* The Assistant Secretary for Administration or his designee shall support the Assistant Secretary for CPD in budgetary process requirements set forth in OMB Bulletin No. 72-6.

(e) *Special Assistant to the Secretary for Public Affairs.* The Director of Public Affairs shall be responsible for preparing and disseminating a press release on all environmental impact statements prepared in the Central Office, including new community actions and policy actions.

(f) *Regional Administrators.* Each Regional Administrator shall:

(1) Designate his Assistant Regional Administrator for CPM as the Regional Office Environmental Clearance Officer (RO-ECO), who shall act as principal advisor to the Regional Administrator on environmental affairs; maintain an environmental reference file of appropriate background and resource material; maintain a current list of all environmental impact statements being prepared in the Region and a current list of all Findings of Inapplicability, and transmit these lists quarterly to the Assistant Secretary for CPD or his designated ECO, who shall transmit the lists quarterly to CEQ; oversee and monitor environmental clearances throughout the Region including compliance with the review requirements of the National Historic Preservation Act of 1966 (Pub. L. 89-655, section 106); and provide training as necessary;

(2) Assign sufficient qualified personnel to carry out environmental clearances described herein, and take other actions necessary to carry out departmental environmental policies and standards.

(3) Provide the Assistant Secretary for CPD with a formal annual evaluation of the progress in implementing NEPA and this part for all programs in the Region;

(4) Bring to the attention of the Assistant Secretary for CPD significant

policy issues which appear to require additional departmental guidance regarding their environmental aspects; and

(5) Assign the responsibility to the Public Information Officer of preparing a press release on all environmental impact statements upon distribution.

(g) *Area Office and Insuring Office Directors.* The Area and Insuring Office Directors, shall:

(1) Designate, in the Area Office, the Assistant Director for Planning and Relocation as the Area Office Environmental Clearance Officer (AO-ECO) (a different senior official or staff director reporting directly to him or his deputy may be designated as the ECO with the approval of the RO-ECO and the Assistant Secretary for CPD), who shall act as principal advisor to the Area Director on environmental affairs, maintain an environmental reference file of appropriate background and resource material, oversee and monitor environmental clearances in the Area Office, and provide training as necessary. The ECO's responsibilities shall also include evaluating the adequacy of the performance of the program staff regarding environmental clearances for which they are responsible and recommending changes where necessary to the Area Director. For purposes of compliance with the special review requirements of section 106 of the National Historic Preservation Act, the AO-ECO shall also serve as the staff member responsible for compliance with section 106.

(2) Designate, in the Insuring Office, the Chief Underwriter as the Insuring Office Environmental Clearance Officer (IO-ECO), who shall act as principal advisor to the Insuring Office Director on environmental affairs, maintain an environmental reference file of appropriate background and resource material, oversee and monitor environmental clearances in the Insuring Office, and provide training as necessary. The ECO's responsibilities shall also include evaluating the adequacy of the performance of the program staff regarding environmental clearances for which they are responsible and recommending changes where necessary to the Insuring Office Director. For purposes of compliance with the special review requirements of section 106 of the National Historic Preservation Act, the IO-ECO shall also serve as the staff member responsible for compliance with section 106.

(3) Assign sufficient qualified personnel to carry out environmental clearances described herein, and take other actions necessary to carry out departmental environmental policies and standards, as directed in this part;

(4) As directed by the Regional Administrator, provide for periodic evaluation of the progress in implementing NEPA and this part; and

(5) Bring unresolved policy issues to the attention of the Regional Administrator.

#### Subpart B—Environmental Clearances on HUD Actions

##### § 50.10 Purpose.

The purpose of this subpart is to establish a procedure for determining whether a proposed HUD action is a "major Federal action significantly affecting the quality of the human environment", and whether the proposal should be accepted, rejected, or modified accordingly.

##### § 50.11 Environmental clearance process.

The procedure involves a three level environmental clearance process: Normal Environmental Clearance; Special Environmental Clearance; and Environmental Impact Statement Clearance. Normal Clearance is essentially a consistency check with HUD environmental policies and standards and a brief evaluation of environmental impact. Special Clearance requires an environmental evaluation of greater detail and depth. Finally, an Environmental Impact Statement is the complete and fully comprehensive environmental evaluation, including formal review by other Federal, State and local agencies, as prescribed by section 102(2)(C) of NEPA. Many HUD actions will be subject to a Normal Environmental Clearance. On the basis of that clearance, the proposed project shall be accepted, rejected, or modified accordingly. However, if, even after appropriate modification to mitigate environmental impacts, it is determined that there is potential significant environmental impact, Special Clearance procedures shall be initiated. If, after Special Clearance and the implementation of any changes mitigating environmental impacts, such impacts are still significant as a result of the action, an Environmental Impact Statement shall be prepared on the proposed action. The mere mitigation of adverse effects does not indicate that a project has no significant impact; an Environmental Impact Statement may be required even though adverse effects have been mitigated. All required environmental clearances shall be completed prior to the decision points described in Appendix A.

(a) *Exemptions.* Although HUD's general policy on environmental considerations applies to all HUD actions, the procedural requirements for environmental clearances set forth in this subpart shall not apply to those HUD actions which have been determined not to be "major Federal actions significantly affecting the quality of the human environment". These shall include an individual action on a one-to-four family dwelling, training grants, or rehabilitation and modernization projects which do not extend the life of a structure twenty (20) years or more. Exemptions from environmental clearances do not exempt these activities from the requirements of section 106 of the National Historic Preservation Act of 1966 when a property is listed on, or nominated

to, the National Register of Historic Places.

(1) *Planning assistance projects* (701 Comprehensive Planning Assistance grants and other planning loans and grants) are exempted from the procedural requirements, but in lieu thereof an environmental assessment of the Final planning product shall be required as part of the proposed planning program.

(2) With respect to disaster relief and emergency activities of the Department, procedures for environmental clearance shall not apply to actions designed to meet the temporary housing needs of the affected population. Disaster activities which provide permanent housing and other recovery efforts will follow the environmental clearance procedures. However, where required by the serious nature of the situation and upon the approval of the Assistant Secretary for CPD, activities such as disaster related early land acquisition, clearance of damaged structures, and relocation efforts may take place prior to the completion of the environmental review.

(3) Except for these exemptions, all HUD actions must undergo one or more environmental clearances prior to the decision-points listed in Appendix A-1 to this part.

(b) *Limitation on actions pending clearance.* Pending preparation and completion of any environmental clearance, the appropriate HUD official may, after consultation with the Assistant Secretary for CPD or his designee, direct an applicant to refrain from taking any action with respect to a project which such official determines might have an adverse environmental effect or might so alter the environmental premises on which the clearance is based as to affect the validity of the conclusions reached. Such official may also direct the applicant to take such additional actions as he determines are necessary to preserve the status quo. The applicant shall promptly comply with all directions issued in accordance with this subsection.

(c) *Additional requirements.* The responsibilities and clearance requirements set forth in this subpart represent minimum Departmental requirements. Regional Administrators and Area and Insuring Office Directors with the concurrence of the Regional Administrator have discretion to require such additional clearances and responsibilities as are deemed necessary for the effective implementation of this part.

(d) *Controversy.* Decisions resulting from Normal or Special Clearance shall give adequate consideration to existing or potential environmental controversy. Issues raised by opponents and supporters of the HUD actions shall be carefully examined to determine whether the project involves significant environmental impacts. Major controversy which appears to raise substantive environmental issues is a factor which should contribute to a decision to undertake a more comprehensive environmental clearance procedure than would otherwise be initiated.

For example, in the case of projects which would ordinarily require only Normal Clearance, major environmental controversy should weigh heavily in the decision to undertake a Special Clearance. Likewise for projects which normally require only Special Clearance, major controversy on environmental issues should weigh heavily in the decision to undertake Environmental Impact Statement Clearance.

(e) *Retroactivity.* To the maximum extent practicable, environmental clearance shall be required for uncompleted projects which have never gone through an environmental clearance under NEPA, at such time as a subsequent significant HUD action, such as the next stage of program approval or approval of a major amendatory, is proposed. Where it is not practicable to reassess the basic course of action, major attention should be given to measures which, given the stage of project completion, may reduce adverse environmental impact. It is also important in taking further action that account be taken of environmental consequences not fully evaluated at the outset of the project.

(f) *Evaluation of comprehensive activities.* Individual actions that are related either geographically or as logical parts in a composite of contemplated actions may be more appropriately evaluated in a single environmental clearance. The comprehensive environmental evaluation will not satisfy the requirements of this part, however, if it is superficial or limited to generalities. When all significant issues cannot be anticipated or adequately treated in connection with the comprehensive assessment as a whole, environmental clearances of more limited scope will be necessary on subsequent individual actions in order to fulfill the requirements of this part.

(g) *Properties listed on, or nominated to, the National Register of Historic Places.* Any HUD action or undertaking which has an effect on a property listed on, or nominated to, the National Register of Historic Places will require Special Environmental Clearance and must comply with section 106 of the National Historic Preservation Act of 1966 and implementing procedures, 36 CFR Part 800.

(h) *Environmental clearance forms.* Environmental clearance forms shall be used in conducting the required environmental clearance(s) for project level actions as directed in this part. Form ECO-1, completed by the applicant, shall be used by HUD principally as a source of factual information. An independent environmental assessment and evaluation shall be conducted by HUD on Form ECO-2 or Form ECO-3, or an Environmental Impact Statement shall be prepared. The completed clearances shall become part of the application file and shall accompany the proposal through the review and decisionmaking process.

(1) The Applicant's Environmental Information, Form ECO-1, shall be required of applicants for all project pro-

posals except those exempted in § 50.11 (a) (1). The applicant shall be provided with Form ECO-1 along with the required program application forms, and the environmental clearance requirements shall be explained in the earliest stages of contact and application preparation. The appropriate HUD official shall indicate to the applicant the initial level of environmental clearance required for the proposed project. The completed Form ECO-1 shall accompany A-95 notification where required. It shall be submitted to HUD with the completed application.

(2) After obtaining information from other sources, HUD shall evaluate and verify the information provided by the applicant on Form ECO-1. HUD may begin preparing the appropriate clearance worksheet at this time or may await the resolution of problems. The applicant shall be asked to modify or supplement Form ECO-1 as appropriate. If there is inadequate information, the applicant shall be asked to supplement Form ECO-1 with documentation as necessary; if there are environmental problems, the applicant shall be asked to present solutions, modify the project, include measures to enhance environmental quality or reduce adverse environmental impacts, provide assurances and documentation as necessary, and amend or revise Form ECO-1 accordingly. HUD shall then complete the appropriate environmental clearance worksheet, or shall prepare the Draft Environmental Impact Statement.

(i) *Relationship Between A-95 procedures and environmental clearance procedures.* OMB Circular A-95 provides a mechanism for securing comments and views of State and local agencies regarding the impact, including environmental impact, of Federal and Federally-assisted projects. The A-95 requirements are coordinated, but not synonymous, with the requirements set forth in this part. Those programs or projects which are not subject to A-95 requirements are nevertheless subject to environmental clearance requirements unless specifically exempted in § 50.11(a) (1). The requirements of this part and OMB Circular A-95 shall be coordinated in the following manner:

(1) *Project Notification and Review System (PNRS).* The A-95 Project Notification and Review System requires that, for non-housing programs covered by Attachment D of the A-95 Circular, the applicant submit to the appropriate clearinghouses a notice of intent to file an application for Federal assistance. For housing projects exceeding A-95 thresholds listed in paragraph 7c of Attachment A and under programs listed in Attachment D, HUD is required to send the application submitted by the applicant to the appropriate clearinghouses. Housing projects under A-95 thresholds are not subject to the A-95 requirements. Environmental clearance procedures set forth in this part require that the applicant prepare Form ECO-1. For programs also covered by the A-95 Circular,



such form shall accompany the A-95 submission.

(2) *Inclusion of A-95 Comments in Draft EIS.* A-95 review of a proposed project generally takes place prior to the preparation of an impact statement. Therefore, comments on the proposed project that are secured during this stage of the A-95 process must be included in the Draft EIS. The comments received from clearinghouses, or by State and local environmental agencies through clearinghouses, in the A-95 review shall be attached to the draft impact statement when it is circulated for review.

(3) *Review of environmental impact statement.* If an Environmental Impact Statement is required, HUD shall notify the appropriate A-95 clearinghouses of HUD's intent to prepare and file the Draft Statement. When the Draft Statement is distributed, HUD shall send copies of the Statement to the appropriate clearinghouses for review and comment, regardless of whether or not the subject proposal is covered by OMB Circular A-95. The clearinghouses shall also receive copies of the Final Statement for their information.

(j) *Updating environmental clearances.* Environmental clearances shall be updated by revision, amendment or addendum to the original clearance, if:

(1) Additional information with significant implications for environmental impact or additional environmental impacts not previously considered is discovered during the review process. Actions which went through Normal or Special Environmental Clearance shall be updated by revision, amendment or addendum to the original environmental clearance worksheet. A new finding shall then be made on the basis of all information, and action taken accordingly. For actions for which a Draft and Final Environmental Impact Statement was prepared and distributed, the Final Statement shall be revised and reissued, or an addendum to the Statement shall be prepared and distributed. Such revision or addendum shall be subject to the same review and comment procedures as was the original Final Statement.

(2) Major amendatories are proposed. For major amendatories, the type and extent of environmental clearance required shall depend on the type, size and scale of the proposed action as amended. If an EIS is prepared for the amendatory, it shall be prepared and processed pursuant to § 50.14.

(3) HUD approval action is required for component activities whose environmental impacts were not addressed in sufficient detail in original environmental clearance for the larger action. Such clearance shall focus on the environmental impact of the specific project and site and need not treat the environmental impact on the more comprehensive level addressed in the original Environmental Impact Statement. A finding shall then be made as to the significance of the environmental impact of the specific project activity, and action taken accordingly.

If an Environmental Impact Statement is prepared for the component activity, it shall be prepared and processed pursuant to § 50.14.

#### § 50.12 Normal environmental clearance.

Normal Environmental Clearance shall be required for HUD actions for which it is not immediately evident that Special Environmental Clearance or Environmental Impact Statement Clearance is required. Normal Environmental Clearance is a consistency check with HUD environmental policies and standards and a brief evaluation of environmental impact. Information shall be requested from the applicant on Form ECO-1 and gathered from other sources as appropriate. After modifications to the proposal to mitigate environmental impacts as necessary, HUD shall conduct an independent assessment and evaluation on Form ECO-2.

(a) *Responsibility for clearance.* Responsibility for Normal Environmental Clearance shall rest with the Area/Insuring Office program staff. An information copy shall be sent to the ECO.

(b) *Action resulting from clearance.* (1) If after appropriate modifications to the proposal there exist environmental impacts which are unavoidable, and, based on HUD environmental policies and standards, such impacts are also considered unacceptable, then the proposal shall be rejected.

(2) If there is no significant environmental impact, processing of the proposal may proceed. Conditions or safeguards found to be necessary in order to protect and enhance environmental quality or minimize adverse environmental impacts shall be set forth in the contract, grant, or comparable document.

(3) If after appropriate modifications to the proposal to mitigate environmental impacts, there remains significant or potentially significant environmental impact, Special Environmental Clearance or EIS, as appropriate, is required. The mere mitigation of adverse effects does not indicate that a project has no significant impact; an EIS may be required even though adverse effects have been mitigated.

#### § 50.13 Special environmental clearance.

Project level actions found to require Special Environmental Clearance by virtue of their size or scale (in relation to the thresholds in Appendix A-1 to this part) or other characteristics indicating significant environmental impact, or as a result of Normal Environmental Clearance, shall be subject to the requirements in paragraph (a) of this section. Proposed legislation, regulations, policy issuances, guidance documents, and revisions to such regulations and documents, which may have significant environmental impact, shall be required to undergo the Special Environmental Clearance for policy actions as set forth in paragraph (b) of this section.

(a) *Project level actions.* Special Environmental Clearance for project level actions is a preliminary version of the

analysis required in the Environmental Impact Statement. It provides the HUD official with a factual basis for determining whether the proposed action has a significant environmental impact and hence, whether it should be approved, rejected, or modified, or whether an Environmental Impact Statement is required. Information required shall be requested from the applicant on Form ECO-1 and gathered from other sources as appropriate. After modifications to the proposal to mitigate environmental impacts as necessary, HUD shall conduct an independent assessment and evaluation. On the basis of this assessment an environmental finding shall be made and accompany the application through the review process.

(1) *Responsibility for clearance.* Special Environmental Clearance shall be conducted by the Area/Insuring Office Program staff. The environmental finding following this review shall be made by the AO/IO-ECO.

(2) *Action resulting from clearance.* (i) If after appropriate modifications to the proposal, there exist environmental impacts which are unavoidable, and, based on HUD environmental policies and standards, such impacts are also considered unacceptable, then the proposal shall be rejected.

(ii) If there is no significant environmental impact, a Finding of Inapplicability shall be made on the special Environmental Clearance Worksheet. Conditions or safeguards found to be necessary to protect and enhance environmental quality, or minimize adverse environmental impacts, shall be set forth in the contract, grant, or comparable document.

(iii) If after appropriate modifications to the proposal to mitigate environmental impacts, there remains significant or potentially significant environmental impact, an Environmental Impact Statement shall be prepared. The mere mitigation of adverse effects does not indicate that a project has no significant impact; an EIS may be required even though adverse effects have been mitigated.

(b) *Policy Actions (Legislation, Regulations, Policy and Guidance Documents).* Special Environmental Clearance for legislative proposals, proposed regulations, and policy issuances (such as handbooks, circulars, standards, or other guidance, and revisions thereof) consists of determining whether or not an Environmental Impact Statement shall be required. Certain categories of policy and guidance documents and regulations which are clearly unrelated to environmental concerns need not undergo environmental clearance. These include internal administrative procedures, accounting and fiscal allocation instructions, brochures and pamphlets for public information, internal personnel policies and procedures, and other actions which, in the determination of the program Environmental Clearance Officer designated by the appropriate Assistant Secretary or Administrator, have no potential for significantly affecting the

quality of the environment. For all other policy issuances and proposed legislation, either an EIS or a Finding of Inapplicability shall be prepared. The decision as to whether an EIS or a Finding of Inapplicability is required shall be made early in the process of drafting the proposed document, and shall be based on the actual or potential significance of the environmental impact of the proposed action. Responsibility for the decision shall be as follows:

(1) *Legislation.* General Counsel with the approval of the Assistant Secretary for CPD.

(2) *Regulations.* The program Environmental Clearance Officer with the approval of the Assistant Secretary for CPD and the concurrence of the General Counsel.

(3) *Policy and Guidance Documents.* The program Environmental Clearance Officer, with the approval of the Assistant Secretary for CPD and the concurrence of the General Counsel.

If it is determined that an EIS is not required, a Finding of Inapplicability shall be prepared with the concurrence of the Assistant Secretary for CPD and the General Counsel. With respect to regulations and policy and guidance documents, the EIS or the Finding of Inapplicability shall be the responsibility of the initiating office director, and shall be written under the supervision of the program ECO. With respect to legislation, the EIS or the Finding of Inapplicability shall be prepared under the supervision of the General Counsel's Environmental Clearance Officer by the HUD office having the principal programmatic interest in the proposal for legislation.

(c) *The Finding of Inapplicability or the EIS shall be subject to the following:*

(1) *Legislation.* The Draft EIS or the Finding of Inapplicability shall, subject to OMB and CEQ requirements, accompany the proposal through the regular review process. The final text of the environmental statement and comments thereon should be available to the Congress and to the public for consideration in connection with the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which HUD has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

(2) *Regulations.* The Draft EIS or the Finding of Inapplicability shall accompany proposed regulations through the regular review process, and for those regulations subject to OMB Circular A-85, through A-85 clearance with public interest groups. All proposed regulations which affect the areas of jurisdiction of the Environmental Protection Agency shall be submitted to the Administrator of the Environmental Protection Agency

for review under section 309 of the Clean Air Act, as amended. Notice of the availability to the public of the Draft EIS or the Finding of Inapplicability shall be published in the Federal Register as part of the notice of proposed rule making. Notice of the availability of the Final EIS (where applicable) to the public shall be published in the Federal Register along with the rule.

(3) *Policy and Guidance Documents.* The Draft EIS or the Finding of Inapplicability shall accompany the regular review process, including A-85 clearance where applicable. The Final EIS, where applicable, shall accompany the document through the final clearance process.

#### § 50.14 Environmental impact statement clearance.

Environmental Impact Statement Clearance shall be required for all major HUD actions significantly affecting the quality of the human environment.

(a) *Environmental impact statement.* The Environmental Impact Statement is comprised of two stages, Draft and Final.

(1) *Notice of intent to file an environmental impact statement.* As soon as practicable after a determination is made that a HUD action will require the preparation and circulation of an environmental impact statement, a Notice of Intent to File shall be prepared to inform the public and to solicit comments that may be helpful in preparing the statement. Copies of this notice shall be sent to local newspapers, groups known to be interested in the agency's activities, the chief executive of the general unit of local government, local and State agencies, A-95 clearinghouses, the Assistant Secretary for CPD, the RO and CO-ECOs, and the RO Public Information Officer. When the appropriate HUD official determines that an environmental impact statement is not necessary, a Notice of Intent Not To File an EIS shall be prepared to inform the public under the following circumstances:

(i) HUD has previously announced the action would be the subject of an environmental impact statement; or

(ii) HUD has made a Finding of Inapplicability in response to a request from CEQ for the preparation and circulation of an EIS.

The notice shall include a statement of the reasons for this decision. This determination and the reasons for the decision shall be prepared and disseminated in the same manner as a Notice of Intent to File an EIS.

(2) *Draft environmental impact statement.* Stage one involves the preparation of a Draft Environmental Impact Statement and the summary sheet. The Draft is sent to the CEQ (10 copies), circulated to Federal agencies whose areas of jurisdiction by law or special expertise are involved, OMB-designated A-95 clearinghouses (State and regional/metropolitan), the chief executive and planning agency of the appropriate local (county, city or town) government, appropriate local agencies, groups/individuals with special interest in the proposed

action, the applicant and made available to the public. Two (2) copies of the Draft Statement and the distribution list shall also be sent to the Assistant Secretary for CPD.

(3) *Final environmental impact statement.* The second stage is the Final Environmental Impact Statement, which takes into account and responds to the comments received as a result of circulating the Draft, and the revised summary sheet. The Final Statement, including the comments received and HUD's response, is filed with the CEQ (10 copies), sent to Federal agencies and organizations which commented on the Draft, the Environmental Protection Agency, A-95 clearinghouses, the chief executive and planning agency of the appropriate local government, appropriate local agencies, the applicant, and made available to the public. Two (2) copies of the Final Statement shall also be sent to the Assistant Secretary for CPD. The Final Statement shall accompany the recommendation of or report on the proposed action through HUD's review and decision-making process.

(b) *Timing.* (1) The Draft EIS shall be filed with the CEQ and made available to the appropriate agencies and to the public. The minimum review period for Draft EISs is forty-five (45) days (if practicable, requests for extension of time up to fifteen (15) days should be granted), and runs from the date of Federal Register publication by the CEQ that the Draft EIS has been prepared by HUD. The Draft must be on file at least ninety (90) days prior to HUD approval of, or commitment to, the proposed action. (See Appendix A of this part for decision points.)

(2) The Final Environmental Impact Statement shall be filed with the CEQ and made available to appropriate agencies and to the public at least thirty (30) days prior to HUD approval of, or commitment to, the proposed action. (See Appendix A to this part for decision points.) The thirty-day period begins on the date of issuance by HUD. After 30 days, and upon consideration of comments on the Final Statement, the initiating HUD Office may approve the project.

(3) The 45-day period and the 90-day period may run concurrently to the extent that they overlap. Exceptions to the 45 or 90 day time limits are permitted only under unusual circumstances. Exceptions must be approved by the Assistant Secretary for CPD, with the concurrence of the General Counsel and in consultation with the CEQ on a case-by-case basis.

(c) *Responsibility for clearance.* The Draft and Final Environmental Impact Statements shall be prepared and distributed by the initiating office or appropriate field office with program review responsibilities. Approval of the Statement and the proposed distribution list by the Regional Administrator (or his ECO) for field project level actions, and by the Assistant Secretary for CPD for policy actions and Central Office Project



actions, is required prior to distribution.

(1) The Regional or Area Council shall be given the opportunity to review Draft and Final Environmental Impact Statements prior to issuance for field project level actions to determine whether there is compliance with the legal requirements of NEPA. This review shall be concurrent with other staff reviews. The General Counsel (or his ECO) shall be given the opportunity to review Draft and Final Environmental Impact Statements prior to issuance for policy actions and Central Office project actions.

(2) For Environmental Impact Statements requiring only the approval of the Regional Administrator, two (2) copies of the Draft Statement shall be sent to the Assistant Secretary for CPD when distribution is made to other agencies. The Assistant Secretary for CPD then has the option of requiring, in exceptional cases, that his concurrence be obtained prior to distribution of the Final Statement. If, in the judgment of the Regional Administrator (or his ECO), or the Assistant Secretary for CPD (or his ECO), there are issues of national significance, controversy or significant environmental policy issues involved, the Draft and/or Final Environmental Impact Statement shall be referred to the Assistant Secretary for CPD for concurrence prior to distribution.

(3) In cases where an adverse impact on a National Register property is unavoidable, the proposal may be rejected. If such a proposal is not rejected, a full explanation of efforts to comply with the recommendations of the Advisory Council on Historic Preservation shall be incorporated as a part of the Final Environmental Impact Statement. For projects involving unresolved cases of adverse impact on a National Register property, the Draft and Final Environmental Impact Statement must be approved prior to distribution by the Assistant Secretary for CPD.

(4) In order to facilitate review and utilize environmental expertise outside HUD to the fullest extent possible, agencies whose areas of jurisdiction by law or special expertise are involved in a proposed project shall be consulted during preparation of the Draft Environmental Impact Statement for such project, where such consultation is feasible and contributes to a more complete environmental evaluation.

(5) If after the specified period of time for review of the Draft Statement, HUD has not received comments from those agencies (Federal, State, areawide, or local) whose input is considered important to the project's environmental evaluation, HUD may contact these agencies and request their comments.

(d) *Action resulting from clearance.* Based on the Environmental Impact Statement clearance, including comments and suggestions by other agencies and interested parties, HUD shall attempt to mitigate adverse environmental impacts to the extent practicable. If there remain adverse environmental impacts which are unavoidable, and based on HUD environmental policies and stand-

ards, such impacts are also considered unacceptable, the proposal shall be rejected. Otherwise, unavoidable adverse environmental impacts shall be weighed against benefits to be obtained from approval of the proposal. Where environmental costs which would be incurred outweigh such benefits, the proposal shall be rejected. Where benefits of the proposal outweigh environmental costs, processing may proceed; conditions or safeguards found to be necessary in order to protect and enhance environmental quality or minimize adverse environmental impacts shall be set forth in the contract, grant, or comparable document.

#### § 50.20 Public hearings.

(a) Prior to the distribution of a Draft Environmental Impact Statement for a project, a determination shall be made by the appropriate HUD official as to whether a public hearing should be held. The following factors shall be considered in determining whether a public hearing is appropriate:

(1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved;

(2) The degree of interest in the proposal, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held;

(3) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under the Act; and

(4) The extent to which public involvement has been achieved with respect to environmental concerns through other means, such as earlier public hearings, meetings with citizen representatives and/or written comments on the proposed action.

This determination shall be documented and attached to the draft environmental impact statement.

(b) The Draft Environmental Impact Statement shall be made available for public inspection and copying at cost at least 15 days prior to the time any public hearing is held under this section.

(c) If the appropriate HUD official determines that a public hearing is appropriate for a project being planned and/or implemented by a State or local agency, he shall also determine whether HUD or the public agency is to hold the public hearing. HUD shall hold the hearing for projects where the applicant is not a public agency.

(d) The Notice of Public Hearing shall be issued no later than five days after distribution of the Draft Environmental Impact Statement and shall be published in a local newspaper of general circulation at least 15 days prior to the date of the hearing. The notice shall:

(1) State the date, time, place, and purpose of the hearing;

(2) Identify the program and describe the proposed project and project area;

(3) State that any person or organization desiring to be heard on environ-

mental issues will be afforded an opportunity to be heard;

(4) State where the Draft Environmental Impact Statement will be available to members of the public;

(5) Identify the public body which is to hold the hearing.

(e) Minutes of the hearing shall be kept.

(f) A public hearing is required for any project assisted under Title I of the Housing Act of 1949, as amended, prior to the acquisition of land by the local public agency. A hearing held pursuant to that title shall include consideration of the environmental aspects of the proposed action. Whenever possible, the LPA's ECO-1 Form shall be made available for public inspection at least 15 days prior to the hearing. The Notice prescribed by HUD Urban Renewal Handbook RHM 7206.1, chapter 3, section 5(e) shall include a statement regarding the availability of the ECO-1 Form. If no Form ECO-1 is available, the LPA shall consult with the Area Office to determine the procedure to be used in addressing environmental concerns at the public hearing.

(g) The procedures specified for hearings in paragraphs (b) through (e) of this section shall not apply to hearings held in accordance with this section.

#### § 50.25 Public disclosure.

(a) Draft and Final Environmental Impact Statements and Findings of Inapplicability shall be made available to the public in accordance with HUD policy pursuant to Part 15, of this subtitle, Executive Order 11514 and the CEQ Guidelines.

(b) Upon completion of the Draft EIS, a news release shall be submitted to the local newspapers and other appropriate news media, announcing that the Draft Environmental Impact Statement is available for comment and where copies may be obtained by those wishing to comment. The news release shall contain information of the name and location of the proposed action, a brief description of the proposed action, and a summary of the environmental impacts and the alternatives considered, including the alternative of no action.

(c) Copies of environmental impact statements shall be provided free of charge to the public requesting an opportunity to comment, or at a fee which is not more than the actual reproduction cost to the Department. (For distribution details on Draft and Final Statements see § 50.14(a) (2) and (3).)

(d) Copies of statements for project level actions shall be available for public reading in the appropriate Area/Insuring and Regional Offices. Central Office project level actions shall also be available in the Program Information Division in the Central Office and in the appropriate Area/Insuring and Regional Office. For policy actions, copies shall be available for public reading in the Program Information Division in the Central Office and all Regional Offices. The Department shall fill all reasonable requests for environmental impact statements during

the review period. The National Technical Information Service (NTIS) should be used as a secondary source for providing environmental impact statements. Such requests should be referred to NTIS, Department of Commerce, Springfield, Va. 22151.

(e) A Final Environmental Impact Statement shall be sent to all parties who filed substantive comments on the draft.

#### Subpart C—Review of Other Agencies' Environmental Impact Statements

##### § 50.30 Purpose.

The purpose of this subpart is to establish a procedure for commenting on Environmental Impact Statements initiated by other Federal agencies.

##### § 50.31 General.

(a) Environmental Impact Statements initiated outside HUD will be referred to the appropriate HUD office for jurisdiction by law or special expertise. Comments shall be sent by the commenting HUD office to the initiating agency and the CEQ within 45 days of transmittal. The CEQ requires that ten (10) copies be mailed to the General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006. HUD comments shall also be made available to the public upon request.

(b) Environmental Impact Statements on project level actions initiated outside HUD shall be referred to the HUD Regional Administrator in whose jurisdiction the project falls, or to his designee, for comment. Comments recommending delay or rejection of a major undertaking may be referred to the Assistant Secretary for CPD for concurrence and for forwarding to the requesting agency and to the CEQ. Precedent-making comments of national significance shall be referred to the Assistant Secretary for CPD.

(c) Environmental Impact Statements from other Federal agencies on legislative proposals, regulations, or policy documents shall be sent to the General Counsel and the Assistant Secretary for CPD, respectively, for comment.

#### § 50.32 Nature and scope of HUD comments on other agency environmental impact statements.

(a) Special attention should be given to Environmental Impact Statements for transportation projects which have impacts on parklands and are subject to review under section 4(f) of the Department of Transportation Act of 1966. Under section 4(f), approval rests with the Secretary of DOT, and HUD maintains an important advisory role. Particular care should be exercised in reviewing projects which use lands purchased with HUD Open Space funds and those for which adequate replacement provisions are lacking.

(b) Comments should be as specific, substantive and factual as possible. Emphasis should be placed on the assessment of the environmental impacts of the proposed action and the acceptability of those impacts on the quality of the environment, particularly as contrasted

with the impacts of reasonable alternatives to the action.

(c) Comments may include recommendations for modification of the proposed action or new alternatives not addressed which would enhance environmental quality or reduce adverse environmental impacts.

(d) Comments should include a statement concerning whether HUD projects not identified in the draft statement are sufficiently advanced in planning and related environmentally to the proposed actions so that a discussion of the environmental interrelationships should be included in the final EIS.

(e) Comments should indicate areas where HUD feels monitoring of environmental effects is in order and may suggest methods to so monitor.

#### APPENDIX A—PROPOSED HUD ACTIONS WHICH REQUIRE SPECIAL ENVIRONMENTAL CLEARANCE OR ENVIRONMENTAL IMPACT STATEMENT CLEARANCE

NOTE: For programs not listed, consult the Assistant Secretary for Community Planning and Development.

Program	Decision points	Thresholds
Code enforcement program	Approval of application or major amendment.	All new concentrated code enforcement areas.
Demonstration projects	do	Cost totalling \$500,000 (from all sources) in new construction.
Housing assistance or insurance:		
New construction of:		
1-to-4 family structures	Issuance of feasibility letter or major change in letter or project (ASP-6).	50-lot subdivision.
Multifamily structures	Issuance of feasibility letter or major change in letter or project.	100-unit multifamily project (including scattered sites).
Public housing	Preliminary reservation of contract authority to State and local agencies for interest reduction assistance and rent supplement payments for uninsured projects. 1. For conventional, letter of notification of tentative site approval or approval of major change. 2. For Turnkey, HUD concurrence in tentative selection of developer. 3. For section 23 leasing (new construction or substantial rehabilitation), letter transmitting approvable proposals.	100-unit public housing project (including scattered sites) or 50-lot subdivisions.
College housing	Approval of fund reservation for college housing or major amendment.	200-student project.
Mobile homes	Issuance of feasibility letter or major change in letter or project.	100-unit mobile home park.
Nursing homes	do	100-bed nursing home.
Hospitals	do	100-bed hospital.
Group practice facilities	Invitation for formal application	Facilities with site acreage of 50,000 ft <sup>2</sup> , or gross floor area of 30,000 ft <sup>2</sup> .
Housing assistance or insurance: Substantial rehabilitation or property disposition of:		
1-to-4 family structures. Multi-family structures. College housing. Mobile homes. Nursing homes. Hospitals. Group practice facilities.	1. For rehabilitation, feasibility determination. 2. For Project Rehab, submission of proposal to central office. 3. For property disposition, approval of disposition program.	50 contiguous or noncontiguous 1-to-4 family structures/lots. 100-unit multifamily project (including scattered sites). 200-student project—college housing. 100-unit mobile home park. 100-bed nursing home. 100-bed hospital. Group practice facility with site acreage of 50,000 ft <sup>2</sup> , or gross floor area of 30,000 ft <sup>2</sup> .
Model Cities (planned variations)	1. All action years or major amendments, to the extent that the activities have not been previously evaluated. 2. Approval of application for individual project within Model Cities program.	Approval memorandum or letter of approval, whichever is sooner.
Neighborhood facilities	Approval of allocation order or approval subject to validation of funds (whichever is sooner), or approval of major amendment.	See appropriate categorical program.
Open space land	Approval of allocation order or approval subject to validation of funds (whichever is sooner), or approval of major amendment. Approval for conversion.	Site acreage of 50,000 ft <sup>2</sup> , or gross floor area of 30,000 ft <sup>2</sup> . 1. All sanitary landfill projects. 2. Impoundment of 2 surface acres or 25 acre-feet of water. 3. 50 acres. 4. All conversions of open space land acquired with HUD assistance to nonopen space uses not originally approved by HUD. See Water and sewer.
Public facility loans	Approval of allocation order or approval subject to validation of funds (whichever is sooner), or approval of major amendment.	

Footnotes at end of table.



## PROPOSED RULES

Program	Decision points	Thresholds
Urban renewal: Conventional program.	Approval of part I or approval of major amendment.	All urban renewal projects.
Neighborhood development program.	Approval of allocation order or approval subject to validation of funds, whichever is sooner.	1. All first year NDP's and conversions from conventional urban renewal to NDP. 2. Subsequent action years: To the extent that the urban renewal plan has not been previously evaluated and/or changes in area or plans.
Water and sewer.	Approval of application or major amendment.	1. All above ground reservoirs and stand pipes. 2. All source development projects, including major river impoundments, raw water reservoirs, well fields, and treatment plants. 3. Treated water transmission or sewage collection lines which pass through, are adjacent to, or serve undeveloped areas of 50 acres or more.
Flood and disaster insurance program.	Issuance of special flood plain or mudslide area delineations. Community eligibility.	1. Variance from normal practice defined by FIA. 2. Variance of land use and control measures from established FIA criteria.

<sup>1</sup> All research projects resulting in new construction of \$500,000 are included; other research projects are generally exempt unless it has been determined that the results of the effort, when implemented, will have a significant effect on the human environment.

<sup>2</sup> Project selection criteria are not a substitute for environmental clearance.

<sup>3</sup> Phase I Breakthrough housing projects are subject to environmental clearance procedures in the same way as other housing projects.

<sup>4</sup> This handbook shall also apply to HUD approval of interest subsidy on existing properties. However, the environmental assessment does not have to address the impact construction of the project on the environment since it has already taken place. All other environmental factors must be assessed.

<sup>5</sup> HEW has the lead role in environmental evaluation and clearance of proposed hospitals. HUD has responsibility for clearance and conformance with departmental policies and standards to the extent that such clearance is not conducted by HEW.

<sup>6</sup> See §§ 50.11 (f) and (j) for individual projects within the Model Cities program which receive Model Cities supplemental grants but which derive the majority of their Federal assistance from another agency, such as HEW or OEO, the other agency is considered lead agency and responsible for the environmental clearance. For a project which receives all or most of its funding from Model Cities grants, HUD is responsible for the appropriate environmental clearance.

<sup>7</sup> For projects using supplementary funds which result in the construction or acquisition of capital facilities not included in HUD categorical programs, the appropriate environmental clearance shall be prepared prior to the award of the supplemental grant.

<sup>8</sup> Project selection systems are not a substitute for environmental clearance.

<sup>9</sup> For projects in the National Capital area refer to agreement between HUD and the National Capital Planning Commission.

APPENDIX A-2: OTHER HUD ACTIONS WITH SPECIAL REQUIREMENTS<sup>1</sup>

NOTE: Where special requirements are imposed in accordance with this appendix, thresholds set forth in Appendix A-1 do not apply.

Action	Decision point	Requirement
New construction or substantial rehabilitation of residential or other noise sensitive land uses such as nursing homes, hospitals, group practice facilities, in unacceptable noise zone (circular 1390.2).	Decision point stated in appendix A-1.	Environmental impact statement.
New construction or substantial rehabilitation of residential or other noise sensitive land uses such as nursing homes, hospitals, group practice facilities, in discretionary (normally unacceptable) noise zone (circular 1390.2), which is new development in a largely undeveloped area.	do.	Do.
New construction or substantial rehabilitation of residential or other noise sensitive land uses in discretionary (normally unacceptable) noise zone (circular 1390.2), which is infill in existing development.	do.	Special environmental clearance.
New Communities: Debt guarantee or certification of eligibility or interest loan.	Authorization by Community Development Corporation Board of offer of commitment or major change to approved plan.	Environmental impact statement.
New communities: Special planning assistance loan or grant.	Authorization by Community Development Corporation Board of loan or grant.	Environmental assessment as part of planning product.
Title X mortgage insurance for land development.	Issuance of feasibility letter or major change in letter or project.	Environmental impact statement.
Any project which has an effect on a property listed on, or nominated to, the National Register of Historic Places.	Decision point stated in appendix A-1.	Special environmental clearance.
Any project which has an adverse effect on a property listed on, or nominated to the National Register of Historic Places.	Decision point stated in appendix A-1.	Environmental impact statement.
Legislation.	Departmental decision to sponsor legislation.	Request review by Advisory Council on Historic Preservation.
Regulations which have potential for significantly affecting the quality of the human environment.	Promulgation.	Findings of inapplicability or draft environmental impact statement.
Policy and guidance documents which have potential for significantly affecting the quality of the human environment.	Promulgation.	Final environmental impact statement, where applicable.
	A-85 clearance.	Findings of inapplicability or draft environmental impact statement.
	Promulgation.	Final environmental impact statement, where applicable.

<sup>1</sup> Project actions affected by Circular 1390.2 require that projects located in the Unacceptable or Discretionary-Normally Unacceptable noise exposure zone require special approvals and must incorporate noise attenuation measures.

## U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## [HUD Guide Form ECO-1]

## APPLICANT'S ENVIRONMENTAL INFORMATION

Region \_\_\_\_\_ Area/Insuring Office \_\_\_\_\_

A. Applicant/Sponsor.  
B. Project Name and Location.  
C. HUD Program.  
D. OMB Circular A-95 Review.  
Is proposed project subject to A-95 review?  
☐ Yes ☐ No  
Date submitted to clearinghouses: \_\_\_\_\_

Check one:  
☐ State/regional clearinghouse comments attached.  
☐ No comments received after \_\_\_\_\_ days before clearinghouses.  
E. Description of Project.

F. Description of existing environment of the site and area.

1. Existing physical environment (natural and man-made):

a. Land and Climate:  
b. Vegetation, wildlife and natural areas:  
c. Surrounding land uses and physical character of area:

d. Infrastructure:  
e. Air pollution levels:

f. Noise levels:

g. Water pollution levels:

h. Energy Resources:

i. Other:

2. Existing social environment:

a. Community facilities and services:

b. Employment centers and commercial facilities:

c. Character of community:

d. Other:

3. Existing aesthetic environment: (Including properties listed on, or nominated to, the National Register of Historic Places.

G. How Will the Environment Described in F Affect the Project?

1. Physical environment:

2. Social environment:

3. Aesthetic environment:

H. How Will the Project Affect the Environmental Factors in F?

1. Physical environment:

2. Social environment:

3. Aesthetic environment:

I. Where Appropriate, Describe the Quality of the Environment Created by the Project and Its Impact on the Expected Residents or Users of the Project.

1. Physical environment:

2. Social environment:

3. Aesthetic environment:

J. What Alternatives to the Proposed Project Were Considered and Why Were They Rejected: What Additional Alternatives Can Be Considered To Avoid Adverse Environmental Impacts?

a. Alternative locations or sites:

b. Alternative sizes and designs:

K. Describe provisions of the proposal which were specifically designed to reduce adverse environmental impacts or to enhance environmental quality. Describe abatement measures which were rejected and the reasons for rejection (estimate costs). Describe measures other than those included in the project being taken or planned to enhance environmental quality or reduce adverse environmental impacts.

L. What are the known views of governmental bodies, private organizations, local citizens, etc., concerning the proposed project? Identify known or potential opposition groups and their views.

M. Certification: The applicant/sponsor identified in black A hereby certifies that the information furnished in this Applicant's Environmental Assessment is true and accurate to the best of his (its) knowledge.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Title \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETION OF FORM ECO-1, APPLICANT'S ENVIRONMENTAL INFORMATION

For non-housing programs, prepare in triplicate. Attach duplicates to A-95 notice on intent to apply for Federal assistance and send to appropriate clearinghouses; attach original to application and submit to HUD. For housing projects over A-95 thresholds, prepare in triplicate and send to HUD with application for transmittal to clearinghouses. For housing projects under A-95 thresholds, prepare in original and send to HUD with application.

Attach additional sheets as necessary and identify project and item number on each. Reference may be made to information in application or project file.

A. Self-explanatory.  
B. Self-explanatory.  
C. Self-explanatory.

D. A HUD representative can advise you whether or not your project is subject to A-95 review.

E. Briefly describe the project. Include size or scale, design, type of facilities included, location, cost, and other descriptive features. Include minimum or two (2) maps: One showing location of project within the city, town, or metropolitan area, and another showing the relationship of the project to immediate area and distance from such major landmarks as an airport, highway and roads, park, and CBD. Attach photo of site if available.

F. Identify positive and negative aspects of the existing environment of the site and area. Discuss under separate headings the environmental characteristics of the site and area: 1. Physical environment (natural and man-made)—a. Land and climate—Soil (general characteristics, load bearing capacity, existing and potential erosion, permeability);

Topography (general characteristics, slope grade of site—maximum, minimum, average);

Subsurface conditions (geologic characteristics, geologic faults, aquifer recharge);

Special conditions (flood plain, unique landscape, potential for mudslide, landslide, subsidence, or earthquake, aerial or underground transmission lines and right-of-way);

Unusual climatic conditions (subject to very high rainfall, flashfloods, hurricanes, or tornadoes, strong winds, extremes of temperature, etc.).

b. Vegetation, wildlife and natural areas. Extent and type of vegetation and wildlife; existence of on site or proximity to unique natural systems (stream systems, wildlife breeding areas, parks, etc.).

c. Surrounding land uses and physical character of area. Type of development (single family or high-rise residential, industrial, commercial, open space, mixed); land use configuration (land use map); densities; building height and design; lot sizes; etc.

d. Infrastructure. Description (general description, location, responsible body, relation of capacity to existing demand), of water supply, sanitary sewage and solid waste disposal, storm sewers and drainage, energy, and transportation (roads, public transit, parking) facilities servicing site.

e. Air pollution levels. Extent of pollution (smog, dust, odors, smoke, hazardous emissions) in relation to local/State standards, and standards of health and safety (frequency of inversions, air pollution alert or emergency); in relation to the rest of the metropolitan area (conditions peculiar to the site and immediate area).

## PROPOSED RULES

1. Noise levels. Source (nearby airport, railway, highway); noise levels in relation to HUD standards in Circular 1390.2 (include worksheet, if appropriate); vibrations.

2. Water pollution levels. Ground and surface water relevant to site and area (drainage basin, source of water supply, water bodies with implications for health and recreational uses, etc.).

h. Energy resources. Type, amount and purpose of energy to be used, types of actions proposed to conserve energy.

1. Other. Not included in above categories.

2. Existing Social Environment—a. Community facilities and services—description (general description, location, responsible body, relation of capacity to existing demand) of school, park, recreational and cultural, police and fire, and health facilities servicing the site and area.

b. Employment centers and commercial facilities servicing site and area.

c. Character of community—socioeconomic and racial characteristics.

d. Other—not included in above categories.

3. Aesthetic environment. General aesthetic characteristics; special features (natural or man-made) existence of on site or proximity to significant historic, archaeological, or architectural sites or property, including those listed on, or being considered for nomination to, the National Register of Historic Places, scenic areas, and view.

G. Discuss the quality of the environment of the area and its impact on the expected residents or users of the proposed project. Describe major constraints or opportunities presented by the existing environment which serve to limit or contribute to the viability of the proposed project. Concentrate on critical features described in F.

H. Discuss under each heading listed:

1. What is being impacted;

2. Sources of impact;

3. Degree or severity of impact;

4. Relationship to official local and area-wide planning.

I. Where appropriate (e.g., for urban renewal project, large multi-family housing project, new community or subdivision), discuss the relationship among the various components of the proposed project. Identify design and other features which will assure that a high quality of living environment will be created by the proposed project. Describe how the plans for the project contribute to such environmental factors as:

1. Physical environment. Health, safety, comfort, functional quality.

2. Social environment. Racial and economic composition;

Opportunity for social interaction and privacy;

Community life (places to meet, management, organized activities, etc.);

Security.

3. Aesthetic environment. Pleasantness, interest, stimulation.

J. Indicate adverse environmental impacts which would be avoided or created by each alternative, and discuss briefly pros and cons of each alternative. Discuss under separate headings:

a. Alternative locations or sites which were considered. Indicate alternative sites owned, controlled, or potentially available which would be investigated if the recommended site is unacceptable.

b. Major alternatives (at least one or two in each category) which were considered in terms of:

(1) Size—anticipated resident/user population or density, extent of coverage, etc.

(2) Design—number and height of buildings and placement on site, architectural and design treatment, land uses, etc.

What additional alternatives, i.e., what modifications to the proposal's size or design plans, not previously considered could be investigated to reduce adverse environmental impacts?

K. Discuss measures that will be taken as part of the project to enhance environmental quality and reduce adverse environmental impacts. Examples of such measures include: Measures to reduce air pollution levels or excessive noise levels (air conditioning, noise barriers, setbacks or greenbelts, insulation, etc.); erosion and siltation control measures; drainage systems capable of carrying 50-year frequency rainfall; on-site sewage or solid waste disposal facilities or contribution to establishment or expansion of local or regional system; preservation of natural areas or open space; landscaping and preservation of cover; screening; expansion of new construction of community facilities; discussion of impact with community groups; special architectural treatment; preservation of relocation of historic property; etc. Discuss abatement measures which were rejected and the reasons for rejection (estimate costs).

Discuss, also, measures other than those included in the proposal being taken or planned by local governmental bodies, State agencies, other Federal agencies, or private groups or individuals which will enhance environmental quality or reduce adverse environmental impacts of the project. These may include actions or plans by the locality to expand infrastructure and community facilities and services to meet the demand imposed by the project and by growth in the area; controls imposed by appropriate agencies or governmental bodies or private organizations to preserve natural areas, open space, or historic sites; plans to anticipate and cope with the long-term impacts of the project specifically and growth in the area in general; efforts to reduce pollution levels in the area and prevent further pollution; public or private projects which will improve the environment of the area or meet the needs of the residents or users of the proposed project. Distinguish between actions underway, firm and tentative plans, and preliminary discussions.

L. Describe the position regarding the proposal of the local and State officials with jurisdiction over planning, zoning, building and subdivision controls and regulations, pollution control, public services needed by the project, conservation and recreation, historic preservation, etc., as appropriate. Does the project conflict with measures taken by governmental bodies to control growth, prevent adverse environmental impacts, or enhance environmental quality for the existing community (e.g., moratorium on building permits, preservation of open space or sites or property of historic, archaeological, architectural, or cultural value or significance, limit on traffic, limitation of loan on sewage treatment facilities)?

Describe private organizations, community groups with special interest in the proposal, both for and against the project. Identify actual or potential opposition, issues involved in the opposition, and extent of controversy. Indicate the probability, if any, of litigation regarding the project and the probable grounds for such litigation.

[FR Doc.74-3959 Filed 2-21-74; 8:45 am]



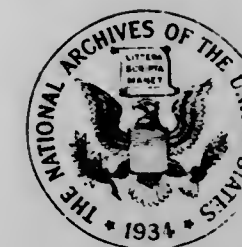
# **federal register**

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FRIDAY, FEBRUARY 22, 1974  
WASHINGTON, D.C.

Volume 39 ■ Number 37

PART IV



## **DEPARTMENT OF LABOR**

**Employment Standards  
Administration**

■

**Minimum Wages for Federal  
and Federally Assisted  
Construction**

**General Wage Determination Decisions,  
Modifications, Supersedes  
Decisions, and  
Cancellation**

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## DEPARTMENT OF LABOR

**Employment Standards Administration**  
**MINIMUM WAGES FOR FEDERAL AND**  
**FEDERALLY ASSISTED CONSTRUCTION**  
**General Wage Determination Decisions,**  
**Modifications, Supersedes Decisions,**  
**and Cancellation**

*General wage determination decisions.* General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and

29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

*Modifications and supersedes decisions to general wage determination decisions.* Modifications and Supersedes Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

*Modifications and Supersedes Decisions* are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

*New general wage determination decisions:*

Arizona	No. AQ-1086
Missouri	No. AQ-81
North Carolina	Nos. AQ-4078;
	AQ-4079
Pennsylvania	Nos. AQ-2043;
	AQ-2044

*Modifications to general wage determination decisions.* The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State:

Alabama:	
AQ-4027	Oct. 19, 1973
AQ-4034	Nov. 23, 1973
Kentucky:	
AQ-4068	Feb. 1, 1974
New Hampshire:	
AQ-3074; AQ-3075	Jan. 25, 1974
North Carolina:	
AQ-4064	Feb. 1, 1974
Pennsylvania:	
AQ-2053	Feb. 8, 1974
South Carolina:	
AQ-4065	Feb. 1, 1974
Texas:	
AQ-67; AQ-69	Dec. 29, 1973
AQ-76	Feb. 2, 1974
Vermont:	
AQ-3065	Feb. 1, 1974
Virginia:	
AQ-2038	Dec. 21, 1973
Washington, D.C.:	
AQ-2035	Do.

*Supersedes decisions to general wage determination decisions.* The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedes Decision numbers are in parentheses following the number of the decisions being superseded:

California:	
AQ-1059 (AQ-1087)	Nov. 30, 1973
Kentucky:	
AP-147 (AQ-4080)	Jan. 19, 1973
Louisiana:	
AQ-5 & AQ-6 (AQ-83)	July 20, 1973
Minnesota:	
AQ-638 and AP-644 (AQ-3099); AP-639 and AP-645 (AQ-3100); AP-640 and AP-646 (AQ-3101); AP-641 and AP-647 (AQ-3102)	Mar. 9, 1973
Mississippi:	
AP-169 (AQ-4081)	Feb. 16, 1973
Ohio:	
AP-679 (AQ-3118)	May 25, 1973
Texas:	
AQ-27 (AQ-84)	Sept. 21, 1973
Wisconsin:	
AP-55 (AQ-3108); AP-54 and AP-56 (AQ-3107); AP-55 (AQ-3108); AP-56 (AQ-3109); AP-57 (AQ-3110); AP-58 and AP-59 (AQ-3111); AP-59 (AQ-3112); AP-60 and AP-67 (AQ-3118); AP-61 (AQ-3114); AP-62 (AQ-3116); AQ-63 (AQ-3116); AP-64 (AQ-3117)	Dec. 1, 1972

*Cancellation of general wage determination decisions.* General Wage Determination Decision No. AQ-3076, Essex County, Massachusetts is canceled. Agencies with residential projects pending in this County should utilize the project determination procedure by submitting form SF-308. See 29 CFR 1.5.

Signed at Washington, D.C., this 15th day of February 1974.

RAY J. DOLAN,  
 Assistant Administrator,  
 Wage and Hour Division.

## NEW DECISION

STATE: Missouri

COUNTIES: Apache, Coconino, Navajo (Navajo and Hopi Indian Reservations, Arizona only)  
 DATE: Date of Publication  
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

## NEW DECISION

STATE: Arizona

DECISION NUMBER: AQ-1086

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

Basic Hourly Rate	Fringe Benefits Payments			Apr. Tr.
	H & W	Pension	Vacation	
Asbestos Workers	\$8.93	.50	.65	.01
Bricklayers	11.79	.50	.45	.03
Carpenters	8.25	.40	.60	.025
Cement Masons	7.985	.50	.60	.025
Electricians	8.82	.25	1 1/2	1/2
Laborers, unskilled	5.08			
Plumbers	9.85	.50	1.00	.10
Sheet Metal Workers	9.56	.27	.32	.02

DECISION NO. 1: AQ-81  
 Supersedes Decision No. AQ-1, dated July 13, 1973, in FR 18788.  
 DESCRIPTION OF WORK: Highway Construction



AQ-1 P. 2

40-1 P. 2

	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments					
		H & W	Pension	Vacation	App. Tr.		H & W	Pension	Vacation	App. Tr.		
CARPENTERS & PILEDRIVERS:												
Franklin and Jefferson Counties												
Lincoln, Pike, St. Francois, Warren & Washington Counties	8.66	.30	.30		.03	8.66	.30	.30		.03		
Lafayette County	8.37	.33	.30		.03	8.37	.33	.30		.03		
Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Cooper, Dallas, Davis, DeKalb, Dent, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties	7.77	.33	.30		.03	7.77	.33	.30		.03		
Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties	7.80	.30	.30		.03	7.80	.30	.30		.03		
Boone, Cooper & Howard Counties	8.20	.20				8.20	.20					
Adair, Audrain, Benton, Callaway, Chariton, Clark, Cole, Knox, Lewis, Linn, Macon, Marion, Miller, Monticue, Monroe, Morgan, Osage, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties	8.07	.33			.03	8.07	.33			.03		
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties	7.97	.23			.03	7.97	.23			.03		
CEMENT MASONS:												
Bates, Carroll and Lafayette Counties	8.275	.20	.25			8.275	.20	.25				
Crawford, Franklin, Iron, Jefferson, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren and Washington Counties	8.20	.60	.40			8.20	.60	.40				

AQ-1 P. 3

AQ-1 P. 3

	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Tr.		H & W	Pension	Vacation	App. Tr.
CEMENT MASONS: (Cont'd)										
Crawford, Iron, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve and Washington Counties on projects less than \$75,000.00	\$6.95	.60	.40			\$6.95	.60	.40		
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties	6.20	.65		.25		6.20	.65		.25	
Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright Counties	6.75					6.75				
Dent, Phelps, Pulaski and Texas Counties	6.30					6.30				
Benton, Henry, Hickory, Johnson, Morgan, Pettis, Salina and St. Clair Counties	7.375	.275				7.375	.275			
Adair, Audrain, Boone, Callaway, Camden, Chariton, Cole, Cooper, Gasconade, Howard, Knox, Linn, Macon, Maries, Miller, Monticue, Monroe, Montgomery, Osage, Randolph, Shelby and Sullivan Counties	8.25					8.25				
Barry, Barton, Lawrence, McDonald, Newton and Vernon Counties	6.60					6.60				
Andrew, Atchison, Buchanan, Caldwell, Clinton, Davies, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties	7.20					7.20				
ELECTRICIANS										
Adair, Audrain (last part west of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scott, Scotland, Shelby and Sullivan Counties	8.05	.42	.12	6-1/2%+5		8.05	.42	.12	6-1/2%+5	
Electrical contracts over \$5,000.00 and under	6.75	.42	.12	6-1/2%+5		6.75	.42	.12	6-1/2%+5	
Electrical contracts \$5,000.00 and under										

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40-1 P. 2

Basic Hourly Rates	Fringe Benefits Payments	App. Tr.	Others	
	H & W	Pension	Vacation	
ELECTRICIANS: (Cont'd)				
Bates, Benton, Henry, Johnson, Lafayette and Pettis Counties; Electrical contracts over \$5,000.00 and under	8.67 .23	.12 + .27	.80	.03
Electrical contracts \$5,000.00 and under	8.13 .23	.12 + .27	.80	.03
Carroll, Cooper, Morgan and Saline Counties; Electrical contracts over \$5,000.00 and under	8.67 .23	.12 + .27	.80	.03
Electrical contracts \$5,000.00 and under	7.37 .23	.12 + .27	.80	.03
Franklin, Jefferson, Lincoln and Warren Counties	8.19 .32	.12 + 5 1/2%	112-4 1/2%	.12
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, DeKalb, Douglas, Gasconade, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties; Electrical contracts over \$5,000.00 and under	8.19 .32	.12 + 5 1/2%	112-4 1/2%	.12
Electrical contracts \$5,000.00 and under	5.97 .32	.12 + 5 1/2%	112-4 1/2%	.12
Iron, Madison, Reynolds, Washington, and Wayne Counties; Electrical contracts \$5,000.00 and under	5.85 .32	.12 + 5 1/2%	112-4 1/2%	.12
Butler, Carter, Mississippi, New Madrid, Ripley, Scott and Stoddard Counties; Electrical contracts \$5,000.00 and under	5.73 .32	.12 + 5 1/2%	112-4 1/2%	.12
Dunklin and Pemiscot Counties; Electrical contracts \$5,000.00 and under	5.60 .32	.12 + 5 1/2%	112-4 1/2%	.12
Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Osage, Polk, Shannon, Stone, Taney, Texas Webster and Wright Counties	8.02 .30	.12	.62	.01

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	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Tr.		H & W	Pension	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)										
Pulaski County	8.47	.30	.12	.62		8.47	.30	.12	.62	
Andrew, Buchanan, Clinton and DeKalb Counties	8.44	.35	.12	.72		8.44	.35	.12	.72	
Caldwell, Davies, Gentry, Holt and Nodaway Counties:	8.67	.35	.12	.72		8.67	.35	.12	.72	
Electrical contracts over \$10,000.00										
Electrical contracts \$10,000.00 and under	8.44	.35	.12	.72		8.44	.35	.12	.72	
Atchison, Grundy, Harrison, Livingston, Mercer and Worth Counties:	9.03	.35	.12	.72		9.03	.35	.12	.72	
Electrical contracts over \$10,000.00										
Electrical contracts \$10,000.00 and under	8.44	.35	.12	.72		8.44	.35	.12	.72	
Barry, Barton, Cedar, DeKalb, Lawrence, McDonald, Newton, St. Clair and Vernon Counties:	7.50	.25	.12			7.50	.25	.12		
Electricians	7.85	.25	.12			7.85	.25	.12		
Cable splicers										
Adair (except Calvary Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Monticue, Osage, Phelps and Randolph Counties:	8.00	.25	.12	.72 + .25		8.00	.25	.12	.72 + .25	
Electricians	8.25	.25	.12	.72 + .25		8.25	.25	.12	.72 + .25	
Cable splicers										
IRONWORKERS:										
Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Francois, Ste. Genevieve, Texas, Warren, Washington and Wright Counties:	8.625	.50	.60			8.625	.50	.60	.05	
Structural; ornamental; & reinforcing										
Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll,										

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IRONWORKERS: (Cont'd)	Fringe Benefits Payments					Basic Hourly Rates
	H & W	Pensions	Vacation	App. Tr.	Others	
Cedar, Charlton, Clinton, Cooper, Dallas, Davies, Dekalb, Gentry, Grady, Harrison, Henry, Hickory, Holt, Howard, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Monticau, Morgan, Nodaway, Pettis, Polk, Putnam, Randolph, St. Clair, Saline, Sullivan, Vernon and Worth Counties: Structural; ornamental; & reinforcing	.50	.55	.80	.05		\$8.50
Christian, Dade, Douglas, Greene and Webster Counties: Structural; ornamental; & reinforcing	.50	.55	.80	.05		8.375
Barry, Lawrence, McDonald, Newton and Stone Counties: Structural; ornamental; & reinforcing	.30	.35		.05		7.74
Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties: Structural; ornamental; & reinforcing	.30	.30				7.65
Howell, Oregon, Ozark and Taney Counties: Structural; ornamental; & reinforcing	.25	.25		.02		6.58
Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties: Structural; ornamental; & reinforcing	.15	.50		.02		7.25
LINE CONSTRUCTION:						
Bates, Benton, Carroll, Henry, Johnson, Lafayette, Pettis and Saline Counties: Lineman	.15	12 + .15		1/22		7.95
Lineman Operator	.15	12 + .15		1/22		7.30
Lineman Mechanic	.15	12 + .15		1/22		6.37
Groundman Powderman	.15	12 + .15		1/22		5.47
Groundman	.15	12 + .15		1/22		5.19
Groundman (1st year)				1/22		4.79
LINE CONSTRUCTION: (Cont'd)						
Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, De Kalb, De Kalb, Dekalb, Douglas, Grady, Grady, Grundy, Harrison, Hickory, Holt, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, North and Wright Counties: Lineman	.15	12 + .15				\$7.60
Lineman Operator	.15	12 + .15				7.60
Lineman Mechanic	.15	12 + .15				6.01
Groundman Powderman	.15	12 + .15				5.21
Groundman	.15	12 + .15				4.83
Groundman (1st year)						3.95
Crawford, Franklin, Iron, Jefferson, Reynolds, St. Francois and Washington Counties: Lineman & Cable Splicers	.32	12	12	1/42	1/22	8.07
Groundman - winch driver	.32	12	12	1/42	1/22	6.05
Groundman - driver	.32	12	12	1/42	1/22	4.75
Equipment operator	.32	12	12	1/42	1/22	4.75
Groundman - 1st 12 mos.	.32	12	12	1/42	1/22	4.93
Groundman - next 12 mos.	.32	12	12	1/42	1/22	5.37
Groundman - thereafter	.32	12	12	1/42	1/22	5.83
Adair, Audrain, Boone, Callaway, Camden, Carter, Charlton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Monticau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Putnam, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties: Lineman & Cable Splicers	.32	12	12	1/42	1/22	7.80
Groundman - winch driver	.32	12	12	1/42	1/22	5.68
Groundman - driver	.32	12	12	1/42	1/22	5.40
Equipment Operator	.32	12	12	1/42	1/22	7.01
Groundman - 1st 6 mos.	.32	12	12	1/42	1/22	4.23
						5.19

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LINE CONSTRUCTION: (Cont'd)											
Basic Hourly Rates	Fringe Benefits Payments					App. Tr.	Others				
	H & W	Pensions	Vacation	App. Tr.	Others						
Adair, Audrain, Boone, Callaway, Camden, Carter, Charlton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Monticau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Putnam, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties: (Cont'd)											
Groundman - next 12 mos.	\$4.43	32	12	1/42	1/22						
Groundman - next 12 mos.	4.96	32	12	1/42	1/22						
Groundman - thereafter	5.41	32	12	1/42	1/22						
Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties:											
Lineman	8.41	25	12		.252						
Groundman - Class I	7.18	25	12		.252						
Groundman - Class II	5.88	25	12		.252						
Groundman - Class A	5.36	25	12		.252						
Groundman - 1st 6 mos.	5.12	25	12		.252						
PAINTERS:											
Bates, Caldwell, Carroll, Clinton, Davies, Grady, Harrison, Henry, Johnson, Lafayette, Livingston and Mercer Counties:											
Brush	7.77	30	35								
Spray	8.77	30	35								
Bollinger, Cape Girardeau, Dunklin, Scott, Stoddard, Mississippi, New Madrid and Pemiscot Counties:											
Brush	5.95		10								
Spray	6.70		10								
Lincoln and Pike Counties:											
Brush	6.05										
Spray and Sandblasting	6.35										
Jefferson County:											
Brush	7.635	20	30	21							
Spray	9.135	20	30	21							
PAINTERS: (Cont'd)											
Camden, Crawford, Dent, Laclede, Maries, Miller, Phelps, Pulaski and Texas Counties:											
Brush or roller	\$6.50	35	20								
Spray, Structural steel and Sandblasting	9.75	35	20								
Benton, Cooper, Monticau, Morgan, Pettie and Saline Counties:											
Brush	5.25										
Spray	6.25										
Taping machine: Swing Stages; Window Jacks; Storage bins & storage tanks under ground or above ground over 40 ft. in depth; Sandblasting: All work performed on bridges; Bridges 75 ft. in height	6.00										
All structural steel over 50 ft. in height	6.25										
Andrew, Atchison, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties:											
Brush	7.25	20	35								
Spray	8.00	20	35								
Structural steel 30 ft. or more	7.65	20	35								
Adair, Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties:											
Brush	5.25										
Spray	5.75										
Contracts under \$35,000.00:											
Brush	3.25										
Spray	3.60										
Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties											
Brush	5.95	15									
Audrain, Boone, Callaway, Charlton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties:											
Brush	7.40		20								
Spray	7.90		20								

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Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Tr.
\$7.175	.40	.40		.10
7.325	.40	.40		.10
7.475	.40	.40		.10

## LABORERS:

Buchanan and Lafayette Counties

## General Labor

Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers

## First Semi-Skill

Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; George Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffin Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzlemans.

## Second Semi-Skill

Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; and Willow Mat Weavers and Cable Ties on River Work; Deck Hands; Pile Dike and on Underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Note Men working six (6) feet or less below ground; Men Working in Coffin Dams for Bridge Piers and Footings in the River

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Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Tr.
\$7.15				
7.65				

## PAINTERS: (Cont'd)

Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties: - Brush; bridge & construction steel Spray

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Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Tr.
\$6.075	.40	.40		.10
6.225	.40	.40		.10

## LABORERS:

Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Mecon, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties

## General Labor

Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers

## First Semi-Skill

Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; George Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffin Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzlemans

## Second Semi-Skill

Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers;

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Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Tr.
7.675	.40	.40		.10
7.925	.40	.40		.10

## LABORERS: (Cont'd)

Buchanan and Lafayette Counties

## Third Semi-Skill

Laser Beam Man; Asphalt Raker; Barco Tamp; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunneling; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalars working from scaffolds, Booms' Chairs or over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.

## Fourth Semi-Skill

Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder

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Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.		H & W	Pensions	Vacation	App. Tr.
LABORERS:									
Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and North Counties									
General Labor									
Carpenter Tenders; Salamander Tenders; Dump Men and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers									
\$5.325	.40	.40		.10					
First Semi-Skill									
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Men on Earth Fill; Georgie Buggie Men; Material Hopper Men; Scale Men; Spreader on Asphalt Machine; Material Mixer Men (except on manholes); Coffey Dam; Riptop Pavers - Rock, Block or Brick; Signal Men; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzlem									
5.475	.40	.40		.10					
Second Semi-Skill									
Asphalt Plant Platform Men; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers;									

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Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Cont'd)									
Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and North Counties									
Second Semi-Skill (Cont'd)									
Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Cofferdams for Bridge Piers and Footings in the River.	5.625	.40	.40	.10					
Third Semi-Skill									
Laser Beam Men; Asphalt Raker; Barco Taper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Men; Form Setters; Liners and Stringline Men on Concrete Paving; Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operator; Manhole Builder; Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Men; Screed Men on Asphalt Machine; Chain or Concrete Saw; Cliff Scalars working from scaffolds, Booms' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	5.825	.40	.40	.10					
Fourth Semi-Skill									
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	6.075	.40	.40	.10					
LABORERS:									
Franklin, Jefferson, Lincoln, Warren and Washington Counties									
General Labor									
Carpenter Tenders; Salamander Tenders; Dump Men and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers	6.925	.30	.40	.10					
First Semi-Skill									
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Men on Earth Fill; Georgie Buggie Men; Material Batch Hopper Men; Scale Men; Spread-er on Asphalt Machine; Material Mixer Man (except on manholes); Coffey Dams; Riptop Pavers - Rock, Block or Brick; Signal Men; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzlem	7.075	.30	.40	.10					
Second Semi-Skill									
Asphalt Plant Platform Men; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Men on Pipe and Ditch Work; Vibrator Men; Feeder Men on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck									

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LABORERS: (Cont'd)

Franklin, Jefferson, Lincoln, Warren and Washington Counties

Second Semi-Skill (Cont'd)  
Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men working in Cofferdams for Bridge Piers and Footings in the River.

Third Semi-Skill  
Laser Beam Men; Asphalt Raker; Barco Taper; Jackson of any other similar Tamp; Wagon Drillers; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Men; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettlemen; Hot Tar Applicators; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting Concrete; Air Tool Operator Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Booms' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.

Fourth Semi-Skill

Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
7.225	.30	.40		.10	
7.425	.30	.40		.10	
7.675	.30	.40		.10	

LABORERS:

Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Madison, Maries, Marion, Miller, Mississippi, Monticello, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve and Scott Counties

General Labor  
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.

First Semi-Skill

Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; George Bugle Men; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffey Dams; Mop Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other Pipe Lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzlemans.

Second Semi-Skill

Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of

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Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
\$6.025	.30	.40		.10	
6.175	.30	.40		.10	

LABORERS: (Cont'd)

Audrain, Bollinger, Boone, Callaway; Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Madison, Maries, Marion, Miller, Mississippi, Monticello, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve and Scott Counties

Second Semi-Skill (Cont'd)

Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Cofferdams for Bridge Piers and Footings in the River.

Third Semi-Skill

Laser Beam Men; Asphalt Raker; Barco Taper; Jackson of any other similar Tamp; Wagon Drillers; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Men; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettlemen; Hot Tar Applicators; Hand Blade Operators; Manhole Builders and Mortar Men on Brick or Block Manholes; Sand Blasting Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Booms' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.

Fourth Semi-Skill

Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
6.325	.30	.40		.10	
6.525	.30	.40		.10	
6.775	.30	.40		.10	

LABORERS:

Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties

General Labor

Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.

First Semi-Skill

Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; George Bugle Men; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffey Dams; Mop Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other Pipe Lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzlemans.

Second Semi-Skill

Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
\$5.725	.30	.40		.10	
5.875	.30	.40		.10	

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## LABORERS: (Cont'd)

Adair, Butler, Carter, Clark, Dunklin,  
Howell, Knox, Lewis, Linn, Macon,  
Oregon, Putnam, Ripley, Schuyler,  
Scotland, Shelby, Shannon, Stoddard,  
Sullivan, Texas and Wayne Counties

**Second Semi-Skill (Cont'd)**  
Dike and Revestment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffin Dams for Bridge Piers and Footings in the River.

### Third Semi-Skill

1. Lazer Beam Man; Asphalt Rater; Barco  
 2. Tamp; Jackson; or any other smaller  
 3. Tamp; Wagon Driller; Churn Drills;  
 4. Air Track Drills and all other sim-  
 5. ilar Drills; Cutting Torch Man; For-  
 6. m Setter; Liners and Stringline Men or  
 7. Concrete Paving, Curb, Gutters, etc.;  
 8. Hot Mastic Ketting; Hot Tar Appli-  
 9. cator; Hand Blade Operator; Manhole  
 10. Builder Helpers and Mortar Men  
 11. Brick or Block Manholes; Sand Blast-  
 12. ing and Gunite Muzzle Men; Rubbing  
 13. Concrete; Air Tool Operator in Tun-  
 14. nels; Caulker and Lead Man; Scream  
 15. Man on Asphalt Machine; Chain or  
 16. Concrete Saw; Cliff Scales working  
 17. from scaffolds, Bosuns' Chairs or  
 18. Platforms on Dams or Power plants  
 19. over Ten (10) Feet above Ground.  
 20. Grade Checker on Cuts and Fills.

#### Fourth Semi-Skill

**Manhole Builders - Brick or Block;  
Dynamite and Powder Men; Welder**

Basic Hourly Rate	Fringe Benefit Payments				
	H & W	Pensions	Vacation	App. Tr.	Others
6.025	.30	.40		.10	
6.225	.30	.40		.10	
6.475	.30	.40		.10	

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Basic Monthly Rate	Fringe Benefits Payments				
	H & W	Pension	Vacation	Life Ins.	Other
8.30	.35	.40		.02	
8.30	.35	.40		.02	

## POWER EQUIPMENT OPERATORS (Cont'd)

Franklin, Jefferson, Lincoln, and  
Warren Counties

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pension	Vacation	App. Tr.	Others
8.10	.35	.40		.02	
7.50	.35	.40		.02	
8.75	.35	.40		.02	
9.00	.35	.40		.02	

**POWER EQUIPMENT OPERATORS:**

**Buchanan, Clinton and Lafayette  
Counties**

Basic Hourly Rate	Fringe Benefits Payments			
	W & V	Pensions	Vacation	App. Tr.
9.30	.50	.50		.05
9.10	.50	.50		.05

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POWER EQUIPMENT OPERATORS: (Cont'd)  
Buchanan, Clinton and Lafayette  
Counties

Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Cleft Plane Operator; Conveyor Maintainer; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman - Rig; Flex Plane Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator; other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator; Self-propelled (not asphalt); Tank Car Heater Operator (Combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ullac, Ullric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator; 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)

Oilier

Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rig or pile-drivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums

Tandem Scoop Operator; Crane, rig or pile-drivers, 200' of boom or over (incl. jib)

Basic Hourly Rates	Fringe Benefits Payments				Others
	M & W	Pensions	Vacation	App. Tr.	
8.90	.50	.50			
8.15	.50	.50			
9.55	.50	.50			
9.80	.50	.50			
11.15					

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POWER EQUIPMENT OPERATORS:  
Christian, Greene, Lawrence and  
Taney Counties

Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Dragline Machine; Dredge Engineer; Dredge Operator; Drill Cat with Compensator mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; High loader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Pile-driver Operator; Pitman Crane Operator; Sidboom Cats; Skinner Scoop Operator; Trenching Machine Operator; Truck Crane

A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dam); Chip Spreader; Compresor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Flat; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcuter Machine; Threshing Machine; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck

Basic Hourly Rates	Fringe Benefits Payments				Others
	M & W	Pensions	Vacation	App. Tr.	
\$8.05	.40	.25			.02
7.70	.40	.25			.02
11.15					

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POWER EQUIPMENT OPERATORS: (Cont'd)  
Christian, Greene, Lawrence and  
Taney Counties

Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Cleft Plane Operator; Conveyor Maintenance Operator; Finishing Machine; Distributor Operator; Fireman - Rig; Flex Plane Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator; Self-propelled (not asphalt); Tank Car Heater Operator (Combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ullac, Ullric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator; 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)

Oilier

Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rig or pile-drivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums

Tandem Scoop Operator; Crane, rig or pile-drivers, 200' of boom or over (incl. jib)

Basic Hourly Rates	Fringe Benefits Payments				Others
	M & W	Pensions	Vacation	App. Tr.	
7.50	.40	.25			
6.75	.40	.25			
8.30	.40	.25			
8.55	.40	.25			
11.15					

POWER EQUIPMENT OPERATORS:

Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Davies, Dekalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Kim, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties

Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Dragline Machine; Dredge Engineer; Dredge Operator; Drill Cat with Compensator mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; High loader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Pile-driver Operator; Pitman Crane Operator; Sidboom Cats; Skinner Scoop Operator; Trenching Machine Operator; Truck Crane

A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dam); Chip Spreader; Compresor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Flat; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcuter Machine; Threshing Machine; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck

Basic Hourly Rates	Fringe Benefits Payments				Others
	M & W	Pensions	Vacation	App. Tr.	
\$8.35	.40	.40			.05
8.00	.40	.40			.05
11.15					

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Basic Hourly Rates	Fringe Benefits Payments				Other
	H & V	Pensions	Vacation	App. Tr.	
7.50	.40	.25		.02	
6.75	.40	.25		.02	
8.30	.40	.25		.02	
8.55	.40	.25		.02	

## POWER EQUIPMENT OPERATORS: (Cont'd)

Barty, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Oark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties

Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Chief Plane Operator; Concrete Maintenance Operator; 1; Concrete Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Hip; Flat Beam Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator; other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator; Self-propelled (not asphalt); Tank Car Water Operator (Combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)

Oiler  
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Gravel - 3 yds. & over; Crane, rig or pile-drivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums

Tandem Scoop Operator; Crane, rig or pile-drivers, 200' of boom or over (incl. jib)

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Basic Hourly Rates	Fringe Benefits Payments				Other
	H & V	Pensions	Vacation	App. Tr.	
86.05	.40	.25		.02	
7.70	.40	.25		.02	

## POWER EQUIPMENT OPERATORS:

Barty, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Oark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties

Asphalt finishing machines & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Gravel Machine Operator; Concrete Mixer Paver; Crane Operator; Derrick or Berrick Trucks; Ditching Machine; Dredge Operator; Dredge Operator; Drill Cat with Compresor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; High loader; Hoisting Engine - 2 active drums; Launching Wheel; Locomotive Operator - standard gauge; Mechanic and Welder; Rucking Machine Operator; Sidesoon Gate; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane

A-Frame; Asphalt Roller Operator; Asphalt Plant Mixer Operator; Asphalt Plant Mixer Operator; Backhoe Operator; Bar-Gravel Loader; Boat Operator (Bridge Machine); Chip Spreader; Concrete Maintenance Operator; Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Concrete Operator; Dredge Operator; Elevating Grader Operator; Fork lift; Gravel Machine; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multi-Boom Operator; Paving Machine; Paving Machine; Self-propelled; Roller; Skip Form Finishing Machine; Skimmer Scoop Operator; The Still Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck

AQ-1, P. 37

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & V	Pensions	Vacation	App. Tr.	
7.95					
8.10					
7.95					
7.95					
7.95					
8.10					
8.17					
8.17					
8.06					
7.95					
8.17					
8.10					
8.17					
8.17					
7.85					

## TRUCK DRIVERS:

Lincoln and Warren Counties

Flat bed trucks - single axle  
Flat bed trucks - tandem axle  
Station wagons  
Pickup trucks  
Material trucks - single axle  
Material trucks - tandem axle  
Semi and/or pole trailers  
Winch, fork and steel trucks  
Distributor drivers and operators  
Agitator and transit mix trucks  
Tank wagon - single axle  
Tank wagon - semi-trailer  
Tank wagon - tandem axle  
Insley wagons, dumpsters, half trucks, speeders, euclids, and other similar equipment  
A-frame and derrick trucks  
Float or low boy  
Warehouseman

AQ-1, P. 36

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & V	Pensions	Vacation	App. Tr.	
8.50					
8.65					
8.50					
8.50					
8.50					
8.65					
8.72					
8.72					
8.61					
8.72					
8.50					
8.65					
8.72					
8.72					
8.40					

## TRUCK DRIVERS:

Franklin and Jefferson Counties

Flat bed trucks - single axle  
Flat bed trucks - tandem axle  
Station wagons  
Pickup trucks  
Material trucks - single axle  
Material trucks - tandem axle  
Semi and/or pole trailers  
Winch, fork and steel trucks  
Distributor drivers and operators  
Agitator and transit mix trucks  
Tank wagon - single axle  
Tank wagon - semi-trailer  
Tank wagon - tandem axle  
Insley wagons, dumpsters, half trucks, speeders, euclids, and other similar equipment  
A-frame and derrick trucks  
Float or low boy  
Warehouseman



AQ-1, P. 39

AQ-1, P. 38

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
Buchanan and Lafayette Counties						
Flat bed trucks - single axle	\$7.94	.50	.50			
Flat bed trucks - tandem axle	8.09	.50	.50			
Station wagons	7.94	.50	.50			
Pickup trucks	7.94	.50	.50			
Material trucks - single axle	7.94	.50	.50			
Material trucks - tandem axle	8.09	.50	.50			
Semi and/or pole trailers	8.16	.50	.50			
Winch, fork and steel trucks	8.16	.50	.50			
Distributor drivers and operators	8.16	.50	.50			
Agitator and transit mix trucks	8.03	.50	.50			
Tank wagon - single axle	7.94	.50	.50			
Tank wagon - semi-trailer	8.16	.50	.50			
Tank wagon - tandem axle	8.09	.50	.50			
Insley wagons, dumpsters, half trucks, speedace, euclids, and other similar equipment	8.16	.50	.50			
A-frame and derrick trucks	8.16	.50	.50			
Float or low boy	8.16	.50	.50			
Warehouseman	7.84	.50	.50			
TRUCK DRIVERS:						
Johnson County						
Flat bed trucks - single axle	\$7.94	.50	.50			
Flat bed trucks - tandem axle	8.09	.50	.50			
Station wagons	7.94	.50	.50			
Pickup trucks	7.94	.50	.50			
Material trucks - single axle	7.94	.50	.50			
Material trucks - tandem axle	8.09	.50	.50			
Semi and/or pole trailers	8.16	.50	.50			
Winch, fork and steel trucks	8.16	.50	.50			
Distributor drivers and operators	8.16	.50	.50			
Agitator and transit mix trucks	8.03	.50	.50			
Tank wagon - single axle	7.94	.50	.50			
Tank wagon - semi-trailer	8.16	.50	.50			
Tank wagon - tandem axle	8.09	.50	.50			
Insley wagons, dumpsters, half trucks, speedace, euclids, and other similar equipment	8.16	.50	.50			
A-frame and derrick trucks	8.16	.50	.50			
Float or low boy	8.16	.50	.50			
Warehouseman	7.84	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
Andrew, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Davless, DeKalb, Henry, Howard, Linn, Livingston, Pettis and Saline Counties						
Flat bed trucks - single axle	\$7.08	.50	.50			
Flat bed trucks - tandem axle	7.23	.50	.50			
Station wagons	7.08	.50	.50			
Pickup trucks	7.08	.50	.50			
Material trucks - single axle	7.08	.50	.50			
Material trucks - tandem axle	7.23	.50	.50			
Semi and/or pole trailers	7.35	.50	.50			
Winch, fork and steel trucks	7.35	.50	.50			
Distributor drivers and operators	7.35	.50	.50			
Agitator and transit mix trucks	7.24	.50	.50			
Tank wagon - single axle	7.35	.50	.50			
Tank wagon - semi-trailer	7.23	.50	.50			
Tank wagon - tandem axle	7.35	.50	.50			
Insley wagons, dumpsters, half trucks, speedace, euclids, and other similar equipment	7.35	.50	.50			
A-frame and derrick trucks	7.35	.50	.50			
Float or low boy	7.35	.50	.50			
Warehouseman	6.98	.50	.50			
TRUCK DRIVERS:						
Clinton County						
Flat bed trucks - single axle	\$7.08	.50	.50			
Flat bed trucks - tandem axle	7.23	.50	.50			
Station wagons	7.08	.50	.50			
Pickup trucks	7.08	.50	.50			
Material trucks - single axle	7.08	.50	.50			
Material trucks - tandem axle	7.23	.50	.50			
Semi and/or pole trailers	7.35	.50	.50			
Winch, fork and steel trucks	7.35	.50	.50			
Distributor drivers and operators	7.35	.50	.50			
Agitator and transit mix trucks	7.24	.50	.50			
Tank wagon - single axle	7.35	.50	.50			
Tank wagon - semi-trailer	7.23	.50	.50			
Tank wagon - tandem axle	7.35	.50	.50			
Insley wagons, dumpsters, half trucks, speedace, euclids, and other similar equipment	7.35	.50	.50			
A-frame and derrick trucks	7.35	.50	.50			
Float or low boy	7.35	.50	.50			
Warehouseman	6.98	.50	.50			

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## NOTICES

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Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:									
Adair, Barry, Butler, Clark, Dunklin, Howell, Knox, Lewis, McDonald, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone and Liney Counties									
					\$ 6.35	.50	.50		
					6.50	.50	.50		
					6.35	.50	.50		
					6.35	.50	.50		
					6.50	.50	.50		
					6.50	.50	.50		
					6.62	.50	.50		
					6.62	.50	.50		
					6.62	.50	.50		
					6.51	.50	.50		
					6.35	.50	.50		
					6.62	.50	.50		
					6.50	.50	.50		
					6.62	.50	.50		
					6.50	.50	.50		
					6.62	.50	.50		
					6.25	.50	.50		

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Fringe Benefits Payments	Fringe Benefits Payments			Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:									
Audain, Barton, Bollinger, Boone, Callaway, Camden, Cape Girardeau, Carter, Cedar, Christian, Coia, Crawford, Dade, Dallas, Dent, Douglas, Gasconade, Greene, Hickory, Iron, Laclede, Lawrence, Macon, Madison, Maries, Marion, Millet, Mississippi, Moniteau, Monroe, Montgomeri, Morgan, New Madrid, Newton, Osage, Pemisicot, Perry, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Counties									
Flat bed trucks - single axle	\$ 7.00	.50	.50						
Flat bed trucks - tandem axle	7.15	.50	.50						
Station wagons	7.00	.50	.50						
Pickup trucks	7.00	.50	.50						
Material trucks - single axle	7.15	.50	.50						
Material trucks - tandem axle	7.27	.50	.50						
Semi and/or pole trailers	7.27	.50	.50						
Winch, fork and steel trucks	7.27	.50	.50						
Distributor drivers and operators	7.27	.50	.50						
Agitator and transit mix trucks	7.16	.50	.50						
Tank wagon - single axle	7.00	.50	.50						
Tank wagon - semi-trailer	7.27	.50	.50						
Tank wagon - tandem axle	7.15	.50	.50						
Insley wagons, dumpsters, half trucks, speedace, euclids, and other similar equipment	7.27	.50	.50						
A-frame and derrick trucks	7.27	.50	.50						
Float or low boy	7.27	.50	.50						
Warehouseman	6.90								

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## NOTICES

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	H & W	Pensions	Vacation		
TRUCK DRIVERS:					
Atchison, Gentry, Grundy, Harrison, Holt, Mercer, Nodaway, Sullivan and Worth Counties					
Flat bed trucks - single axle	\$ 6.33	.50	.50		
Flat bed trucks - tandem axle	6.48	.50	.50		
Station wagons	6.33	.50	.50		
Pickup trucks	6.33	.50	.50		
Material trucks - single axle	6.48	.50	.50		
Material trucks - tandem axle	6.60	.50	.50		
Semi and/or pole trailers	6.60	.50	.50		
Winch, fork and steel trucks	6.60	.50	.50		
Distributor drivers and operators	6.60	.50	.50		
Agitator and transit mix trucks	6.49	.50	.50		
Tank wagon - single axle	6.33	.50	.50		
Tank wagon - semi-trailer	6.60	.50	.50		
Tank wagon - tandem axle	6.68	.50	.50		
Insley wagons, dumpsters, half trucks, speedace, euclids, and other similar equipment	6.60	.50	.50		
A-frame and derrick trucks	6.60	.50	.50		
Float or low boy	6.60	.50	.50		
Warehouseman	6.23				

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NEW DECISION

STATE: North Carolina  
DECISION NUMBER: AQ-4078  
COUNTY: See below  
DATE: Date of Publication  
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

61-PA-1-A

Basic Hourly Rates	Fringe Benefits Payments				O
	M & W	Pensions	Vacation	Asp. Tr.	
Air Conditioning Mechanic	\$4.35				
Bricklayers	5.50				
Carpenters	3.96				
Cement Masons	3.59				
Dry Wall Finisher	5.00				
Dry Wall Hanger	5.00				
Electricians	4.80				
Glaziers	2.90				
Laborers	2.75				
Mason Tenders	2.75				
Mortar Mixers	2.75				
Painters, brush	3.39				
Plumbers & Pipefitters	5.75				
Roofers	3.13				
Sheet Metal Workers	4.35				
Soft Floor Layers	4.02				
Tile Setters	4.39				
Truck Drivers	2.75				
Welders-rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt Paver	3.00				
Backhoe	3.50				
Bulldozer	2.75				
Forklift Operators	3.41				
Front End Loader	3.00				
Motor Grader	3.50				
Paving Machine Operator	3.18				
Roller	2.93				
Tractor Operator	3.50				

STATE: North Carolina  
DECISION NUMBER: AQ-4079  
COUNTY: See below  
DATE: Date of Publication  
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

74-R-NC-1-C

Basic Hourly Rates	Fringe Benefits Payments				A or Tr.
	M & W	Pensions	Vacation	Asp. Tr.	
Air Conditioning & Heating Mechanic	\$3.00				
Bricklayers	2.00				
Carpenters	3.15				
Cement Masons	3.36				
Drywall Finisher	4.00				
Drywall Hanger	2.75				
Electricians	3.39				
Laborers	2.00				
Mason Tenders	2.16				
Mortar Mixers	3.00				
Pipelayers	2.50				
Painters, brush	3.13				
Plasterers	4.26				
Plumbers & Pipefitters	3.70				
Roofers	3.34				
Sheet Metal Workers	3.11				
Soft Floor Layers	2.75				
Tile Setters	3.50				
Truck Drivers	2.30				
Welders-rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	2.74				
Bulldozer	3.06				
Cranes, derricks, draglines	3.20				
Front End Loader	3.25				
Mechanic	3.66				
Motor Grader	3.00				
Paver Operator	3.50				
Roller	2.81				
Scraper	3.50				
Tractor	2.40				

NEW DECISIONS

State: Pennsylvania  
Decision No.: AQ-2043  
COUNTY: Venango  
Date of Publication  
Description of Work: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				Others
	M & W	Pensions	Vacation	Asp. Tr.	
Asbestos workers	\$9.69	.30			.04
Boilers	9.07	7%			.01
Bricklayers					
Cement masons, marble setters, plasterers, stonemasons, terra cotta workers & tile setters	8.60	.35			
Carpenters & soft floor layers	7.60	.25	.15		
Electricians	9.10	.27	.09	d	.02
Elevator constructors	8.51	.345	.23	274+4b	.015
Elevator constructors' helpers	70% of JR	.345	.23	274+4b	.015
Elevator constructors' helpers (prob.)	50% of JR		.20		
Glaziers	8.45	.35	.10		.03
Laborers	8.87	.40	.40		
Unskilled	6.25				
Air tool op., jackhammer, drill runner, mortar mixer, scaffold builder, hod carriers	6.40	.40	.40		
Mason tenders, pipelayers, bot-ton man (10' below grade)	6.35	.40	.40		
Blasters	6.60	.40	.40		
Blasters, wagon drill operator	6.80	.40	.40		
Powered wheel-barrows & buggies	6.325	.40	.40		
Burner (demolition):					
Groundman	6.50	.40	.40		
High climber	6.75	.40	.40		
When working on piers, trenches, open coffer dams & caissons at depths more than 10' below the lowest adjacent grade:					
Jackhammerman & drillman	6.55	.40	.40	c	.01
Leadburners	8.75	.30			
Line Construction:					
Lineman, cable splicer	9.04	.20	1%		
Groundman - truck driver	6.41	.20	1%		
Groundman	6.15	.20	1%		
Painters:					
Brush	7.10	.35	.35		.01
Roller	7.40	.35	.35		.01
Spray	8.10	.35	.35		.01

BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				Others
	M & W	Pensions	Vacation	Asp. Tr.	
Piledriverman	\$9.27	5%	7%		.50 of 1%
Plumbers & Steamfitters:					
Contracts under \$10,000	7.58	.44	.45		.04
Contracts over \$10,000	8.09	.44	.45		.04
Roofers	7.20	.30	.30		.03
Sheet metal workers	8.425	.65	.85		.07
Sprinkler fitters	9.05	.40	.60		
Welders - rate for craft					
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTES:					
a. Employer contributes 4% basic hourly rate for 5 years or more of service on 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.					
b. Six paid holidays: A through F.					
c. Nine paid holidays: A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.					
d. Paid Holidays: Thanksgiving Day and Labor Day.					



AQ-2,043 P. 4

AQ-2,043 P. 3

PA-42-PEO-1-E						1 of 3	
Basic Hourly Rates	Fringe Benefits Payments				H & W	Apr. 7	
	Pension	Vacation	Apr. 7	Crit			
BUILDING CONSTRUCTION							
POWER EQUIPMENT OPERATORS:							
Austin-Western or similar type up to 25 ton, auto grader (OH or sim. ar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick (all travel) (self-propelled), derrick (all types), derrick boats, dragline, dredge, engine-maintenance tank or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-hod (single cage with Chicago boom attached, hoist 50 ft. or over), hoist (all types), hop-to or similar type with 360 swing, local, hoisting scoop, motor chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpcrete-mobiles or similar type, Quad Nine, shovels (all type), slip form paver (OH or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley							
\$9.175					.35	.50	
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure)							
9.425					.35	.50	
9.675					.35	.50	
9.925					.35	.50	
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead							
Cranes (boom or mast over 200 ft.)							
FOOTNOTES:							
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterans Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.							

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AQ-2,043 P. 5

PA-42-PEO-1-E		2 of 3			
Basic Hourly Rates	Fringe Benefits Payments				Apr. 7
	H & W	Pension	Vacation		
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS (CONT'D):					
	Asphalt plant op., at-hy loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor & air tugger, compressor & gunite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and screening plants, drillcore (truck or skid mounted), drill-shovel or similar type, drill-well loader (truck mounted), elevator bucket loader, excavating equipment (all other), fork-lift-bull or similar, generators-2, grader, grader-elevating, graser-equipment (hand), hi-liftless than 4 yds., hoist-one drum (4 floors or over), hoist-hod (logs, 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving machine, refrigration plant, rose carrier (or similar type), scoop (single bowl) self-powered & tractor (drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 h.p. or over) paver op., asphalt (spreader), pumpcrete machine op., (stationary), tire repairman, welder (repairman)				
\$9.025	.35		.50		.04
8.55	.35		.50		.04
Conveyors & units or more					
Offier, compactor (ridden or self-propelled)					
Concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill and horizontal (self-propelled and self-contained), elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement					

FEDERAL REGISTER, VOL. 39, NO. 37—FRIDAY, FEBRUARY 22, 1974



State: Pennsylvania  
Decision No.: AQ-2044  
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)  
County: Northumberland  
Date of Publication

## BUILDING CONSTRUCTION

## BUILDING CONSTRUCTION

49-34-1-4

Basic Hourly Rate	H & W	Fringe Benefits Payments				Others
		Pensions	Vacation	App. Tr.		
\$8.49	.50	.35	.25	.01		
9.12	.50	1.00	.25	.01		
8.50	.30					
8.30	.30					
7.65	.25	.25		.02		
7.90						
8.54	.23	.08	.30	.02		
8.80	.20	1 1/4 .20				
	.25					
7.32	.20	.10		.01		
5.64	.20	.10		.01		
8.46	.64	1.06		.05		
5.51	.20	.25				
5.85	.20	.25				
7.71	.25	.25		.01		
8.32	.20					
6.25						
6.55						
6.20		.20				
6.50		.20				
4.85						
5.50						
9.42	1.23	.55		.07		
6.60	.16	.10				
7.60	.50	.40		.04		
8.55	.30	.50		.04		
8.55	.30	.50		.04		
9.05	.40	.60		.07		
7.87	.25	.30		.04		
7.69	.25	.25		.02		
Asbestos workers Boilermakers Bricklayers & Stonemasons Carpenters Cement masons Electricians Delaware, Lewis & Trubet Remainder of County Glaziers Eggezell, Ralph, Nulpmont, Coal, Harlan Heights Taps; Remainder of County Ironworkers Laborers of Susquehanna River North of Susquehanna River South of Susquehanna River Lathers Marble & Tile Setters Painters; Shankin Brush Steel North of Susquehanna River Brush Steel Remainder of County Brush Steel Piledrivers Roofers: Coal, East Cameron, Jackson, Jordan, Little Mahony, Lower Augusta, Upper Mahony, Point Rockfield, Shannock, Upper Mahony, Washington, West Cam- ron, Zarbe Composition Remainder of County Composition Plumbers Steamfitters Sprinkler fitters Sheetmetal Soft floor layers Welders; Residue rate for craft						

## NOTICES

**POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION**

Basic Hourly Rates		M & V	Pensions	Vacation	Apr. Tr.	OTH
		Fringe Benefits Payments				
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION						1 of 2
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	\$9.44	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
ALL types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two toners, pavers 212 and over, all types of overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-3 1/2 cu. yd. and over, tandem scrapers, pipin type backhoes, boat captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors, building hoists (single drum) scrapers and tounspulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-1/2 cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a	1.2%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above	7.50	4.6%	9.5%	a	1.2%	
WAGE GROUP V						
Fitterman, grease truck	7.02	4.6%	9.5%	c	1.2%	
WAGE GROUP VI						
Oilers and deck hands (personal boats), core drill helper	6.10	4.6%	9.5%	a	1.2%	

**POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION  
(CONTINUE)**

Basic Hourly Rates		H & W	Pensions	Vacation	App. Tr.
\$9.69		4.6%	9.5%		1.2%
9.94		4.6%	9.5%		1.2%
10.94		4.6%	9.5%		1.2%

PAID HOLIDAYS: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

FOOTNOTE:  
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

## NOTICES



MODIFICATIONS P. 2

Basic Hourly Rates	Fringe Benefits Payments				Deductions
	H & W	Pension	Vacation	App. Tr.	
DECISION #AQ-1027 - Mod. #2 (39 FR 29155 - October 19, 1973) Mobile County, Alabama Change: Carpenters Electricians Glaziers Soft floor layers Omit: Footnote: e. Holiday F	.30 .30 .30 .30 .30	.24 .25 .30	.125 .125 .30	.036%	
DECISION #Q-1024 - Mod. #2 (38 FR 32244 - November 23, 1972) Jefferson County, Alabama Change: Carpenters & Soft floor layers Millwrights Piledrivers Cement masons Painters: Brush Structural, steel and spray Paperhangers Plasterers Roofers Tile setters & terrazzo workers	6.90 8.25 7.10 6.73 6.70 7.20 8.85 5.72 6.65	.35 .35 .30 .30 .30 .30 .30 .30 .30	.20 .20 .20 .20 .30 .30 .30 .20	.06 .06 .06 .05	

Basic Hourly Rates	Fringe Benefits Payments				Deductions
	H & W	Pension	Vacation	App. Tr.	
DECISION #AQ-1053 - Mod. #1 (39 FR 14301 - February 1, 1974) Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliot, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Letcher, Lewis, Madison, Marion, Mason, Meade, Mercer, Oldham, Owen, Robertson, Roan, Scott, Shelby, Spencer, Trimble, Washington and Woodford Counties, Kentucky Change: Heavy and Highway Construction Cement Masons Electricians Ironmen, Linemen, Cable splicers Carpenters Painters: Brush and Roller Sandblasting Spray Pipefitters Plumbers Sheet Metal Workers	\$6.28 9.39 5.62 7.24 7.59 7.69 9.25 9.32 8.95	.40 .29 .29 .25 .25 .25 .30 .33 .60	.40 .40 .40 .10 .10 .10 .60 .50 .60		.05 .05 .05 .03 .03 .03 .07 .07 .03

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MODIFICATIONS P. 3

Basic Hourly Rates	Fringe Benefits Payments				Deductions
	H & W	Pension	Vacation	App. Tr.	
DECISION #AQ-3074 - Mod. #1 (39 FR 3415 - January 25, 1974) Rockingham County, New Hampshire CHANGE: Building Construction: Asbestos workers Carpenters: Salem: Carpenters and soft floor layers Ironworkers, structural, ornamental and reinforcing Painters: Atkinson, Brentwood, Danville, E. Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Kensington, Hampton, New Castle, Newfields, Newton, N. Hampton, Nottingham, Plaistow, Rye, Sandom, Seabrook, S. Hampton, Stratham and Northwood: Brush, rollers 9 inch Spray and tender Structural steel Steel 4 1/2" or more Salem: Brush Structural Spray Sheet metal workers	\$9.26 8.43 7.95  5.85 5.85 5.90 6.90 8.08 8.705 9.08 8.42	.60 .50 .50  .25 .25 .25 .62 .62 .62 .30	.65 .50 .90  .25 .25 .25 .60 .60 .60 .30	.01 .02 .02  .04 .04 .04 .02	

Basic Hourly Rates	Fringe Benefits Payments				Deductions
	H & W	Pension	Vacation	App. Tr.	
DECISION #AQ-3075 - Mod. #1 (39 FR 3418 - January 25, 1974) Rockingham County, New Hampshire CHANGE: Residential Construction: Asbestos workers Carpenters: Salem: Carpenters and soft floor layers Ironworkers, structural, ornamental and reinforcing Painters: Atkinson, Brentwood, Danville, E. Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton Falls, Kensington, Hampton, Kingston, New Castle, Newfields, Newton, N. Hampton, Nottingham, Plaistow, Portsmouth, Rye, Sandom, Seabrook, S. Hampton, Stratham and Northwood: Brush, rollers 9 inch Spray and tender Structural steel Structural steel 4 1/2" or more Salem: Brush Structural Spray Sheet metal workers	\$9.26 8.43 7.95  5.85 5.85 5.90 6.90 8.08 8.705 9.08 8.42	.60 .50 .50  .25 .25 .25 .62 .62 .62 .30	.65 .50 .90  .25 .25 .25 .60 .60 .60 .30	.01 .02 .02  .04 .04 .04 .02	

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## NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AQ-1064 - Mod. #1 (39 FR 4371 - February 1, 1974) Statewide, North Carolina					
Add: Carpenters' Helper Mechanics' Helper	\$2.59 2.49				
DECISION #AQ-2,053 - Mod. #1 (39 FR 3159 - February 8, 1974) Cumberland, Dauphin, Perry, Juniper, New Cumberland Depot in York County, Pennsylvania					
CHARGE: Painters: Brush Structural steel Spray Tank, bridge, stack Ladders	7.03 7.48 7.78 8.28 7.71	.20 .20 .20 .20 .25	.15 .15 .15 .15 .25		.01
DECISION #AQ-4065 - Mod. #1 (39 FR 4381 - February 1, 1974 Statewide, South Carolina					
ADD: Carpenters' Helper Mechanics' Helper	\$2.42 2.00				
DECISION #AQ-67 - Mod. #2 (38 FR 35577 - December 28, 1973) Harris County, Texas					
Change: Building Construction: Tile setters, marble masons, mosaic & terrazzo workers	\$6.78	.37	.25		
DECISION #AQ-69 - Mod. #1 (38 FR 35582 - December 28, 1973) Lubbock County, Texas					
Change: Building Construction: Bricklayers-Stonemasons	7.05				
DECISION #AQ-75 - Mod. #1 (39 FR 4384 - February 2, 1974) Amaratrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change: Building Construction: Power Equipment Operators: Light Equipment: Air Compressor, Pumps, Welding Machines, Throttle Valves, Tractor (Loader, under 1 yd.) with Backhoe; Go-devil; Mixers, 14 cu. ft. or over; Rollers, over 10 tons; Air Compressor & backhoe; 2 or more Boiler Trucks Winch Trucks Front End Scoopmobile, Loader & Payloader	6.15 6.05 6.01	.30 .30 .30	.35 .35 .35		.05 .05 .05

## NOTICES

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pension	Vacation	App. Tr.
Power Equipment Operators (Cont'd):				
Light Equipment (Cont'd):				
Light Grader, towed; Elevators, bulldozers; Fork Lifts; Hoists, portable; 1 line hoisting				
14 cu. ft.; Mixers, less than 14 cu. ft.; Rollers; Screening Plants; Crushing Plants;				
Tractors Wheel type except when hauling material; Truck Crane Driver and/or Operator				
Machine Helper; Welder Helper				
Fireman				
Crews				
Others, 1st year				
Others, 2nd year				
All other equipment of similar nature coming within the light class, when power operated.				
Heavy Equipment:				
Trailer Operator				
Blade Grader, self-propelled; Gravel Shovel; Cable Ways; Grapes power operated (all types); Air Compressors; Pumps; Rolling Machines & Light Plants; Derricks, power operated (all types); Drag Lines; Elevating Conveyors, self-propelled; Hoist, 2 drums or more; Locomotives; Automobiles; Paving Mixers, all types; Pile Drivers; Scrapers; Bulldozers; Side Boom; Cherry Pickers; Shovels; Heavy Duty Mechanics; All Welders; All Tractors with Power Attachments (Gravel Type); Mining Machines; Farm Type Tractor (Loader, 1 yd. & Over) with Buckhoe				
All other equipment of similar nature coming within the heavy class, when power operated.				



MODIFICATIONS P. 9

Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
		.74		.10
		.30		
		.30		
		£	£	
		£	£	
		£	£	
		£	£	
		£	£	
		£	£	
		£	£	
		£	£	

DECISION #AQ-2035 - Mod. #3  
(38 FR 3218 - December 21, 1973)  
Washington, D. C.

Change:  
Building Construction:  
Sheet Metal Workers  
Terrazzo & Mosaic Workers  
Tile Setters  
Truck Drivers  
Room trucks  
Small dump, water sprinkler,  
grease & oil  
Flat, pick-up hauling materials,  
small euclids, dump over 8  
wheels  
Trailers, low-boys, tractor pulls  
Helpers  
Carryalls, large euclids,  
euclid water sprinkler, tunnel  
work under ground  
Mechanics

Footnote:  
f. \$8.00 per week when employee has worked 90 days and works 3 days in a work week.  
Add:  
Footnote:  
j. One week's paid vacation providing employee has worked 3 years and a minimum of 1450 hours during any calendar year.

STATE: California

SUPPENSEDEAS DECISION

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba  
DATE: Date of Publication  
DECISION NUMBER: AQ-1087  
Supersedes Decision No. AQ-1059 dated November 30, 1973, 38 FR 3220.  
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.75	.90	.65	1.07	.06
7.95	.60	1.00	.50	.02
8.72	.85	.58	1.00	.05
9.65	.85	.65		.15
8.23	.42	.50		
9.15	.65	.60		
8.11	.73	.65	.75	.15
9.65	.85	.65		
8.47	.33	.15	1.00	.10
7.50	.50	.70	.65	
6.90	.65	1.35	.80	
5.90	.65	.65		
7.34	.65	.65	.80	
8.05	.50	.65		
5.65	.65	1.35	.50	
6.155	.395	1.35		
6.05	.65	1.35	.75	.02
8.25	.60	.80		
8.40	.60	.80	.75	.02
8.38	.60	.80	.75	.02
8.65	.60	.80		

ASBESTOS WORKERS  
ROOFERS  
BRICKLAYERS; Stonemasons:  
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties  
Alameda and Contra Costa Cos.  
Fresno, Mariposa and Merced Cos.  
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties  
Monterey and Santa Cruz Counties  
San Benito and Santa Clara Cos.  
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties  
BRICK TENDERS:  
Alameda and Contra Costa Cos.  
Marin County  
Mapa County  
San Benito, Santa Clara and Santa Cruz Counties  
San Francisco and San Mateo Cos.  
Shasta and Tehama Counties  
Alpine, Amador, Eldorado, Nevada Placer, Sacramento and Yolo Cos.  
Fresno County  
CARPENTERS:  
Carpenters  
Hardwood floor layers; Power saw operators; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors  
Piledrivers; Bridge, wharf and dock builders  
Millwrights

AQ-1087 P. 2

Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.13	.56	.75	.75	
7.38	.56	.75	.75	
7.38	.56	.75	.75	
8.37	.60	.55	.75	.04
8.85	.50	.42		
9.99	.50	.42		
8.85	.50	.42		
9.99	.50	.42		
9.38	.41	124.65		.045
10.32	.41	124.65		.045
8.96	.31	124.55		.045
9.86	.31	124.55		.045
9.84	.53	124.25		.03
10.82	.53	124.25		.03
6.68	.55	124.35		.005
9.14	.55	124.35		.005
10.05	.55	124.35		.005
9.00	.42	124.30		.005
9.90	.42	124.30		.005
9.00	.49	12		.01
10.13	.49	12		.01
9.80	.60	124.50		.02
11.05	.60	124.50		.02
8.60	.47	124.35		.01
9.29	.47	124.35		.01

CEMENT MASONS:  
Cement masons  
Mastic; Mergasite; All comp.  
men working from swinging or slip form scaffolds  
DRYWALL INSTALLERS:  
Electricians  
Alameda County  
Cable splicers  
Tunnel:  
Electricians  
Cable splicers  
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, Eldorado, Nevada, and Placer Counties West of the Main Sierra Mountain Watershed  
Electricians  
Cable splicers  
Tunnel:  
Electricians  
Cable splicers  
Lake Tahoe Area  
Electricians  
Shasta and Tehama Counties:  
Electricians (Family residences, limited to 3 stories)  
Electricians (4 stories):  
Electricians  
Cable splicers  
Tunnel:  
Electricians; Cable splicers; helpers  
Cable splicers  
Calaveras and San Joaquin Cos.  
Electricians  
Cable splicers  
Contra Costa County  
Electricians  
Cable splicers  
Del Norte and Humboldt Counties  
Electricians  
Cable splicers



	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Freano County	\$ 7.33	.50	11 + .60		.05
Electricians (family residences) not to exceed 2 stories)					
Electricians (3-4 stories):	9.36	.50	11 + .60		.05
Cable Splicers	9.76	.50	11 + .60		.05
Marin and Sonoma Counties					
Electricians	9.70	.40	11 + .20		.02
Cable splicers	10.60	.40	11 + .20		.02
Mariposa, Merced and Tuolumne Counties					
Electricians	9.83	.62	11		11
Cable splicers	10.81	.62	11		11
Monterey County					
Electricians	10.27	.55	11		.01
Cable splicers	11.35	.55	11		.01
Napa and Solano Counties					
Electricians	9.42	.58	11 + .30		.03
Cable splicers	9.92	.58	11 + .30		.03
San Benito, Santa Clara & Santa Cruz Counties					
Electricians	9.97	.45	11 + .35		.02
Cable splicers	11.22	.45	11 + .35		.02
San Francisco County					
Electricians	9.67	.705	11 + .50		.04
Cable splicers	10.88	.705	11 + .50		.04
San Mateo County					
Electricians	9.85	.69	11 + .25		.03
ELEVATOR CONSTRUCTORS	9.48	.345	.23 22 + a		.015
ELEVATOR CONSTRUCTORS' HELPERS	70KJR	.345	.23 22 + a		.015
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50KJR				
GLAZIERS:					
Alpine, Anador, Calaveras, Eldorado, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston), Counties of Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E of Fairfield), Sonoma Counties	7.77	.25	.55	82	.01
Merced (Remainder of County) and Freano County	8.435	.35	.55	.24	.01
IRONWORKERS:					
Del Norte and Humboldt Counties	7.68	.41	.55	.66	.05
Fence erectors	6.48	.35	.50	6.62	
Reinforcing	8.64	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
LATHENS:					
Alameda and Contra Costa Counties	7.84	.34	.385		.025
Humboldt, Nevada, Placer, Shasta and Tehama Counties	8.50	.48	.50		.01

	Basic Hourly Rates	Fringe Benefit Payments			
		M & W	Festivals	Vacation	App. Tr.
<b>PLASTERERS:</b>					
Alameda and Contra Costa Counties	\$ 8.24	.575	.45		.01
Sutter and Yuba Counties	7.85	.395	.50	1.00	.02
Fresno County	7.59	.56	.50		
Monterey County	8.03	.46	.35		.01
Eldorado, Nevada, Placer, Sacramento, and Yolo Counties	7.65	.245	.25	.65	
San Benito and Santa Clara Counties	7.63	.59	.50	.80	.01
San Francisco County	7.72	.48	.90	1.50	.02
San Mateo County	7.45	.43	.55	1.17	
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Cos.	7.55	.53	.35	1.00	.01
Mariposa, Merced and Tuolumne Counties	6.50	.65	.80	1.00	
<b>PLASTERERS' TENDER:</b>					
Alameda and Contra Costa Counties	7.97	.50	.80		.10
Fresno County	5.67	.65	1.35	.80	
Marin County	6.35	.65	.60	1.00	
Napa County	6.90	.65	.80	.80	
Alpine, Amador, Eldorado, Nevada, Placer, Sacramento and Yolo Counties	6.515	.395	1.35	.70	
San Francisco and San Mateo Counties	7.30	.50	.65	1.00	
San Benito, Santa Clara and Santa Cruz Counties	8.30	.60	.55		
Monterey County	6.42	.65	1.35	.80	
Shasta and Tehama Counties	5.65	.65	1.35	.80	
Tuolumne County	5.65	.65	1.35	.80	
<b>PLUMBERS:</b>					
Alameda County	10.23	.70	1.00		.10
Contra Costa County	10.02	.53	1.00		.16
<b>PLUMBERS: Steamfitters:</b>					
Amador (northern half of County), Eldorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area) and Lake Tahoe Area	9.36	.75	1.17		.11
Marin, San Francisco, and Sonoma Cos.	7.85	.53	.60	1.95	.07
San Benito and Santa Clara Counties	8.23	1.47	.705	.755	.135
San Benito and Santa Clara Counties	8.81	.61	.95	.72	.10
Del Norte and Humboldt Counties	8.02	.51	1.12	1.06	.05
San Mateo County	8.05	.635	.95	.97	.175
Alpine, Amador (So. portion of Co.), Calaveras, Fresno, Mariposa, Merced, Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties	9.00	1.08	1.23		.06
Napa and Solano Counties	9.40	.60	.58		.07



SHEET METAL WORKERS: (Cont'd)  
Amador, Eldorado, Nevada, Placer,  
Sacramento, Shasta, Sutter, Tehama,  
Yolo and Yuba Counties  
Fresno County  
Del Norte and Humboldt Counties  
Marin, Napa, Sonoma and Solano Cos.  
Mariposa, Merced and Tuolumne Cos.  
Monterey, San Benito, Santa Clara and  
Santa Cruz Counties  
San Francisco County  
San Mateo County  
SOFT FLOOR LAYERS:  
Alameda, Calaveras, Contra Costa,  
Napa and Solano Counties  
(east of the San Joaquin River),  
San Joaquin, Shasta, Sacramento,  
Sutter, Tehama, Tuolumne, Yolo and  
Yuba Counties and those portions of  
Eldorado, Nevada and Placer Counties  
(excluding Lake Tahoe Area)  
Lake Tahoe Area  
Fresno County  
Marin, San Francisco, San Mateo and  
Sonoma Counties  
Monterey, San Benito, Santa Clara and  
Santa Cruz Counties  
SPRINKLER FITTERS:  
Alameda, Contra Costa, Marin, Napa,  
San Francisco, San Mateo, Santa Clara,  
Solano and Sonoma Counties  
SPRINKLER FITTERS:  
Remaining Counties  
STEAMFITTERS:  
Alameda and Contra Costa Counties  
TERRAZZO WORKERS:  
Alameda, Contra Costa, Del Norte,  
Humboldt, Marin, Napa, San Francisco,  
San Mateo, Solano, Sonoma Counties  
Eldorado, Nevada, Placer, Sacramento,  
Shasta, Sutter, Tehama, Yolo and  
Yuba Counties  
Fresno County

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	M & W	Pensions	Vacation		
\$ 7.76	.46	1.00	12%	.07	
6.03	.38	.89	.80		
8.18	.38	.83		.15	
8.55	.36	.44		.03	
8.83	.36	.60			
8.45	.38	1.025	.845		
8.48	.38	.55		10%	
8.35	.38	.62		.02	
7.50	.36	.30	.29b	.05	
7.95	.675	.55	1.00	.08	
8.35	.30	.20			
8.80	.20				
7.60	.50	.55	c	.04	
7.39	.35	.30	.89	.05	
10.71	.30	.50		.02	
11.30	.40	.60		.07	
10.065	.75	1.25		.12	
8.21	.85	.58	1.00		
9.15	.65	.60			
7.72	.30				

TILE SETTERS:  
Alameda, Contra Costa, Del Norte,  
Humboldt, Marin, Napa, San Benito,  
San Francisco, San Mateo, Santa Clara,  
Solano and Sonoma Counties  
Alpine, Amador, Calaveras, San Joaquin  
Counties  
Eldorado, Nevada, Placer, Sacramento,  
Shasta, Sutter, Tehama, Yolo and  
Yuba Counties  
Fresno County  
Monterey and Santa Cruz County  
RIGGERS, WELDERS: Receive rate pre-  
scribed for craft performing operation  
to which rigging or welding is  
incidental.  
PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;  
F-Christmas Day.  
FOOTNOTES:  
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of  
basic hourly rate for 6 months to 5 years as Vacation Pay Credit. 6 Paid  
Holidays: A through F.  
b. 1st year employment employer contributes \$.14 per hour to Vacation; 2nd year thru  
5th year \$.30 per hour; 6th year and thereafter \$.46 per hour.  
c. Employer contributes \$.75 1st-5 years \$.90 after 5 years to Vacation and  
Holiday Fund.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	M & W	Pensions	Vacation		
7.65	.56	.60	.80	.015	
7.17	.33		.65		
7.25	.56	.35	.80	.015	
7.72	.30	.64			
8.27	.665				

LABORERS

GROUP 1:  
GROUP 1(C):  
GROUP 1(C):  
GROUP 1(C):  
GROUP 2:  
GROUP 3:

LABORERS  
(Cont'd)

GROUP 1:  
GROUP 2:

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
\$5.785	.65	1.35	.80	.10
6.01	.65	1.35	.80	.10
5.835	.65	1.35	.80	.10
6.335	.65	1.35	.80	.10
5.985	.65	1.35	.80	.10
5.635	.65	1.35	.80	.10
5.335	.65	1.35	.80	.10
6.245	.65	1.35	.80	.10
5.635	.65	1.35	.80	.10

POWER EQUIPMENT OPERATORS  
(Except Pile-driving and Steel Erection)

GROUP 1:  
GROUP 2:  
GROUP 3:  
GROUP 4:  
GROUP 5:  
GROUP 6:  
GROUP 7:  
GROUP 8:  
GROUP 9:  
GROUP 10:  
GROUP 10-A:  
GROUP 11:  
GROUP 11-A:  
GROUP 11-B:  
GROUP 11-C:

\* Includes 13¢ to Pensioned Health and Welfare  
Fund.  
\*\* Includes 8¢ to Pensioned Health and  
Welfare Fund.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
AREA 1				
AREA 2				
\$6.93	.85*	1.05	.60	.22
7.21	.85*	1.05	.60	.24
8.34	.85*	1.05	.60	.24
7.38	.85*	1.05	.60	.24
7.83	.85*	1.05	.60	.24
8.96	.85*	1.05	.60	.24
9.13	.85*	1.05	.60	.24
9.24	.85*	1.05	.60	.24
8.11	.85*	1.05	.60	.24
9.37	.85*	1.05	.60	.24
8.24	.85*	1.05	.60	.24
8.56	.85*	1.05	.60	.24
8.74	.85*	1.05	.60	.24
8.90	.85*	1.05	.60	.24
8.99	.85*	1.05	.60	.24
9.13	.85*	1.05	.60	.24
10.12	.85*	1.05	.60	.24
10.26	.85*	1.05	.60	.24
11.13	.85*	1.05	.60	.24
10.00	.85*	1.05	.60	.24
11.35	.85*	1.05	.60	.24
10.22	.85*	1.05	.60	.24
11.58	.85*	1.05	.60	.24
10.45	.85*	1.05	.60	.24



AO-1087 P. 11

AO-1087 P. 12

Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/wo auger, 4 yds. & under 6 yds. water level); Bus or manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dump-crete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Excort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Harehousemen	\$ 6.075	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 4 yds. & under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dump-crete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	6.17	.50	.75	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	6.185	.50	.75	
LIFT JITWEYS, Fork lift	6.205	.50	.75	
TRANSIT MIX, AGITATOR (under 6 yds.)	6.225	.50	.75	
TRUCK REPAIRMAN HELPER	6.245	.50	.75	
VACUUM TRUCK (under 3,500 gals.)	6.255	.50	.75	
TRANSIT TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	6.27	.50	.75	
JETTING TRUCK & WATER TRUCK (2,500 gals. & under 4,000 gals.)	6.285	.50	.75	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	6.325	.50	.75	

TRUCK DRIVERS

Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
<u>TRUCK DRIVERS (Cont'd)</u>				
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	.765	.50	.75	
RUBBER-TIRED MUCK CAR (not self-loaded)	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dump-crete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	.765	.50	.75	
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (Jetting) Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	.765	.50	.75	
HEAVY DUTY TRANSPORT (high bed)	.765	.50	.75	
ROSS HYSTER & SIMILAR STRADDLE CARRIER	.765	.50	.75	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	.765	.50	.75	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (5,000 gals. & under 7,000 gals.)	.765	.50	.75	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level); Dump (8 yds. & incl. 12 yds. water level); Dump-crete (8 yds. & incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. & incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. & incl. 12 yds. water level); Dumpster (8 yds. & incl. 12 yds. water level).	.765	.50	.75	
HEAVY DUTY TRANSPORT (gooseneck loaded)	.765	.50	.75	

Basic Hourly Rate	Fringe Benefits Payments			Asp. Tr.
	H & V	Pensions	Vacation	
\$ 6.625	.765	.50	.75	
<b>TRUCK DRIVERS (Cont'd)</b>				
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)				
BULK CEMENT SPREADER (w/vo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds. water level); Dumpcrete (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skids (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)				
6.65	.765	.50	.75	
6.71	.765	.50	.75	
6.745	.765	.50	.75	
<b>TRUCK REPAIRMAN</b>				
BULK CEMENT SPREADER (w/vo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Skids (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)				
6.755	.765	.50	.75	
<b>BULK CEMENT SPREADER (w/vo auger, over 24 yds. &amp; incl. 35 yds. water level); Dump (over 24 yds. &amp; incl. 35 yds. water level); Dumpcrete (over 24 yds. &amp; incl. 35 yds. water level); Dumpster (over 24 yds. &amp; incl. 35 yds. water level); 20' 8", 21' &amp; other similar cat type, Terra Obra, LeFurneaus, Tournoret, Euclid &amp; similar type equipment when pulling Aqua/Pak or water tank trailers &amp; fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. &amp; incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. &amp; incl. 35 yds. water level)</b>				
6.81	.765	.50	.75	



AQ-1087 P. 16

LABORERS

GROUP 1: Asphalt ironers and rakers; Barlo, wacker and similar type tamper.; Buggy-mobiler; Chainsaw, faller, log-loader and buckyer; Compactors of all types; Concrete and aggregate mixer 1/2 yd. and under; Concrete Pump; Concrete saw; Concrete tander; Gribber and/or shoring; Cut grinders; Pouch; Form rollers; Slip forms; Green cutters; Headerboardmen; Subsectors; Aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-kold, concrete, lime, caustic and similar type materials; Laggins, sheeting, whaling, bracing, trench-jacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinders; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers -- air, gas and electric; Power broom sweepers; Power tamers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-sifter, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type ( and all small trenchers); Roto and ditch witch; Rototiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vbra-screed -- bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2 or over, 100 lbs pressure or over); Hydro seeder and similar type

GROUP 1(a): Joy drill Model TW-2A; Gardener-Denver Model DM143 and similar type drills; Jack leg drillers; Diamond drillers; Wagon drills; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosive of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chutman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Gout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Miscellaneous Chippers and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction Laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pliers, Maintenance landscape laborers on new construction; Maintenance, repair trackman and road bed; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant

LABOREES (cont'd)

GROUP 1: Nozzleman; Rodman; Cuman; Groundmen  
GROUP 2: Reboundmen

AQ-1087 P. 17

POWER EQUIPMENT OPERATORS (AREAS I & II) (Except Filldriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brikeman; Brikeman; Heavy Duty Repairman Helper; Oliver; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partman (Heavy Duty Repair shop person)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (concrete); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Woman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oliver; Robman or Chairman; Boss Carrier (construction job site); Rotomast Operator; Screedman (except asphalt concrete paving); Self-propelled, self-propelled applied concrete curing machine (on streets, highways, air-ports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Rigger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Taper; Ballast Regulator; Ballast Taper Multi-purpose; Boman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease truck); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Concrete Guns; Generators (100 K.W. or over); Grouting Machines; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLM Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drilling or jack-hammers); Gradesetter; Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginias Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Gary; Johnson, Bidwell Bridge Deck or similar types); Mechanical Bums, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphalt concrete paving); Self-propelled Compactor (single engine and slip form pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Master

AQ-1087 P. 18

POWER EQUIPMENT OPERATORS (AREAS I & II) (CONT'D) (Except Filldriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Canyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixer-mobiler; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Caster (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Doser; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m-r-c.); Euclid, T-Pulls, DM-10, 20, 21, and similar; Rubber Tired Doser; Self-propelled Compactor with Doser; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Hole Boring Machine; Welder; Woods-mixer (and other similar pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Macking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Carry-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Machine and Loader (up to and incl. 1/2 cu. yd. m-r-c.); Derrick (2 ops. required when saving engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koshing Skooter (or similar); Lift Slab Machine (Vagborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclid, Doser, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Boris Rug (self-propelled floating); Rubber-tired Scraper, Self-loading (paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)















## NOTICES

AQ-5280 P. 7

KENTUCKY 1-PFD-2 C (2-2)

Heavy Construction: Power Equipment Operators: Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamp- ing machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equip- ment, deckhand oiler, hydraulic post driver	Fringe Benefits Payments			
	Basic Hourly Rates	H & V	Pensions	Vacation
	\$5.67	.25	.25	

AQ-4080 P. 8

Heavy Construction: Carpenters Cement Masons Electricians Ironworkers Structural & ornamental Reinforcing Laborers: Unskilled Air tool op. (jack-hammer, vibrator) Painters, brush Truck Drivers: 3-tons & under Over 3-tons	Fringe Benefits Payments			
	Basic Hourly Rates	H & V	Pensions	Vacation
	\$3.40 3.25 4.35 3.75 3.75 2.00 2.25 3.00 2.25 3.50			

Description	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Vacation	
Heavy Construction: Power Equipment Operators: Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamp- ing machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equip- ment, deckhand oiler, hydraulic post driver .....	\$5.67	.25	.25		

Basic Hourly Rates	Pierce Bendette Express		
	M & W	Fridays	Sat. Tr.
Carpenters	\$3.40		
Cement Masons	3.25		
Electricians	4.35		
Ironworkers	3.75		
Structural & ornamental	3.75		
Reinforcing			
Laborers			
Unskilled	2.00		
Air tool op. (jack-hammer, vibrator)	2.25		
Painters	3.00		
Truck Drivers			
3-ton & under	2.25		
Over 3-ton	3.50		

**SUPSEDEAS DECISION**

STATE: Louisiana  
DECISION NO.: AQ-83  
PARISHES: Bossier & Caddo  
DATE: Date of Publication  
Supercedes Decisions No. AQ-5, dated July 20, 1973, in 38 FR 19647 and  
No. AQ-6, dated July 20, 1973, in 38 FR 19649.  
DESCRIPTION OF WORK: Building (including Residential) Construction

(1 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		M & W	Pensions	Vacation	Sick Pay	Others
ASBESTOS WORKERS	\$7.56	.30	.51			.025
OILFRACERS	7.00	.30	.76			.02
RICKLAYERS	7.25	.20	.20			
CARPENTERS:						
Carpenters; soft floor layers,	6.95		.25			.03
linoleum	7.20		.25			.03
floorlayers	7.45		.25			.03
HILLBRIGHTS:						
Cement masons	6.25					
Ironworking machine operators	6.50					
ELECTRICIANS:						
Cable splicers	7.90	.60	1%	1%		1%
Electricians	7.40	.40	1%	1%		1%
ELEVATOR CONSTRUCTORS	6.26	.365	.23	2%+4b		.015
ELEVATOR CONSTRUCTORS' HELPERS	70ZJR	.365	.23	2%+4b		.015
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50ZJR					
LATHES	5.90					
TINKERERS:						
Structural; Ornamental	7.15	.30	.35			.04
Reinforcing	7.15	.30	.35			.04
SHAPERS:						
Boisiers	7.15	.30	.35			.04
ANODES:						
Building laborers	4.05	.15	.10			
Mason tenders; Plasterers' tenders	4.15	.15	.10			
Asphalt makers & smoothers	4.15	.15	.10			
Mortar mixers	4.20	.15	.10			
Pipelayers (concrete & clay); Air						
jack & vibrator operators	4.25	.15	.10			.01
LATHERS	7.475					
MASSOLE SETTERS	5.50					
PAINTERS:	3.00					
Painters, tape & float and paper-						
hangers; scaps, window jacks &						
structural steel						
Scaps, window jacks & structural						
steel;						
Heights exceeding 30 feet	6.50					
Heights exceeding 75 feet	6.75					
Sandblasting	6.85					
Spray						

Basic Hourly Rates		Fringe Benefits Payments				Others
		M & W	Penalties	Vacation	App. Tr.	
PLASTERERS	\$7.475		.30	.55	.06	
PUMBERS - FIREFIGHTERS	6.91					
WOOLERS:						
Boofers	5.50		.20		.02	
Helpers	3.40		.20		.02	
Kettelman	3.77		.20		.02	
SHEET METAL WORKERS	7.07	.40	.25		.05	
SPRINKLER FITTERS	8.20	.40	.60		.07	
STONEMASONS	7.25	.20				
TILE SETTERS & TERRAZZO WORKERS	5.50					
TILE SETTERS' HELPERS	3.00					
TERRAZZO WORKERS' HELPERS	3.30					
TERRAZZO MACHINE OPERATORS	3.65					
TRUCK DRIVERS:						
Pick-up drivers; Spotlers & dumpers						
of dirt, gravel, asphalt & rock;						
Truck helpers	4.57					
Stake bodies; flat beds (all sizes)	4.65					
Single axle dumps & water trucks;						
transit mix, up to and including	4.90					
3 yds.						
Tandem axle dumps; batch & water						
trucks over 3 tons; pick-up trucks	5.05					
with trailer						
Mississippi wagons; floats; tractor						
trailers; rubber tired tractors	5.20					
and wobble wheels						
Euclyds; low-boys; dempsy dumpsters;						
hoehring dumps; five axle trucks;						
transit mix over 3 yds.; fuel						
trucks	5.40					
Port lift	5.75					
HELPERS - receive rate prescribed for						
craft performing operation to which						
walving is incidental.						
FOOTNOTES:						
a - 1st 6 mos. - none; 6 mos. to						
5 yrs. - 2%; over 5 yrs. - 4% of						
basic hourly rate.						
b - Paid Holidays - A through F.						
PAID HOLIDAYS:						
A-New Years' Day; B-Memorial Day;						
C-Independence Day; D-Labor Day;						
E-Thankingiving Day; F-Christmas Day.						







AQ-3099 P. 3		AQ-3099 P. 4	
Site Preparation, Excavation and Incidental Paving		MINN-9-1A-2-3-1 V APP. 1	
LABORERS:		LABORERS CONTINUED:	
CLASS I		CLASS IV	
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sed layer & masonryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (annual)	\$6.15	Bottom man (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; Cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.40
LABORERS; DRILLING & EXCAVATION;		BITUMINOUS TAMPER; Pipelay (sewer, water, gas); Sand cushion & bed maker	6.45
CLASS II		CLASS V	
Bituminous batchman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer; Cement coveman (batch trucks); Concrete shoveler (hand operated); Concrete vibrator; Concrete batchman (proportional plant); Concrete longitudinal floatman (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydraulic & valve setter; Joint filler (concrete pavement); Kettlemn (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint saw; Squeegeeman (bituminous brick or block); Stabilizing batchman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	\$6.25	CEMENT CUR (1 1/2 in. & over); Leadman	6.50
CLASS III		CLASS VI	
Chainman; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (tripped, annual)	6.30	MOZZIEMAN (sumite)	6.55
		CLASS VII	
		BLICK OF BLOCK PAVING SETTER	6.58
		CLASS VIII	
		BITUMINOUS RAKE, FLOATER & UTILITY	6.60
		CLASS X	
		Tunnel Man (Air Pressure)	6.83
		CLASS XI	
		POUDRIER	6.78
		CLASS XII	



**POWER EQUIPMENT OPERATORS: (CONT'D)**

	Fringe Benefits Payments					
	H & W	Pensions	Vacation	App. Tr.	Other	Basic Hourly Rates
GROUP 3 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mine or similar type, Pick-up Sweeper, 1 cu. yd. & over hopper capacity, Pipe- line Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" Op., Pugmill Op., Roller Op. 8 tons & over, Rubber Tired Farm Trac- tor, Backhoe Actl., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (safer, water, gas) Turn- pull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	.35	.25				7.23
GROUP 6						
Air Compressor Op., 375 CFM or over, Bituminous Spreader and Bituminous Pinning Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op., 145 Hp. under, Concrete Saw Op. (Sult. Blade), Curb Mach. Op., Pine Grader Op. Fore French Digger, Front End Loader Op. (up to & incl. 1 cu. yd.), Grader Op. (Motor Patrol), Granite Op. Small, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Swamp Chipper Op., Tractor Op. (D2) <del>See also Group 11, with power take-</del> <del>off</del>	.35	.25				7.15
GROUP 7						
Brimkan, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Laverman, Mech. Helper, Mach. Space, Heater, Oiler, Self-Proop. Vib. Packler Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler	.35	.25				6.85

THE FOLLOWING CLASSIFICATIONS SHALL  
COME UNDER THE APPROPRIATE AXLE  
RATE IN/GE GROUP:

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**Labors:**

## Building Construction

Laborer's Building Construction	Basic Hourly Rate	Fringe Benefits Payments				Other
		M & W	Pension	Vacation	App. Tr.	
Class 1 Common Laborer, Steel Joist handler (erection), Power buggy operator, Carpenter tender, Earth dumper, flagman	\$6.20	.35	.35	.40		
Class 2 Reinforced Steel Handler	6.25	.35	.35	.40		
Class 3 Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.30	.35	.35	.40		
Class 4 Hot tar caulker & corker, Lbs. on swing stage line scaffold (excl. "patent" scaffolding), Automatic Tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.35	.35	.35	.40		
Class 5 Underground work	6.45	.35	.35	.40		
Class 6 Pipe layer	6.50	.35	.35	.40		
Class 7 Garrison work, Underpinning	6.55	.35	.35	.40		
Class 8 Nozzlemen	6.60	.35	.35	.40		
Class 9 Dynamite men, Power drillers for blasting purposes	6.905	.35	.35	.40		

27-MINN-2-3

Basic Hourly Rates	Fringe Benefit Payments				
	M & W	Paidroll	Vacation	Acc. Tc.	Other
\$7.56	.40	.20	.50	.02	
7.56	.40	.20	.50	.02	
8.08	.30	.25			

Site preparation, excavation  
and incidental paving

CARPENTERS  
PILGRIMSDEN  
CEMENT MANS

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AQ-3100 P. 3		AQ-3100 P. 4	
MINN-9-L/A-2-3-1		MINN-9-L/A-2-3-2	
LADDERMEN CONTINUED		LADDERMEN CONTINUED	
BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS
H & V	PENSIONS	H & V	PENSIONS
UNSKILLED LADDERMEN: Drill runner helper; Landscape gardener; Sed layer & nurseryman; Packer; Stony; Reinforced steel laborer; Rail forced steel setter (pavement); Salsander heater & blower tender; Carpenter tender; Winch handler (annual)	.35	CLASS IV BOTTOM MAN (sewer, water or gas trench, more than 8 ft., below starting level of usual work); Tunnel laborer (atmospheric pressure); Underground laborer; Cofferdam work; Tunnel work; Underpinning work; Gasoven work; Other work more than 8 ft. below starting level of usual work; Open ditch work	.35
CLASS II LADDERMEN, WRECKING & DEMOLITION; Bituminous batchman (stationary plant); Bituminous shoveler; Blucksmith helper; Botzen man (sewer, water or gas trench); Bricklayer; Tender; Cement handler (bulk or bag); Cement coverman (batch truck); Concrete shoveler (hand operated); Concrete vibrator; Concrete padder (paving); Concrete vibrator; Concrete batchman (proportional float plant); Concrete longitudinal floatman (usual float on paving); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kottelman (bituminous or lead); Service connection maker (water or gas); Sewer bough; Joint sewer; Salsander (bituminous brick or block); Stabilizing batchman (stationary plant); Stone mason tender; Drill runner (heavy, incl. churn drill)	.35	CLASS V BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	.35
CLASS III CHAINMAN MAN; Concrete mixer (1 bag); Jackhammer man & paving busker; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (crippled, manual)	.35	CLASS VI CREWET GLN (1 1/2 in. & over); Leadman	.35
	.35	CLASS VII NOZZLEMAN (concrete)	.35
	.35	CLASS VIII TRUCK OR BLOCK PAVING SETTER	.35
	.35	CLASS IX BITUMINOUS RAKER, FLOATER & UTILITY MAN	.35
	.35	CLASS X Tunnel Man (Air Pressure)	.35
	.35	CLASS XI Tunnel Miner	.35
	.35	CLASS XII POUNDERMAN	.35

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AQ-3100 P. 5		AQ-3100 P. 6	
MINN-1-PEO-1-0		MINN-714-PEO-2-3	
BUILDING CONSTRUCTION		POWER EQUIPMENT OPERATORS	
BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS
H & V	PENSIONS	H & V	PENSIONS
CLASS 1 HELICOPTER OPERATORS (hoisting material)	.25	GROUP 1 Helicopter Pilot	.25
CLASS 2 TRUCK & CRAWLER CRANES with 200' of boom & over incl. JIB	.25	GROUP 2 Crane with over 135' boom, excluding jib, dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Neg. rated capacity	.25
CLASS 3 TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	.25	GROUP 3 Cableway Op., Concrete Mixer, Stationary Plant over 34g, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Neg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Water Mechanic, Mixer (Paving), Concrete Paving Op., Road Vole Op., incl. power supply, bucking mach., incl. making operations convey or similar type, Refrigration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	.25
CLASS 4 TRAVELING TOWER CRANE	.25	GROUP 4 Dual Tractor Op., Elevating Grader Op., Pumper Op., Scraper Op., Struck Capacity 32, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 200, 210, 220, 230, 240, 250, 260, 270, 280, 290, 300, 310, 320, 330, 340, 350, 360, 370, 380, 390, 400, 410, 420, 430, 440, 450, 460, 470, 480, 490, 500, 510, 520, 530, 540, 550, 560, 570, 580, 590, 600, 610, 620, 630, 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 790, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 910, 920, 930, 940, 950, 960, 970, 980, 990, 1000	.25
CLASS 5 MASTER MECHANIC	.25	GROUP 5 Air Truck Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Rope Machine Op., Drill Rig, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,	.25
CLASS 6 DERICK (CIVIL & STEEL LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeters); Truck & crawler cranes up to 150' of boom incl. JIB	.25		
CLASS 7 AIR COMPRESSOR OPERATOR, Pump op. &/or conveyor, 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complace type machine op.	.25		
CLASS 8 FORK LIFT OPERATOR	.25		
CLASS 9 BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Front end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	.25		
CLASS 10 CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to 1/2 cu. yd.)	.25		
CLASS 11 AIR COMPRESSOR OPERATOR, Pump &/or conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	.25		
CLASS 12 MECHANIC SPACE HEATER (Temporary heat); Oilier or greaser	.25		

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AQ-3101 P. 2		AQ-3101 P. 4		
Site Preparation, Excavation & Incidental Paving		MINN-9-1AB-2-3-		
LABORERS/CLASS I	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS (L-2)		
		M & W	VACATION	APP. TR.
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer; Nurseryman; Trench monkey; Reinforced steel laborer; Reinforced steel setter (paving); Salamander heater & blower tender; Carpenter tender; Winch handler (annual)	\$6.15	.35	.35	.40
CLASS II LABORER, WRECKING & DEMOLITION; Bituminous batchman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & padder (paving); Concrete vibrator; Concrete batchman (proportioning plant); Concrete longitudinal floatman (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumpster (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettelman (bituminous or lead); Service connection maker (water or gas); Power buster; Joint sawer; Squelcher (bituminous brick or block); Stabilizing batchman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.25	.35	.35	.40
CLASS III CRANESMAN MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Hammer mixer; Pipe handler (water, gas, cast iron); Pipe setter (manual)	6.30	.35	.35	.40

AQ-3101 P. 4		MINN-9-1AB-2-3-		
Landers CONTINUED		FRINGE BENEFITS PAYMENTS (L-2)		
BASIC HOURLY RATES	M & W	PENSIONS	VACATION	APP. TR.
CLASS IV BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; Cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.40	.35	.35	.40
BRUSHING PAVERS; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.45	.35	.35	.40
CEMENT GIR (1 1/2 in. & over); Leadman	6.50	.35	.35	.40
NOZZLEMAN (gunite)	6.55	.35	.35	.40
BRICK OR BLOCK PAVING SETTER	6.58	.35	.35	.40
BRUSHING PAVERS, FLOATER & UTILITY MAN	6.60	.35	.35	.40
Tunnel Man (Air Pressure)	6.83	.35	.35	.40
Tunnel Miner	6.78	.35	.35	.40
POUNDERMAN				

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AQ-3101 P. 5		MINN-1-PEO-1- G		AQ-3101 P. 6	
BUILDING CONSTRUCTION:		POWER EQUIPMENT OPERATORS:		MINN-7N-PEO-2-3 B 1 of 2	
Basic Hourly Rates	Fringe Benefits Payments	Site Preparation, Excavation & Incidental Paving		Basic Hourly Rates	Fringe Benefits Payments
		H & W	Position		
CLASS 1 HELICOPTER OPERATORS (Hoisting material)	.25	.35	\$11.50	.35	.25
CLASS 2 TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	.25	.35	9.10	.35	.25
CLASS 3 TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	.25	.35	8.75	.35	.25
CLASS 4 TRAVELING TOWER CRANE	.25	.35	8.65	.35	.25
CLASS 5 MASTER MECHANIC	.25	.35	8.55	.35	.25
CLASS 6 DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building patine-ter); Truck & crawler cranes up to 150' of boom incl. JIB	.25	.35	8.30	.35	.25
CLASS 7 AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Comp-laco type machine op.	.25	.35	8.18	.35	.25
CLASS 8 FORK LIFT OPERATOR	.25	.35	8.18	.35	.25
CLASS 9 BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for elab-drilling or when drilling for elab-ter cylinder on building construc-tion); Iron and loader op.; Hoist engineer (1 drum); Power plant carrier op.; Tractor op. (over D-2); Well point pump op.	.25	.35	8.10	.35	.25
CLASS 10 CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front and loader operator up to 4 cu. yd.)	.25	.35	7.83	.35	.25
CLASS 11 AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (compression engine operated); Truck crane collar	.25	.35	7.55	.35	.25
CLASS 12 HEATING SPACE HEATER (Temporary heat); Oil or grout	.25	.35	7.40	.35	.25
GROUP 1 Helicopter Pilot		GROUP 2 Crane with over 135' Boom, excluding Jib, Dragline and/or other similar equipment w/sheval type controls 3 cu. yds. & over Hfg. rated capacity		GROUP 3 Cableway Co., Concrete Mixer, Stationary plant over 34g, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Hfg. rated capacity, Bridge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op. 5 cu. yds. & over, Grader or Motor Packer, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Hole Op., Incl. power supply, Mucking Mach., Incl. mucking operation Conveyor or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (boom type), Truck Crane Op., Tugboat Op. 100 HP & over	
GROUP 4 Duel Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer		GROUP 5 Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,		GROUP 6 Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,	

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AQ-3101 P. 7		2 of 2		AQ-3101 P. 8		
POWER EQUIPMENT OPERATORS: (CONT'D)		MINN-7M-PED-2-3		MINN-62-TD-1-2-3		
Basic Hourly Rates	Fringe Benefits Payments	H & W	Pensions	Vacation	App. Tr.	Others
<b>GROUP 5 (Cont'd)</b>						
Launcherman, Locomotive, all types. Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Nightly Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over hopper capacity, Pipe-line Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" Op., Pughill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Taper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnpull Op., (or similar type) Wall Point Installation, Dismantling or Repair Mechanic						
7.83	.35	.25				
<b>GROUP 6</b>						
Air Compressor Op. 375 CFM or over, Bituminous Sprayer and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 145 and under, Concrete Saw Op. (Walk. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Mach. Op., Power Actuated Augers and Boring Pump Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chopper Op., Tractor Op. TD2, TD6 or similar H. P. with power take-off						
7.15	.35	.25				
<b>GROUP 7</b>						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Spacer, Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler						
6.85	.35	.25				

Building, Site Preparation, Excavation & Incidental Paving		AQ-3101 P. 8				
MINN-62-TD-1-2-3		MINN-62-TD-1-2-3				
Basic Hourly Rates	Fringe Benefits Payments	H & W	Pensions	Vacation	App. Tr.	Others
<b>TRUCK DRIVERS:</b>						
<b>GROUP I:</b>						
Truck driver (hauling machinery for employer's own use, including operator of hand & power operator winches) Truck driver; mechanic welder; tractor trailer, Off-road truck drivers						
\$7.05	.35	.30				
<b>GROUP II:</b>						
Tri-axle (including four axles)						
6.75	.35	.30				
<b>GROUP III:</b>						
Bituminous distributor driver, bituminous distributor (one man operation) Tanden axle trucks						
6.65	.35	.30				
<b>GROUP IV:</b>						
Bituminous distributor spray operator (rear end oiler) dumpman; greaser & truck serviceman; tank truck helper (gas, oil, road oil and water) teamster & stableman; tractor operator (wheel type used for many purposes) Pilot car driver; self propelled packer, Slurry operator; single axle trucks						
6.45	.35	.30				
<b>THE FOLLOWING CLASSIFICATIONS SHALL BE UNDER THE APPROPRIATE RATE RACE GROUP:</b>						
Dump truck driver						
Dry batch hauler driver						
Tank truck driver (gas, oil, road oil and water)						
Boom and "A" frame driver						
Ready mix concrete truck driver						
Slurry drivers						

THE FOLLOWING CLASSIFICATIONS SHALL COME UNDER THE APPROPRIATE AXLE RATE WAGE GROUP:

Dump truck driver  
Dry batch hauler driver  
Tank truck driver (gas, oil, road oil and water)  
Boom and "A" frame driver  
Ready mix concrete truck driver  
Slurry drivers

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AQ-3102 P. 2		AQ-3102 P. 2		MINN-14-LAN-2-3		Area 2A	
Site Preparation, Excavation & Incidental Paving		Site Preparation, Excavation & Incidental Paving		Fringe Benefits Payments		Fringe Benefits Payments	
Basic Hourly Rates	Fringe Benefits Payments	H & W	Pensions	Vacation	App. Tr.	Others	Others
<b>LABORERS:</b>							
<b>CLASS I</b>							
Unskilled Laborers; Laborers; wrecking & demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipehandler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stonemason tender							
\$6.28	.25	.15	.25				
<b>CLASS II</b>							
Bituminous Shovelers; Bottom man (sewer water or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer operator (1 bag); Concrete shoveler, tamper & padder (paving) (vibrating); Dump (wagon, truck, etc.); Formsetter (municipal type curb & sidewalk); Foreman (truck, etc.); Jackhammer man & paving busters; Kettlemaster (pavement); Joint sawer; Tunnel Laborer (atmospheric pressure)							
6.38	.25	.15	.25				
<b>CLASS III</b>							
Bituminous Tapper; Cofferdam work; Grout work							
6.53	.25	.15	.25				
<b>CLASS IV</b>							
Drill runner (heavy, including churning drill)							
6.58	.25	.15	.25				
<b>CLASS V</b>							
Bituminous Packer, Floater & Utility Men; Pipelayer (sewer, water, gas); Leechman (Gunite)							
6.63	.25	.15	.25				
<b>CLASS VI</b>							
Horizontal Bedman							
6.68	.25	.15	.25				
<b>CLASS VII</b>							
Tunnel Liner							
6.78	.25	.15	.25				
<b>CLASS VIII</b>							
Tunnel Liner							
6.88	.25	.15	.25				
<b>69-MINN-2-3</b>							
Basic Hourly Rates	Fringe Benefits Payments	H & W	Pensions	Vacation	App. Tr.	Others	Others
\$7.58	.25	.30					
7.58	.25	.30					
8.28	.25	.30					
<b>PAID HOLIDAYS:</b> A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.							
<b>FOOTNOTE:</b> A. Employer contributes 4% Basic Hourly Rate for 5 Years Service and 2% Basic Hourly Rate for 6 Months to 5 Years Service as Vacation Pay Credit. Six Paid Holidays A through F							

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AQ-3102 P. 3		MINN-7H-PEO-1-1- G		AQ-3102 P. 4		MINN-7H-PEO-2-3 B		1 of 2	
BUILDING CONSTRUCTION:		Fringe Benefits Payments		POWER EQUIPMENT OPERATORS:		Fringe Benefits Payments			
Basic Hourly Rates	Others	M & W	Vacation	App. Tr.	Site Preparation, excavation and incidental	M & W	Vacation	App. Tr.	Others
CLASS 1 HELICOPTER OPERATORS (Hoisting material)		.35	.25		GROUP 1 Helicopter Pilot	.35	.25		
CLASS 2 TRUCK & CRAWLER CRANES with 200' of boom & over incl. JIB	9.10	.35	.25		GROUP 2 Crane with over 135' boom, excluding jib, dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	.35	.25		
CLASS 3 TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.75	.35	.25		GROUP 3 Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 3 cu. yds. & over, Grader or Motor Grader, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Hole Op., Incl. power supply, Jacking Mach., Incl. mucking operations Convey or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	.35	.25		
CLASS 4 TRAVELING TOWER CRANE	8.65	.35	.25		GROUP 4 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	.35	.25		
CLASS 5 TRAVELING TOWER CRANE	8.55	.35	.25		GROUP 5 Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Rope Machine Op., Drill Rig, Traveling Tower Crane or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Skidder Carrier Op., York Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,	.35	.25		
CLASS 6 MASTER MECHANIC	8.30	.35	.25		GROUP 6 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	.35	.25		
CLASS 7 DERICK (CUT & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.18	.35	.25		GROUP 7 Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Rope Machine Op., Drill Rig, Traveling Tower Crane or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Skidder Carrier Op., York Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,	.35	.25		
CLASS 8 AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Compilaco type machine op.	8.18	.35	.25		GROUP 8 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	.35	.25		
CLASS 9 FORK LIFT OPERATOR		.35	.25		GROUP 9 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	.35	.25		
CLASS 10 BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Front end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.10	.35	.25		GROUP 10 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	.35	.25		
CLASS 11 CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op. (D-2 or similar size) & front and loader operator up to 1/2 cu. yd.	7.83	.35	.25		GROUP 11 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	.35	.25		
CLASS 12 AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brickman; Pick up sweeper (combustion engine operated); Truck crane other	7.55	.35	.25		GROUP 12 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	.35	.25		
CLASS 13 MECHANIC SPACE HEATER (Temporary heat); Oil or greaser	7.10	.35	.25		GROUP 13 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	.35	.25		

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AQ-3102 P. 5		2 of 2		MINN-7H-PEO-2-3		AQ-3102 P. 6		MINN-62-TD-1-2-3	
POWER EQUIPMENT OPERATORS: (CONT'D)		Fringe Benefits Payments		Building, Site Preparation, Excavation and incidental Paving		Fringe Benefits Payments		Fringe Benefits Payments	
Basic Hourly Rates	Others	M & W	Vacation	App. Tr.	Others	M & W	Vacation	App. Tr.	Others
GROUP 5 (Cont'd) Launchman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Nighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Clamping or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pughall Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tiler & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic		7.03	.35	.25		GROUP I Truck driver (hauling machinery for employer's own use, including operator of hand & power operator winches) Truck driver; mechanic welder; tractor trailer, Off-road truck drivers		.35	.30
GROUP 6 Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Flat Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Silt. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off						GROUP II Tri-axle (including four axles)		.35	.30
GROUP 7 Brickman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leveeman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler		6.85	.35	.25		GROUP III Bituminous distributor driver, bituminous distributor (one man operation) Tanden axle trucks		.35	.30
						GROUP IV Bituminous distributor spray operator (rear end roller) dumpman; greaser & truck serviceman; tank truck helper (gas, oil, road oil and water) teamster & stableman; tractor operator (wheel type used for any purpose) Pilot car driver; self propelled packer, Slurry operator; single axle trucks		.35	.30
						THE FOLLOWING CLASSIFICATIONS SHALL COME UNDER THE APPROPRIATE ALE RATE WAGE GROUP:			
						Dump truck driver Dry batch hauler driver Tank truck driver (gas, oil, road oil and water) Boom and "A" frame driver Ready mix concrete truck driver Slurry drivers			

THE FOLLOWING CLASSIFICATIONS SHALL COME UNDER THE APPROPRIATE AXLE RATE WAGE GROUP:

Dump truck driver  
Dry batch hauler driver  
Tank truck driver (gas, oil, road oil and water)  
Boom and "A" frame driver  
Ready mix concrete truck driver  
Slurry drivers

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24-49-Mississippi A				
Basic Hourly Rates	M & W	Fringe Benefits Payments		
		Pensions	Vacation	Other
WATER & SEWER CONSTRUCTION:				
Carpenters	\$2.50			
Cement Masons	3.00			
Laborers:				
Unskilled	1.60			
Mason Tenders	1.85			
Piledriverman	2.00			
Truck Drivers	1.60			
Power Equipment Operators:				
Asphalt Mulchers	1.80			
Air Compressors	1.75			
Bulldozers	2.50			
Cranes, Derricks & Draglines	2.50			
Mechanics	2.50			
Mixers-All Types	2.00			
Motor Patrols	2.50			
Loaders	2.125			
Oilers & Greasers	2.00			
Piledrivers	2.35			
Rollers-Self Propelled	2.00			
Scrapers	2.50			
Spreaders	2.25			
Tractors-Wheel Type	2.00			
Trucks-Crane	2.50			

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## SUPERSIDES REGISTION

STATE: OHIO  
 COUNTY: PORTAGE  
 DATE: DATE OF PUBLICATION  
 SUPERIDES REGISTION NO. AP-679 dated May 25, 1973 in 38 FR 14033  
 DESCRIPTION OF WORK: Building Construction, (including single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

67 - Ohio II 1 of 2				
Basic Hourly Rates	M & W	Fringe Benefits Payments		
		Pensions	Vacation	Other
Asbestos workers	\$9.235	.80		.04
Boilermakers	9.33	.85		.01
Bricklayers	9.39	.45		.02
Carpenters	9.49	.30		.02
Millwrights	9.70	.47		.03
Piledrivers	9.70	.40		.02
Cement masons (building)	8.48	.40		.02
Cement masons (heavy & highway)	8.04	.44		.02
Electricians - Townships of Charleston, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham	9.73	.35	5%	1/100 of 1%
Electricians & Linemen (Remainder of County)	9.38	.37	12% of 1%	.005
Elevator constructors	8.135	.17	12% of 1%	.005
Elevator constructors' helpers	707JR	.17	12% of 1%	.005
Elevator constructors' helpers (prob.)	507JR	.40	.65	.01
Glassers	9.73	.40		.05
Ironworkers:				
Ravena Ordnance Depot	9.37	.35	.45	.05
Structural, Reinforcing & Ornamental				
Remainder of County	8.47	.50	.80	.03
Structural, Reinforcing & Ornamental	8.55	.30	.15	.01
Lathers	8.25	.30		.01
Lead burners				
Line Construction:				
Linemen - Townships of Charleston, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham	10.05	.25	1%	
Marble setters	8.30	.32	.25	
Marble setters' helpers	7.80	.32	.25	
Painters:				
South of East West Turnpike:				
Brush	7.89	.55	.20	
Structural steel	8.14	.55	.20	
Spray	8.39	.55	.20	
North of East West Turnpike:				
Brush	8.92	.48	.39	.03
Structural steel	9.62	.48	.39	.03
Ravena & Windham Townships:				
Brush	8.215	.35	.30	
Structural steel	8.42	.35	.30	
Spray	8.515	.35	.30	

AP-3118 P.2 2 of 2				
Basic Hourly Rates	M & W	Fringe Benefits Payments		
		Pensions	Vacation	Other
Plasterers	\$8.35	.40	.50	.01
Plumbers & steamfitters	9.45	.54	.50	.04
Roofers	8.84	.40	.30	.02
Roofers' helpers:				
1st year	607JR	.40	.30	.02
2nd year	707JR	.40	.30	.02
3rd year	807JR	.40	.30	.02
Sheet metal workers	8.80	.45	.45	.02
Soft floor layers	8.90	.30	.49	.02
Sprinkler fitters	9.45	.40	.60	.02
Stonemasons	9.39	.45	.20	.02
Terrazzo workers	8.30	.32	.25	.02
Terrazzo workers' helpers	7.80	.32	.25	.02
Tile setters	8.30	.32	.25	.02
Tile setters' helpers	7.80	.32	.25	.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.				
PAID HOLIDAYS: (WHERE APPLICABLE) A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.				
FOOTNOTES: a. six paid holidays, A through F. b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years. c. Nine paid holidays, A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 40 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.				

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AQ-3118 P-1		OHIO 2 LAB K		AQ-3118 P-2		OHIO - 2 - PEO M		of 2			
Basic Hourly Rates	Fringe Benefits Payments	H & W	Vacation	App. Tr.	Other	Basic Hourly Rates	Fringe Benefits Payments	H & W	Vacation	App. Tr.	Other
Heavy and Highway Construction											
LABORERS:											
GROUP 1											
Laborers (Construction), plant laborers or yardmen, right-of-way laborer, landscape laborer, utility man or handyman, joint setter, lag-man, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector											
\$6.53		.50	.30	.02		\$8.78		.42	.80		
GROUP 2											
Asphalt raker, concrete puffer, keg-man (pipeline), all machine driven tools (gas, electric, air), mason tender, mortar mixer, sheeting and shoring man, surface grinder man, power wheelbarrow											
6.655		.50	.30	.02							
GROUP 3											
Form setter, bottom man, welder helper (pipeline), concrete saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, cleaning, repairing and reconstruction tunnel, waterline (without air) and caisson, cofferdam (below 25 feet deep), air track and wagon drill											
6.73		.50	.30	.02							
GROUP 4											
Blaster and powder man, mucker, unloader (mechanical joints and utility pipeline), yarner, top loader											
6.88		.50	.30	.02							
GROUP 5											
Gurb setter and curter, minor without air, concrete crew in tunnels, utility pipeline tapper, gunnite nozzle man, waterline caulker											
7.18		.50	.30	.02							

POWER EQUIPMENT OPERATORS:											
CLASS I (Heavy & Highway Construction)											
Air compressor on steel erection, as- phalt plant engineers, boiler, operator, compressor or generator on steel erected on concrete, concrete mixer, concrete mixer and tower, concrete plants (over 4 yd. capacity), concrete pumps, concrete (all types), including A frame, boom trucks, cherry pickers, derricks, drag- lines, dredge (dipper, clam or suction), elevating grader or euclid loader, float- ing equipment (all types), helicopter crew (operator-hoist or winch), hoist (all types), hoisting engines, hoisting engines on shaft or tunnel work, indus- trial-type tractor locomotives (stand- ard and gauge), maintenance operator Class A, mixer, paving (single or double drum) mucking machines, multiple scraper, pile driving machines (all types), power shovels, Quad 9 (Double pusher), re- frigerating machine (freezer operation), rotary drill on caisson work, slip-form paver, tower derricks, tree shredder, trench machines over 24" wide), truck mounted concrete pumps, tug boat, tunnel machine, wheel excavator											
\$8.78		.42	.80								
CLASS II											
Asphalt paver, automatic subgrader ma- chine, self-propelled (GN type), bul- ldozers, endloader, kolman loader (pro- duction type-dirt), lead grease man, maintenance operator Class B, power grader, power scoops and scrapers, push cat, trench machines (24" wide and under											
8.68		.42	.80								
CLASS III											
Air compressors on tunnel work (low pre- sature), asphalt plant engineer, loco- motive (narrow gauge), mixer, concrete more than one bag capacity), mixers one bag capacity (side loader), power boilers over 15 lb. pressure, pump operator installing and operating wall points, pumps (6" and over discharge), rollers - asphalt, utility operator (all small equipment), welding machines and generators											
7.99		.42	.80								

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Basic Hourly Rates	Fringe Benefits Payments	Other	
	H & W	Pensions	Vacation

POWER EQUIPMENT OPERATORS: (CONT'D)

CLASS IV

Back fillers, bar, joint and mesh installing machines, batch plant, bull floats, burlap and curing machines, compactors (portable, sewer, heavy and highway), concrete plant (capacity 4 yd. and under), concrete saw (multiple), conveyors (highway), crushers, deckhand, drill highway (with integral power), farm-type tractors with attachments (highway), finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenchers, hydros seeders, plant mixers, post driver, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grade, macadam), self-propelled power spreaders, self-propelled power subgraders, steam fireman, tractor (pulling sheepfoot roller or grader), vibratory compactors (with integral power

\$7.57

.42

.80

.11

CLASS V

Drum fireman (asphalt plant), helpers, inboard-outboard motor boat-launch, oil heaters (asphalt plant), oilers, power driven heaters, pumps (under 4" discharge), signalmen, tire repairman

7.03

.42

.80

.11

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SUPPLEMENTAL DECISION

STATE: TEXAS  
 COUNTY: BOWIE  
 DECISION NO.: 40-84  
 DATE: Date of Publication  
 Supplemental Decision No. 40-27, dated September 21, 1973, in 38 PR 26592.  
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

AG-84 P. 2 16 - Texas - 3 (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.		H & W	Pensions	Vacation	Others
AIR CONDITIONING INSTALLERS										
BRICKLAYERS	\$3.50	.30	.30		.05	\$2.00				
CARPENTERS	7.27					2.75				
CONCRETE MASONRY	5.10	.25				2.60				
DUCT INSTALLERS	5.02					3.00				
ELECTRICIANS:	5.45					2.25				
Single or multiple family dwellings or apartments up to and including 8 units not exceeding 2 stories						3.50				
Over 8 units or over 2 stories						2.60				
PORT SETTERS						2.10				
GLAZIERS	5.20	.25	.12		1/2%	2.85				
INSULATION INSTALLERS	7.56	.25	.12		1/2%	2.50				
LABORERS	3.29					3.00				
MAINTENANCE, UNSKILLED	4.50					2.00				
PAINTERS	2.66					2.25				
PAVE & FLOAT	2.34					2.00				
PLASTERERS	3.675					2.75				
PLUMBERS & PIPEFITTERS	7.00	.25	.35		.01	2.50				
ROOFERS, SHINGLES	7.19				.10	2.75				
SHEDDING INSTALLER	3.10					2.50				
SKETCH FLOOR LAYERS	4.00					2.30				
TILE SETTERS	3.71					3.00				
TRUCK DRIVERS	5.18					2.45				
T.V. ANTENNA INSTALLERS	2.25					2.90				
POWER EQUIPMENT OPERATORS:	3.50					2.50				
Power lifts	2.75					3.95				
Foundation drill operator (crawler mounted)	5.85					2.85				
Front end loader	2.58					2.75				
Tractor	3.75					2.90				

NOTICES

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NOTICES

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INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.		H & W	Pensions	Vacation	Others
Power Equipment Operators (Cont'd):										
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 14 CY)	\$5.00					2.90				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (14 CY and Over)	3.50					3.50				
Crusher or Screening Plant Operator (Truck Mounted)	3.00					4.90				
Front End Loader (2 1/2 CY and Less)	2.75					3.25				
Front End Loader (Over 2 1/2 CY)	3.25					3.75				
Motor Grader Operator, Fine Grade	3.25					2.55				
Motor Grader Operator	2.55					2.25				
Roller, Steel Wheel (Plant-Mix Pavements)	2.25					2.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.25					3.00				
Roller, Pneumatic (Self-Propelled)	3.00					3.25				
Scrapers (17 CY and Less)	3.25					2.40				
Scrapers (Over 17 CY)	2.40					2.50				
Tractor (Crawler Type) 150 H.P. and Less	2.50					2.50				
Tractor (Crawler Type) over 150 H.P.	2.50					2.50				
Tractor (Pneumatic) 80 H.P. and Less	2.50					3.00				
Tractor (Pneumatic) over 80 H.P.	3.00					2.00				
Traveling Mixer	2.00					2.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					2.75				
Truck Drivers:						4.00				
Single Axle, Light	2.00					2.85				
Single Axle, Heavy	2.50									
Tandem Axle or Semitrailer	2.75									
Lobby-Floot	4.00									
Holder	2.85									
Holder Helper										

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## SUPERSEDING NOTICION

STATE: WISCONSIN COUNTY: BROWN  
DECISION NUMBER: AQ-3106 DATE: Date of Publication  
SUPERSEDING DECISION NO. 4P-53 dated December 1, 1972 37 FR 25643  
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartment up to and including 4 stories), Heavy and Highway Construction.

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## BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
Asbestos workers	.35	.20	.55+E	.06
Boilermakers	.80	.85	.85	.02
Boilermakers' helpers	.70	.85	.85	.02
Bricklayers	.70	.20	.35	.02
Carpenters	.70	.25	.25	.02
Cement masons	.60	.20	.35	.02
Electricians	.80	.15	.35	.02
Elevator constructors	.80	.15	.35	.02
Elevator constructors' helpers	.70	.15	.35	.02
Elevator constructors' helpers (prob)	.70	.15	.35	.02
Ironworkers:				
Structural, ornamental & reinforcing	.80	.15	.35	.02
Lathers	.80	.15	.35	.02
Lead burners	.80	.15	.35	.02
Marble setters	.80	.15	.35	.02
Millwrights	.80	.15	.35	.02
Painters:				
Brush	.60	.20	.35	.02
Structural	.60	.20	.35	.02
Spray	.60	.20	.35	.02
Swing stage	.60	.20	.35	.02
Piledrivermen	.60	.20	.35	.02
Plasterers	.60	.20	.35	.02
Plumbers	.60	.20	.35	.02
Roofers, composition	.60	.20	.35	.02
Sheet metal workers	.60	.20	.35	.02
Soft floor layers	.60	.20	.35	.02
Steamfitters	.60	.20	.35	.02
Stonemasons	.60	.20	.35	.02

## Terrazzo workers

7.00

## Tile setters

7.00

## Truck Drivers:

Regular

Tandem &amp; Semi

5.27

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- PAID HOLIDAYS:  
A- New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.
- FOOTNOTES:  
a. Holidays, A through F.  
b. Employer contributes 1/2 of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 1/2 of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.  
c. Employer contributes \$10.00 per week.  
d. Employer contributes \$7.71 per month.  
e. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.  
f. .05 holiday pay.  
g. Includes .15 holiday pay.  
h. Includes .20 holiday pay.

AQ-3106 P. 3		Misc. - 15 - Lab 0				Misc. 5-Lab - 2- 3 I												
Building Construction		Fringe Benefits Payments				Fringe Benefits Payments												
Basic Hourly Rates	Laborers:	H & W	Pensions	Vacation	App. Tr.	Others	H & W	Pensions	Vacation									
Class I																		
Construction laborers, form strip-per, form oiler, form cleaner, dump men, pit men, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signal man, concrete pump and nozzle man, bituminous worker.																		
\$5.95		.25		.15			.25	.15	.02									
Class II																		
Plasterer tender, hod carrier, dry cement handler, kettlemen, vibrator operator, stacking line; tile setter helper, core drill operator																		
6.00		.25		.15			.25	.15	.02									
Class III																		
Jackhammer operator, diller, gunite men, burner on wrecking, air operated concrete breaker, sheeting driver, power tamper, fork lift operator, jacking jack, tarrazzo grinder, mortar and plaster mixer, creosote worker, bob cat operator, sand blaster, welder, mud jack operator, precast erector, bituminous raker and luteman.																		
6.15		.25		.15			.25	.15	.02									
HEAVY AND HIGHWAY CONSTRUCTION																		
LABORERS																		
Group A																		
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumper, ironer, smoother, tamper shoveler, loader, utility man																		
\$6.28		.25		.15			.25	.15	.02									
Group B																		
Formsetter (curb, walk & pavement); tree trimmer																		
6.33		.25		.15			.25	.15	.02									
Group C																		
Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; far tool opr. (hand operated)																		
6.38		.25		.15			.25	.15	.02									
Group D																		
Demolition burning torch laborer; Bituminous worker; raker, lutemen; Chain saw operators																		
6.43		.25		.15			.25	.15	.02									
Group E																		
Powderman, blaster																		
6.48		.25		.15			.25	.15	.02									
Group F																		
Pipelayer crew (sewer, water); Pipelayer Bottom man Topman																		
6.73		.25		.15			.25	.15	.02									
6.53		.25		.15			.25	.15	.02									
6.38		.25		.15			.25	.15	.02									



Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pension	Vacation	
<b>BUILDING, HEAVY, TUNNEL AND SENIOR CONSTRUCTION</b> <b>POWER EQUIPMENT OPERATORS</b> Group I Graders, shovels, draglines, backhoes, clamshells, derricks, calson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type) Group II Concrete paver (over 275'), concrete spreader and distributor Group III Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-boist, tractor (over 40 h.p.), bulldozer, (over 40 h.p.), end-loader (over 40 h.p.), forklift (25' and over), motor patrol, scraper operator, sideboom, straddle, carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill, roller (over 5 tons) trencher (wheel type or chain type having over 8-inch bucket) Group IV Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type) Group V Roller (rubber tire) Group VI Concrete batch hopper, concrete conveyor system, concrete mixers (45 or over) tank type pump, and grout pump, tractor, bulldozer, end-loader, (under 40 h.p.), pump, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives Group VII Drivers (under 5 tons) and steers (pills drivers and derricks) Group VIII Hoists (automatic), forklift (12' to 25') tamper-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chopper (large boats tug, safety, work, barges and launch) Group IX Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heater, stump chopper, curb machine operator, concrete proportioning plants, generators, mudjack Group X Grusher or screening plant, automatic belt conveyor & surge bin; pneumatic tied roller farm tractor towed; pug mill Group XI Oilier, pump (over 3 inches), surge bin; drilling machine helper.	.45	.50		.05
8.47	.45	.50		.05
8.32	.45	.50		.05
8.22	.45	.50		.05
8.02	.45	.50		.05
7.97	.45	.50		.05
7.92	.45	.50		.05
7.87	.45	.50		.05
7.82	.45	.50		.05

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pension	Vacation	
<b>POWER EQUIPMENT OPERATORS CONTD.</b> Group IX Shouldering machine operator, screened operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants Group X Fireman-asphalt plants Group XI Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3" augers (vertical and horizontal) Group XII Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3" and under); winches (small electric); oiler and greaser; boiler operators (temporary heat); rotary drill helper; conveyor; forklift (12' and under)	.45	.50		.05
\$7.61	.45	.50		.05
7.53	.45	.50		.05
7.49	.45	.50		.05
7.37	.45	.50		.05

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pension	Vacation	
<b>HIGHWAY CONSTRUCTION</b> <b>POWER EQUIPMENT OPERATORS:</b> Group I Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) crane; derrick, dragline; dredge; pile driver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); concrete Pvt. Spreaders; Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; mixer portable; calson rig; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatman, bump cutter & grooving machine; shoulder widener; winches & A-Frames; tube finisher Group II Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less) Group III Solved (bituminous paver); shouldering machine; self-propelled chip spreader Group IV Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade) launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed) compactors & light equipment; tractor, end loader (rubber-tired) light, Fork lift, baiting machine, burial machine, Jeep digger, mulcher, torturing machine Group V Fireman, Environmental burner	.45	.50		.05
\$8.47	.45	.50		.05
8.21	.45	.50		.05
8.12	.45	.50		.05
8.04	.45	.50		.05
7.96	.45	.50		.05

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pension	Vacation	
<b>POWER EQUIPMENT OPERATORS CONTD.</b> Group VI Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heater, stump chopper, curb machine operator, concrete proportioning plants, generators, mudjack Group VII Grusher or screening plant, automatic belt conveyor & surge bin; pneumatic tied roller farm tractor towed; pug mill Group VIII Oilier, pump (over 3 inches), surge bin; drilling machine helper.	.45	.50		.05
7.92	.45	.50		.05
7.83	.45	.50		.05
7.71	.45	.50		.05

NOTICES

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AQ-3106 P. 9  
Wisc. 5 - TD L

	Fringe Benefits Payments			
	M & W	Pensions	Vacation	Others
<b>BASIC Hourly Rates</b>				
TRUCK DRIVERS: Two axle trucks Three or more axles Euclids or dumper type hauling units Mechanics truck Mechanics' helpers, truck	\$6.50 6.65 6.65 6.65 6.50	a b b b b	.354c .354c .354c .354c .354c	

Footnotes:  
a. \$62.84 per month for employee who has been on payroll 30 days or longer.  
b. \$12.00 per week  
c. Includes .10 employer contribution to holiday fund.

WIS. 9-LAB-S-T-W b

	Fringe Benefits Payments			
	M & W	Pensions	Vacation	Others
<b>BASIC Hourly Rates</b>				
<b>SEWER, TUNNEL AND WATER CONSTRUCTION</b>				
<b>LABORERS:</b> Laborer, Wellpoint installation, wire mesh and reinforcement Machine and equipment operator, Sheeting, Formsetting, Patch-finisher, Bottomman, Joinsawyer, Gunnite man, Manhole Builder, Air, or Electrical Tool Operator, Welder, Torchman, Blaster, Calker, Bracer Pipelayer Laser Operator	\$6.00 6.20 6.45	.30 .30 .30	.15 .15 .15	.02 .02 .02
<b>TUNNEL WORK</b> All tunnel work add fifteen (.15) cents to each classification.				

FEDERAL REGISTER, VOL. 39, NO. 37—FRIDAY, FEBRUARY 22, 1974

## SUPERSEDES DECISION

STATE: Wisconsin  
DECISION NUMBER: AQ-3107  
Supersedes Decision AP-54 dated December 1, 1972 in 37 FR 25647 and AP-65 dated December 1, 1972 in 37 FR 25606.  
DESCRIPTION OF WORK: Building (including residential), Heavy and Highway Construction

AQ-3107 P. 2

13 - Wisconsin 2 of 2

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day;  
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

13 - Wisconsin 2 1 OF 2

	Fringe Benefits Payments			
	M & W	Pensions	Vacation	Others
<b>BASIC Hourly Rates</b>				
<b>BUILDING CONSTRUCTION</b>				
Asbestos workers	88.37	.35	.60	.02
Boilermakers	7.80	.30	.85	.02
Boilermakers' helpers	7.625	.30	.85	
Bricklayers	8.00	.25	.40	
Carpenters	7.65	.25	.15	
Cement masons	7.85	.25	.30	
Electricians	8.46	.34	1%	.5%
Electricians' helpers	9.11	.34	1%	.5%
Cable splicers	7.905	.345	.23	.015
Elevator constructors	5.53	.345	.23	.015
Elevator constructors' helpers (prob)	3.95	.40	.20	.01
Glassblowers	7.30	.40	.25	.03
Ironworkers, structural	8.47	.40	.25	.03
Ironworkers, ornamental	8.47	.40	.25	.03
Ironworkers, reinforcing	8.47	.40	.25	.03
Lathers	7.40	.30	.20	.01
Leadburners	8.75	.30		
Line construction:				
Liaison	6.94	.25	1%	.5%
Digger, crane & tractor operator	5.79	.25	1%	.5%
truck tractor	4.89	.25	1%	.5%
line truck or	4.59	.25	1%	.5%
Experienced groundman	4.38	.25	1%	.5%
Marble setter	7.35	.25	.20	.25
Millwrights	7.90	.25	.15	
Painters:				
Brush	7.24	.40	.30	.01
Spray	7.99	.40	.30	.01
Structural steel (brush)	7.39	.40	.30	.01
Swing stage	7.99	.40	.30	.01
Sandblaster	7.24	.40	.30	.01
Piledriverman	7.90	.25	.15	.01
Plasterers	7.95	.25	.30	.01
Plumbers	7.92	.30	.40	.3%
Roofers	7.75	.40	.40	
Sheet metal workers	8.30	.40	.15	
Soft floor layers	7.45	.25	.15	
Sprinkler fitters	8.00	.25	.40	.3%
Steamfitters	7.92	.30	.55	
Stone masons	8.00	.25	.40	.25
Terrazzo workers	7.65	.25	.15	.25
Tile setters	7.40	.25	.15	.25
Truck drivers	4.26	a	c	f
Welders - receive rate prescribed for craft performing operation to which welding is				

## FOOTNOTES:

- a. Employer contributes \$27.71 per month.  
b. Holidays: A through F.  
c. Employer contributes \$8.00 per week.  
d. Employer contributes 4% of regular hourly rate to Vacation Pay credit for employee who has worked in business more than 5 years. -Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.  
e. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.  
f. After 1 year's employment, 1 week paid vacation; after 3 years, but less than 10 years, 2 weeks paid vacation; over 10 years, but less than 20 years, 3 weeks paid vacation, 20 years or more 4 weeks paid vacation.

FEDERAL REGISTER, VOL. 39, NO. 37—FRIDAY, FEBRUARY 22, 1974



AQ-3107 P. 4		Wis. 1. PEO		B		1 of 2	
BASIC PAY		Fringe Benefits Payments		Fringe Benefits Payments		Fringe Benefits Payments	
Basic Hourly Rate	Basic Hourly Rate	H & W	Pensions	Vacation	App. Tr.	App. Tr.	App. Tr.
BUILDING, SEWER, WATER, EXCAVATING AND INCIDENTAL PAVING							
LABORERS, BUILDING:							
Pneumatic tool op., air hammer, jackhammer, concrete buster, sheeting driver, air spade vibrator, air tamper & mortar mixer							
General laborer, concrete work, form strippers, mason tenders, building wreckers	6.90	.30	.15	.15	.02	.05	.05
Sewer and Watermain Construction:							
Pipe layer	7.15	.30	.15	.15	.02	.05	.05
Caulker	6.90	.30	.15	.15	.02	.05	.05
Bottommen, bracer & manhole builder (cement)	6.90	.30	.15	.15	.02	.05	.05
General laborer	6.70	.30	.15	.15	.02	.05	.05
Plasterers' Laborers:							
Master mixer	7.30	.30	.15	.15	.02	.05	.05
Red carrier	7.05	.30	.15	.15	.02	.05	.05
HEAVY AND HIGHWAY CONSTRUCTION							
TRUCK DRIVERS:							
Two axle trucks	6.50	a	b	.354c			
Three or more axles	6.65	a	b	.354c			
Euclids or dumper type hauling units	6.65	a	b	.354c			
Mechanic truck	6.65	a	b	.354c			
Mechanic's helpers, truck	6.50	a	b	.354c			
Footnotes:							
a. \$62.84 per month for employee who has been on payroll 30 days or longer.							
b. \$12.00 per week							
c. Includes .10 employer contribution to holiday fund.							

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AQ-3107 P. 5		Wis. 1. PEO		2 of 2		Fringe Benefits Payments		Fringe Benefits Payments	
Basic Hourly Rate	Basic Hourly Rate	H & W	Pensions	Vacation	App. Tr.	App. Tr.	App. Tr.	App. Tr.	App. Tr.
POWER EQUIPMENT OPERATORS CONDT:									
Group IX									
Shouldering machine operator, screened operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants									
Group X	7.61	.15	.50	.50	.05	.05	.05	.05	.05
Group XI									
Firm-asphalt plants									
Group XII	7.53	.15	.50	.50	.05	.05	.05	.05	.05
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3" augers (vertical and horizontal)									
Group XIII	7.19	.15	.50	.50	.05	.05	.05	.05	.05
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestressing machines; bobcats; generators (under 150 KW); pumps (3" and under); winches (small electric); oiler and greaser; boiler operators (temporary heat); rotary drill helper; conveyor; forklift (12' and under)									
Group XIV	7.37	.15	.50	.50	.05	.05	.05	.05	.05
LABORERS									
Group A									
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (con. pavi.); Strike off man; Demolition and Wrecking laborer; Bituminous worker; Dump; ironer; smoother; tamper, shoveler, loader, utility man									
Group B	\$6.61	.30	.15	.15	.02	.02	.02	.02	.02
Group C									
Formsetter (curb, walk & pavement); tree trimmer									
Group D	6.66	.30	.15	.15	.02	.02	.02	.02	.02
Biv. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; air tool opr. (hand operated)									
Group E	6.71	.30	.15	.15	.02	.02	.02	.02	.02
Demolition burning torch laborer; Bituminous worker; raker, luceman; Cabin saw operators									
Group F	6.76	.30	.15	.15	.02	.02	.02	.02	.02
Powderman, blaster									
Group G	6.61	.30	.15	.15	.02	.02	.02	.02	.02
Group H									
Pipeline crew (sewer, water): Pipelayer, Bottom man, Topman									
Pipelayer	7.06	.30	.15	.15	.02	.02	.02	.02	.02
Bottom man	6.86	.30	.15	.15	.02	.02	.02	.02	.02
Topman	6.71	.30	.15	.15	.02	.02	.02	.02	.02

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## HIGHWAY CONSTRUCTION

**POWER FOUR-FIFTY OPERATORS:**

HIGHWAY CONSTRUCTION		Fringe Benefits Payments		Fringe Benefits Payments		Fringe Benefits Payments	
Basic Hourly Rates	H & W	Pension	Vacation	H & W	Pension	Vacation	App. Tr.
<b>POWER EQUIPMENT OPERATORS:</b>							
<b>Group I</b>							
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) crane; derrick, dragline; dredge; Piledriver; power shovel; material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete P4; Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt Plant engine; automatic slipform concrete paver; mixer portable; chainson rig; central mixer concrete; dredge engine; batch plant engine (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatmen, bump cutter & grooving machine; shoulder widener; winches & A-Frase; tube finisher							
\$8.47	.45	.50					.05
<b>Group II</b>							
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)							
8.21	.45	.50					.05
<b>Group III</b>							
Screed (bituminous paver); shouldering machine; self-propelled chip spreader							
8.12	.45	.50					.05
<b>Group IV</b>							
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade) launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed) compactors & light equipment; tractor, end loader (rubber-tired) light, Fork lift, belting machine, burlap machine, deep digger, mulcher, texturing machine							
8.04	.45	.50					.05
<b>Group V</b>							
Fireman, Environmental burner							
7.96	.45	.50					.05

**SUPERSEDES DECISION**

STATE: WISCONSIN  
DECISION NUMBER: AQ-3108  
Superior's Decision No. AB-55 dated December 30, 1972 in 37 PR 25650  
DESCRIPTION OF WORKS: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

18-Wisconsin		S		1 of 2	
BUILDING CONSTRUCTION		Fringe Benefits Payments			
Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others
\$7.67	.36	.35		.02	
7.80	.30	.85		.02	
7.625	.30	.85		.02	
7.15	.25	.20	.50	.03	
7.57	.25	.25		.03	
7.60			.50		
	3%	1%		1/2 of 1%	
8.60	.395	.26	2% + 65%		
8.35	.395	.26	2% + 65%		
5.849					
50% JR					
8.10	.50	.50		.02	
8.10	.50	.50		.02	
8.10	.50	.50		.02	
5.70	.25	.15			
5.70	.25	.15			
5.85	.25	.15			
5.85	.25	.15			
7.50					
6.94	.25	.12	7%	.5%	
7.58	.25	.12	7%	.5%	
4.80	.25	.12	7%	.5%	
4.59	.25	.12	7%	.5%	
5.77	.25	.12	7%	.5%	
3.79	.25	.12	7%	.5%	
4.38	.25	.12	7%	.5%	
4.38	.25	.12	7%	.5%	
8.75	.30	.25		.01	
7.97	.25			.03	
6.35					
6.60					
6.85					
6.85					

## NOTICES



WIS. 1 PEO B 1 of 2

WIS. 1 PEO 2 of 2

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
<b>BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION</b> <b>POWER EQUIPMENT OPERATORS</b> Group I Granes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type) Group II Concrete paver (over 27E), concrete spreader and distributor Group III Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), end-loader (over 40 h.p.), forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket) Group IV Concrete and grout pump, backfiller, concrete auto breaker (large), concrete finishing machines (road type) Group V Roller (rubber tire) Group VI Concrete batch hopper, concrete conveyor systems, concrete mixers (145 or over) screw type pumps, and gypsum pumps, tractor, bulldozer, end-loader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives Group VII Roller (under 5 tons) and fireman (pile drivers and derricks) Group VIII Hoists (automatic), forklift (12' to 25') tamper-compactors (riding type) assistant engineer, "A" frames and winches, trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats tug), auto, work, barges and launch) 7.82	.45	.50	.05	.05

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
<b>POWER EQUIPMENT OPERATORS CONTD.</b> Group IX Shouldering machine operator, sored operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants Group X Fireman-asphalt plants Group XI Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3" augers (vertical and horizontal) Group XII Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3" and under); winches (small electric); oiler and greaser; boiler operators (temporary heat); rotary drill helper; conveyor; forklift (12' and under) 7.37	.45	.50	.05	.05

WIS. 9-LAB-S-T-W b

Wisc. S-Lab - 2- 3 1

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	H & W	Pensions	Vacation		
<b>SEWER, TUNNEL AND WATER CONSTRUCTION</b> <b>LABORERS:</b> Laborer, Wellpoint installation, wire mesh and reinforcement Machine and equipment operator, Shoveling, Formsetting, Patching, Finishing, Backfilling, Jointcutter, Gunite man, Manhole Builder, Air, or Electrical Tool Operator, Welder, Foreman, Blaster, Calker, Bracer Pipelayer Laser Operator <b>TUNNEL WORK</b> All tunnel work add fifteen (.15) cents to each classification.	.30	.15	.02	.02	

## HEAVY AND HIGHWAY CONSTRUCTION

## LABORERS

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	H & W	Pensions	Vacation		
<b>Group A</b> Laborer, Misc., unskilled; Stone handler; Joint sewer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumper, ironer, smoother, tamper shoveler; loader, utility man <b>Group B</b> Formsetter (curb, walk & pavement); tree trimmer <b>Group C</b> Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; far tool opr. (hand operated) <b>Group D</b> Demolition burning torch laborer; Bituminous worker; raker, lutemen; Chain saw operators <b>Group E</b> Powderman, blaster <b>Group F</b> Pipelayer crew (sewer, water); Pipelayer Bottom man Topman	.25	.15	.02	.02	

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	H & W	Pensions	Vacation		
<b>HEAVY AND HIGHWAY CONSTRUCTION</b> <b>TRUCK DRIVERS:</b> Two axle trucks Three or more axles Euclids or dumper type hauling units Mechanic truck Mechanic's helpers, truck Footnotes: a. \$62.84 per month for employee who has been on payroll 30 days or longer. b. \$12.00 per week c. Includes .10 employer contribution to holiday fund.	a a a a a	b b b b b	.35c .35c .35c .35c .35c		







## LABORERS (BUILDING CONSTRUCTION)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$5.50	.30	.15		
5.65	.30	.15		
5.75	.30	.15		
6.05	.30	.15		
5.17	.30	.15		

GROUP I  
Building laborers, caisson top men, helpers  
of pre-cast concrete decking products,  
wreckers & house movers, form oiler, form  
cleaner, concrete dump men, pit men,  
signal men, scaffold builder, clean-up  
work, railroad work, material conveyor,  
roofers hoist, powered sweeper, power  
trencher operator for concrete, tile &  
terrazzo laborer, form stripper

GROUP II  
Drill, jackhammer & all types vibrators,  
asphalt, kettlemen, mortar & plaster mixer,  
fork lift operator (masonry work),  
plaster & concrete pump, roofers, welder  
& torch work, nozzle man, gunnite man,  
concrete worker, sandblaster, concrete  
planer, concrete saw, mudjack, side  
grinders, wire brushers, rock hammers,  
air blades & other similar pieces of  
equipment (gas, electric or air)

GROUP III  
Scaffolding & chimney work up to 40',  
above solid-base structure

GROUP IV  
Drill operators (tunnel and caisson),  
tunnel and sewer miners

GROUP V  
Flagmen, watchmen & waterboys

BUILDING, HEAVY, TUNNEL AND  
SEWER CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.47	.45	.50		.05
8.32	.45	.50		.05
8.22	.45	.50		.05
8.02	.45	.50		.05
7.97	.45	.50		.05
7.92	.45	.50		.05
7.87	.45	.50		.05
7.82	.45	.50		.05

GROUP I  
Crane, shovel, dragline, backhoe,  
clamshells, derricks, caisson rig, pile  
driver, skid rig, dredge operator and  
traveling crane (bridge type)

GROUP II  
Concrete paver (over 272), concrete  
spreader and distributor

GROUP III  
Material hoist, stack hoist, tractor or  
truck mounted hydraulic backhoe,  
tractor or truck mounted hydraulic  
crane (5 tons or under), man-hoist,  
tractor (over 40 h.p.), bulldozer  
(over 40 h.p.), end-loader (over 40 h.p.),  
forklift (25' and over), motor patrol,  
motor operator, sideboom, straddle  
carrier, mechanic and welder,  
bituminous plant and paver operator,  
roller (over 5 tons) rotary drill  
operator and blaster, trencher (steel  
type or chain type having over 8-inch  
bucket)

GROUP IV  
Concrete and grout pumps, backfiller,  
concrete auto breaker (large), concrete  
finishing machines (road type)

GROUP V  
Roller (rubber tire)

GROUP VI  
Concrete batch hopper, concrete conveyor  
systems, concrete mixers (145 or over),  
tower type pumps, and grout pumps,  
tractor, bulldozer, end-loader (under  
40 h.p.), pumps, (well points) trencher  
(chain type having bucket 8-inch and  
under), industrial locomotives

GROUP VII  
Roller (under 5 tons) and firemen (pile  
drives and caissons)

GROUP VIII  
Hoists (automatic), forklift (12' to 25'),  
tamper-compactors (riding type)  
assistant engineer, "A" frames and winch  
trucks, concrete auto breaker, hydro-  
hammer (small), brooms and sweepers,  
hoist (buggers), stump chipper (large  
boats, tug, safety, work, barges and  
launch)

## NOTICES

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## NOTICES

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## POWER EQUIPMENT OPERATORS CONTD.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.61	.45	.50		.05
7.53	.45	.50		.05
7.49	.45	.50		.05
7.37	.45	.50		.05

GROUP IX  
Shouldering machine operator, screed  
operator, farm or industrial tractor,  
steered equipment, post hole digger,  
stone crushers and screening plants

GROUP X  
Pump, asphalt plants

GROUP XI  
Generators over 150KW, air compressors over  
300 cu. ft., and pumps over 3" augers  
(vertical and horizontal)

GROUP XII  
Combination small equipment operator: Air  
electric, hydraulic jacks (slip form),  
compressors (under 300 CFM), welding  
machines, heaters (mechanical), prestress  
machines, bobcats, generators (under  
150 KW), pumps (3" and under), winches  
(small electric), oiler and graser;  
boiler operators (temporary heat)  
rotary drill helpers; conveyor;  
forklift (12' and under)

## HEAVY AND HIGHWAY CONSTRUCTION

## LABORERS

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$6.43	.30	.15		.02
6.46	.30	.15		.02
6.53	.30	.15		.02
6.58	.30	.15		.02
6.63	.30	.15		.02
6.88	.30	.15		.02
6.68	.30	.15		.02
6.53	.30	.15		.02

GROUP A  
Laborer, Misc., unskilled; Stone  
handler; joint sewer or fill:  
(pavement); Reinforcing steel  
setter (pavement); Guard rail  
builder; Puddler (conc. paving);  
Strike off man; Demolition and  
wrecking laborer; Bituminous  
worker; Dumper, ironer, smoother,  
tamper shoveler, loader, utility  
man

GROUP B  
Formsetter (curb, walk & pavement);  
tree trimmer

GROUP C  
Vib. or tamper opr., mechanical (hand  
operated); batch truck dumper or  
cement handler; bar tool opr.  
(hand operated)

GROUP D  
Demolition burning torch laborer;  
Bituminous worker: raker, lutemen;  
Chain saw operators

GROUP E  
Powderman, blaster

GROUP F  
Pipelayer crew (sewer, water);  
Pipelayer  
Bottom man  
Topman

FEDERAL REGISTER, VOL. 39, NO. 37—FRIDAY, FEBRUARY 22, 1974











Basic Hourly Rates	Mile. 1. PEO 2 of 2			App. Tr.
	H & W	Pension	Vacation	
\$7.61	.45	.50		.05
7.53	.45	.50		.05
7.49	.45	.50		.05
7.37	.45	.50		.05

## POWER EQUIPMENT OPERATORS CONTD:

Group IX  
Shouldering machine operator; screed operator; farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants  
Group X  
Paving asphalt plants  
Group XI  
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3" augers (vertical and horizontal)  
Group XII  
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; bobcats; generators (under 150 KW); pumps (3" and under); winches (small electric); oiler and greasers; boiler operators (temporary heat); rotary drill helpers; conveyor; forklift (12' and under)

LABORERS  
Group A  
Laborer, Misc., unskilled; Tree trimmer; Stone handler; Reinforcing steel setter (pavement); Guard rail builders; Demolition and wrecking laborer; Bituminous worker; Shovel loader utility man  
Group B  
Puddler (concrete paving); Batch truck dumper or cement handler; Bituminous worker; Dumper, ironer, smoother, tamper  
Group C  
Vibrator or tamper operator, Mech. (hand operated); joint saw or filler (pavement); Demolition burning torch laborer; Chain saw operator  
Group D  
Air tool operator (hand operated)  
Group E  
Strike off man; formsetter (curb, walk and pavement)  
Group F  
Bituminous worker; Baker luteman  
Group G  
Powderman, blaster

Misc. 26-Feb-73-1

Basic Hourly Rates	Mile. 26-Feb-73-1			App. Tr.
	H & W	Pension	Vacation	
\$6.86	.40	.40	.25	.02
6.96	.40	.40	.25	.02
7.01	.40	.40	.25	.02
7.06	.40	.40	.25	.02
7.11	.40	.40	.25	.02
7.16	.40	.40	.25	.02
7.51	.40	.40	.25	.02

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Basic Hourly Rates	Mile. 4 - PEO -3 M 1 of 2			App. Tr.
	H & W	Pension	Vacation	
\$8.47	.45	.50		.05
8.21	.45	.50		.05
8.12	.45	.50		.05
8.04	.45	.50		.05
7.96	.45	.50		.05

## HIGHWAY CONSTRUCTION

## POWER EQUIPMENT OPERATORS:

Group I  
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) Crane; derriock, dragline; dredge; Pile driver; power shovel, material loader; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing roller (self-propelled); trenching machine; tractor, side boom (heavy) concrete pvt. spreader; Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; mixer portable; calson rig; central mixer concrete; dredge engineer; batch plant engineer (concrete); central mix plant concrete; percussion or rotary drilling machine; grader or motor mechanic or welder; heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer; boom, bump cutter & grooving machine; shoulder widener; winches & A-Frames; tube finisher  
Group II  
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)  
Group III  
Screed (bituminous paver); shouldering machine; self-propelled chip spreader  
Group IV  
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launcher; roller (pneumatic tired) self-propelled; tractor (mounted or towed) compactors & light equipment; tractor, end loader (rubber-tired) light, Fork lift, betting machine, burial machine, Jeep digger, mulcher, texturing machine  
Group V  
Fireman, Environmental burner

## POWER EQUIPMENT OPERATORS CONTD:

Group VI  
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car lesters, stump chipper, curb machine operator, concrete proportioning plants, generators, muljack  
Group VII  
Grader or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill  
Group VIII  
Oiler, pump (over 3 inches), surge bin; Drilling machine helper

Basic Hourly Rates	Mile. 4 - PEO -3 2 of 2			App. Tr.
	H & W	Pension	Vacation	
7.92	.45	.50		.05
7.83	.45	.50		.05
7.71	.45	.50		.05

## HEAVY AND HIGHWAY CONSTRUCTION

Truck Drivers  
Two axle trucks  
Three or more axle trucks  
Euclids or dumper type hauling units  
Mechanics  
Mechanic's helpers

## Footnotes:

- \$62.84 per month for employee who has been on payroll 30 days or longer.
- \$12.00 per week.
- Includes \$.10 contribution to Holiday fund.

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AQ-3112 P. 3		Wisc. - 4 - PEO - 3		M 1 of 2		AQ-3112 P. 4		Wisc. - 4 - PEO - 3		2 of 2	
HIGHWAY CONSTRUCTION		Fringe Benefits Payments		App. Th.		Fringe Benefits Payments		App. Th.		Fringe Benefits Payments	
Basic Hourly Rates		H & W	Pension	Vacation	App. Th.	Basic Hourly Rates		H & W	Pension	Vacation	App. Th.
<b>POWER EQUIPMENT OPERATORS:</b>											
<b>GROUP VI</b>											
Air compressor, drilling or boring machine (mechanical heavy); grasper, heavy equipment, lead-man, tank car eaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack											
7.32		.45				7.32		.45	.50		.05
<b>GROUP VII</b>											
Grasper or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill											
7.83		.45				7.83		.45	.50		.05
<b>GROUP VIII</b>											
Oiler, pump (over 3 inches), surge bin; drilling machine helper											
7.71		.45				7.71		.45	.50		.05
<b>GROUP I</b>											
Bituminous paver or plant; concrete breaker, truck mounted (heavy) crane; derrick, dragline; dredge; pile driver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); concrete P.V. spreader; heavy duty (rubber-tired); hydraulic Back Hoe, Asphalt plant engine; automatic slipform concrete paver; automatic subgrader (concrete); batch mixer concrete; dredge engine; batch plant engine (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor tractor; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatmen, bump outter & grooving machine; shoulder widener; winches & A-Frames; tube finisher											
\$8.47		.45	.50		.05	\$8.47		.45	.50		.05
8.21		.45	.50		.05	8.21		.45	.50		.05
8.12		.45	.50		.05	8.12		.45	.50		.05
<b>GROUP II</b>											
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)											
8.04		.45	.50		.05	8.04		.45	.50		.05
7.96		.45	.50		.05	7.96		.45	.50		.05
<b>GROUP III</b>											
Shoulder machine; self-propelled chip spreader											
<b>GROUP IV</b>											
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade) launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed) compactors & light equipment; tractor, end loader (rubber-tired) light, Fork lift, belt machine, burlap machine, Jeep digger, mulcher, torturing machine											
8.04		.45	.50		.05	8.04		.45	.50		.05
7.96		.45	.50		.05	7.96		.45	.50		.05
<b>GROUP V</b>											
Firmman, Environmental burner											

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AQ-3112 P. 5		Wisc. - 4 - PEO - 3		M 1 of 2		AQ-3112 P. 6		Wisc. - 4 - PEO - 3		2 of 2	
HEAVY AND HIGHWAY CONSTRUCTION		Fringe Benefits Payments		App. Th.		Fringe Benefits Payments		App. Th.		Fringe Benefits Payments	
Basic Hourly Rates		H & W	Pension	Vacation	App. Th.	Basic Hourly Rates		H & W	Pension	Vacation	App. Th.
<b>LABORERS</b>											
<b>GROUP A</b>											
Laborer, Misc., unskilled; Stone handler; Joint sewer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumper, ironer, smoother, tamper shoveler, loader, utility man											
\$6.43		.30	.15	.02		\$6.43		.30	.15	.02	
6.48		.30	.15	.02		6.48		.30	.15	.02	
<b>GROUP B</b>											
Formsetter (curb, walk & pavement); tree trimmer											
6.53		.30	.15	.02		6.53		.30	.15	.02	
<b>GROUP C</b>											
Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; far tool opr. (hand operated)											
6.58		.30	.15	.02		6.58		.30	.15	.02	
<b>GROUP D</b>											
Demolition burning torch laborer; Bituminous workers raker, lutemen; Chain saw operators											
6.63		.30	.15	.02		6.63		.30	.15	.02	
<b>GROUP E</b>											
Ponderman, blaster											
6.88		.30	.15	.02		6.88		.30	.15	.02	
6.58		.30	.15	.02		6.58		.30	.15	.02	
<b>GROUP F</b>											
Pipelayer crew (sewer, water); Pipelayer; Bottom man; Topman											
7.82		.45	.50		.05	7.82		.45	.50		.05
<b>GROUP VII</b>											
Concrete batch hopper, concrete conveyor screw type pumps, and gypsum pumps, tractor, bulldozer, end loader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives											
7.92		.45	.50		.05	7.92		.45	.50		.05
<b>GROUP VIII</b>											
Roller (under 5 tons) and fireman (pile drivers and derricks)											
7.87		.45	.50		.05	7.87		.45	.50		.05
<b>GROUP IX</b>											
Hoists (automatic), forklift (12' to 25') tamper-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tugger), stump chipper (large boats tug), safety, work, barges and launch											
7.82		.45	.50		.05	7.82		.45	.50		.05

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Miss. L. PED 2 of 2

POWER EQUIPMENT OPERATORS CONTD:

Group IX  
Shouldering machine operator, screened operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plant  
Group X  
Fireman-asphalt plants  
Group XI  
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3" augers (vertical and horizontal)  
Group XII  
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestressed machines; bobcat generators (under 150 KW); pumps (3" and under); winches (small electric); oiler and greaser; boiler operators (temporary heat); rotary drill helper; conveyor; forklift (12' and under)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
\$7.61	.15	.50		.05
7.53	.15	.50		.05
7.49	.15	.50		.05
7.37	.15	.50		.05

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HEAVY and HIGHWAY CONSTRUCTION

TRUCK DRIVERS:  
Two axle trucks  
Three or more axles  
Bulldozers or crawler type hauling units  
Mechanical trucks  
Mechanics' helpers, truck

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	H & W	Pension	Vacation		
\$6.50	a	b	.35c		
6.65	a	b	.35c		
6.85	a	b	.35c		
6.50	a	b	.35c		

Footnotes:

- a. \$62.80 per month for employee who has been on payroll 30 days or longer.  
b. \$12.00 per week  
c. Includes .10 employer contribution to holiday fund.

SUPERSEDES DECISION

STATE: Wisconsin  
COUNTIES: Milwaukee, Ozaukee, Waukesha, & Washington  
DECISION NUMBER: AQ-3113  
Supersedes Decisions AP-60, dated December 1, 1972 in 37 FR 25669 and AP-67 dated December 1, 1972 in 37 FR 25612 (including residential), Heavy and Highway Construction.

BUILDING CONSTRUCTION

Asbestos workers  
Boilermakers  
Boilermakers' helpers  
Bricklayers  
Bricklayers'  
Carpenters  
Millwrights  
Fittermen  
Leadmen  
Welder-burner  
Loftman  
Cement masons  
Electricians  
Elevator constructors  
Elevator constructors' helpers  
Elevator constructors' helpers (prob)  
Glaziers, structural & ornamental  
Ironworkers, reinforcing  
Lathers  
Leadburners  
Line construction:  
Linenmen  
Equipment operator  
Truck driver - w/ winch  
Groundmen - Experienced  
Marble setters  
Marble setters' helpers  
Painters:  
Brush  
Sling stage, up to 80 ft.  
Structural steel  
Spray and sandblasting  
Sling stage, 80 ft. and over  
Plasterers  
Plasterers and gasfitters  
Roofers  
Roofers'  
Mastic work:  
Spreaders  
Rubbers and Kettlemen  
Additional help  
Tower work:  
Without swings  
With swing seat or box'n chair  
Slate, tile and transite work:  
Roofers  
Steeply and siding work:  
Composition, damp and water-proof roofers

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	H & W	Pension	Vacation		
\$8.37	.45	.60	.50	.02	
7.80	.30	.85		.02	
7.625					
8.28	.60	.60	.56		
7.80	.50	.60	.51		
8.10	.50	.60	.51		
8.03	.50	.60	.51		
8.43	.50	.60	.51		
8.03	.50	.60	.51		
8.13	.50	.60	.51		
7.74	.51	12% .20	7%	1.25%	
8.06	.55	.23	22% .66b	.015	
5.66	.345	.23	22% .66b	.013	
4.03	.15	.40	.50	.11	
5.10	.50	.60	.50	.11	
8.41	.50	.60	.50	.11	
7.07	.45	.50	.65	.03	
8.75	.30	.50	c	.01	
6.94	.25	1%	7%	.5%	
5.77	.25	1%	7%	.5%	
4.80	.25	1%	7%	.5%	
4.38	.25	1%	7%	.5%	
7.66	.60	.50	.56	.50	
6.07	.30	.50	.50	.50	
7.26	.45	.50	.50	.50	
7.41	.45	.50	.50	.50	
7.51	.45	.50	.50	.50	
7.61	.45	.50	.50	.50	
7.31	.45	.50	.50	.50	
7.25	.45	.60	.66	.01	
8.27	.50	.60	.50	.03	
7.81	.50	.60	.51		
7.61	.50	.60	.51		
7.36	.50	.60	.51		
7.76	.50	.60	.51		
8.06	.50	.60	.51		
7.76	.50	.60	.51		
7.76	.50	.60	.51		
7.76	.50	.60	.51		

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	H & W	Pension	Vacation		
\$7.96	.45	.45	.75	.01	
7.60	.50	.50	.51	.02	
8.51	.60	.50	.50	.03	
8.21	.60	.60	.50		
8.28	.60	.60	.47		
7.87	.65	.60			
7.60	.30	.60	.45		
6.07	.30	.50	.50		

Sheet metal workers  
Soft floor layers  
Sprinkler fitters  
Stone masons  
Terrazzo workers  
Tile setters  
Tile setters' helpers  
Welders - reactive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day;  
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Holidays A through F  
b. Employer contributes 4% of regular hourly rate to Vacation Pay. Credit for employees who have worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay. Credit for employees who have worked in business less than 5 years.  
c. Holidays: A thru F plus Washington's Birthday, Good Friday and Christmas Day, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.  
d. Additional payment of 4 hrs. per month plus .03 per hr. weekly for employee who has worked less than 5 years - 6-2/3 hrs. per month for employee who has worked 5 years or more.











STATE: WISCONSIN COUNTY: POLK  
DECISION NUMBER: AQ-3114 dated December 1, 1972 in 37FR 25674  
Supersedes Decision No. AP-61  
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	49-Wisconsin A Job 2					
	Basic Hourly Rates	H & V	Pension	Vacation	App. Tr.	Other
<b>BUILDING CONSTRUCTION</b>						
Asbestos workers	\$7.67	.36	.35		.02	
Boilermakers	7.60	.30	.25		.02	
Boilermakers' helpers	7.65	.35	.25		.02	
Bricklayers	7.15	.25	.25	.50	.03	
Carpenters	7.57	.25	.25		.03	
Millwrights & Pilasdrivemen	7.97	.25	.25		.03	
Cement masons	7.60			.50		
Electricians	8.60	.37	.15		1 of 12	
Electricians, wiremen & technicians	8.35	.35	.26	224db		
Elevator constructors' helpers	5.85	.25	.26	224db		
Elevator constructors' helpers (prob)	5.85	.25	.26			
Ironworkers, structural, ornamental & reinforcing	6.10	.50	.50		.02	
Laborers	5.70	.25	.15			
Laborers, common	5.70	.25	.15			
Mason tender						
Mortar mixer & plasterer laborer						
air, gas & electric equipment						
vibrator operator, Kettlemen,						
dumpees & pimen, burner on,						
wrecking, scaffold builder &						
washing walls on swinging						
scaffold						
Gunite man & nozzle men, puddlers	5.85	.25	.15			
(when concrete pumps & when						
working behind paving machine),						
Cement dumper	5.85	.25	.15			
Jackhammer	5.95	.25	.15			
Laborers	7.66	.25	.25	.50	.01	
Western 1/2 of County	6.90					
Eastern 1/2 of County	8.75	.30			.01	
Leadburners						
Line Construction						
Linemen	6.94	.25	.15	.75	.5%	
Groundmen - Heavy truck driver	4.80	.25	.15	.75	.5%	
Groundmen - Light truck driver	4.59	.25	.15	.75	.5%	
Groundmen - 1st 6 mos.	3.79	.25	.15	.75	.5%	
Equipment operator	5.77	.25	.15	.75	.5%	
Groundmen - Therafter	4.58	.25	.15	.75	.5%	

## NOTICES

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day;  
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES

- a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- b. Holidays, A through F.
- c. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas. Employees providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

d. \$36.63 per month for each employee.

e. \$4.00 per week for each employee.

	49-Wisconsin 2 of 2			
	Basic Hourly Rates	H & V	Pension	App. Tr.
Painters:				
Brush	\$6.35			
Structural steel	6.60			
Sandblaster & Spry	6.85			
Swing stage	6.60			
Plasterers	7.50			
Plumbers & Steam Fitters	.45		.35	.01
Roofers	7.56		.44	.02
Sheet metal workers	8.06		.52	.03
Sprinkler fitters	8.00		.25	
Stone masons	7.15		.25	.03
Truck drivers:				
two axle	4.05	8		
3 or more axles	4.20	8		

49 - Wisconsin

## NOTICES

	49-Wisconsin 2 of 2			
	Basic Hourly Rates	H & V	Pension	App. Tr.
<b>BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION</b>				
<b>POWER EQUIPMENT OPERATORS</b>				
Group I Cranes, shovels, draglines, back-see, clamshell, derricks, clamson lifts, pile driver, skid rigs, crane operator and traveling crane (bridge type)	\$8.47	.45	.50	.05
Group II Concrete paver (over 272'), concrete spreader and distributor	8.32	.45	.50	.05
Group III Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 10 h.p.), bulldozer, (over 10 h.p.), end loader (over 10 h.p.), Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50	.05
Group IV Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50	.05
Group V Roller (rubber tire)	7.97	.45	.50	.05
Group VI Concrete batch hopper, concrete conveyor systems, concrete mixers (1/2 or over) screw type pumps, and gypsum pumps, tractor, bulldozer, end loader (under 10 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50	.05
Group VII Roller (under 5 tons) and firmen (pile drivers and derricks)	7.87	.45	.50	.05
Group VIII Hoists (automatic), forklift (12' to 25') tamper-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (sugars), stump chipper (large boat), tug, safety, work, barge and launch	7.82	.45	.50	.05



AQ-3114 P. 5		WIS. 9-LAB-S-T-M		Fringe Benefits Payments		Fringe Benefits Payments		Fringe Benefits Payments	
Basic Hourly Rates		H & W		Pensions		Vacation		App. Tr.	
LABORERS		.30		.15		.02		.02	
SEWER, TUNNEL AND WATER CONSTRUCTION									
LABORER, Wellpoint installation, wire mesh and reinforcement									
Machine and equipment operator, Sheeting, Formsetting, Patch-finisher, Bottomman, Joinsaver, Gunite man, Manhole Builder, Air, or Electrical Tool Operator, Welder, Torchman, Blaster, Calker, Bracer		6.20		.15		.02		.02	
Pipelayer		6.45		.15		.02		.02	
Laser Operator									
TUNNEL WORK									
All tunnel work add fifteen (.15) cents to each classification.									
WIS. 9-LAB-S-T-M		H & W		Pensions		Vacation		App. Tr.	
Basic Hourly Rates									
HEAVY AND HIGHWAY CONSTRUCTION									
TRUCK DRIVERS:									
Two axle trucks		6.50		b		.35hc			
Three or more axles		6.65		b		.35hc			
Euclids or dumper type hauling units		6.65		b		.35hc			
Mechanic truck		6.65		b		.35hc			
Mechanic's helpers, truck		6.50		a					
Footnotes:									
a. \$67.04 per month for employee who has been on payroll 30 days or longer.									
b. \$12.00 per week									
c. Includes .10 employer contribution to holiday fund.									

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AQ-3114 P. 7		WIS. 9-LAB-S-T-M		Fringe Benefits Payments		Fringe Benefits Payments		Fringe Benefits Payments	
Basic Hourly Rates		H & W		Pensions		Vacation		App. Tr.	
LABORERS		.30		.15		.02		.02	
SEWER, TUNNEL AND WATER CONSTRUCTION									
LABORER, Wellpoint installation, wire mesh and reinforcement									
Machine and equipment operator, Sheeting, Formsetting, Patch-finisher, Bottomman, Joinsaver, Gunite man, Manhole Builder, Air, or Electrical Tool Operator, Welder, Torchman, Blaster, Calker, Bracer		6.20		.15		.02		.02	
Pipelayer		6.45		.15		.02		.02	
Laser Operator									
TUNNEL WORK									
All tunnel work add fifteen (.15) cents to each classification.									
WIS. 9-LAB-S-T-M		H & W		Pensions		Vacation		App. Tr.	
Basic Hourly Rates									
HEAVY AND HIGHWAY CONSTRUCTION									
TRUCK DRIVERS:									
Two axle trucks		6.50		b		.35hc			
Three or more axles		6.65		b		.35hc			
Euclids or dumper type hauling units		6.65		b		.35hc			
Mechanic truck		6.65		b		.35hc			
Mechanic's helpers, truck		6.50		a					
Footnotes:									
a. \$67.04 per month for employee who has been on payroll 30 days or longer.									
b. \$12.00 per week									
c. Includes .10 employer contribution to holiday fund.									

## HIGHWAY CONSTRUCTION

## POWER EQUIPMENT OPERATORS:

Group I  
 Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) Crane; derrick, dragline; dredge; pile driver; power shovel; material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); concrete Pyl. Spreader; Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engine; automatic slipform concrete placer; mixer portable; calisson rig; batch mixer concrete; bridge engineer; batch plant engineer (concrete); central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boommen, bump outter & grooving machine; shoulder widener; winches & A-Frames; tube finisher

Group II  
 Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)

Group III  
 Screed (bituminous paver); shouldering machine; self-propelled chip spreader

Group IV  
 Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed) compactors & light equipment; tractor, end loader (rubber-tired) light, Fork lift, belt machine, burlap machine, deep digger, mulcher, texturing machine

Group V  
 Fireman, Environmental burner

## POWER EQUIPMENT OPERATORS CONTD:

Group VI  
 Air compressor, drilling or boring machine (mechanical hoist); greaser, heavy equipment, lead-man, tank car heaters, pump operator, curb machine operator, concrete proportioning plants, generators, mudjack

Group VII  
 Grout screening plant, automatic belt conveyor & surge bin; pneumatic wind roller; farm tractor towed; pug mill

Group VIII  
 Grout pump (over 3 inches), surge bin; drilling machine helper

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## SUPERSEDES DECISION

STATE: WISCONSIN COUNTY: RACINE  
 DECISION NUMBER: AQ-3115 DATE: Date of Publication  
 SUPERSEDES DECISION NO. A-62 dated December 1, 1972 in 37 FR 25678  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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## BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
Asbestos workers	\$8.37	.45	.60	.03	
Boilermakers	7.80	.30	.85	.02	
Boilermakers' helpers	7.625	.30	.85	.02	
Bricklayers	7.97	.40	.20	.40	
Stonemasons	7.97	.40	.20	.40	
Carpenters (West of Hwy. 75):	7.47	.25	.25	.03	
Carpenters & soft floor layers	7.82	.25	.40	.03	
Millwrights	7.82	.25	.40	.03	
Pile-drivers	7.49	.40	.40	.03	
Carpenters (Balance of County):	7.69	.40	.40	.03	
Carpenters & soft floor layers	7.69	.40	.40	.03	
Millwrights	7.69	.40	.40	.03	
Pile-drivers	7.02	.40	.40	.20	
Gas fitters	8.50	.30	.12	7% 3/4 of 1%	
Electricians (Burlington)	8.00	.34	.12	22%ab	
Electricians (Balance of County)	8.06	.345	.23	22%ab	
Elevator constructors	5.64	.23	.20	.015	
Elevator constructors' helpers	4.03	.23	.20	.015	
Elevator constructors' helpers (prob)		.70	c		
Ironworkers, structural & ornamental	8.41	.50	.60	.11	
Ironworkers, reinforcing	8.41	.50	.60	.11	
Laborers	6.38	.40	.40	.20	
Air tool operator (jackhammer)	6.64	.40	.40	.20	
Mason tender	6.38	.40	.40	.20	
Mortar mixers	6.48	.40	.40	.20	
Plasterers' tenders	6.48	.40	.40	.20	
Vibrator operator	6.64	.40	.40	.20	
Lathers	6.64	.40	.40	.20	
Lead burners	6.45	.40	.40	.20	
8.75	.30				
Painters, (Balance of County):					
Brush	6.36	.40	.20		
Structural steel	6.31	.40	.20		
Spray	6.41	.40	.20		
Plumbers	6.65	.25	.40		
Plumbers	7.83	.40	.40	.50H	
Roofers	7.50	.40	.15		
Sheet metal workers	7.35	.40	.25	4.28	
Sprinkler fitters	8.00	.25	.40	.50H	
Steamfitters	7.83	.40	.40	.22	
Terrazzo workers	6.22	.30			
Tile setters	6.50	.40	.25	.40	

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				OTHERS
	H & W	PENSIONS	VACATION	APP. TR.	
\$6.94	.25	.12			.5%
7.58	.25	.12			.5%
5.77	.25	.12			.5%
4.80	.25	.12			.5%
4.59	.25	.12			.5%
4.38	.25	.12			.5%
3.79	.25	.12			.5%

## LINE CONSTRUCTION:

Line engineer  
 Cable installer  
 Groundman equipment operator (digging)  
 Assistant tractor operator & rig frame  
 setting rig)

Groundman - Tractor Driver (truck with boom or digger or tractor)  
 Groundman - Tractor Driver  
 Groundman  
 Experienced  
 1st 6 mos.

## NOTICES

- PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.
- FOOTNOTES:  
 a. Holidays: A through F.  
 b. Employer contributes 4% of regular hourly rate to Vacation Pay.  
 Credit for employee who has worked in business more than 5 years.  
 Employer contributes 2% of regular hourly rate to Vacation Pay.  
 Credit for employee who has worked in business less than 5 years.  
 c. Holidays: A thru F plus Washington's Birthday, Good Friday and Christmas  
 Day, providing employee has worked 45 full days during the 120 calendar  
 days prior to the holiday, and the regularly scheduled work days  
 immediately preceding and following the holidays.  
 d. Includes \$.14 holiday pay.  
 e. Additional payment of 4 hours per month plus .03 per hour weekly  
 for employee who has worked less than 5 years - 6-2/3 hours per  
 month for employee who has worked 5 years or more.  
 f. Holidays: A through F, the day after Thanksgiving Day, and the day  
 before Christmas.

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## NOTICES

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$7.61	.45	.50			.05
7.53	.45	.50			.05
7.49	.45	.50			.05
7.37	.45	.50			.05

## POWER EQUIPMENT OPERATORS CONT'D:

Group IX  
 Shouldering machine operator, sorted  
 operator, farm or industrial tractor,  
 mounted equipment, post hole digger,  
 stone crushers and screening plants  
 Group X  
 Fireman-asphalt plants  
 Group XI  
 Generators over 150KW, air compressors over  
 300 cu. ft., and pumps over 3" augers  
 (vertical and horizontal)  
 Group XII  
 Combination small equipment operator: Air  
 electric, hydraulic lifts (slip form);  
 generators (under 300 KW); welding  
 equipment (mechanical); prestress  
 machines; bobcats; generators (under  
 150 KW); pumps (3" and under); winches  
 (small electric); oiler and greaser;  
 boiler operators (temporary heat);  
 rotary drill helper; conveyor;  
 forklift (12' and under)

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$8.47	.45	.50			.05
8.32	.45	.50			.05
8.22	.45	.50			.05
8.02	.45	.50			.05
7.97	.45	.50			.05
7.92	.45	.50			.05
7.87	.45	.50			.05
7.82	.45	.50			.05

## BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION

POWER EQUIPMENT OPERATORS  
 Group I  
 Graders, shovels, draglines, backhoes, pile  
 clamshells, derricks, caisson rigs, pile  
 driver, skid rigs, dredge operator and  
 traveling crane (bridge type)  
 Group II  
 Concrete paver (over 270'), concrete  
 spreader and distributor  
 Group III  
 Material hoist, stack hoist, tractor or  
 truck mounted hydraulic backhoe,  
 tractor or truck mounted hydraulic  
 crane (5 tons to 100 tons), man-boist,  
 tractor (over 40 h.p.), bulldozer  
 (over 40 h.p.), wheel loader (over 40 h.p.),  
 forklift (25' and over), motor patrol,  
 skid steer loader, sideboom, straddle  
 carrier, mechanio and welder,  
 bituminous plant and paver operator,  
 roller (over 5 tons) rotary drill  
 operator and blaster, trencher (wheel  
 type or chain type having over 8-inch  
 bucket)  
 Group IV  
 Concrete and grout pumps, backfiller,  
 concrete auto breaker (large), concrete  
 finishing machines (road type)  
 Group V  
 Roller (rubber tire)  
 Group VI  
 Concrete batch hopper, concrete conveyor  
 systems, concrete mixers (415 or over),  
 screw type pumps, and gypsum pumps,  
 tractor, bulldozer, end-loader (under  
 40 h.p.), pumps, (well points) trencher  
 (chain type having bucket 8-inch and  
 under), industrial locomotives  
 Group VII  
 Roller (under 5 tons) and firmen (pile  
 drivers and derricks)  
 Group VIII  
 Hoists (automatic), forklift (12' to 25')  
 tamper-compactors (riding type) and winch  
 assistant engineer, "A" frames and winch  
 trucks, concrete auto breaker, hydro-  
 hammer (small), brooms and sweepers,  
 hoist (tugger), stump puller (large  
 tug), safety, work, barges and  
 launch

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STATE: WISCONSIN COUNTY: ROCK  
 SUPERSEDES DECISION: AQ-3116 dated December 1, 1972 in 37 FR 23682  
 SUPERSEDES DECISION: AP-63 dated December 1, 1972 in 37 FR 23682  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

## BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tr.	
Asbestos workers	\$8.37	.65	.50	.03	
Boilermakers	7.80	.85	.02	.02	
Bricklayers	7.62	.30	.02	.02	
Bricklayers & Stonemasons	7.85	.25	.15	.02	
Carpenters	8.06	.25	.15	.02	
Millwrights	8.58	.25	.15	.02	
Piledrivers	8.21	.25	.15	.02	
Soft floor layers	8.06	.25	.15	.02	
Cement masons	7.85	.25	.15	.02	
Electricians	8.40	.30	1%	.25%	
Cable splicers	8.90	.30	1%	.25%	
Elevator constructors:					
Southern portion of County	7.79	.345	.23	.015	
Northern portion of County	7.905	.345	.23	.015	
Elevator constructors' helpers:					
Southern portion of County	5.45	.345	.23	.015	
Northern portion of County	5.53	.345	.23	.015	
Elevator constructors' helpers (prob.):	50% JR				
Glassers:					
Northern 2/3 of County	7.30	.40	.20	.01	
Southern 1/3 of County	6.85	.30	.20	.02	
Ironworkers (all):					
Vic. of Edgerton, Milton, Poolville, & Evansville	8.47	.40	.25	.03	
Vic. of Janesville, Beloit, Oxfordville, Shopiers & Clinton	9.05	.40	.375	.05	
Lathers:					
Eastern 1/3	8.55	.25	.35	.01	
Southern portion	5.74	.15	.10	.01	
Roofers of County	7.40	.30	.20	.01	
Lead burners	8.75	.30	.20	.01	
Line construction:					
Linemen & digger operator	6.94	.25	1%	.7%	
Groundmen	4.38	.25	1%	.7%	
Equipment operators	5.77	.25	1%	.7%	
Painters:					
Brush	7.24	.40	.30	.01	
Structural steel (brush)	7.39	.40	.30	.01	
Spray	7.99	.40	.30	.01	
Swing stage	7.49	.40	.30	.01	
Plasterers	7.95	.25	.30	.01	
Plumbers	8.46	.26	.23	.03	
Roofers:					
Composition	8.00	.15			
Slate, slab work, tile & asbestos	8.00	.15			
Sheet metal workers	8.59	.35	.20	.02	
Sprinkler fitters	8.00	.25	.40	.03	
Steamfitters	8.46	.26	.23	.03	

Terrazzo workers  
 Tile setters  
 Truck drivers

Welders receive rate prescribed for crafts performing operation to which welding is incidental.

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day;  
 D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

- Holidays: A through F.
- Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 2% of rate for employee who has worked less than 5 years.
- Holidays: A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.
- Includes 1.5% holiday pay.
- Additional payment of 4 hours per month and .03 per hour weekly for employee who has worked less than 5 years. 6-2/3 hours per month for 5 years or more.

## SEWER TUNNEL AND WATER CONSTRUCTION

LABORERS:  
 Laborer, wallpoint installation, wire mesh and reinforcement  
 Machine and equipment operator, Sheeting, Formsetting, Patching, Finisher, Bottomman, Joistcutter, Gunnite man, Manhole Builder, Air, or Electrical Tool Operator, Welder, Torchman, Blaster, Galkar, Bracer

Pipelayer  
 Laser Operator

TUNNEL WORK  
 All tunnel work add fifteen (.15) cents to each classification.

## BUILDING HEAVY, TUNNEL AND SEWER CONSTRUCTION

POWER EQUIPMENT OPERATORS  
 Group I  
 Cranes, shovels, draglines, backhoes, clamshells, derricks, oilskin rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)  
 Group II  
 Concrete paver (over 275'), concrete spreader and distributor  
 Group III  
 Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), end-loader (over 40 h.p.), forklift (25' and over), motor patrol, scarifier operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill, operator and blaster, trencher (chain type or chain type having over 8-inch bucket)  
 Group IV  
 Concrete and grout pump, backfiller, concrete auto breaker (large), concrete finishing machines (road type)  
 Group V  
 Roller (rubber tire)  
 Group VI  
 Concrete batch hopper, concrete conveyor systems, concrete mixers (145 or over), screw type pumps, and grout pumps, tractor, bulldozer, end-loader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives  
 Group VII  
 Roller (under 5 tons) and firemen (pile drivers and derricks)  
 Group VIII  
 Hoists (automatic), forklift (12' to 25'), tamper-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats tug, safety, work, barges and launch)

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tr.	
\$8.17	.15	.50		.05	
8.32	.15	.50		.05	
8.22	.15	.50		.05	
8.02	.15	.50		.05	
7.97	.15	.50		.05	
7.92	.15	.50		.05	
7.87	.15	.50		.05	
7.82	.15	.50		.05	

## LABORERS BUILDING CONSTRUCTION:

## BUILDING CONSTRUCTION:

General laborers, concrete laborers building bracker, form stripper, concrete saw & power buggy operator, mortar mixer, power tanner, operator, Air chisel hammer operator (over 18 lbs.), chipping hammer operator (over 18 lbs.), skid lift operator, railroad tamper, concrete pump hose operator (1 man) mechanical pump hose operator (1 man) Pneumatic hammer (60 lbs. or over Manf. Specifications)

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tr.	
\$6.45	.30	.15			
6.60	.30	.15			
6.45	.30	.15			
6.70	.30	.15			



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HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS CONTD:

Group IX

Shouldering machine operator, acreed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants

Group X

Pitman-asphalt plants

Group XI

Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3" augers (vertical and horizontal)

Group XII

Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; bobsots; generators (under 150 KW); pumps (3" and under); winches (small electric); oiler and greaser; boiler operators (temporary heat); rotary drill helpers; conveyor; forklift (12' and under)

Basic Hourly Rates	Fringe Benefits Payments			Asp. Tr.
	M & W	Pensions	Vacation	
\$7.61	.15	.50		.05
7.53	.15	.50		.05
7.49	.15	.50		.05
7.37	.15	.50		.05

LABORERS

Group A

Laborer, Misc., unskilled; Stone handler; Joint saver or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumpster, ironer, smoother, tamper shoveler, loader, utility man

Group B

Formsetter (curb, walk & pavement); tree trimmer

Group C

Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; iar tool opr. (hand operated)

Group D

Demolition burning torch laborer; Bituminous worker; raker, lutemen; Chain saw operators

Group E

Pondorman, blaster

Group F

Pipelayer crew (sewer, water); Pipelayer  
Bottom man  
Toppers

Basic Hourly Rates	Fringe Benefits Payments			Asp. Tr.	Others
	M & W	Pensions	Vacation		
\$6.43	.30	.15			.02
6.48	.30	.15			.02
6.53	.30	.15			.02
6.58	.30	.15			.02
6.63	.30	.15			.02
6.88	.30	.15			.02
6.58	.30	.15			.02
6.53	.30	.15			.02

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
7.32	.45	.50		.05
7.83	.45	.50		.05
7.71	.45	.50		.05

**POWER EQUIPMENT OPERATORS CONTD:**  
**Group VI**  
 Air compressor, drilling or boring machine (mechanical hoist); grasper, heavy equipment, lead-min, tank car loaders, stump chipper, curb machine operator, concrete proportioning plants, generators, mulch  
**Group VII**  
 Grubber or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill  
**Group VIII**  
 Oilier, pump (over 3 inches), surge bin; drilling machine helper

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
8.47	.45	.50		.05
8.21	.45	.50		.05
8.12	.45	.50		.05

**HIGHWAY CONSTRUCTION**  
**POWER EQUIPMENT OPERATORS:**  
**Group I**  
 Bituminous paver or plant; concrete breaker; truck mounted (heavy) crane; loader, grapple, dumper; pile driver; power shovel; material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); concrete p-t; spreader, heavy duty (rubber-tired); hydraulic back hoe, asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); batch mixer portable; caisson rig; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, bosteen, bump cutter & grooving machine; shoulder widener; winches & A-Frames; tube finisher  
**Group II**  
 Mixer concrete (less than 21 C.F.); pump concrete; roller; steel (5 tons or less)  
**Group III**  
 Spread (bituminous paver); shouldering machine; self-propelled chip spreader  
**Group IV**  
 Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launch roller (pneumatic tired) self-propelled; tractor (mounted or towed); compactors & light equipment; tractor, end loader (rubber-tired) light, fork lift, belting machine, burlap machine, jeep digger, mulcher, texturing machine  
**Group V**  
 Environmental burner  
 Fireman

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	H & W	Pension	Vacation		
\$6.50	a	b	.35-c		
6.65	a	b	.35-c		
6.65	a	b	.35-c		
6.65	a	b	.35-c		
6.50	a	b	.35-c		

**HEAVY and HIGHWAY CONSTRUCTION**  
**TRUCK DRIVERS:**  
 Two axle trucks  
 Three or more axles  
 Euclids or dumper type hauling units  
 Mechanic truck  
 Mechanic's helpers, truck  
**Footnotes:**  
 a. \$22.86 per month for employee who has been on payroll 30 days or longer.  
 b. \$12.00 per week  
 c. Includes .10 employer contribution to holiday fund.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
8.47	.45	.50		.05
8.21	.45	.50		.05
8.12	.45	.50		.05
8.04	.45	.50		.05
7.96	.45	.50		.05

**HIGHWAY CONSTRUCTION**  
**POWER EQUIPMENT OPERATORS:**  
**Group I**  
 Bituminous paver or plant; concrete breaker; truck mounted (heavy) crane; loader, grapple, dumper; pile driver; power shovel; material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); concrete p-t; spreader, heavy duty (rubber-tired); hydraulic back hoe, asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); batch mixer portable; caisson rig; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, bosteen, bump cutter & grooving machine; shoulder widener; winches & A-Frames; tube finisher  
**Group II**  
 Mixer concrete (less than 21 C.F.); pump concrete; roller; steel (5 tons or less)  
**Group III**  
 Spread (bituminous paver); shouldering machine; self-propelled chip spreader  
**Group IV**  
 Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launch roller (pneumatic tired) self-propelled; tractor (mounted or towed); compactors & light equipment; tractor, end loader (rubber-tired) light, fork lift, belting machine, burlap machine, jeep digger, mulcher, texturing machine  
**Group V**  
 Environmental burner  
 Fireman



## SUPERSEDES DECISION

COUNTY: WINNE

DATE: Date of Publication

SUPERSEDES DECISION NO. AQ-3117 dated December 1, 1972 in 37 FR 25686

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

Truck drivers:  
Regular  
Semi & Tandem

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Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Other
	H & W	Pension	Vacation	App. Tr.		
Asbestos workers	\$6.85	.35	.20	.55%	.06	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers & Stonemasons	7.00	.30	.20	.35		
Carpenters	7.33	.25	.25		.02	
Cement masons:	6.43	.30	.20	.35		
Electricians	8.47	.38	.15		.015	
Elevator constructors	8.06	.345	.23	22-24dc	.015	
Elevator constructors' helpers	5.64	.345	.23	22-24dc		
Elevator constructors' helpers (prob)	4.03					
Ironworkers:						
Extreme eastern part of County including Lake Minnesota, Menasha and Neenah	8.41	.50	.60	.50	.11	
Structural, ornamental, reinforcing	8.47	.40	.25	.50	.03	
Remainder of County:						
Structural, ornamental, reinforcing	8.08	.30	.20	.35	.01	
Lathers	8.75	.30	.20	.35	.02	
Leadburners	7.00	.30	.20	.35		
Marble setters	5.67	.30	.20	.35		
Millwrights	7.58	.25	.25			
Painters:						
Brick & structural steel	6.20	.30	.10			
Paperhanging	6.20	.30	.10			
Spray	6.70	.30	.10			
Sandblasting	6.70	.30	.10			
Piledriverman	7.58	.25	.25		.02	
Plasterers:	7.00	.30	.20	.35		
Plumber & Steamfitters:						
Trunks of Menasha and Neenah	6.81	.32	.60	.75-8	.04	
Remainder of County	6.33	.25	.75	.60		
Roofers	5.88	.45	.30			
Sheet metal workers:	7.08	.40	.20	.60-8		
Soft floor layers	7.33	.25	.25		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	7.00	.30	.20	.35		
Tile setters	7.00	.30	.20	.35		

## NOTICES

## PAID HOLIDAYS:

A-New Year's Day; B-Emancipation Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

- Employer contributes \$27.71 per month.
- Holidays: A through F.
- Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years, and 2% of regular rate for employee who has worked less than 5 years.
- \$10.00 per week.
- Includes .05 holiday pay.
- Holidays: A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.
- Includes .30 holiday pay.
- Includes .18 holiday pay.
- One week vacation after 1 year, 2 weeks after 7 years.
- Additional payment of 4 hours per month plus .03 per hour weekly for employee who has worked less than 5 years. 6-2/3 hours per month for employee who has worked 5 years or more.
- Includes .20 holiday pay.

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## NOTICES

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Other
	H & W	Pension	Vacation	App. Tr.		
Construction laborers, form strip-per, form oiler, form cleaner, dump men, pit men, building wreck-er, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signal man, concrete pump and nozzle man, bitu-minous worker.	\$5.95	.25	.15			
Plasterer tender, hod carrier, dry cement handler, kettlemen, vibra-tor operator, slacking line, tile setter helper, core drill operator	6.00	.25	.15			
Jackhammer operator, diller, gunit-men, burner on wrecking, air operated concrete breaker, sheet-ing driver, power tamper, fork lift operator, jacking jack, ter-razzo grinder, mortar and plaster mixer, crowsote worker, bob cat operator, sand blaster, welder, mud jack operator, precast erector bituminous taker and luteman.	6.15	.25	.15			
Concrete batch hopper, concrete conveyor systems, concrete mixers (45 or over) screw type pumps, and gypsum pumps, tractor, bulldozer, end-loader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05	
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05	
Hoists (automatic), forklift (12' to 25') tamper-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats tug, safety, work, barges and launch)	7.82	.45	.50		.05	
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05	
Roller (rubber tire)	7.97	.45	.50		.05	
Concrete batch hopper, concrete conveyor systems, concrete mixers (45 or over) screw type pumps, and gypsum pumps, tractor, bulldozer, end-loader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05	
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05	
Hoists (automatic), forklift (12' to 25') tamper-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats tug, safety, work, barges and launch)	7.82	.45	.50		.05	

## BUILDING CONSTRUCTION

## Laborers:

## Class I

Construction laborers, form strip-per, form oiler, form cleaner, dump men, pit men, building wreck-er, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signal man, concrete pump and nozzle man, bitu-minous worker.

## Class II

Plasterer tender, hod carrier, dry cement handler, kettlemen, vibra-tor operator, slacking line, tile setter helper, core drill operator

## Class III

Jackhammer operator, diller, gunit-men, burner on wrecking, air operated concrete breaker, sheet-ing driver, power tamper, fork lift operator, jacking jack, ter-razzo grinder, mortar and plaster mixer, crowsote worker, bob cat operator, sand blaster, welder, mud jack operator, precast erector bituminous taker and luteman.

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## POWER EQUIPMENT OPERATORS CONT'D:

Group IX  
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants

Group X  
Fireman-asphalt plants

Group XI  
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3" augere (vertical and horizontal)

Group XII  
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; robots; generators (under 150 KW); pumps (3" and under); winches (small electric); oiler and greaser; boiler operators (temporary heat); rotary drill; helper; conveyor; forklift (12" and under)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$7.61	.45	.50		.05
7.53	.45	.50		.05
7.49	.45	.50		.05
7.37	.45	.50		.05

## SEWER, TUNNEL AND WATER CONSTRUCTION

LABORERS:  
Laborer, Wellpoint installation, wire mesh and reinforcement

Machine and equipment operator:  
Sheeting, formsetting, Patch-finisher, Bottomman, Joinsaver, Gunite man, Manhole Builder, Air, or Electrical Tool Operator, Welder, Torchman, Blaster, Colker, Brecker

Pipelayer  
Laser Operator

TUNNEL WORK  
All tunnel work add fifteen (.15) cents to each classification.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
96.00	.30	.15		.02
6.20	.30	.15		.02
6.45	.30	.15		.02

## NOTICES

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
	H & W	PENSIONS	VACATION	APP. TR.
\$6.94	.25	1%		.5%
7.58	.25	1%		.5%
5.77	.25	1%		.5%
4.80	.25	1%		.5%
4.59	.25	1%		.5%
4.38	.25	1%		.5%
3.79	.25	1%		.5%

## LINE CONSTRUCTION:

Lienmen  
Cable splicer  
Groundman equipment operator (digging machine, tractor oper. & H<sup>2</sup> frame setting rise)  
Groundman - Truck Driver (truck with boom or digger or tractor)  
Groundman - Truck Driver  
Groundman:  
Experienced  
1st 6 mos.

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## NOTICES

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$6.43	.30	.15		.02
6.48	.30	.15		.02
6.53	.30	.15		.02
6.58	.30	.15		.02
6.63	.30	.15		.02
6.68	.30	.15		.02
6.68	.30	.15		.02
6.53	.30	.15		.02
8.04	.45	.50		.05
7.96	.45	.50		.05

## HEAVY AND HIGHWAY CONSTRUCTION

## LABORERS

Group A  
Laborer, Misc., unskilled; Stone handler; Joint saw or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumper, ironer, smoother, tamper shoveler, loader, utility man

## Group B

Formsetter (curb, walk & pavement); tree trimmer

## Group C

Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; air tool opr. (hand operated)

## Group D

Demolition burning torch laborer; Bituminous worker; raker, lucement; Chain saw operators

## Group E

Pondorman, blaster

## Group F

Pipelayer crew (sewer, water); Pipelayer  
Bottom man  
Topman

## HIGHWAY CONSTRUCTION

## POWER EQUIPMENT OPERATORS:

Group I  
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) Grader, dragline, dredge; Piledriver; power shovel; material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (each type); tamping machine; concrete spreader; side boom (rubber-tired); Hydraulic Backhoe (rubber-tired); Hydraulic automatic slipform concrete placer; mixer portable; caisson rig; batch mixer concrete; dredge engine; batch plant engine; (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatman, bump cutter; grooving machine; shoulder widener; winches & A-Frames; tube finisher

Group II  
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)

Group III  
Screed (bituminous paver); shouldering machine; self-propelled chip spreader

Group IV  
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed) compactors & light equipment; tractor, wheel loader (rubber-tired) light, fork lift, setting machine, briquet machine, jeep digger, mulcher, texturing machine

Group V  
Fireman, Environmental burner

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## POWER EQUIPMENT OPERATORS CONTD:

## Group VI

Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack

## Group VII

Crusher or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill

## Group VIII

Oiler, pump (over 3 inches), surge bin; drilling machine helper

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
7.92	.45	.50		.05
7.83	.45	.50		.05
7.71	.45	.50		.05

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## HEAVY and HIGHWAY CONSTRUCTION

## TRUCK DRIVERS:

Two axle trucks  
Three or more axles  
Euclids or dumper type hauling units  
Mechanic truck  
Mechanic's helpers, truck

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$6.50	a	b	.35+c	
6.65	a	b	.35+c	
6.65	a	b	.35+c	
6.65	a	b	.35+c	
6.50	a	b	.35+c	

## Footnotes:

- a. \$62.84 per month for employee who has been on payroll 30 days or longer.
- b. \$12.00 per week
- c. Includes .10 employer contribution to holiday fund.

[FR Doc.74-4066 Filed 2-21-74; 8:45 am]



# federal register

February 25, 1974—Pages 7117-7292

MONDAY, FEBRUARY 25, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 38

Pages 7117-7292

## PART I



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REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

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Title 3—The President

PROCLAMATION 4269

National Farm Safety Week, 1974

By the President of the United States of America

A Proclamation

Every one of America's farmers produces enough food to feed 50 other people. Our agricultural productivity plays a fundamental role in our country's international leadership as it enables us to provide assistance to other less fortunate nations and it frees so many in our society for other economic and social efforts which benefit America and the world.

As in every other crucial industry, job safety is essential to the maintenance of high agricultural productivity. But we are concerned with more than productivity alone. Every year farm accidents produce serious injuries and result in the loss of thousands of lives. The financial cost in lost time, production, and medical and property expenses runs into billions of dollars. The cost in human suffering is incalculable.

This needless waste of precious human and economic resources must be and can be sharply reduced through careful attention to basic safety precautions. As we act to provide the food and fibre that feeds and clothes Americans and many people around the world, I urge that we also act to protect the lives of the farmers and farm workers of America through more careful attention to farm safety.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 25, 1974, as National Farm Safety Week. During this week and in the ensuing year, I urge all who reside on farms and ranches to employ every needed safety precaution and practice, at work, at home, and in recreation. Further, I ask those who work with and serve farm and ranch people to support them in accident-reducing efforts by providing encouragement, information and education. We must become as effective at reducing accident losses as we have become in increasing agricultural production.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of February, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.

*Richard Nixon*

[FR Doc.74-4447 Filed 2-21-74;1:42 pm]

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## EXECUTIVE ORDER 11769

## Advisory Committee Management

By virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, including the Federal Advisory Committee Act, 5 U.S.C. App. I (1972 Supp.) (hereinafter referred to as the "act"), and 3 U.S.C. 301, it is ordered as follows:

SECTION 1. The heads of all executive departments and agencies shall take appropriate action to assure their ability to comply with the provisions of the act.

SEC. 2. The Administrator of General Services shall prepare for the consideration of the President the annual report to the Congress required by section 6(e) of the act.

SEC. 3. The Director of the Office of Management and Budget shall:

(1) perform, or designate, from time to time, other officers of the Federal Government to perform, without the approval, ratification, or other action of the President, the functions vested in the President by the act;

(2) prescribe administrative guidelines and management controls for advisory committees covered by the act.

SEC. 4. Executive Order No. 11686 of October 7, 1972 is hereby superseded.



THE WHITE HOUSE,

February 21, 1974.

[FR Doc. 74-4448 Filed 2-21-74; 1:43 pm]

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## EXECUTIVE ORDER 11770

## International Symposium on Geothermal Energy—1975

By virtue of the authority vested in me by section 104 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2454; hereinafter referred to as the act), and section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of the Interior is authorized, with respect to the International Symposium on Geothermal Energy to be held in San Francisco, California, in May 1975, to perform the functions conferred by section 102(b) (5), (7), and (8) of the act.

SEC. 2. I find that the delegation made by section 1 of this order is in the interest of the purposes expressed in the act and the efficient administration of the International Symposium on Geothermal Energy.

SEC. 3. The delegation made by this order shall become effective upon the expiration of sixty days while the Congress is in session. In computing that sixty days, there shall be excluded days on which either House is not in session because of an adjournment of more than three days.



THE WHITE HOUSE,

February 21, 1974.

[FR Doc.74-4449 Filed 2-21-74;1:43 pm]

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# Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 12—Banks and Banking

### CHAPTER I—BUREAU OF THE COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

#### PART 22—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

In enacting the Flood Disaster Protection Act of 1973, the Congress found that annual losses throughout the nation from floods and mudslides are increasing at an alarming rate, partly as a result of the accelerating development of, and concentration of population in, areas of flood hazards.

The Congress further found that a component part of this accelerating development has been the availability of financial assistance, including real estate loans by banks and other financial institutions, thus encouraging construction in flood-prone areas.

Accordingly, the Flood Disaster Protection Act imposes certain conditions on the making of such loans by federally supervised, regulated or insured banks and other financial institutions, requiring in substance that the property securing such loans be covered by adequate flood insurance. To implement these requirements, the Federal financial supervisory agencies designated in the Act, including the Comptroller of the Currency, are directed, pursuant to sections 102(b), 202(b) and 205(b) of the Act, issue appropriate regulations with respect to institutions under their supervisory jurisdiction. This Part 22 is intended to comply with that legislative mandate.

Since the Act prescribes the directions to be contained in the regulation and the times that they are to become effective notice, public participation and deferred effective date are not required. This regulation will therefore become effective on March 2, 1974.

Chapter I of Title 12 of the Code of Federal Regulations is amended by adding a new Part 22 which reads as follows:

- Sec.  
22.0 Authority and scope.  
22.1 Definitions.  
22.2 Requirement to purchase flood insurance.  
22.3 Prohibition as to loans in nonparticipating communities.  
22.4 Exemption.  
22.5 Records of compliance.

**AUTHORITY:** Secs. 102(b), 202(b), 205(b) of the Flood Disaster Protection Act of 1973, 87 Stat. 975.

#### § 22.0 Authority and scope.

This part is issued by the Comptroller of the Currency pursuant to sections

102(b), 202(b), and 205(b) of the Flood Disaster Protection Act of 1973, 87 Stat. 975. It applies to certain loans secured by improved real estate made by banks in areas determined by the Secretary of Housing and Urban Development to be areas having special flood hazards.

#### § 22.1 Definitions.

(a) The term "bank" means a national banking association or a bank located in the District of Columbia and subject to the supervision of the Comptroller of the Currency.

(b) The term "community" means a State or a political subdivision thereof which has building code jurisdiction over a particular area having special flood hazards.

(c) The phrase "community participating in the national flood insurance program" means a community which has complied with the requirements for participation in the national flood insurance program as set forth in § 1909.22 of the regulations of the Federal Insurance Administration of the Department of Housing and Urban Development (24 CFR 1909.22) and in which flood insurance is currently being sold.

#### § 22.2 Requirement to purchase flood insurance.

No bank shall make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or to the maximum limit of coverage made available with respect to the particular type of property under the Act, whichever is less.

#### § 22.3 Prohibition as to loans in nonparticipating communities.

On and after July 1, 1975, no bank shall make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

#### § 22.4 Exemption.

Notwithstanding the provision of § 22.2 of this part, flood insurance shall not be required on any State-owned property that is covered under an adequate policy of self-insurance satisfactory to the Secretary of Housing and Urban Development who shall publish and periodically revise the list of States falling within the exemption provided by this section.

#### § 22.5 Records of compliance.

Each bank shall maintain in connection with all loans secured by improved real estate or a mobile home sufficient records to indicate the method used by the bank to determine whether or not such loans fall within the provisions of §§ 22.2, 22.3, or 22.4.

Dated: February 15, 1974.

[SEAL] JAMES E. SMITH,  
Comptroller of the Currency.

[FR Doc. 74-4115 Filed 2-22-74; 8:45 am]

### CHAPTER V—FEDERAL HOME LOAN BANK BOARD

#### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[74-121]

#### PART 555—BOARD RULINGS

##### Prepayment Penalties

FEBRUARY 19, 1974.

The Federal Home Loan Bank Board deems it advisable to issue the following ruling to make clear that the charging of a prepayment penalty by a Federal savings and loan association in connection with a loan secured by a borrower-occupied home is governed exclusively by the provisions of § 545.6-12(b) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.12 (b)) without regard to any provision of state law.

The ruling is as follows:

#### § 555.15 Prepayment penalty on mortgage loans.

(a) Section 5(a) of the Home Owners' Loan Act of 1933, as amended, gives the Board plenary authority to prescribe regulations governing the operations of Federal savings and loan associations. Pursuant to such authority, the Board has promulgated § 545.6-12(b) of the rules and regulations for the Federal Savings and Loan System, which provides, in part, as follows:

Each borrower from Federal associations on a loan secured by a home or combination of



home and business property shall have the right to prepay the loan without penalty unless the loan contract makes express provision for a prepayment penalty. The prepayment penalty for a loan secured by a home which is occupied or to be occupied in whole or in part by a borrower shall not be more than 6 months' advance interest on that part of the aggregate amount of all prepayments made on such loan in any 12-month period which exceeds 20 percent of the original principal amount of the loan.

(b) Section 545.6-12(b) makes it clear that the charging of a prepayment penalty is a matter of contract between a Federal association and the borrower, and that the borrower may prepay his loan in whole or in part without any penalty unless the loan contract contains an express provision imposing a prepayment penalty. Section 545.6-12(b) also permits a Federal association to include a provision in its loan contract with the borrower (who occupies or will occupy the home securing the mortgage loan) imposing a prepayment penalty at any amount up to, but not in excess of, the maximum limit specified in said section. In other words, § 545.6-12(b) both affirmatively empowers the Federal association to charge a prepayment penalty, and imposes a ceiling on the amount of the prepayment penalty which may be charged to home-occupying borrowers. In accordance with such power, a Federal association may refrain from charging any prepayment penalty, or include a prepayment penalty in the loan contract which is less than the maximum permitted by § 545.6-12(b).

(c) Since the charging of a prepayment penalty is a matter of contract between a Federal association and the borrower, and since the Board, by virtue of § 545.6-12(c), has empowered and authorized the Federal association to include a prepayment provision in the loan contract up to the maximum amount specified in said section, neither the association nor a home-occupying borrower is bound by any contrary provision of State law respecting a prepayment penalty. Thus, in view of the controlling Federal regulation, a Federal association may include a prepayment provision in the loan contract up to the maximum limitation of § 545.6-12(b) regardless of conflicting State law which sets a lower limit or which imposes a different type of prepayment penalty. On the other hand, § 545.6-12(b) sets the permissible limit on the amount of a prepayment penalty to be charged by a Federal association to a home-occupying borrower notwithstanding that State law may allow a higher charge.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,  
Assistant Secretary.  
[FR Doc. 74-4330 Filed 2-22-74; 9:45 am]

## RULES AND REGULATIONS

### Title 47—Telecommunication CHAPTER 1—FEDERAL COMMUNICATIONS COMMISSION PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

#### Miscellaneous Amendments

In the matter of amendment of Part 2 of the Commission's rules and regulations to effect certain editorial changes therein.

1. The Commission has before it the desirability of making certain editorial changes in Part 2 of its rules and regulations.

2. Authority for the amendments is contained in sections 4(i), (5)(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. It is ordered, effective February 20, 1974, That Part 2 of the rules and regulations is amended as set forth in the Appendix hereto.

(Secs. 4, 5, 303, 48 Stat., as amended, 1068, 1069, 1082 (47 U.S.C. 154, 155, 303))

Adopted: February 8, 1974.

Released: February 14, 1974.

[SEAL]

FEDERAL COMMUNICATIONS  
COMMISSION,  
JOHN M. TORREZ,  
Executive Director.

1. Section 2.601 is amended to read as follows:

§ 2.601 General.

This subpart is corrected to February 14, 1974. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

2. In § 2.603 paragraphs (a) and (b) are amended to read as follows:

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party (other than reciprocal operating agreements for radio amateurs) are listed below:

Date	Citations	Subject
1925	IV Trenwith 4248, 4250, and 4251, TS 724-A, 6 Bevans 22.	US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes September and October, 1925. Entered into force Oct. 1, 1925.
1928 and 1929	102 LNTS 143, TS 767-A, 6 Bevans 26.	US-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. Continued by the arrangement contained in EAS 62.
1929	IV Trenwith 4787, TS 777-A, 2 Bevans 775.	US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.)
1934	49 Stat. 3555, EAS 66, 10 Bevans 1103.	US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16, and May 23, 1934. Entered into force May 23, 1934.
1934	48 Stat. 1876, EAS 62, 6 Bevans 26.	US-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement in TS 767-A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934	49 Stat. 3667, EAS 72, 6 Bevans 564.	US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1576, TS 933, 3 Bevans 462.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 12, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938, for parts I, III, and IV; Apr. 17, 1939, for part II. Part II of the convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958 (TIAS 4079).
1938	54 Stat. 1675, TS 949, 3 Bevans 529.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939.
1939	53 Stat. 2157, EAS 143, 6 Bevans 143.	US-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1946	60 Stat. 1696, TIAS 1527.	US-USSR Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.
1947	61 Stat. (4) 2890, TIAS 1726, 6 Bevans 447.	US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947	61 Stat. (4) 3416, TIAS 1676.	US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 29, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreements contained in TIAS 5961 and TIAS 6750 signed Feb. 9, 1960, and Aug. 28, 1960, respectively.
1947	61 Stat. (3) 3131, TIAS 1632.	US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947.

## RULES AND REGULATIONS

Date	Citations	Subject
1948	9 UST 621, TIAS 4044, 4 Bevans 700.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958. Modified by the amendments contained in TIAS 6285 and in TIAS 6490 adopted by the IMCO Assembly Sept. 15, 1964, and Sept. 28, 1965, respectively.
1949	3 UST (3) 3084, TIAS 2480, 4 Bevans 551.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (4th Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1949	3 UST (2) 2686, TIAS 2435, 4 Bevans 552.	London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 24, 1950. Amended by the agreement contained in TIAS 2705 which was signed Oct. 1, 1952.
1950	2 UST (2) 2672, TIAS 2433.	US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950 and 1951	2 UST (1) 683, TIAS 2223.	US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9, and 10, 1951. Entered into force Jan. 11, 1951.
1950	11 UST 413, TIAS 4460.	North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 15, 1950. Entered into force Apr. 19, 1960. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending.
1951	3 UST (3) 3787, TIAS 2508.	US-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1951 and 1952	3 UST (3) 3892, TIAS 2520.	US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1951	3 UST (2) 2860, TIAS 2459.	US-Cuba Agreement concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1952	3 UST (4) 4926, TIAS 2666.	US-Canada Agreement for the Promotion of Safety on the Great Lakes by Means of Radio. The agreement applies to vessels of all countries provided for in Article 3. Signed at Ottawa Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	3 UST (3) 4443, TIAS 2594.	US-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 5140, TIAS 2705.	London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed Aug. 12, 1949.
1953	5 UST (3) 2840, TIAS 3138.	US-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2179, TIAS 3617.	US-Panama Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2639, TIAS 3665.	US-Costa Rica Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 12 and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 3159, TIAS 3694.	US-Nicaragua Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956.
1957	9 UST 1037, TIAS 4079.	Multilateral Declaration between the United States and Other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 12, 1937 (TS-938). Signed at Washington Dec. 20, 1957. Entered into force Dec. 20, 1957. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers was signed at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958.
1958	9 UST 1091, TIAS 4089.	US-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 16, 1958. Entered into force July 16, 1958.
1958	10 UST 2423, TIAS 4390.	Telegraph Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention. Signed at Geneva Nov. 29, 1958. Entered into force Jan. 1, 1960.
1959	10 UST 1449, TIAS 4295.	US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 31, 1959. Entered into force Aug. 30, 1959.
1959 and 1960	11 UST 257, TIAS 4442.	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
1959	10 UST 3019, TIAS 4394.	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959.
1959	12 UST 2377, TIAS 4893.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1946. Entered into force with respect to the United States Oct. 23, 1961. Revised by the Partial Revisions of the Radio Regulations, Geneva, 1959, contained in TIAS 5603, TIAS 6332, TIAS 6590, and TIAS 7435 signed Nov. 8, 1963, Apr. 29, 1966, Nov. 8, 1967, and July 17, 1971, respectively.
1960	11 UST 1, TIAS 4399.	US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 8, 1960.
1960	16 UST 184, TIAS 5780.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force May 26, 1965. Corrections to certain annexes contained in TIAS 6284 signed Feb. 15, 1966.
1960	11 UST 2229, TIAS 4596.	US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31, and Oct. 6, 1960. Entered into force Nov. 8, 1960.
1961	17 UST 1471, TIAS 6115.	US-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 25, 1966.
1961	12 UST 1696, TIAS 4888.	US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 29, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 411, TIAS 5001.	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 4, 1962.
1962	13 UST 697, TIAS 5043.	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962.



## RULES AND REGULATIONS

Date	Citations	Subject
1962	13 UST 2418, TIAS 5996	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. The technical annex to this agreement was revised by the agreement contained in TIAS 6035 signed June 16 and 24, 1965.
1963	14 UST 617, TIAS 5960	US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force May 22, 1963.
1963	15 UST 667, TIAS 6008	Partial Revision of the Radio Regulations, 1959, Final Acts of the EARC to Allocate Frequency Bands for Space Radio Communication Purposes. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965.
1963	14 UST 1754, TIAS 5483	US-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 28, 1963. Entered into force Dec. 29, 1963.
1964	16 UST 1299, TIAS 6285	Amendments to Articles 17 and 18 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at London Sept. 15, 1964. Entered into force Oct. 6, 1967.
1965	16 UST 621, TIAS 5836	US-Brasili Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1965	16 UST 923, TIAS 5833	US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962 (TIAS 5996). Effected by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965.
1965	16 UST 963, TIAS 5837	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965.
1965	19 UST 4855, TIAS 6460	Amendment to Article 23 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at Paris Sept. 28, 1965. Entered into force Nov. 3, 1966.
1965	18 UST 575, TIAS 6267	International Telecommunication Convention. Signed at Montreux Nov. 12, 1965. Entered into force with respect to the United States May 29, 1967.
1966	17 UST 74, TIAS 5961	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 28, 1947 (TIAS 1036). Signed at New York Feb. 9, 1966. Entered into force Feb. 9, 1966. Amended by the agreement contained in TIAS 6176 signed Dec. 8, 1966.
1966	18 UST 1289, TIAS 6284	Process-Verbal of Rectification to Certain Annexes to the International Convention for the Safety of Life at Sea of June 17, 1960 (TIAS 5790). Done at London Feb. 18, 1966.
1966	18 UST 2091, TIAS 6332	Partial Revision of the Radio Regulations, 1959, Final Acts of the EARC for the Preparation of a Revised Allotment Plan for the Aeronautical Mobile (R) Service. Signed at Geneva Apr. 29, 1966. Entered into force for the United States Aug. 23, 1967, except for the frequency allotment plan contained in Appendix 27 which entered into force Apr. 10, 1970.
1966	17 UST 2319, TIAS 6176	US-UN Agreement regarding Headquarters of the United Nations Amending the Supplemental Agreement of Feb. 9, 1966 (TIAS 5961). Effected by exchange of notes at New York Dec. 8, 1966. Entered into force Dec. 8, 1966.
1967	18 UST 365, TIAS 6244	US-Argentina Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1201, TIAS 6268	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations. Effected by exchange of notes at Ottawa Mar. 31 and June 12, 1967. Entered into force June 12, 1967. Amended by the agreement contained in TIAS 6626 signed Apr. 11, 1969, and Jan. 31, 1969.
1967	19 UST 6717, TIAS 6506	Partial Revision of the Radio Regulations, 1959, Final Acts of the WARC to Deal with Matters relating to the Maritime Mobile Service. Signed at Geneva Nov. 3, 1967. Entered into force Apr. 3, 1969.
1968	20 UST 7, TIAS 6626	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations Amending the Agreement of Mar. 31 and June 12, 1967 (TIAS 6268). Effected by exchange of notes at Ottawa Apr. 13, 1969, and Jan. 31, 1969. Entered into force Jan. 31, 1969.
1968	21 UST 2776, TIAS 7021	US-Mexico Agreement concerning radio broadcasting in the standard band (535-1605 kHz), with annexes. Signed at Mexico Dec. 11, 1968. Entered into force Nov. 18, 1970.
1968	21 UST 2934, TIAS 7021	US-Mexico Agreement concerning the operation of broadcasting stations in the standard broadcast band (535-1605 kHz) during a limited period prior to sunrise ("Pre-Sunrise") and after sunset ("Post-Sunset"), with annexes. Signed at Mexico Dec. 11, 1968. Entered into force Nov. 18, 1970.
1969	20 UST 2810, TIAS 6750	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 28, 1947, as Supplemented (TIAS 1078, 5961, 6176). Signed at New York Aug. 28, 1969. Entered into force Aug. 28, 1969.
1969	21 UST 1744, TIAS 6031	US-Canada Agreement relating to the Operation of Radiotelephone Stations. Signed at Ottawa Nov. 19, 1969. Entered into force July 24, 1970.
1970	21 UST 2089, TIAS 6665	US-NATO Agreement concerning North Atlantic Treaty Organization Satellite Communications Earth Terminal in the United States. Signed at Washington July 10 and at Mons, Belgium Aug. 20, 1970. Entered into force Aug. 20, 1970.
1971	23 UST 1637, TIAS 7436	Partial Revision of the Radio Regulations, 1959, Final Acts of the WARC for Space Telecommunications, with Annex. Signed at Geneva July 17, 1971. Entered into force Jan. 1, 1973.
1971	TIAS 7632	Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), with Annexes, and Operating Agreement. Done at Washington Aug. 20, 1971. Entered into force Feb. 12, 1973.
1971	22 UST 2663, TIAS 7230	US-Trinidad and Tobago Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-of-Spain Oct. 26 and Nov. 18, 1971. Entered into force Dec. 18, 1971.
1971	TIAS 7636	US-Guatemala Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Guatemala Oct. 21 and Nov. 19, 1971. Entered into force May 26, 1973.
1972	23 UST 906, TIAS 7365	US-Guyana Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Georgetown May 30 and June 6, 1972. Entered into force July 6, 1972.
1972	TIAS 7668	US-Jordan Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Nov. 13 and 30, 1972. Entered into force Dec. 30, 1972.
1972	TIAS 7697	US-Mexico Agreement concerning Frequency Modulation Broadcasting in the 88 to 108 MHz Band, with Annexes and Related Notes. Signed at Washington Nov. 9, 1972. Entered into force Aug. 9, 1973.

(b) The applicable agreements in force between the United States and another country relating to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their stations in the other country are as follows:

## RULES AND REGULATIONS

Date	Citations	Subject
1964	15 UST 1767, TIAS 5949	US-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964.
1965	16 UST 93, TIAS 5796	US-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 28 and Feb. 2, 1965. Entered into force Feb. 2, 1965.
1965	16 UST 165, TIAS 5777	US-Bolivia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paz Mar. 16, 1965. Entered into force Apr. 15, 1965.
1965	16 UST 181, TIAS 5779	US-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 26, 1965. Entered into force Mar. 26, 1965.
1965	16 UST 617, TIAS 5815	US-Portugal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lisbon May 17 and 26, 1965. Entered into force May 26, 1965.
1965	16 UST 608, TIAS 5824	US-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Brussels June 15 and 18, 1965. Entered into force June 18, 1965.
1965	16 UST 973, TIAS 5836	US-Australia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Canberra June 25, 1965. Entered into force June 25, 1965.
1965	16 UST 1160, TIAS 5890	US-Peru Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lima June 28 and Aug. 11, 1965. Entered into force Aug. 11, 1965.
1965	16 UST 1746, TIAS 5900	US-Luxembourg Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Luxembourg July 7 and 23, 1965. Entered into force July 29, 1965.
1965	16 UST 1131, TIAS 5836	US-Sierra Leone Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Freetown Aug. 14 and 16, 1965. Entered into force Aug. 16, 1965.
1965	16 UST 1742, TIAS 5890	US-Colombia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bogota Oct. 19 and 28, 1965. Entered into force Nov. 28, 1965.
1965	16 UST 2047, TIAS 5941	US-UK Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at London Nov. 26, 1965. Entered into force Nov. 26, 1965. Supplemented by the amendment contained in TIAS 6930 which was signed Dec. 11, 1969.
1966	17 UST 328, TIAS 5978	US-Paraguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Asuncion Mar. 18, 1966. Entered into force Mar. 18, 1966.
1966	17 UST 719, TIAS 6022	US-France Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paris May 5, 1966, with related notes of June 29 and July 6, 1966. Entered into force July 1, 1966. Modified by the amendment contained in TIAS 6711 which was signed Oct. 3, 1969.
1966	17 UST 813, TIAS 6038	US-India Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at New Delhi May 16 and 25, 1966. Entered into force May 25, 1966.
1966	17 UST 760, TIAS 6028	US-Israel Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington June 15, 1966. Entered into force June 15, 1966.
1966	17 UST 2426, TIAS 6199	US-Netherlands Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at The Hague June 22, 1966. Entered into force Dec. 21, 1966.
1966	17 UST 1126, TIAS 6008	US-Federal Republic of Germany Arrangement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bonn June 23 and 30, 1966. Entered into force June 30, 1966.
1966	17 UST 1630, TIAS 6061	US-Kuwait Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kuwait July 19 and 24, 1966. Entered into force July 19, 1966.
1966	17 UST 1560, TIAS 6112	US-Nicaragua Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Managua Sept. 3 and 20, 1966. Entered into force Sept. 20, 1966.
1966	17 UST 2215, TIAS 6159	US-Panama Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Panama Nov. 16, 1966. Entered into force Nov. 16, 1966.
1966	18 UST 526, TIAS 6250	US-Honduras Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Tegucigalpa Dec. 29, 1966, Jan 24 and Apr. 17, 1967. Entered into force Apr. 17, 1967.
1967	18 UST 554, TIAS 6264	US-Switzerland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bern Jan. 12 and May 16, 1967. Entered into force May 16, 1967.
1967	18 UST 543, TIAS 6261	US-Trinidad and Tobago Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at St. Ann's and Port of Spain Jan. 14 and Mar. 16, 1967. Entered into force Mar. 16, 1967.
1967	18 UST 361, TIAS 6243	US-Argentina Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1661, TIAS 6309	US-El Salvador Agreement regarding Alien Amateur Radio Operators Effected by exchange of notes at San Salvador May 24 and June 5, 1967. Entered into force June 5, 1967.
1967	18 UST 1241, TIAS 6273	US-Norway Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Oslo May 27 and June 1, 1967. Entered into force June 1, 1967.
1967	18 UST 1272, TIAS 6281	US-New Zealand Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Wellington June 21, 1967. Entered into force June 21, 1967.
1967	18 UST 2499, TIAS 6348	US-Venezuela Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Caracas Sept. 18, 1967. Entered into force Oct. 8, 1967.
1967	18 UST 2878, TIAS 6378	US-Austria Agreement regarding Alien Amateur Radio Operators. Done at Vienna Nov. 21, 1967. Entered into force Dec. 21, 1967.
1967	18 UST 2882, TIAS 6380	US-Chile Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington Nov. 30, 1967. Entered into force Dec. 30, 1967.
1967	20 UST 2863, TIAS 6766	US-Guatemala Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Guatemala Nov. 30 and Dec. 11, 1967. Entered into force Oct. 2, 1968.
1967	18 UST 2153, TIAS 6406	US-Finland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Helsinki Dec. 15 and 27, 1967. Entered into force Dec. 27, 1967.
1968	19 UST 7832, TIAS 6822	US-Monaco Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Nice and Paris Mar. 29, and Oct. 16, 1968. Entered into force Dec. 1, 1968.
1968	19 UST 4892, TIAS 6404	US-Guyana Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Georgetown May 6 and 13, 1968. Entered into force May 13, 1968.
1968	19 UST 5094, TIAS 6563	US-Barbados Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bridgetown Sept. 10 and 12, 1968. Entered into force Sept. 12, 1968.
1968	19 UST 6067, TIAS 6886	US-Ireland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Dublin Oct. 10, 1968. Entered into force Oct. 10, 1968.



Date	Citations	Subject
1968	20 UST 490, TIAS 6654.....	US-Indonesia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Djakarta Dec. 10, 1968. Entered into force Dec. 10, 1968.
1969	20 UST 773, TIAS 6690.....	US-Sweden Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Stockholm May 27 and June 2, 1969. Entered into force June 2, 1969.
1969	20 UST 2398, TIAS 6711.....	US-France Agreement regarding Alien Amateur Radio Operators Amending the Agreement of May 5, 1966 (TIAS 6022). Effected by exchange of notes at Paris Oct. 3, 1969. Entered into force Oct. 3, 1969.
1969	20 UST 4069, TIAS 6800.....	US-UK Agreement regarding Alien Amateur Radio Operators Supplementing the Agreement of Nov. 26, 1965 (TIAS 5941). Effected by exchange of notes at London Dec. 11, 1969. Entered into force Dec. 11, 1969.
1970	21 UST 1960, TIAS 6936.....	US-Brazil Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Rio de Janeiro and Brasilia Jan. 26, June 19 and July 30, 1970. Entered into force June 19, 1970.
1971	22 UST 694, TIAS 7127.....	US-Jamaica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kingston Mar. 4 and Apr. 28, 1971. Entered into force Apr. 28, 1971.
1971	22 UST 701, TIAS 7139.....	US-Uruguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Montevideo May 28, 1971. Entered into force May 28, 1971.
1972	23 UST 1334, TIAS 7417.....	US-Fiji Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Suva and Washington July 10 and Aug. 14, 1972. Entered into force Aug. 14, 1972.
1973	TIAS 7730.....	US-Denmark Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Copenhagen Oct. 11, 1973. Entered into force Oct. 11, 1973.

[FR Doc.74-3981 Filed 2-22-74;8:45 am]

[Docket No. 19493]

#### PART 21—DOMESTIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

##### Common Carrier Radio Stations in Multipoint Distribution Service; Correction

In the matter of amendments of Parts 1, 2, 21, and 43 of the Commission's rules and regulations to provide for licensing and regulation of common carrier radio stations in the Multipoint Distribution Service.

In the "Report and Order" released January 18, 1974 (FCC 74-34) and published at 39 FR 2760 in the issue of Wednesday, January 24, 1974, § 21.901 (c) contained in the Appendix is corrected to include (in appropriate alphabetical order) the Principal City of San Antonio, Texas with coordinates of Latitude 29°25'24" N., Longitude 98°29'43" W.

Released: February 13, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-4348 Filed 2-22-74;8:45 am]

[FCC 74-144]

#### PART 89—PUBLIC SAFETY RADIO SERVICES

##### PART 93—LAND TRANSPORTATION RADIO SERVICES

##### Radio Location Equipment

In the matter of amendment of §§ 89.117(b) and 93.109(b) to clarify language and in Part 93 to specify a new type-acceptance date for radio-location equipment.

1. By Commission Order, all new radiolocation equipment authorized subsequent to January 1, 1974, to operate in the Public Safety and Land Transportation Radio Services (Parts 89 and 93, respectively) must be type-accepted by the Commission for operation.

2. The Association of American Railroads (AAR), however, has requested a six month extension of the above date for users authorized in Part 93, the Land Transportation Radio Services. In support of its request, the AAR states that manufacturers of radiolocation equipment used by the railroads misunderstood the type-acceptance requirement and, consequently, have made no progress toward obtaining type-acceptance for their equipment. The requested six month extension, AAR states, will provide the manufacturers with the additional time necessary to apply for, and obtain, the required type-acceptance.

3. We have carefully reviewed this request and, in view of the misunderstanding, feel that the public interest will be served by granting it, because the railroads will be provided with an adequate opportunity to comply with our rules without disruption of railroad operations.

4. In addition, on our own motion, we will amend §§ 89.117(b) and 93.109(b) to exclude previously authorized radiolocation stations governed by Parts 89 and 93 from the equipment type-acceptance requirement. This will mean that radiolocation stations authorized under Part 89 prior to January 1, 1974, and stations authorized under Part 93 prior to July 1, 1974, may be continued to be authorized indefinitely even though non-type-accepted equipment is used. This action will ease the equipment conversion problems and would be in the public interest. There also appears to be some confusion as to the requirements with regard to marketing of equipment for use under these parts. Therefore, we have amended the above sections to reflect the current equipment marketing requirements as specified in Subpart I of Part 2 of our rules.

5. The amendments adopted here relax requirements and acceptance on the part of those affected is expected. Therefore, we conclude that compliance with

the prior notice and effective date requirements of 5 U.S.C. 553 is unnecessary.

6. In view of the foregoing, it is ordered, Pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that effective February 27, 1974, §§ 89.117(b) and 93.109(b) of the Commission's rules are amended as set forth in the attached Appendix.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1062 (47 U.S.C. 154, 303))

Adopted: February 13, 1974.

Released: February 20, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

A. Part 89 of the Commission's rules is amended as follows:

Section 89.117(b) is amended to read as follows:

§ 89.117 Acceptability of transmitters for licensing.

(a) \* \* \*

(b) Each transmitter marketed as specified in § 2.803 of this chapter or utilized by a station authorized for operation under this part must be of a type which is included in the Commission's current Radio Equipment List and is designated for use under this part or be of a type which has been type accepted by the Commission for use under this part. As exceptions to these requirements, type acceptance is not required for the following:

(1) Transmitters used in developmental stations.

(2) Transmitters in police zone and interzone stations authorized as of January 1, 1965.

(3) Transmitters used in radiolocation stations authorized prior to January 1, 1974.

(4) Radiolocation transmitters marketed as specified in § 2.805 of this chapter prior to January 1, 1974.

B. Part 93 of the Commission's rules is amended as follows:

Section 93.109(b) is amended to read as follows:

§ 93.109 Acceptability of transmitters for licensing.

(a) \* \* \*

(b) Each transmitter marketed as specified in § 2.803 of this chapter or utilized by a station authorized for operation under this part must be of a type which is included in the Commission's current Radio Equipment List and is designated for use under this part or be of a type which has been type accepted by the Commission for use under this part. As exceptions to these requirements, type acceptance is not required for the following:

(1) Transmitters used in developmental stations.

(2) Transmitters used in radiolocation stations authorized prior to July 1, 1974.

(3) Radiolocation transmitters marketed as specified in § 2.805 of this chapter prior to July 1, 1974.

[FR Doc.74-4347 Filed 2-22-74;8:45 am]

#### Title 7—Agriculture

##### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

##### PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

##### Termination of Size Regulation

The California Date Administrative Committee has unanimously recommended termination of the size regulation for pitted Deglet Noor dates handled to meet the trade demand of the United States and Canada. This regulation is contained in § 987.204(a) of Subpart—Grade and Size Regulations (7 CFR 987.202-987.204). The subpart is operative pursuant to § 987.40 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Section 987.204(a) provides, in part, that pitted Deglet Noor dates shall not be handled to meet the trade demand of the United States and Canada unless the individual dates weigh at least 5.6 grams but up to 10 percent, by weight, may weigh less.

Although the domestic 1973 Deglet Noor date crop is generally of good quality, the individual dates tend to be smaller in size and drier than those produced in previous years. Prior to pitting, whole Deglet Noor dates are hydrated to soften them, which facilitates pitting. Handlers are not using a preservative previously used by the industry to prevent spoilage (mold and souring) and therefore must hydrate Deglet Noor dates to a lower moisture content to prevent spoilage.

When these lower moisture dates are pitted, the mechanical pitter removes more flesh with the pit from smaller-sized dates than from larger-sized dates. The weight loss in pitting 1973 crop Deglet Noor dates is great enough to cause a substantial quantity of these dates to fail to meet the size regulation. In prior years, when individual dates were larger in size, the mechanical pitter did not remove as much flesh with the pit. As a result, handlers pitting dates had little difficulty meeting the size regulation.

The termination of the size regulation for pitted Deglet Noor dates would permit good quality Deglet Noors of the smaller sizes, which are suitable for human consumption, to be sold for this

purpose as packaged dates. The Committee indicated that the demand for pitted dates currently is excellent.

Based on the foregoing, the recommendation of the Committee, the information submitted therewith, and other available information, it is hereby found and determined that the size requirements on pitted Deglet Noor dates in § 987.204(a) no longer tend to effectuate the declared policy of the act and should therefore be terminated.

It is further found that it is impracticable, unnecessary, and contrary to public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and for making this action effective at the time hereinafter provided in that:

(1) This action relieves restrictions on handlers by permitting them to pit small-sized good quality dates to meet an excellent demand for pitted dates; (2) this action should be made effective promptly to permit handlers to take advantage of the current excellent demand for pitted dates thereby tending to maximize sales of domestic dates; and (3) handlers are aware of the Committee's recommendation and were afforded the opportunity to present their views at an open meeting held to consider the termination of the size regulation on pitted Deglet Noor dates, and hence, need no additional notice to comply with this action.

It is, therefore, ordered, That § 987.204 of Subpart—Grade and Size Regulations (7 CFR 987.202-987.204) be amended by deleting therefrom the last sentence of paragraph (a). As amended, § 987.204(a) reads as follows:

§ 987.204 Size regulations.

(a) *Free dates.* Whole dates of the Deglet Noor variety shall not be handled to meet the trade demand of the United States and Canada unless the individual dates in the samples from the lot weigh at least 6.5 grams but up to 10 percent, by weight, may weigh less than 6.5 grams.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated February 19, 1974, to become effective February 26, 1974.

CHARLES R. BRADER,  
Deputy Director,  
Fruit and Vegetable Division.

[FR Doc.74-4369 Filed 2-22-74;8:45 am]

#### Title 32—National Defense CHAPTER VI—DEPARTMENT OF THE NAVY

##### SUBCHAPTER A—UNITED STATES NAVY REGULATIONS, AND OFFICIAL RECORDS PART 700—UNITED STATES NAVY REGULATIONS

On March 26, 1973, notice of the implementation of United States Navy Regulations, 1973, was published in the FEDERAL

REGISTER (38 FR 7892). The purpose of this amendment is to incorporate United States Navy Regulations, 1973, less Chapter 10, thereof, as a new Part 700 of Subchapter A, Chapter VI, of Title 32, Code of Federal Regulations, with an effective date of March 26, 1973. United States Navy Regulations are issued in accordance with the provisions of title 10, United States Code, section 6011, for the Government of all persons in the Department of the Navy, and are endowed with the sanction of law as to the duty, responsibility, authority, distinctions, and relationships of various commands, officials, and individuals.

In consideration of the foregoing, the headings for Subchapter A and Part 700 are entitled to read as set forth above. Part 700, formerly reserved, is added as Part 700, United States Navy Regulations, to read as set forth below:

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700.202	Succession to duties.
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700.306	The Chief of Naval Material.
700.307	The Chief of Naval Personnel and the Chief, Bureau of Medicine and Surgery.
700.308	Naval Inspector General.
700.309	Commander in Chief, U.S. Atlantic Fleet.
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700.311	Commander in Chief, U.S. Naval Forces, Europe.
700.312	Commander, Military Sealift Command.
700.313	Commander, Naval Intelligence Command.
700.314	Commander, Naval Communication Command.
700.315	Oceanographer of the Navy.
700.316	Commander, Naval Weather Service Command.
700.317	Commander, Naval Security Group Command.
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700.319	Chief of Naval Reserve.
700.320	Commandants of naval districts.
700.321	President, Board of Inspection and Survey.

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AUTHORITY: Section 6011 of title 10, United States Code; 38 FR 7892, March 26, 1973.

**Subpart A—The Department of the Navy**

**§ 700.101. Origin and authority.**

(a) The naval affairs of the country began with the war for independence, the American Revolution. On 13 October 1775, Congress passed legislation forming a committee to purchase and arm two ships. This in effect created the Continental Navy. Two battalions of Marines were authorized on 10 November 1775. Under the Constitution, the First Congress on 7 August 1789, assigned responsibility for the conduct of naval affairs to the War Department. On 30 April 1793, the Congress established a separate Navy Department with the Secretary of the Navy as its chief officer. On 11 July 1798, the U.S. Marine Corps was established as a separate service, and in 1834 was made a part of the Department of the Navy.

(b) The National Security Act of 1947, as amended, is the fundamental law governing the position of the Department of the Navy in the organization for national defense. In 1949, the Act was amended to establish the Department of Defense as an Executive Department, and to establish the Departments of the Army, Navy and Air Force (formerly established as Executive Departments by the 1947 Act) as military departments within the Department of Defense.

(c) The responsibilities and authority of the Department of the Navy are vested in the Secretary of the Navy, and are subject to his reassignment and delegation. The Secretary is bound by the provisions of law, the direction of the President and the Secretary of Defense, and, along with all Government agencies, the regulations of certain nondefense agencies in their respective areas of functional responsibility.

**§ 700.102. Objectives.**

The fundamental objectives of the Department of the Navy, within the Department of Defense, are (a) to organize, train, equip, prepare, and maintain the readiness of Navy and Marine Corps forces for the performance of military missions as directed by the President or the Secretary of Defense, and (b) to support Navy and Marine Corps forces, including the support of such forces and the forces of other military departments, as directed by the Secretary of Defense, which are assigned to unified or specified commands. Support, as here used, includes administrative, personnel, material and fiscal support, and technological support through research and development.

**§ 700.103. Composition.**

The Department of the Navy is separately organized under the Secretary of the Navy. It operates under the authority, direction, and control of the Secretary of Defense. It is composed of the



executive part of the Department of the Navy; the Headquarters, United States Marine Corps; the entire operating forces, including naval aviation, of the United States Navy and of the United States Marine Corps, and the reserve components of those operating forces; and all shore activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Secretary of the Navy. It includes the United States Coast Guard when it is operating as a service in the Navy.

§ 700.104. The principal parts of the Department of the Navy.

(a) Functionally, organizationally and geographically, the Department of the Navy has from practically the beginning of the Federal Government under the Constitution consisted of three parts: The Operating Forces of the Navy, the Navy Department, and the Shore Establishment.

(b) The operating forces of the Navy comprise the several fleets, sea-going forces, sea-frontier forces, district forces, Fleet Marine Forces, other assigned Marine Corps Forces, the Military Sealift Command, and other forces and activities that may be assigned thereto by the President or the Secretary of the Navy.

(c) The Navy Department refers to the central executive offices of the Department of the Navy located at the seat of the government. The Navy Department is organizationally comprised of the Office of the Secretary of the Navy which includes his Civilian Executive Assistants, Offices of his Assistants, and the headquarters organizations of the Office of Naval Research, the Office of the Judge Advocate General, and the Office of the Comptroller of the Navy; the Office of the Chief of Naval Operations, the Headquarters, United States Marine Corps; and, under the command of the Chief of Naval Operations, the Headquarters, Naval Material Command, and the headquarters organizations of the Bureau of Naval Personnel and the Bureau of Medicine and Surgery. In addition, the Headquarters, United States Coast Guard, is included when the United States Coast Guard is operating as a service in the Navy.

(d) The shore establishment is comprised of shore activities with defined missions approved for establishment by the Secretary of the Navy.

#### Subpart B—The Secretary of the Navy

§ 700.201. Responsibilities of the Secretary of the Navy.

The Secretary of the Navy is the head of the Department of the Navy. Under the direction, authority, and control of the Secretary of Defense, he is responsible for the policies and control of the Department of the Navy, including its organization, administration, operation, and efficiency.

§ 700.202. Succession to duties.

(a) When there is a vacancy in the Office of the Secretary of the Navy, or during the absence or disability of the

Secretary, the Under Secretary of the Navy, and, in the order prescribed by the Secretary of the Navy, the Assistant Secretaries of the Navy succeed to the duties of the Secretary. If the Secretary does not prescribe an order for succession to his duties, the Assistant Secretaries shall succeed to those duties after the Under Secretary in the order in which they took office as Assistant Secretaries.

(b) During the temporary absence of the above officials, the Chief of Naval Operations or, in his absence, the Vice Chief of Naval Operations succeeds to the duties of the Secretary.

§ 700.203. The Civilian Executive Assistants.

(a) The Civilian Executive Assistants to the Secretary of the Navy are the Under Secretary of the Navy and the Assistant Secretaries of the Navy and the Deputy Under Secretary of the Navy. It is the policy of the Secretary to assign Department-wide responsibilities essential to the efficient administration of the Department of the Navy to and among his Civilian Executive Assistants.

(b) Each Civilian Executive Assistant, within his area of responsibility, is the principal adviser and assistant to the Secretary on the administration of the affairs of the Department of the Navy. In carrying out these duties, the Civilian Executive Assistants shall do so in harmony with the statutory position of the Chief of Naval Operations as "the principal naval adviser and naval executive to the Secretary on the conduct of activities of the Department of the Navy" and the responsibilities of the Chief of Naval Operations and the Commandant of the Marine Corps as set forth in these regulations. Each is authorized and directed to act for the Secretary within his assigned area of responsibility.

(c) The Under Secretary of the Navy is designated as the deputy and principal assistant to the Secretary of the Navy, and acts with full authority of the Secretary in the general management of the Department of the Navy, and supervision of offices and organizations as assigned by the Secretary.

(d) The Assistant Secretary of the Navy (Financial Management) is the Comptroller of the Navy, and is responsible for all matters related to the financial management of the Department of the Navy, including budgeting, accounting, disbursing, financing, progress and statistical reporting, auditing, management information systems, automatic data processing systems and equipment (less than integral to a weapons system), and supervision of offices and organizations as assigned by the Secretary. Under the Comptroller, the Deputy Comptroller of the Navy shall, in addition to his other duties, serve as an adviser and assistant to the Chief of Naval Operations and the Commandant of the Marine Corps with respect to financial and budgetary matters.

(e) The Assistant Secretary of the Navy (Installations and Logistics) is responsible for all matters related to the procurement, production, supply, distribution, alteration, maintenance, and disposal of material; all transportation matters; the acquisition, construction, utilization, improvement, alteration, maintenance, and disposal of real estate and facilities, including capital equipment, utilities, housing, and public quarters; printing and publications; labor relations with respect to contractors with the Department of the Navy; industrial security; the Mutual Defense Assistance Program, as related to the supplying of material; and supervision of offices and organizations as assigned by the Secretary.

(f) The Assistant Secretary of the Navy (Manpower and Reserve Affairs) is responsible for the overall supervision of manpower and reserve component affairs of the Department of the Navy, including policy and administration of affairs related to military (active and inactive) and civilian personnel, and supervision of offices and organizations as assigned by the Secretary.

(g) The Assistant Secretary of the Navy (Research and Development) is responsible for all matters related to research, development, engineering, test, and evaluation efforts within the Department of the Navy, including management of the appropriation, "Research, Development, Test and Evaluation, Navy," and for oceanography, ocean engineering and closely related matters, and supervision of offices and organizations as assigned by the Secretary.

(h) The Deputy Under Secretary of the Navy is responsible to the Secretary or Under Secretary for acting as a focal point and coordinator for the resolution of problems which require high-level special attention. He shall maintain a general awareness of actual or potential problems and issues and take steps to prevent their development or aggravation.

§ 700.204. The staff assistants.

The Staff Assistants to the Secretary of the Navy are the Administrative Officer, Navy Department; the General Counsel; the Director of Civilian Manpower Management; the Chief of Information; the Chief of Legislative Affairs; the Director, Office of Management Information; the Director, Office of Naval Petroleum and Oil Shale Reserves; the Director, Office of Program Appraisal; and the heads of such other offices and boards as may be established by law or by the Secretary for the purpose of assisting the Secretary or one or more of his Civilian Executive Assistants in the administration of the Department of the Navy. Each of the foregoing shall supervise all functions and activities internal to his office and assigned shore activities, if any. Each shall be responsible to the Secretary or to one of his Civilian Executive Assistants for the utilization of resources by and the operating efficiency of all activities under his supervision. The duties of the individual Staff Assistants and their respective offices will be as provided by law or as assigned by the Secretary.

§ 700.205. The Chief of Naval Research, The Judge Advocate General, The Deputy Comptroller of the Navy.

The Chief of Naval Research shall command the Office of Naval Research and assigned shore activities. The Judge Advocate General shall command the Office of the Judge Advocate General and assigned shore activities. The Deputy Comptroller of the Navy shall command the Office of the Comptroller of the Navy and assigned shore activities. Each of them shall be responsible to the Secretary of the Navy or to one of his Civilian Executive Assistants, as assigned, for the utilization of resources by and the operating efficiency of all activities under their respective commands. The duties of the Chief of Naval Research, the Judge Advocate General, and the Comptroller of the Navy will be as provided by law or as assigned by the Secretary.

§ 700.206. Authority over organizational matters.

Subject to the approval of the Secretary of the Navy or guidance hereafter furnished by him, the Civilian Executive Assistants, the Chief of Naval Operations, the Commandant of the Marine Corps, the Chief of Naval Research, the Judge Advocate General, the Deputy Comptroller of the Navy, and the Staff Assistants are individually authorized to organize, assign, and reassign responsibilities within their respective commands or offices in the organization of the Department of the Navy, including the establishment and disestablishment of such component organizations as may be necessary, subject to the following:

(a) The authority to disestablish may not be exercised with respect to any organizational component of the Department established by law.

(b) The Secretary retains unto himself the authority to approve the establishment of and disestablishment of shore activities, which will be done in accordance with procedures prescribed by him.

#### Subpart C—The Chief of Naval Operations

§ 700.301. Senior Military Officer of the Department of the Navy.

(a) The Chief of Naval Operations is the senior military officer of the Department of the Navy, and takes precedence above all other officers of the naval service, except an officer of the naval service who is serving as Chairman of the Joint Chiefs of Staff.

(b) The Chief of Naval Operations is the principal naval adviser to the President and to the Secretary of the Navy on the conduct of war, and the principal naval adviser and naval executive to the Secretary on the conduct of the activities of the Department of the Navy.

(c) The Chief of Naval Operations is the Navy member of the Joint Chiefs of Staff and is responsible for keeping the Secretary of the Navy fully informed on matters considered or acted upon by the Joint Chiefs of Staff. In this capacity, he is responsible, under the President and the Secretary of Defense, for duties external to the Department of the Navy, as prescribed by law.

§ 700.302. Succession to duties.

The Vice Chief of Naval Operations, and then the officers of the Navy, eligible for command at sea, on duty in the office of the Chief of Naval Operations in the order of their seniority, shall, unless otherwise directed by the President, perform the duties of the Chief of Naval Operations during his absence, or disability, or in the event of a temporary vacancy in that office.

§ 700.303. Specific authority and duties of the Vice Chief of Naval Operations.

(a) The Vice Chief of Naval Operations has such authority and duties with respect to the Department of the Navy as the Chief of Naval Operations, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Vice Chief of Naval Operations in performing such duties have the same force and effect as those issued by the Chief of Naval Operations.

(b) Orders issued by the Vice Chief of Naval Operations in performing other duties have the same force and effect as those issued by the Chief of Naval Operations.

§ 700.304. Authority and responsibility.

(a) Internal to the administration of the Department of the Navy, the Chief of Naval Operations, under the direction of the Secretary of the Navy, shall command the Operating Forces of the Navy. The Chief of Naval Operations shall also command the Naval Material Command, the Bureau of Naval Personnel, and the Bureau of Medicine and Surgery. In addition, he shall command such shore activities as may be assigned to him by the Secretary. He shall be responsible to the Secretary for the utilization of resources by, and the operating efficiency of, all commands and activities under his command.

(b) In addition, the Chief of Naval Operations has the following specific responsibilities:

(1) To organize, train, equip, prepare, and maintain the readiness of Navy forces, including those for assignment to unified or specified commands for the performance of military missions as directed by the President, the Secretary of Defense, or the Joint Chiefs of Staff. Naval forces, when assigned to a unified or specified command, are under the full operational command of the commander to whom they are assigned.

(2) To determine and direct the efforts necessary to fulfill current and future requirements of the Navy (less Fleet Marine Forces and other assigned Marine Corps forces) for manpower, material, weapons, facilities, and services, including the determination of quantities, military performance requirements, and times, places, and priorities of need.

(3) To exercise leadership in maintaining a high degree of competence among Navy officer and enlisted and civilian personnel in necessary fields of specialization, through education, training, and equal opportunities for personal advancement, and maintaining the

morale and motivation of Navy personnel and the prestige of a Navy career.

(4) To plan and provide health care for personnel of the naval service and their dependents.

(5) To direct the organization, administration, training, and support of the Naval Reserve.

(6) To inspect and investigate components of the Department of the Navy to determine and maintain efficiency, discipline, readiness, effectiveness, and economy, except in those areas where such responsibility rests with the Commandant of the Marine Corps.

(7) To determine the needs of naval forces and activities for research, development, test, and evaluation; to plan and provide for the conduct of development, test, and evaluation which are adequate and responsive to long-range objectives, immediate requirements, and fiscal limitations; and to provide assistance to the Assistant Secretary of the Navy (Research and Development) in the direction, review, and appraisal of the overall Navy RDT&E Program to insure fulfillment of stated requirements.

(8) To formulate Navy strategic plans and policies and participate in the formulation of joint and combined strategic plans and policies and related command relationships.

(9) To budget for commands, bureaus, and offices assigned to the command of the Chief of Naval Operations, and other activities and programs as assigned, except as may be otherwise directed by the Secretary of the Navy.

(c) The Chief of Naval Operations, under the direction of the Secretary of the Navy, shall (except for those areas wherein such responsibility rests with the Commandant of the Marine Corps) exercise overall authority throughout the Department of the Navy in matters related to the effectiveness of the support of the Operating Forces of the Navy, the coordination and direction of assigned Navy-wide programs and functions including those assigned by higher authority, the coordination of activities of the Department of the Navy in matters concerning effectiveness, efficiency, and economy, and matters essential to naval military administration, such as security, intelligence, discipline, communications, and matters related to the customs and traditions of the naval service.

§ 700.305. Naval Vessel Register, classification of naval craft, and status of ships and service craft.

(a) The Chief of Naval Operations shall be responsible for the Naval Vessel Register (except the Secretary of the Navy shall strike vessels from the Register) and the assignment of classification for administrative purposes to waterborne craft and the designation of status for each ship and service craft. The classification of waterborne craft and the status of ships and service craft are found in the glossary.

(b) Commissioned vessels and craft shall be called "United States Ship" or "U.S.S. —".

(c) Civilian manned ships of the Military Sealift Command or other com-



mands designated "active status, in service" shall be called "United States Naval Ship" or "U.S.N.S."

(d) The Chief of Naval Operations shall designate hospital ships and medical aircraft as he deems necessary. Such designation shall be in compliance with the Geneva Convention for the Amelioration of the Conditions of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea of 12 August 1949 and he shall ensure compliance with the notice provisions of that Convention.

#### § 700.306. The Chief of Naval Material.

The Chief of Naval Material, under the command of the Chief of Naval Operations, shall command the Naval Material Command. In addition to the tasks which may be assigned by the Chief of Naval Operations, he shall:

(a) Provide direct staff assistance to the Secretary of the Navy and the Civilian Executive Assistants in matters pertaining to contracting, procurement, production and exploratory development, laboratories assigned to the Chief of Naval Material and to related matters. In these areas, the Chief of Naval Material shall inform the Chief of Naval Operations and, when appropriate, the Commandant of the Marine Corps in matters of policy and significant actions.

(b) Be responsive directly to the Commandant of the Marine Corps in providing necessary planning and programing data requirements and in meeting those particular material support needs of the U.S. Marine Corps which are required to be provided by the Naval Material Command.

(c) Provide the Commandant of the Marine Corps with timely advice concerning training and technical requirements essential for the operation and maintenance by Marine Corps personnel of new equipment under development.

(1) Be responsive to the heads of other organizations in meeting their material support needs which are provided by the Naval Material Command.

(2) Provide guidance to Navy and Marine Corps Commands, as required, on functional areas related to Naval Material Command acquisition and logistics support responsibilities and other technical or professional matters as appropriate.

#### § 700.307. The Chief of Naval Personnel and the Chief, Bureau of Medicine and Surgery.

The Chief of Naval Personnel, under the command of the Chief of Naval Operations, shall command the Bureau of Naval Personnel. The Chief, Bureau of Medicine and Surgery, (who is also the Surgeon General of the Navy), under the command of the Chief of Naval Operations, shall command the Bureau of Medicine and Surgery. In addition to the tasks which may be assigned by the Chief of Naval Operations, they shall:

(a) Be responsive directly to the Commandant of the Marine Corps in meeting those particular needs of the United States Marine Corps which are required

to be provided by their respective bureaus.

(b) Be responsive to the heads of other organizations in meeting the particular needs of such organizations which are provided by the Chief of Naval Personnel and the Chief, Bureau of Medicine and Surgery.

#### § 700.308. Naval Inspector General.

There is in the Office of the Chief of Naval Operations the Office of the Naval Inspector General. The Naval Inspector General, when directed, shall inquire into and report upon any matter which affects the discipline or military efficiency of the Department of the Navy; however, the Secretary of the Navy shall direct inquiry when such matters are related to the Marine Corps. He shall make such inspections, investigations, and reports as the Secretary of the Chief of Naval Operations directs. The Naval Inspector General shall periodically propose programs of inspections to the Chief of Naval Operations and shall recommend additional inspections or investigations as may appear appropriate.

#### § 700.309. Commander in Chief U.S. Atlantic Fleet.

(a) The Commander in Chief of U.S. Atlantic Fleet is a naval commander in chief of the Operating Forces of the Navy under the command of the Chief of Naval Operations. He shall command the U.S. Atlantic Fleet and is responsible for the administration, training, maintenance, support and readiness of the Atlantic Fleet including those forces temporarily assigned to the operational command of other commanders.

(b) The Commander in Chief U.S. Atlantic Fleet is a naval component commander of the unified command under the Commander in Chief, Atlantic.

(c) The organization of the Atlantic Fleet, the forces assigned and their employment shall be as specified by the Chief of Naval Operations except for the employment of forces assigned to the operational command of unified and specified commanders.

#### § 700.310. Commander in Chief, U.S. Pacific Fleet.

(a) The Commander in Chief U.S. Pacific Fleet is a naval commander in chief of the Operating Forces of the Navy under the command of the Chief of Naval Operations. He shall command the U.S. Pacific Fleet and is responsible for the administration, training, maintenance, support and readiness of the Pacific Fleet, including those forces temporarily assigned to the operational command of other commanders.

(b) The Commander in Chief U.S. Pacific Fleet is a naval component commander of the unified command under the Commander in Chief, Pacific.

(c) The organization of the Pacific Fleet, the forces assigned and their employment shall be as specified by the Chief of Naval Operations except for the employment of forces assigned to the operational command of unified and specified commanders.

#### § 700.311. Commander in Chief U.S. Naval Forces, Europe.

(a) The Commander in Chief U.S. Naval Forces, Europe is a naval commander in chief of the Operating Forces of the Navy under the command of the Chief of Naval Operations. He shall represent the Chief of Naval Operations for U.S. naval matters in the general areas of Europe, North Africa, and the Middle East. He shall command those forces assigned by the Chief of Naval Operations or by other naval commanders.

(b) The Commander in Chief U.S. Naval Forces, Europe is the naval component commander of the unified command under the Commander in Chief, U.S. European Command.

#### § 700.312. Commander, Military Sealift Command.

(a) The Commander, Military Sealift Command is a naval commander of the Operating Forces of the Navy under the command of the Chief of Naval Operations. He shall provide ocean transportation for personnel and cargo of the Department of Defense (excluding that transported by units of the fleet) in accordance with policies and procedures of the Single Manager for Ocean Transportation (Secretary of the Navy) and the Secretary of Defense. He shall also operate ships in support of scientific projects and other programs for agencies or departments of the United States.

(b) The Military Sealift Command shall operate and maintain government owned ships and augment operational capability by shipping cargo and passengers on commercially operated ships, chartering ships, and exercising operational control over ships activated from National Defense Reserve Fleet to meet emergency needs.

#### § 700.313. Commander, Naval Intelligence Command.

The Commander, Naval Intelligence Command, under the command of the Chief of Naval Operations, shall be responsible for directing and managing the activities of the Naval Intelligence Command to insure fulfillment of the intelligence, counterintelligence, investigative, and security requirements of the Department of the Navy.

#### § 700.314. Commander, Naval Communications Command.

The Commander, Naval Communications Command, under the command of the Chief of Naval Operations, shall exercise overall responsibility throughout the Department of the Navy for the coordination of the provision, operation, and maintenance of adequate and secure naval communications.

#### § 700.315. Oceanographer of the Navy.

The Oceanographer of the Navy, under the command of the Chief of Naval Operations, shall act as the Naval Oceanographic Program Director under the policy direction of the Secretary of the Navy. He shall be responsible for an integrated and effective Naval Oceanographic Program and the management of all national oceanographic facilities and efforts assigned to the Department of the Navy.

graphic Program and the management of all national oceanographic facilities and efforts assigned to the Department of the Navy.

#### § 700.316. Commander, Naval Weather Service Command.

The Commander, Naval Weather Service Command, under the command of the Chief of Naval Operations, shall insure that Department of the Navy meteorological requirements and Department of Defense requirements for oceanographic analyses and forecasts are met. He shall provide technical guidance in meteorological matters throughout the naval service.

#### § 700.317. Commander, Naval Security Group Command.

The Commander, Naval Security Group Command, under the command of the Chief of Naval Operations, shall be responsible for the provision, operation, and maintenance of an adequate Naval Security Group and shall perform cryptologic and related functions.

#### § 700.318. Chief of Naval Training.

The Chief of Naval Training, under the command of the Chief of Naval Operations, shall be responsible for the training of Navy personnel, other than training assigned by the Chief of Naval Operations to other authorities, and for the training of Marine Corps aviation personnel.

#### § 700.319. Chief of Naval Reserve.

The Chief of Naval Reserve, under the command of the Chief of Naval Operations, shall be responsible for the administration of Naval Reserve programs, the management of Naval Reserve resources, and for logistic support of the Marine Corps air program.

#### § 700.320. Commandants of Naval Districts.

(a) The Commandants of Naval Districts, under the command of the Chief of Naval Operations, shall command assigned naval shore activities; exercise area coordination over all shore activities in the district; represent the Secretary of the Navy, the Chief of Naval Operations and other officials in such matters as may be assigned; execute responsibilities with respect to specified functions as assigned by Sea Frontier Commanders and Chief of Naval Reserve; administer Naval Reserve elements and naval reservists, as assigned; and coordinate public affairs matters throughout the district.

(b) Naval districts within the continental United States are defined by statute (10 USC 5221).

#### § 700.321. President Board of Inspection and Survey.

The President of the Board of Inspection and Survey, assisted by such other officers and such permanent and semi-permanent sub-boards as may be designated by the Secretary of the Navy, shall:

(a) Conduct acceptance trials and inspections of all ships and service craft prior to acceptance for naval service.

(b) Conduct acceptance trials and inspections on one or more aircraft of each type or model prior to final acceptance for naval service.

(c) Examine at least once every three years, if practicable, each naval ship to determine its material condition and, if found unfit for continued service, report to higher authority.

(d) Perform such other inspections and trials of naval ships, service craft, and aircraft as may be directed by the Chief of Naval Operations.

#### Subpart D—The Commandant of the Marine Corps

#### § 700.401. Senior Officer of the Marine Corps.

(a) The Commandant of the Marine Corps is the senior officer of the United States Marine Corps.

(b) While matters which directly concern the Marine Corps are under consideration by the Joint Chiefs of Staff, and with respect to such matters, the Commandant has coequal status with the members of the Joint Chiefs of Staff. He is responsible for keeping the Secretary of the Navy fully informed on these matters. In this capacity as a coequal member of the Joint Chiefs of Staff, he is responsible to the President and the Secretary of Defense for duties external to the Department of the Navy as prescribed by law.

#### § 700.402. Succession to duties.

The Assistant Commandant of the Marine Corps, and then the officers of the Marine Corps, not restricted in the performance of duty, on duty at the headquarters of the Marine Corps in the order of their seniority, shall, unless otherwise directed by the President, perform the duties of the Commandant of the Marine Corps during his absence, disability, or in the event of a temporary vacancy in that office.

#### § 700.403. Authority and responsibilities.

(a) The Commandant of the Marine Corps, under the direction of the Secretary of the Navy, shall command the United States Marine Corps, which shall include Headquarters, United States Marine Corps; the Operating Forces of the Marine Corps; Marine Corps Supporting Establishments and the Marine Corps Reserve.

(b) The Commandant of the Marine Corps advises the Secretary of the Navy on matters pertaining to the Marine Corps. He is directly responsible to the Secretary for the administration, discipline, internal organization, training, requirements, efficiency, and readiness of the Marine Corps; for the operation of the Marine Corps material support system; and the total performance of the Marine Corps. He shall command such shore activities as may be assigned by the Secretary, and is responsible to the Secretary for the utilization of resources by and the operating efficiency of all activities under his command. When performing these functions, the Commandant is not a part of the command structure of the Chief of Naval Operations. There must, however, be a close cooperative relationship between the Chief of Naval Operations, as the senior military officer of the Department of the Navy, and the Commandant, as the one having command responsibility over the Marine Corps.

(c) The Commandant of the Marine Corps is directly responsible to the Chief of Naval Operations for the organization, training, and readiness of those elements of the Operating Forces of the Marine Corps assigned to the Operating Forces of the Navy. Such Marine Corps forces, when so assigned, are subject to the command exercised by the Chief of Naval Operations over the Operating Forces of the Navy. Likewise, members or organizations of the Navy, when assigned to the Marine Corps, are subject to the command of the Commandant of the Marine Corps.

(d) The Commandant of the Marine Corps is the senior officer of the United States Marine Corps. He is responsible for keeping the Secretary of the Navy fully informed on these matters. In this capacity as a coequal member of the Joint Chiefs of Staff, he is responsible to the President and the Secretary of Defense for duties external to the Department of the Navy as prescribed by law.

#### § 700.404. Specific responsibilities.

In addition, the Commandant of the Marine Corps has the following specific responsibilities:

(a) To plan for and determine the support needs of the Marine Corps for equipment, weapons or weapons systems, materials, supplies, facilities, maintenance, and supporting services. This responsibility includes the determination of Marine Corps characteristics of equipment and material to be procured or developed, and the training required to prepare Marine Corps personnel for combat. It also includes the operation of the Marine Corps Material Support System.

(b) To budget for the Marine Corps, except as may be otherwise directed by the Secretary of the Navy.

(c) To develop, in coordination with other military services, the doctrines, tactics, and equipment employed by landing forces in amphibious operations.

(d) To formulate Marine Corps strategic plans and policies and participate in the formulation of joint and combined strategic plans and policies and related command relationships.

(e) To plan for and determine the present and future needs, both quantitative and qualitative, for personnel, including reserve personnel and civilian personnel, of the United States Marine Corps. This includes responsibility for leadership in maintaining a high degree of competence among Marine Corps officers and enlisted personnel and Marine Corps civilian personnel in necessary fields of specialization through education, training, and equal opportunities for personal advancement; and for leadership in maintaining the morale and motivation of Marine Corps personnel and the prestige of a career in the Marine Corps.

(f) To plan for and determine development requirements of the Marine Corps. To provide for the development, test, and evaluation of new weapon systems and equipment, to ensure that such



are adequate and responsive to immediate and long-range objectives and are within available resources. To provide direct staff assistance to the Assistant Secretary of the Navy (Research and Development) in the direction, review, and appraisal of the overall USMC RDT&E Program.

(g) To plan for and determine the needs for health care for personnel of the Marine Corps and their dependents.

#### § 700.405. Composition of the Marine Corps.

(a) The major components of the regular establishment of the Marine Corps consist principally of the Headquarters of the Marine Corps, the Operating Forces, and the Supporting Establishment. In addition, there is another element of the Marine Corps, the Marine Corps Reserve.

(b) The Operating Forces of the Marine Corps include the Fleet Marine Forces, detachments afloat, and security forces. There are two Fleet Marine Forces: Fleet Marine Force, Atlantic, and Fleet Marine Force, Pacific. These Fleet Marine Forces are assigned to, and are integral to, the U.S. fleets as part of the Operating Forces of the Navy.

(c) The Supporting Establishment includes those Marine Corps facilities, such as Marine Corps schools, recruit depots, supply installations, bases, barracks, air stations and other miscellaneous small activities which train, maintain, and support the Operating Forces of the Marine Corps.

(d) The Marine Corps Reserve has as its mission to provide a trained force of qualified officers and enlisted personnel to be available for active duty in the U.S. Marine Corps in time of war or national emergency.

#### § 700.406. Relationships between the Commandant of the Marine Corps and the Chief of Naval Material.

Formal operating relationships with respect to the efforts of determining needs and providing support between the Commandant of the Marine Corps and his organization and the Chief of Naval Material and his organization shall be governed by the following principles:

(a) The Commandant of the Marine Corps shall express to the Chief of Naval Material those Marine Corps material needs which are to be provided by the Naval Material Command. With respect to the development of material items, the Commandant of the Marine Corps shall specify the military performance required to meet Marine Corps needs.

(b) The Chief of Naval Material shall advise the Commandant of the Marine Corps as to the economic and technological feasibility of meeting such needs, and shall keep the Commandant informed of new capabilities to meet the needs of the Marine Corps which may or may not have been previously expressed. With respect to the development of material items, the Chief of Naval Material shall determine the technical effort necessary to satisfy the needs of the Marine Corps,

(c) The Commandant of the Marine Corps shall select the work to be done to satisfy the needs of the Marine Corps, based upon feasibility data and current estimates of the worth of a particular need in relation to other desirable needs, including, where necessary, the curtailment or cancellation of work already in progress in favor of work which offers greater promise or greater military worth.

(d) The Chief of Naval Material shall exercise appropriate supervision over accomplishment of the work selected, and shall ensure that resources available to him are efficiently utilized in meeting Marine Corps needs.

(e) Work being accomplished shall be reviewed concurrently by the Commandant of the Marine Corps from the viewpoint of readiness and military worth, and by the Chief of Naval Material from the viewpoint of progress and the efficient utilization of resources available to him.

#### § 700.407. Serving with the Army by order of the President.

(a) When Marine Corps units are, by order of the President, detached for service with the Army, the Commandant of the Marine Corps is, for the time that the Marine Corps units are thus detached and for the purposes of administering the affairs of such units, responsible to the Secretary of the Army. The Commandant of the Marine Corps shall retain such control and jurisdiction over said detached forces as will enable him to make the necessary transfers of officers and men from and to the commands, and to exercise general supervision over all expenditures and supplies needed for the support of the Marine Corps forces so detached. He shall be responsible to the Secretary of the Army for the general efficiency and discipline of such units of the Marine Corps as are detached for service with the Army.

(b) Official correspondence which relates exclusively to the routine business of the Marine Corps and does not involve questions of administrative responsibility under the supervision of the commanding officer of the combined forces, and which is not a matter of a military nature pertaining to an individual requiring the action of said commanding officer, shall be forwarded direct between the Headquarters of the Marine Corps and the senior Marine officer serving with the detached forces.

(c) All official correspondence regarding the personnel of the Marine Corps units on duty with the Army shall be addressed to the proper representative of the Marine Corps and forwarded via the Adjutant General of the Army.

Subpart E—The United States Coast Guard (When Operating As a Service of the Navy)

#### § 700.501. Relationship and operation as a service in the Navy.

(a) Upon declaration of war or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall be subject to the orders of the

Secretary of the Navy. While so operating as a service in the Navy and to the extent practicable Coast Guard operations shall be integrated and uniform with Navy operations.

(b) Whenever the Coast Guard operates as a service in the Navy:

(1) Applicable appropriations of the Coast Guard to cover expenses shall be available for transfer to the Department of the Navy and supplemented, as required, from applicable appropriations of the Department of the Navy.

(2) Personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy.

#### § 700.502. Commandant of the Coast Guard.

(a) The Commandant of the Coast Guard is the senior officer of the United States Coast Guard.

(b) When reporting in accordance with Section 3, Title 14, U.S. Code to the Secretary of the Navy, the Commandant of the Coast Guard will further report to the Chief of Naval Operations for military functions. The Chief of Naval Operations shall represent the Coast Guard as a member of the Joint Chiefs of Staff.

#### § 700.503. Duties and responsibilities.

In exercising command over the Coast Guard while operating as a service of the Navy, the Commandant shall:

(a) Organize, train, prepare and maintain the readiness of the Coast Guard to function as a specialized service in the Navy for the performance of military missions, as directed.

(b) Plan for and determine the present and future needs of the Coast Guard, both quantitative and qualitative, for personnel, including reserve personnel.

(c) Budget for the Coast Guard, except as may be otherwise directed by the Secretary of the Navy.

(d) Plan for and determine the support needs of the Coast Guard for equipment, materials, weapons or weapons systems, supplies, facilities, maintenance, and supporting services.

(e) Exercise essential military administration of the Coast Guard. This includes, but is not limited to, such matters as security, discipline, intelligence, communications, personnel records and accounting conforming, as practicable, to Navy procedures.

(f) Enforce or assist in enforcing Federal laws on the high seas and on waters subject to the jurisdiction of the United States.

(g) Administer, promulgate and enforce regulations for the promotion of safety of life and property on the high seas and on waters subject to the jurisdiction of the United States. This applies to those matters not specifically delegated by law to some other executive department.

(h) Develop, establish, maintain and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice breaking facilities, and rescue facilities for the promotion of

safety on and over the high seas and waters subject to the jurisdiction of the United States.

(i) Engage in oceanographic research on the high seas and in waters subject to the jurisdiction of the United States in coordination with the Office of the Oceanographer of the Navy.

(j) Continue in effect under the Secretary of the Navy those other functions, powers and duties vested in him by appropriate orders and regulations of the Secretary of Transportation on the day prior to the effective date of transfer of the Coast Guard to the Department of the Navy until specifically modified or terminated by the Secretary of the Navy.

#### Subpart F—Commanders in Chief and Other Commanders

##### § 700.601. Titles of commanders.

(a) The commander of a principal organization of the Operating Forces of the Navy, as determined by the Chief of Naval Operations, or the officer who has succeeded to such command as provided elsewhere in these regulations, shall have the title "Commander in Chief." The name of the organization under his command shall be added to form his official title.

(b) The commander of each other organization of units of the Operating Forces of the Navy, or organization of units of shore activities, shall have the title "Commander," "Commandant," "Commanding General," or other appropriate title. The name of the organization under his command shall be added to form his official title.

##### § 700.602. Responsibility and authority of a commander.

(a) A commander shall be responsible for the satisfactory accomplishment of the mission and duties assigned to his command. His authority shall be commensurate with his responsibilities. Normally, he shall exercise authority through his immediate subordinate commanders; but he may communicate directly with any of his subordinates.

(b) A commander shall insure that subordinate commands are fully aware of the importance of strong, dynamic leadership and its relationship to the overall efficiency and readiness of naval forces. A commander shall exercise positive leadership and actively develop the highest qualities of leadership in persons with positions of authority and responsibility throughout his command.

(c) Subject to orders of higher authority, a commander shall issue such regulations and instructions as may be necessary for the proper administration and operation of his command.

(d) A commander shall hold the same relationship to his flagship, or to a shore activity of his command in which his headquarters may be located, in regard to its internal administration and discipline, as to any other ship or shore activity of his command.

#### § 700.603. To announce assumption of command.

Upon assuming command, a commander shall so advise appropriate superiors, and the units of his command. When appropriate to his command he shall also advise the senior commanders of other United States armed services and officials of other Federal agencies and foreign governments located within the area encompassed by his command, concerning his assumption of command.

#### § 700.604. Readiness.

A commander shall take all practicable steps to maintain his command in a state of readiness to perform its mission. In conformity with the orders and policies of higher authority, he shall:

(a) Organize the forces and resources under his command and assign duties to his principal subordinate commanders.

(b) Prepare plans for the employment of his forces to meet existing and foreseeable situations.

(c) Collaborate with the commanders of other United States armed services and with appropriate officials of other Federal agencies and foreign governments located within the area encompassed by his command.

(d) Maintain effective intelligence and keep himself informed of the political and military aspects of the national and international situation.

(e) Make, or cause to be made, such inspections as necessary to ensure the readiness, effectiveness, and efficiency of the components of his command.

#### § 700.605. Observance of international law.

At all times a commander shall observe, and require his command to observe, the principles of international law. Where necessary to fulfillment of this responsibility, a departure from other provisions of Navy Regulations is authorized.

#### § 700.606. Keeping immediate superior informed.

A commander shall keep his immediate superior appropriately informed of:

(a) The organization of his command, the prospective and actual movements of the units of his command, and the location of his headquarters.

(b) Plans for employment of his forces.

(c) The condition of his command and of any required action pertaining thereto which is beyond his capacity or authority.

(d) Intelligence information which may be of value.

(e) Any battle, engagement, or other significant action, involving units of his command.

(f) Any important service or duty performed by persons or units of his command.

(g) Unexecuted orders and matters of interest upon being relieved of command.

#### § 700.607. Organization of a staff.

(a) The term "staff" shall be construed to mean those officers and other designated persons assigned to a commander to assist him in the administration and operation of his command.

(b) The officer detailed as chief of staff and aide to a fleet admiral or admiral normally shall be a vice admiral or a rear admiral. The officer detailed as chief of staff and aide to a vice admiral or rear admiral shall normally be a rear admiral or a captain. The detailing of a vice commander or a deputy to a commander shall be reserved for selected commanders. An officer detailed as chief staff officer to another officer shall normally not be of the same grade.

(c) The staff shall be organized into such divisions as may be prescribed by the commander concerned or by higher authority. These divisions shall conform in nature and designation, as practicable and as appropriate, to those of the staffs of superiors.

(d) The staff of a flag or general officer may include one or more personal aides.

#### § 700.608. Authority and responsibilities of officers of a staff.

(a) The chief of staff and aide or chief staff officer, under the commander, shall be responsible for supervising and coordinating the work of the staff and shall be kept informed of all matters pertaining to that work. All persons attached to the staff, except a vice commander or deputy responsible directly to the commander, shall be subordinate to the chief of staff and aide or chief staff officer while he is executing the duties of his office.

(b) The officers of a staff shall be responsible for the performance of those duties assigned to them by the commander and shall advise him on all matters pertaining thereto. In the performance of their staff duties they shall have no command authority of their own. In carrying out such duties, they shall act for, and in the name of, the commander.

#### § 700.609. Administration and discipline—staff embarked.

In matters of general discipline, the staff of a commander embarked and all enlisted persons serving with the staff shall be subject to the internal regulations and routine of the ship. They shall be assigned regular stations for battle and emergencies. Enlisted persons serving with the staff shall be assigned to the ship for administration and discipline, except in the case of staffs embarked for passage only, and provided in that case that an organization exists and is authorized to act for such purposes.

#### § 700.610. Administration and discipline—staff based ashore.

When a staff is based ashore the enlisted persons serving with the staff shall, when practicable, be assigned to an appropriate activity for purposes of admin-



istration and discipline. The staff officers may be similarly assigned. Members of a staff assigned for any purpose to a command or activity shall conform in matters of general discipline to the internal regulations and routine of the command or activity.

**§ 700.611. Administration and discipline—staff unassigned to an administrative command.**

(a) When it is not practicable to assign enlisted persons serving with the staff of a commander to an established activity for administration and discipline, the commander may designate an officer of his staff to act as the commanding officer of such persons and shall notify the Judge Advocate General and the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, of his action.

(b) If the designating commander desires the commanding officer of staff enlisted personnel to possess authority to convene courts-martial, he should request the Judge Advocate General to obtain such authorization from the Secretary of the Navy.

**§ 700.612. Administration and discipline—separate and detached command.**

Any flag or general officer in command, any officer authorized to convene general courts-martial, or the senior officer present may designate organizations which are separate or detached commands. Such officer shall state in writing that it is a separate or detached command and shall inform the Judge Advocate General of the action taken. If authority to convene courts-martial is desired for the commanding officer or officer in charge of such separate or detached command, the officer designating the organization as separate or detached shall request the Judge Advocate General to obtain authorization from the Secretary of the Navy.

**Subpart G—The Commanding Officer**

**§ 700.701. Applicability.**

In addition to commanding officers, the provisions of this chapter shall apply, where pertinent, to aircraft commanders, officers in charge (including warrant officers and petty officers when so detailed) and those persons standing the command duty.

**§ 700.702. Responsibility.**

(a) The responsibility of the commanding officer for his command is absolute, except when, and to the extent, relieved therefrom by competent authority, or as provided otherwise in these regulations. The authority of the commanding officer is commensurate with his responsibility. While he may, at his discretion, and when not contrary to law or regulations, delegate authority to his subordinates for the execution of details, such delegation of authority shall in no way relieve the commanding officer of his continued responsibility for the safety, well-being, and efficiency of his entire command.

(b) A commanding officer who departs from his orders or instructions, or takes official action which is not in accordance with such orders or instructions, does so upon his own responsibility and shall report immediately the circumstances to the officer from whom the prior orders or instructions were received.

(c) The commanding officer shall be responsible for economy within his command. To this end he shall require from his subordinates a rigid compliance with the regulations governing the receipt, accounting, and expenditure of public money and materials, and the implementation of improved management techniques and procedures.

(d) The commanding officer and his subordinates shall exercise leadership through personal example, moral responsibility, and judicious attention to the welfare of persons under their control or supervision. Such leadership shall be exercised in order to achieve a positive, dominant influence on the performance of persons in the Department of the Navy.

**§ 700.703. Presence of officer eligible to command.**

(a) Except as otherwise provided herein or otherwise authorized by the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, at least one officer, either in command or eligible to succeed to command, shall be present and ready for duty at each command (activity, unit, or office). In the absence of the commanding officer or the executive officer, or both, their duties shall devolve upon the officer next in rank and eligible to succeed to command who is attached to and present in the command. An officer detailed for a day's duty for the purpose of assuming the commanding officer's duties in his absence shall be known as the Command Duty Officer. Upon request of the officer senior in rank, eligible to succeed to command, who is attached to and present in the command, the Command Duty Officer shall defer to him. An officer who succeeds to command or is detailed to assume the commanding officer's duties during his temporary absence shall make no changes in the existing organization and shall endeavor to have the routine and other affairs of the command carried on in the usual manner.

(b) A superior, of flag or general grade, shall govern the presence of the officer in command or officer or officers eligible to succeed to command and ready for duty at each command or unit of the Operating Forces of the Navy and the Operating Forces of the Marine Corps. The commanding officer may under criteria or conditions prescribed by a superior of flag or general grade, assign officers not eligible to succeed to command and qualified enlisted men to serve as the Command Duty Officer.

(c) Superiors shall determine the need and govern the presence of the officer in command or an officer or officers eligible to succeed to command and ready for duty at commands, offices, or activities not of the Operating Forces of the Navy

and not of the Operating Forces of the Marine Corps. Under conditions prescribed by a superior, officers not eligible to command and qualified enlisted men may be assigned a day's command duty.

**§ 700.704. Organization of commands.**

All commands and other activities of the Department of the Navy shall be organized and administered in accordance with law, the Navy Regulations, and the orders of competent authority, and all orders and instructions of the commanding officer shall be in accordance therewith.

**§ 700.705. Effective organized force always present.**

Under no circumstances shall any ship or station be left without an organized force that will be effective in any emergency, and consistent with existing requirements, capable of ensuring satisfactory operation.

**§ 700.706. Relationship with executive officer.**

The commanding officer shall keep the executive officer informed of his policies and normally shall issue all orders relative to the duties of the command through that officer. Normally, the commanding officer shall require that all communications of an official nature from subordinates to the commanding officer be transmitted through the executive officer.

**§ 700.707. Relieving procedures.**

(a) A commanding officer about to be relieved of his command shall:

(1) Inspect the command in company with his successor before the transfer is effected.

(2) In the case of a ship, and within other commands where appropriate, cause the crew to be exercised in his presence and in the presence of his relief at general quarters and general drills, unless conditions render it impracticable or inadvisable.

(3) Point out defects and peculiarities of the command and account for them to his relief.

(4) Deliver to his relief all unexecuted orders, all regulations and orders in force, and all official correspondence and information concerning the command and the personnel thereof as may be of service to his relief. He shall not remove the original records of his official correspondence, original letters, documents, or papers concerning the command and personnel thereof, but he may retain authenticated copies thereof.

(5) Deliver to his relief all documents required by these regulations to be either kept or supervised by the commanding officer. If a Navy post office is established within the command, he shall deliver to his relief a current audit of postal accounts and effects.

(6) Deliver all magazine and other keys in his custody to his relief.

(7) Cause an inventory and audit to be taken of all registered publications charged to the command, in accordance

with the provisions of the Registered Publications Manual.

(8) Submit reports of fitness of officers and sign all log books, journals, and other documents requiring his signature up to the date of his relief.

(9) At the time of turning over command call all hands to muster. The officer about to be relieved shall read his orders of detachment and turn over the command to his successor, who shall read his orders and assume command. At shore activities this procedure may be modified as appropriate.

(b) The officer relieved, although without authority after turning over the command, is, until his final departure, entitled to all the ceremonies and distinctions accorded him while in command.

(c) The accomplishment of a normal, routine transfer of command shall be reported by the officer who assumes command. For a command of the Operating Forces of the Navy, the report shall be addressed to the immediate superior with copies to the fleet commander in chief and intermediate superiors. For a command not of the Operating Forces of the Navy, the report shall be addressed to the immediate superior with copies to other superiors as appropriate.

(d) A report of a transfer of command that contains statements indicating the possible existence of unsatisfactory conditions, or adverse comments with respect to the state of readiness of the command, or its ability to perform its assigned mission, or any other non-routine information of direct concern to higher authority, shall contain the opinion of the succeeding officer in regard thereto, and such explanation by endorsement as the officer being relieved may deem necessary.

For a command of the Operating Forces of the Navy the report shall be addressed to the Chief of Naval Operations via the chain of command with a copy direct to the Commander in Chief of the fleet concerned. For a command not of the Operating Forces of the Navy the report shall be addressed to immediate superior with copies direct to appropriate commands, bureaus, or offices as may have a direct interest. A copy shall be retained by each of the officers between whom the transfer of command takes place.

(e) When an officer detailed as commanding officer reports to a command having no regularly detailed commanding officer, the procedure prescribed in the preceding paragraphs of this article shall be followed, insofar as is consistent with the circumstances.

**§ 700.708. Inspections, muster, and sighting of personnel.**

(a) The commanding officer shall hold periodic inspections of the material of the command, not on weekends or holidays, to determine deficiencies and cleanliness. When the size of the command precludes completion of the inspection in a reasonable time, he shall designate zones to be inspected by heads of departments or other responsible officers, and he shall inspect at least one zone, alternating his zone(s) in order that he

inspects the entire command at minimum intervals.

(b) The commanding officer shall ensure that, consistent with their employment, the personnel under his command present at all times a neat, clean and military appearance. To assist in attaining this standard of appearance he shall, in the absence of operational exigency, hold periodic personnel inspections. Saturday inspections may be held at sea and, in port and ashore, with personnel in duty status as participants. Otherwise, inspections shall not be held on weekends or holidays.

(c) Quarters or formations are for the purpose of ceremony, inspection, muster, instruction, or passing of orders and should be reserved for those occasions when purpose cannot otherwise be achieved.

(d) The commanding officer shall require a daily report of all persons confined, a statement of their offenses, and the dates of their confinement and release.

(e) The presence of all persons attached to the command shall be accounted for daily. Persons who have not been sighted by a responsible senior shall be reported absent.

(f) The prohibitions concerning weekend or holiday inspections do not apply to commands engaged in training reservists, and, to other commands with the consent of a superior.

**§ 700.709. Unauthorized persons on board.**

The commanding officer shall satisfy himself that there is no unauthorized person on board before proceeding to sea or commencing a flight.

**§ 700.710. Control of passengers.**

(a) Control of passage in and protracted visits to aircraft and ships of the Navy by all persons, within or without the Department of the Navy, shall be exercised by the Chief of Naval Operations.

(b) Nothing in this article shall be interpreted as prohibiting the senior officer present from authorizing the passage in ships and aircraft of the Navy by such persons as he judges necessary in the public interest or in the interest of humanity. The senior officer present shall report the circumstances to the Chief of Naval Operations when he gives such authorization.

**§ 700.711. Authority over passengers.**

Except as otherwise provided in these regulations or in orders from competent authority, all passengers in a ship or aircraft of the naval service are subject to the authority of the commanding officer and shall conform to the internal regulations and routine of the ship or aircraft. The commanding officer of such ship or aircraft shall take no disciplinary action against a passenger not in the naval service, other than that authorized by law; but he may, when he deems such action to be necessary for the safety of the ship or aircraft or of any persons embarked, subject a passenger not in the

naval service to such restraint as the circumstances require until such time as delivery to the proper authorities is possible. A report of the matter shall be made to an appropriate superior of the passenger.

**§ 700.712. Relations with organizations and military personnel embarked for passage.**

(a) Personnel of the naval service, and other United States armed forces or services, and foreign armed forces are subject to the orders of the commanding officer of the ship or aircraft commander. The provisions of this article shall be applied to organizations and personnel of foreign armed forces, insofar as is feasible, with regard for their customs and traditions.

(b) The commanding officer of the ship or the aircraft commander shall respect the identity and integrity of organizational units; and

(1) Shall have all orders to personnel given through their respective chains of command insofar as practicable.

(2) Shall require that personnel wear the uniform which corresponds as nearly as practicable to the uniform prescribed for ship's company.

(3) May require enlisted persons to perform their proportionate share of mess, watch, police, and guard duty whenever he deems it advisable to divide those duties among personnel on board.

(4) May require personnel, when in his opinion an emergency exists, to perform such duties as their special knowledge and skill may enable them to perform.

(5) Has the power and authority to order an offender placed in naval or military custody as he considers desirable, but in all cases where the offender is to be disembarked for disciplinary action by military authority, he shall be placed in military custody on board the ship or aircraft, if practicable.

(c) If the investigation indicates that such person has committed or attempted to commit an offense punishable under the authority of the commanding officer, the latter shall take such action as he deems necessary.

(d) If the investigation indicates that such a person is a fugitive from justice, or has committed or attempted to commit an offense which requires actions beyond the authority of the commanding officer, he shall, at the first opportunity, deliver such person, with full descriptive data, fingerprints, and a statement of the circumstances to the proper civil authorities.

(e) A report shall be made promptly to the Secretary of the Navy, in all cases under paragraph 4 of this article, and in other cases where appropriate.

**§ 700.714. Rules for visits.**

(a) Commanding officers are responsible for the control of visitors to their commands and shall comply with the relevant provisions of the Department of the Navy Security Manual for Classified Information and other pertinent directives.

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(b) Commanding officers shall take such measures and impose restrictions on visitors as necessary to safeguard the classified material under their jurisdiction. Arrangements for general visiting shall always be based on the assumption that foreign agents will be among the visitors.

(c) Commanding officers and others officially concerned shall exercise reasonable care to safeguard the persons and property of visitors to naval activities as well as taking those necessary precautions to safeguard the persons and property within his command.

#### § 700.715. Dealers, tradesmen, and agents.

(a) In general, dealers or tradesmen or their agents shall not be admitted within a command, except as authorized by the commanding officer:

(1) To conduct public business.

(2) To transact specific private business with individuals at the request of the latter.

(3) To furnish services and supplies which are necessary and are not otherwise, or are insufficiently, available to the personnel of the command.

(b) Personal commercial solicitation and the conduct of commercial transactions are governed by policies of Department of Defense.

#### § 700.716. Marriages on board.

The commanding officer shall not perform a marriage ceremony on board his ship or aircraft. He shall not permit a marriage ceremony to be performed on board when the ship or aircraft is outside the territory of the United States, except:

(a) In accordance with local laws and the laws of the state, territory, or district in which the parties are domiciled, and

(b) In the presence of a diplomatic or consular official of the United States, who has consented to issue the certificates and make the returns required by the consular regulations.

#### § 700.717. Postal matters.

Commanding officers shall ensure that mail and postal funds are administered in accordance with instructions issued by the Postmaster General and approved for the naval service by the Chief of Naval Operations, and instructions issued by the Chief of Naval Operations or the Commandant of the Marine Corps as appropriate; and that postal clerks or other persons authorized to handle mail perform their duties strictly in accordance with those instructions.

#### § 700.718. Safeguarding official funds.

In the event of the death, unauthorized absence, or mental incapacity as determined by the commanding officer on advice of a medical officer, of a person charged with pecuniary responsibility for official funds or Government property, or if it is necessary to relieve him for any cause, including arrest or suspension, the commanding officer shall take immediate steps to safeguard such funds or property in accordance with the procedures pre-

scribed by the Comptroller of the Navy and other competent authority.

#### § 700.719. Deficit or excess of public money or property.

(a) In all cases involving a deficit or excess of public money in the custody of a person under his command, except in those cases where adjustments in accounting are authorized by the Secretary of the Navy, the commanding officer shall immediately:

(1) Request investigation by the Naval Investigative Service, other military agencies, or other Federal authority, if the circumstances warrant.

(2) Notify the Navy Accounting and Finance Center, the Chief of Naval Operations and Commander, Naval Supply Systems Command or the Commandant of the Marine Corps as appropriate, and appropriate superiors.

(3) Recommend or convene a Judge Advocate General Manual investigation or a court of inquiry to determine the facts.

(b) Judge Advocate General Manual investigations and courts of inquiry in these cases shall include in the records of their proceedings the testimony of such investigators as may have been employed in each case, and shall render an opinion as to whether or not there exist indications of criminal guilt on the part of the custodians of the money or of other persons.

(c) In cases involving a deficit or excess of public property, similar action shall be taken or, when appropriate, the commanding officer shall cause a survey to be made.

#### § 700.720. Deaths.

The commanding officer, in the event of death of any person within his command, shall ensure that the cause of death and the circumstances under which death occurred are established, and the appropriate casualty report is submitted.

#### § 700.721. The American National Red Cross.

(a) Pursuant to the request of the Secretary of the Navy and subject to such instructions as he may issue, the American National Red Cross is authorized to conduct a program of welfare, including social, financial, and medical and dental aid, for naval personnel; to assist in matters pertaining to prisoners of war; and to provide such other services as are appropriate functions for the Red Cross. The American National Red Cross is the only volunteer society authorized by the Government to render medical and dental aid to the armed forces of the United States. Other organizations desiring to render medical and dental aid may do so only through the Red Cross.

(b) Requests for Red Cross services shall be made to the Chief of Naval Personnel or the Commandant of the Marine Corps or, in the case of medical services, to the Chief, Bureau of Medicine and Surgery.

(c) Activities and personnel of the American National Red Cross in areas

subject to naval jurisdiction shall conform to such administrative regulations as may be prescribed by appropriate naval authority.

(d) Red Cross personnel shall be considered to have the status of commissioned officers, subject to such restrictions as may be imposed by the Chief of Naval Personnel or the Commandant of the Marine Corps.

#### § 700.722. Observance of Sunday.

(a) Except by reason of necessity or in the interest of the welfare and morale of the command, the performance of work shall not be required on Sunday. Except by reason of necessity, ships shall not be sailed nor units of aircraft or troops be deployed on Sunday. The provisions of this paragraph need not apply to commands engaged in training reserve components of the Navy and the Marine Corps.

(b) Divine services shall be conducted on Sunday if possible. All assistance and encouragement shall be given to chaplains in the conduct of these services, and music shall be made available, if practicable. The chaplain shall be permitted to conduct public worship according to the manner and forms of the church of which he is a member. A suitable space shall be designated and properly rigged for the occasion, and quiet shall be maintained throughout the vicinity during divine services. The religious preferences and the varying religious needs of individuals shall be recognized, respected, encouraged, and ministered to as practicable. Daily routine in ships and activities shall be modified on Sunday as practicable to achieve this end.

(c) When there is no chaplain attached to the command, the commanding officer shall engage the services of any naval or military chaplain who may be available; or, in failing in this, shall, when practicable, invite and may remunerate a civilian clergyman to conduct religious services. Services led by laymen are encouraged. Provision shall be made for sending and receiving church parties as appropriate and practicable.

#### § 700.723. Publishing and posting orders and regulations.

(a) In accordance with Article 137 of the Uniform Code of Military Justice the articles specifically enumerated therein shall be carefully explained to each enlisted person:

(1) At the time of entrance on active duty or within six (6) days thereafter,

(2) Again after completion of six months active duty; and

(3) Again upon the occasion of each reenlistment.

(b) A text of the articles specifically enumerated in Article 137 of the Uniform Code of Military Justice shall be posted in a conspicuous place or places, readily accessible to all personnel of the command.

(c) Instructions concerning the Uniform Code of Military Justice and appropriate articles of Navy Regulations shall be included in the training and educational program of the command.

(d) Such general orders, orders from higher authority and other matters which the commanding officer considers of interest to the personnel or profitable for them to know shall be published to the command as soon as practicable. Such matters shall also be posted in whole or in part, in a conspicuous place or places readily accessible to personnel of the command.

(e) Upon the request of any person on active duty in the armed services, the following publications shall be made available for his personal examination:

- (1) A complete text of the Uniform Code of Military Justice,
- (2) Manual for Courts-Martial,
- (3) Navy Regulations,
- (4) Manual of the Judge Advocate General,
- (5) Marine Corps Manual (for Marine Corps personnel),
- (6) Manual of the Bureau of Naval Personnel (for Navy personnel), or Marine Corps Personnel Manual (for Marine Corps personnel).

#### § 700.724. Maintenance of logs.

(a) A deck log and an engineering log shall be maintained by each ship in commission and by such other ships and craft as may be designated by the Chief of Naval Operations.

(b) A quartermaster's notebook and a magnetic compass record shall be maintained as adjuncts to the deck log. An engineer's bell book shall be maintained as an adjunct to the engineering log.

(c) The Chief of Naval Operations shall prescribe regulations governing the contents and preparation of the deck and engineering logs and adjunct records.

#### § 700.725. Status of logs.

The deck log, the engineering log, the quartermaster's notebook, the magnetic compass record, and the engineer's bell book shall each constitute an official record of the command.

#### § 700.726. Records.

The commanding officer shall require that records relative to personnel, material, and operations as required by current instructions are maintained properly by those responsible therefor.

#### § 700.727. Welfare of personnel.

The commanding officer shall:

(a) Use all proper means to foster high morale, and to develop and strengthen the moral and spiritual well-being of the personnel under his command, and ensure that chaplains are provided the necessary logistic support for carrying out the command's religious program.

(b) Maintain a satisfactory state of health and physical fitness of the personnel under his command.

(c) Afford an opportunity, with reasonable restrictions as to time and place, for the personnel under his command to make requests, reports, or statements to him, and shall ensure that they understand the procedures for making such requests, reports, or statements.

(d) Ensure that noteworthy performances of duty of personnel under his command receive timely and appropriate recognition and that suitable notations are entered in the official records of the individuals.

(e) Ensure that timely advancement in rating of enlisted persons is effected in accordance with existing instructions.

#### § 700.728. Training and education.

The commanding officer shall:

(a) Endeavor to increase the specialized and general professional knowledge of the personnel under his command by the frequent conduct of drills, classes, and instructions, and by the utilization of appropriate fleet and service schools.

(b) Encourage and provide assistance and facilities to the personnel under his command who seek to further their education in professional or other subjects.

(c) Afford frequent opportunities to the executive officer, and to other officers of the ship as practicable, to improve their skill in ship handling.

(d) Require those lieutenants (junior grade) and first lieutenants who have less than 2 years commissioned or warrant service, and all ensigns and second lieutenants:

(1) To comply with the provisions prescribed for their instruction by the Chief of Naval Operations, the Commandant of the Marine Corps, or other appropriate authorities.

(2) To receive appropriate practical instruction, as the commanding officer deems advisable and to be detailed to as many duties successively as may be practicable.

(e) When practicable, designate a senior officer or officers to act as advisers to junior officers. These senior officers shall assist junior officers to a proper understanding of their responsibilities and duties, and shall endeavor to cultivate in them officer-like qualities, a sense of loyalty and honor, and an appreciation of naval customs and professional ethics.

#### § 700.729. Delivery of personnel to civil authorities and service of subpoena or other process.

(a) Commanding officers or other persons in authority shall not deliver any person in the naval service to civil authorities except as provided by the Manual of the Judge Advocate General.

(b) Commanding officers are authorized to permit the service of subpoenas on other process as provided by the Manual of the Judge Advocate General.

#### § 700.730. Delivery of orders to personnel.

The commanding officer shall not withhold any orders or other communications received from higher authority for any person under his command, except for good and sufficient reasons, which he shall at once report to such higher authority. Communications of a personal nature may be withheld by a commanding officer for good reason until completion of mission or duty.

#### § 700.731. Use and transportation of marijuana, narcotics, and drugs.

(a) The commanding officer shall conduct a rigorous program to prevent the illegal introduction, transfer, possession or use of marijuana, narcotics, or other controlled substances as defined in these regulations. The program shall include publicity and instruction covering:

(1) The dangers involved in drug abuse,

(2) The Federal, state, and local criminal liabilities which may result from introduction, possession, transfer, or use, including penalties under the Uniform Code of Military Justice, and other foreign law to which individuals may be subjected.

(3) The administrative measures, including discharge under other than honorable conditions, which may result.

(b) The commanding officer shall exercise utmost diligence in preventing illegal importation of marijuana, narcotics, or other controlled substances on board his command.

#### § 700.732. Safety precautions.

The commanding officer shall require that persons concerned are instructed and drilled in all applicable safety precautions and procedures, that these are complied with, and that applicable safety precautions, or extracts therefrom, are posted in appropriate places. In any instance where safety precautions have not been issued or are incomplete, he shall issue or augment such safety precautions as he deems necessary, notifying, when appropriate, higher authorities concerned.

#### § 700.733. Responsibility of a master of an in-service ship of the Military Sealift Command.

In an in-service ship of the Military Sealift Command, the master is responsible for the safety of his ship and all persons on board. He is responsible for the safe navigation and technical operation of his ship and has paramount authority over all persons on board. The master is responsible for the preparation of the abandon ship bill and has exclusive authority to order the ship abandoned. He has full authority to enforce appropriate laws of the United States and all applicable orders and regulations of the Navy, Military Sealift Command, and the Civil Service Commission.

#### § 700.734. Relations with merchant seamen.

When in foreign waters, the commanding officer, with the approval of the senior officer present, may receive on board as supernumeraries for rations and passage:

(a) Distressed seamen of the United States for passage to the United States, provided they bind themselves to be amenable in all respects to Navy Regulations.

(b) As prisoners, seamen from merchant vessels of the United States, provided that the witnesses necessary to

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substantiate the charges against them are received, or adequate means adopted to ensure the presence of such witnesses on arrival of the prisoners at the place where they are to be delivered to the civil authorities.

**§ 700.735. Security of magazines and of dangerous materials.**

(a) The commanding officer shall be the custodian of the keys to all spaces and receptacles containing projectiles, explosives, and radioactive material, and when fitted, of all magazine flood cocks; but he may designate such persons under his command to have custody of duplicate keys as he considers necessary. He shall prescribe conditions under which those persons may grant access to such spaces, but otherwise they shall not be opened without his consent.

(b) Keys affiliated with nuclear weapons shall be maintained and with custody as directed by orders from competent authority.

(c) He shall ensure that, except when undergoing test or overhaul, the flooding and sprinkling systems are ready for use at all times.

(d) He shall ensure that inflammable and other dangerous materials are stored and handled in a safe manner, and, when conditions warrant, he himself shall be the custodian of the keys to the spaces involved.

**§ 700.736. Physical security.**

(a) The commanding officer shall take action to protect and maintain the security of the command from the dangers of attack, sabotage or other actions of subversive or militant groups or of any person with intent to do harm.

(b) The commanding officer shall take action to protect and maintain the security of the command against dangers from fire, windstorms, or other acts of nature.

**§ 700.737. Effectiveness for service.**

The commanding officer shall:

(a) Exert every effort to maintain his command in a state of maximum effectiveness for war or other service consistent with the degree of readiness as may be prescribed by proper authority. Effectiveness for service is directly related to state of personnel and material readiness.

(b) Make himself aware of the progress of any repairs, the status of spares, repair parts and other components, personnel readiness and other factors or conditions that could lessen the effectiveness of his command. When the effectiveness is lessened appreciably it shall be reported to appropriate superiors.

**§ 700.738. Request for inspection by Board of Inspection and Survey.**

The commanding officer shall report to the Chief of Naval Operations without delay whenever the condition of his ship, or any department therein, is such as to require an inspection by the Board of Inspection and Survey. Such report shall be forwarded through official chan-

nels and bear the recommendations of the superiors concerned.

**§ 700.739. Action with the enemy.**

The commanding officer shall:

(a) Before going into battle or action communicate to his officers, if possible, his plans for battle or action and such other information as may be of operational value should any of them succeed to command.

(b) During action, station the executive officer where he can best aid the commanding officer, and, if practicable, where he could probably escape the effects of a casualty disabling the commanding officer, and yet would be able to assume command promptly and efficiently.

(c) During action, engage the enemy to the best of his ability. He shall not, without permission, break off action to assist a disabled ship or to take possession of a captured one.

(d) Immediately after a battle or action, repair damage so far as possible, exert every effort to prepare his command for further service, and make accurate, explicit, and detailed reports as required.

**§ 700.740. Search by foreign authorities.**

(a) The commanding officer shall not permit a ship under his command to be searched on any pretense whatsoever by any person representing a foreign state, nor permit any of the personnel within the confines of his command to be removed from the command by such person, so long as he has the capacity to repel such act. If force should be exerted to compel submission, he is to resist that force to the utmost of his power.

(b) Except as may be provided by international agreement, the commanding officer of a shore activity shall not permit his command to be searched by any person representing a foreign state, nor permit any of the personnel within the confines of his command to be removed from the command by such person, so long as he has the power to resist.

**§ 700.741. Prisoners of war.**

On taking or receiving prisoners of war, the commanding officer shall ensure that such prisoners are treated with humanity; that their personal property is preserved and protected; that they are allowed the use of such of their effects as may be necessary for their health; that they are supplied with proper rations; that they are properly guarded and deprived of all means of escape and revolt and that the applicable provisions of the 1949 Geneva Conventions relative to the treatment of prisoners of war are followed.

**§ 700.742. Captured material.**

On taking possession of any enemy ship, aircraft, installation, or other property or equipment, the commanding officer shall:

(a) Adopt all possible measures to prevent recapture.

(b) Secure or remove enemy personnel.

(c) Secure and preserve the logs, journals, signal books, codes and ciphers, charts, maps, orders, instructions, blueprints, plans, diaries, letters and other documents found, and forward or deliver them at the earliest possible moment to the designated authority.

(d) Preserve all captured enemy ordnance, machinery, fire-control equipment, electronic equipment, aviation equipment, and other property of possible intelligence value, unless destruction is necessary to prevent recapture; and make this material promptly available for intelligence evaluation or other authorized use.

**§ 700.743. Casualty and damage.**

(a) Immediately after its occurrence, the commanding officer shall submit a detailed report of the facts to the senior officer present, the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, and other superiors when:

(1) A ship under his command touches the ground (except for landing ships or ships of a similar design making a landing without damage, or for a submarine resting on bottom as part of normal operations).

(2) A ship under his command has a collision or other serious accident.

(3) An aircraft under his command is involved in an accident which necessitates extensive repairs, or otherwise requires review or action by higher authority.

(b) As soon as possible, the commanding officer of a shore activity shall report a serious fire or other material casualty, or a serious personnel casualty within his command to the Chief of Naval Operations, or the Commandant of the Marine Corps, as appropriate, to other superiors in command, and to the senior officer present in the area.

**§ 700.744. Loss of a ship.**

(a) In the case of the loss of a ship, the commanding officer shall remain by her with officers and crew so long as necessary and shall save as much Government property as possible. Every reasonable effort shall be made to save the quartermaster's notebook, deck log, personnel diary and pay records of officers and crew, and other valuable papers.

(b) If it becomes necessary to abandon the ship, the commanding officer should be the last person to leave.

(c) The commanding officer shall:

(1) Take all possible precautions to protect the survivors and such Government property as has been saved.

(2) Report to the nearest United States naval or military command and request instructions and such assistance as is required.

(3) Report the circumstances to the Secretary of the Navy and the Chief of Naval Operations as soon as possible.

**§ 700.745. Continuation of authority after loss of ship or aircraft.**

When the crew of any naval vessel or naval aircraft is separated from their

vessel or aircraft because of its wreck, loss, or destruction, all the command and authority given to the officers of the vessel or aircraft shall remain in full force until the crew shall be regularly discharged or reassigned by competent authority.

**§ 700.746. Hospital ship or medical aircraft.**

(a) The commanding officer of a hospital ship or the commander of a medical aircraft shall be responsible for complying with the appropriate provisions of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea of 12 August 1949. Where necessary to the fulfillment of this responsibility, a departure from other provisions of Navy Regulations is authorized.

(b) One of the central requirements under the 1949 Geneva Convention is that the ship or aircraft maintain a non-combatant status. Under this Convention, the following conditions do not deprive hospital ships or medical aircraft of their non-combatant status:

(1) The fact that the crews are armed for the maintenance of order, for their own defense or that of the sick and wounded.

(2) The presence on board of apparatus exclusively intended to facilitate navigation or unclassified communications.

(3) The discovery on board hospital ships or in sick bays of portable arms and ammunition taken from the wounded, sick and shipwrecked and not yet handed to proper authorities.

(4) The fact that humanitarian activities of hospital ships or of the crews extend to the care of the wounded, sick or shipwrecked persons.

(5) The transport of equipment and of personnel intended exclusively for medical duties, over and above normal requirements of the hospital ship.

**§ 700.747. Status of boats.**

(a) Boats shall be regarded in all matters concerning the rights, privileges, and comity of nations as part of the ship or aircraft to which they belong.

(b) In ports where war, insurrection or armed conflict exists or threatens, the commanding officer shall:

(1) Require that boats away from the ship or aircraft have some appropriate and competent person in charge.

(2) See that steps are taken to make their nationality evident at all times.

**§ 700.748. Proper use of labor and materials.**

(a) No Government materials shall be diverted from their intended use, except for proper purposes, nor shall any buildings or portions thereof be occupied or used by other than authorized persons.

(b) Civilian employees who are paid from appropriated funds shall not be permitted to perform, during the hours for which they are paid from such funds, any work other than that authorized to be done for the Government, or as other-

wise prescribed by the Secretary of the Navy.

**§ 700.749. Work, facilities, supplies, or services for other government departments, State or local governments, foreign governments, private parties and morale, welfare, and recreational activities.**

(a) Work may be done for or facilities, supplies, or services furnished to departments and agencies of the Federal and State governments, local governments, foreign governments, private parties, and morale, welfare, and recreational activities with the approval of a commanding officer provided:

(1) The cost does not exceed limitations the Secretary of the Navy may approve or specify; and,

(2) In the case of private parties, it is in the interest of the government to do so and there is no issue of competition with private industry; and,

(3) In the case of foreign governments a disqualification of a government has not been issued for the benefits of this article.

(b) Work shall not be started nor facilities, supplies, or services furnished, morale, welfare, and recreational activities not classified as instrumentalities of the United States, or state or local governments or private parties until funds to cover the estimated cost have been deposited with the commanding officer or unless otherwise provided by law.

(c) Work shall not be started nor facilities, supplies, or services furnished other Federal Government departments and agencies, or expenses charged to non-appropriated funds of morale, welfare, and recreational activities classified as instrumentalities of the United States until reimbursable funding arrangements have been made.

(d) Work, facilities, supplies, or services furnished non-appropriated fund activities classified as instrumentalities of the United States in the Navy Comptroller Manual shall be funded in accordance with regulations of the Comptroller of the Navy.

(e) Supplies or services may be furnished to naval vessels and military aircraft of friendly foreign governments (unless otherwise provided by law or international treaty or agreement):

(1) On a reimbursable basis without an advancement of funds, when in the best interest of the United States;

(i) Routine port services (including pilotage, tugs, garbage removal, linehandling, and utilities) in territorial waters or waters under United States control,

(ii) Routine airport services (including air traffic control, parking, servicing, use of runways),

(iii) Miscellaneous supplies (including fuel, provisions, spare parts, and general stores) but not ammunition. Supplies are subject to approval of the cognizant fleet or force commanders when provided overseas,

(iv) With approval of Chief of Naval Operations in each instance, overhauls, repairs, and alterations together with necessary equipment and its installation

required in connection therewith, to vessels and military aircraft.

(2) Routine port and airport services may be furnished at no cost to the foreign government concerned where such services are provided by persons of the naval service without direct cost to the Department of the Navy.

(f) In cases of emergency involving possible loss of life or valuable property, work may be started or facilities furnished prior to authorization, or provision for payment, but in all such cases a detailed report of the facts and circumstances shall be made promptly to the Secretary of the Navy or the appropriate authority.

(g) Charges and accounting for any work, supplies, or services shall be as prescribed in the Navy Comptroller Manual.

**§ 700.750. Relations with personnel of naval shipyard or station.**

Except in matters coming within the security and safety regulations of the ship, the commanding officer shall exercise no control over the officers or employees of a naval shipyard or station where his ship is moored, unless with the permission of the commander of the naval shipyard or station.

**§ 700.751. Movement of ships at a naval station.**

(a) No ship or craft shall be moved or undergo dock trials during its stay at a naval station, except by direction or with the approval of the commanding officer of such station.

(b) A ship arriving at, or departing from, a naval station shall be furnished such assistance, including tugs, when available, as in the opinion of the commanding officer of the naval station or the ship may be necessary for her safe handling.

**§ 700.752. Responsibility for safety of ships and craft at a naval station or shipyard.**

(a) The commanding officer of a naval station or shipyard shall be responsible for the care and safety of all ships and craft at such station or shipyard not under a commanding officer or assigned to another authority, and for any damage that may be done by or to them. In addition, the commanding officer of a naval station or shipyard shall be responsible for the safe execution of work performed by his activity upon any ship located at that activity.

(b) It shall be the responsibility of the commanding officer of a ship in commission which is undergoing overhaul, or which is otherwise immobilized at a naval station or shipyard, to request such services as are necessary to ensure the safety of his ship. The commanding officer of the naval station or shipyard shall be responsible for providing requested services in a timely and adequate manner.

(c) When a ship or craft not under her own power is being moved by direction of the commanding officer of a naval station or shipyard, that officer shall be responsible for any damage that may result therefrom; the pilot or other person



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designated for the purpose shall be in direct charge of such movement, and all persons on board shall cooperate with and assist him as necessary.

(d) When a ship operating under her own power is being drydocked, the commanding officer shall be fully responsible for the safety of his ship until the extremity of the ship first to enter the drydock reaches the dock sill and the ship is pointed fair for entering the drydock. The docking officer shall then take charge and complete the docking, remaining in charge until the ship has been properly landed, bilge blocks hauled, and the dock pumped down. In undocking, the docking officer shall assume charge when flooding the dock preparatory to undocking is started, and shall remain in charge until the extremity of the ship last to leave the dock clears the sill, and the ship is pointed fair for leaving the drydock, when the ship's commanding officer shall assume responsibility for the safety and control of the ship.

(e) If the ship is elsewhere than at a naval station or shipyard, the relationship between the Commanding officer and the supervisor of shipbuilding, or other appropriate official, shall be the same as that between the commanding officer and the commanding officer of a naval station or shipyard as specified in this article.

## § 700.753. Ships in drydock.

(a) The commanding officer of a ship in drydock shall be responsible for effecting adequate closure, during such periods as they will be unattended, of all openings in the ship's bottom upon which no work is being undertaken by the docking activity. The commanding officer of the docking activity shall be responsible for the closing, at the end of working hours, of all valves and other openings in the ship's bottom upon which work is being undertaken by the docking activity, when such closing is practicable.

(b) Prior to undocking, the commanding officer of a ship shall report to the docking officer any material changes in the amount and location of weights on board which have been made by the ship's force while in dock, and shall ensure, and so report, that all sea valves and other openings in the ship's bottom are properly closed. The level of water in the dock shall not be permitted to rise above the keel blocks prior to receipt of this report. The above valves and openings shall be tended during flooding of the dock.

(c) When a ship or craft, not in commission, is in a naval drydock, the provisions of this article shall apply, except that the commanding officer of the docking activity or his representative shall act in the capacity of the commanding officer.

## § 700.754. Pilotage.

(a) The commanding officer shall:

(1) Pilot the ship under all ordinary circumstances, but he may employ pilots whenever in his judgment such employment is prudent.

(2) Not call a pilot on board until the ship is ready to proceed.

(3) Not retain a pilot on board after the ship has reached her destination or point where pilot is no longer required.

(4) Give preference to licensed pilots.

(5) Pay pilots no more than the local rates.

(b) A pilot is merely an adviser to the commanding officer. His presence on board shall not relieve the commanding officer or any of his subordinates from their responsibility for the proper performance of the duties with which they may be charged concerning the navigation and handling of the ship. For an exception to the provisions of this paragraph, see "Rules and Regulations Covering Navigation of the Panama Canal and Adjacent Waters," which directs that the pilot assigned to a vessel in those waters shall have control of the navigation and movement of the vessel. Also see the provisions of these regulations concerning the navigation of ships at a naval shipyard or station, or in entering or leaving drydock.

## § 700.755. Safe Navigation and Regulations Governing Operation of Ships and Aircraft.

(a) The commanding officer is responsible for the safe navigation of his ship or aircraft except as prescribed otherwise in these regulations for ships at a naval shipyard or station in drydock, or in the Panama Canal. In time of war or armed conflict, or in exercises simulating war or armed conflict, competent authority may modify the use of lights or other safeguards required by law to prevent collisions at sea, in port, or in the air. In exercises, such modifications will be employed only when ships or aircraft clearly will not be hazarded.

(b) Professional standards and regulations governing ship handling, safe navigation, safe anchoring and related operational matters shall be promulgated by the Chief of Naval Operations.

(c) Professional standards and regulations governing the operation of naval aircraft and related matters shall be promulgated by the Chief of Naval Operations or the Commandant of the Marine Corps as appropriate.

## § 700.756. Duties of the prospective commanding officer of a ship.

(a) Except as may be prescribed by the Chief of Naval Operations, the prospective commanding officer of a ship not yet commissioned shall have no independent authority over the preparation of the ship for service by virtue of his assignment to such duty, until the ship is commissioned and transferred to his command. As the prospective commanding officer, he shall:

(1) Procure from the commander of the naval shipyard or the supervisor of shipbuilding the general arrangement plans of the ship, and all the pertinent information relative to the general condition of the ship and the work being undertaken on the hull, machinery, and equipment, upon reporting for duty.

(2) Inspect the ship as soon after reporting for duty as practicable, and frequently thereafter, in order to keep himself informed of the state of her preparation for service. If, during the course of these inspections, he notes an unsafe or potentially unsafe condition, he shall report such condition to the commander of the naval shipyard or the supervisor of shipbuilding and to his superior for resolution.

(3) Keep himself informed as to the progress of the work being done, including tests of equipment, and make such recommendations to the commander of the naval shipyard or the supervisor of shipbuilding as he deems appropriate.

(4) Ensure that requisitions are submitted for articles to outfit the ship which are not otherwise being provided.

(5) Prepare the organization of the ship.

(6) Make such reports as may be required by higher authority, and include therein a statement of any deficiency in material or personnel.

(b) If the prospective commanding officer does not consider the ship in proper condition to be commissioned at the time the commander of the naval shipyard or the supervisor of shipbuilding signifies his intention of transferring the ship to him, he shall report that conclusion with his reasons therefor, in writing, to the commander of the naval shipyard or the supervisor of shipbuilding and to the appropriate higher authority.

(c) If the ship is elsewhere than at a naval shipyard, the relationship between the prospective commanding officer and the supervisor of shipbuilding, or other appropriate official, shall be the same as that between the prospective commanding officer and the commander of a naval shipyard as specified in this article.

## § 700.757. Authority of the commanding officer or prospective commanding officer of a naval nuclear powered ship.

The Chief of Naval Operations shall be responsible for providing the commanding officer or prospective commanding officer of a naval nuclear powered ship with the authority and direction necessary to carry out his responsibilities for the safety of the ship and crew, and the health and safety of the general public in surrounding area.

## § 700.758. Inspection incident to commissioning of ships.

When a ship is to be commissioned, the authority designated to place such ship in commission shall, just prior to commissioning, cause an inspection to be made to determine the cleanliness and readiness of the ship to receive its crew and outfit. In the case of the delivery of a ship by a contractor, the above inspection shall precede acceptance of the ship. A copy of the report of this inspection shall be furnished the officer detailed to command the ship and to appropriate commands, bureaus or offices.

## § 700.759. Commissioning and assuming command.

A ship shall be transferred to the prospective commanding officer and placed in commission in accordance with the following procedure:

(a) The formal transfer shall be effected by the district commandant or his representative.

(b) As many of the officers and crew of the ship as circumstances permit, and a guard and music, shall be assembled and properly distributed on the quarterdeck or other suitable part of the ship.

(c) The officer effecting the transfer shall cause the national ensign and the proper insignia of command to be hoisted with the appropriate ceremonies, and shall turn the ship over to the prospective commanding officer.

(d) The prospective commanding officer shall read his orders, assume command, and cause the watch to be set.

## § 700.760. Preparing for sea after commissioning.

In preparing the ship for sea after commissioning, the commanding officer shall endeavor to discover and correct any defect or inadequacy in the crew or in the ship, her installations, equipment, ammunition, and stores; and shall ensure that all installations and equipment can be operated satisfactorily by the crew.

## § 700.761. Personnel organized and stationed.

Before departure for sea the commanding officer shall ensure that the officers and crew have been properly organized, stationed, and trained to cope effectively with any emergency that might arise in the normal course of scheduled operations.

## § 700.762. Entering a port or landing at a place not designated.

When a ship or aircraft enters a port or lands at a place not designated or permitted by instructions, the commanding officer shall promptly report to his immediate superior the cause for doing so, and an estimate of the delay which will be incurred. When such port or place is within foreign jurisdiction, the nearest United States diplomatic or consular representative, accredited to the government concerned, shall also be informed.

## § 700.763. Quarantine.

(a) The commanding officer or aircraft commander of a ship or aircraft shall comply with all quarantine regulations and restrictions, United States or foreign, for the port or area within which his ship or aircraft is located.

(b) Whether or not liable to quarantine, the commanding officer shall afford every facility to visiting health officers, United States or foreign, and shall give all information required by the latter, insofar as permitted by the requirements of military security.

(c) The commanding officer shall allow no intercourse with a port or area or with other ships or aircraft until he has consulted local health authorities when:

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(1) Doubt exists as to the sanitary regulations or health conditions of the port or area.

(2) A quarantine condition exists aboard his ship or aircraft.

(3) Coming from a suspected port or area, or one actually under quarantine.

(d) No concealment shall be made of any circumstance that may subject a ship or aircraft of the Navy to quarantine.

(e) Should there appear at any time on board a ship or aircraft conditions which present a hazard of introduction of a communicable disease outside the ship or aircraft, the commanding officer or aircraft commander shall at once report the fact to the senior officer present, to other appropriate higher authorities and, if in port, to the health authorities having quarantine jurisdiction. He shall prevent all contacts likely to spread disease until pratique is received. The commanding officer of a ship in port shall hoist the appropriate signal.

## § 700.764. Customs and immigration inspections.

(a) The commanding officer or aircraft commander shall facilitate any proper examination which it may be the duty of a customs officer or an immigration officer of the United States to make on board the ship or aircraft under his command. He shall not permit a foreign customs officer or an immigration officer to make any examination whatsoever, except as hereinafter provided, on board the ship, aircraft, or boats under his command.

(b) When a ship or aircraft of the Navy or a public vessel manned by naval personnel and operating under the direction of the Department of the Navy is carrying cargo for private commercial account, such cargo shall be subject to the local customs regulations of the port, domestic or foreign, in which the ship or aircraft may be, and in all matters relating to such cargo, the procedure prescribed for private merchant vessels and aircraft shall be followed. Government-owned stores or cargo in such ship or aircraft not landed nor intended to be landed nor in any manner trafficked in, are, by the established precedent of international courtesy, exempt from customs duties, but a declaration of such stores or cargo, when required by local customs regulations, shall be made. Commanding officers shall prevent, as far as possible, disputes with the local authorities in such cases, but shall protect the ship or aircraft and the Government-owned stores and cargo from any search or seizure.

(c) Upon arrival from a foreign country, at the first port of entry in United States territory, the commanding officer, or the senior officer of ships or aircraft in company, shall notify the collector of the port. Each individual aboard shall, in accordance with customs regulations, submit a list of articles purchased or otherwise acquired by him abroad. Dutiable articles shall not be landed until the customs officer has completed his inspection.

(d) Commanding officers of naval ves-

sels and aircraft transporting United States civilian and foreign military and civilian passengers shall satisfy themselves that the passenger clearance requirements of the Immigration and Naturalization Service are complied with upon arrival at points within the jurisdiction of the United States. Clearance for such passengers by an immigration officer is necessary upon arrival from foreign ports and at the completion of movements between any of the following: Continental United States (including Alaska and Hawaii), Canal Zone, Puerto Rico, Virgin Islands, Guam, American Samoa, or other outlying places subject to United States jurisdiction. Commanding officers prior to arriving shall advise the cognizant naval or civilian port authority of the aforementioned passengers aboard and shall detain them for clearance as required by the Immigration and Naturalization Service.

(e) The provisions of this article shall not be construed to require delaying the movements of any ship or aircraft of the Navy in the performance of the assigned duty.

## § 700.765. Environmental pollution.

The commanding officer shall cooperate with local, state and other governmental authorities in the prevention, control and abatement of environmental pollution to the extent resources and operational considerations permit. He shall be aware of existing policies regarding pollution control and he should recommend remedial measures when appropriate.

## § 700.766. When acting singly.

When acting singly, the commanding officer shall conform to the applicable regulations for the senior officer present.

## § 700.767. Issue of personal necessities.

(a) The commanding officer is authorized to direct, in writing, the issue of clothing and small stores to enlisted persons in a nonpay status, including those in debt to the Government, in such amount as he deems necessary for their health and comfort.

(b) He is likewise authorized to direct, in writing, the issue to such enlisted persons of certain other necessities, including toilet articles and tobacco, in the manner and amount prescribed by the Commander Naval Supply Systems Command or the Commandant of the Marine Corps.

## § 700.768. Care of ships, aircraft, vehicles and their equipment.

The commanding officer shall cause such inspections and tests to be made and procedures carried out as are prescribed by competent authority, together with such others as he deems necessary, to ensure the proper preservation, repair, maintenance, and operation of any ship, aircraft, vehicle, and their equipment assigned to his command.

## Subpart H—Precedence, Authority, and Command

## § 700.801. Officers of the naval service.

(a) Officers of the United States naval service shall be known as officers in the



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line, officers in the staff corps, chief warrant officers, and warrant officers. Midshipmen are, by law, officers in a qualified sense and are classed as being in the line.

(b) Officers in the line of the Navy include the following officers in the grade of ensign and above:

(1) Line officers not restricted in the performance of duty.

(2) Limited duty officers designated for duty in line technical fields.

(3) Line officers restricted in the performance of duty designated for engineering duty; aeronautical engineering duty; and types of special duty which include cryptology, intelligence, public affairs, meteorology and oceanography/hydrography.

(c) Officers in the staff corps of the Navy include:

(1) Officers in the Medical, Supply, Chaplain, Civil Engineer, Judge Advocate General's, Dental, Medical Service, and Nurse Corps, not restricted in the performance of duty within their respective corps.

(2) Officers in staff corps designated for limited duty within their respective corps.

(d) In the Navy there are: chief warrant officers, W-4; chief warrant officers, W-3; chief warrant officers, W-2; and warrant officers, W-1. Chief warrant officers and warrant officers whose technical specialty is within the cognizance of a staff corps are classed as chief warrant officers or warrant officers in the staff corps. All other chief warrant officers and warrant officers are classed as in the line.

(e) Officers of the Marine Corps of and above the grade of second lieutenant are officers in the line and include those:

(1) Not restricted in the performance of duty.

(2) Designated for limited duty in appropriate technical fields.

(f) Chief warrant officers and warrant officers of the Marine Corps are classed as in the line.

(g) The term "line officer of the naval service" shall be construed to refer to line officers of both the Navy and the Marine Corps.

(h) Within the Manual for Courts-Martial, United States, 1969 (Revised Edition) and the Manual of the Judge Advocate General, the term "officer" includes chief warrant officers W-4, W-3, and W-2, but does not include a warrant officer W-1 unless the context indicates otherwise.

§ 700.802. Precedence of officers.

(a) The date of rank of an officer is that stated in his commission, or when no commission for his current grade has been issued to him, the date established by the Secretary of the Navy.

(b) All line officers of the same grade take precedence with each other, (except as provided for when a naval officer is serving as Chairman of the Joint Chiefs of Staff) according to their respective dates of rank, but when such officers have the same date of rank or have gained or lost numbers, their precedence shall be as indicated in the appropriate lineal lists maintained in accordance with law, and provided that the Assistant Commandant of the Marine Corps, if and when appointed to the grade of lieutenant general pursuant to 10 U.S.C. 5232 (a), ranks first for all purposes among the officers serving in that grade under that section.

(c) Line and staff corps officers of the naval service, when of the same grade, shall take precedence with all other line and staff corps officers of the same grade from the dates of rank stated in their commissions. Line officers and staff corps officers having the same date of rank shall take precedence with respect to other line and staff corps officers, respectively, in accordance with their lineal order as shown in the appropriate lineal lists. Staff corps officers having the same date of rank as their line running mates shall take precedence after their line running mates but ahead of all line and staff officers junior to their line running

mates. When there are officers of more than one staff corps having the same line running mate and the same date of rank as their line running mate they shall take precedence in the following order:

(1) Officers in the Medical Corps.

(2) Officers in the Supply Corps.

(3) Officers in the Chaplain Corps.

(4) Officers in the Civil Engineer Corps.

(5) Officers in the Judge Advocate General's Corps.

(6) Officers in the Dental Corps.

(7) Officers in the Medical Service Corps.

(8) Officers in the Nurse Corps.

(d) Chief warrant officers (Grades W-2, W-3, and W-4) of the Navy or Marine Corps, in the same grade, take precedence with each other according to the dates of rank stated in their commissions. When the commissions of two or more of them are of the same date, they take precedence according to the order in which their names are shown in the appropriate lineal lists.

(e) Warrant officers (Grade W-1) of the Navy or Marine Corps take precedence with each other according to the dates of rank stated in their warrants. When the warrants of two or more of them are the same date, they take precedence according to the order in which their names are shown in the appropriate lineal lists.

(f) The details of computing precedence of officers of the reserve components shall be as prescribed by the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate.

§ 700.803. Relative rank and precedence of officers of different services.

(a) Relative rank of grades of officers of the Army, Navy, Marine Corps, Air Force, and Coast Guard, whether on the active or retired lists, and of the National Oceanic and Atmospheric Administration and Public Health Service when serving with the military, is indicated in the following table:

Precedence, authority, and command					
Navy	Marine Corps	Army and Air Force	Coast Guard	National Oceanic and Atmospheric Administration	Public Health Service
Admiral.....	General.....	General.....	Admiral.....		
Vice admiral.....	Lieutenant general.....	Lieutenant general.....	Vice admiral.....		
Rear admiral (upper half).....	Major general.....	Major general.....	Rear admiral (upper half).....	Rear admiral (upper half).....	Surgeon General, Deputy Surgeon General, Assistant Surgeon General.
Rear admiral (lower half) and commodore.....	Brigadier general.....	Brigadier general.....	Rear admiral (lower half) and commodore.....	Rear admiral (lower half).....	
Captain.....	Colonel.....	Colonel.....	Captain.....	Captain.....	Medical Director. <sup>1</sup>
Commander.....	Lieutenant colonel.....	Lieutenant colonel.....	Commander.....	Commander.....	Senior Surgeon. <sup>2</sup>
Lieutenant commander.....	Major.....	Major.....	Lieutenant commander.....	Lieutenant commander.....	Surgeon. <sup>3</sup>
Lieutenant.....	Captain.....	Captain.....	Lieutenant.....	Lieutenant.....	Senior Assistant Surgeon. <sup>1</sup>
Lieutenant (jg.).....	First lieutenant.....	First lieutenant.....	Lieutenant (jg.).....	Lieutenant (jg.).....	Assistant Surgeon. <sup>1</sup>
Ensign.....	Second lieutenant.....	Second lieutenant.....	Ensign.....	Ensign.....	Junior Assistant Surgeon. <sup>1</sup>

<sup>1</sup> Surgeon General's grade corresponds to that of Surgeon General of the Army.

<sup>2</sup> May hold grade corresponding to major general or brigadier general.

<sup>3</sup> And other officers of same grade, with titles appropriate to their duties.

RULES AND REGULATIONS

(b) The precedence of officers of the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service of the same relative grade shall be in accordance with their respective dates of rank, the senior in date of rank taking precedence over the junior.

(c) When officers of the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service, having the same or relative grade and the same date of rank, are serving together they shall have precedence according to the time each has served on active duty as a commissioned officer of the United States.

(d) When serving with the Army, Navy, Marine Corps, or Air Force, commissioned officers of the National Oceanic and Atmospheric Administration shall rank with and after officers of corresponding grade in the Army, Navy, Marine Corps, or Air Force of the same length of service in grade.

(e) A Public Health Service Officer in uniform may use, for the purpose of identification and address, the military or naval rank corresponding to the grade marking worn. An officer of the Public Health Service detailed for duty with the Navy, Marine Corps, Army, Air Force, Coast Guard or National Oceanic and Atmospheric Administration may use in official correspondence the title of military or naval rank corresponding to the grade marking worn.

§ 700.804. Precedence of an officer in command.

An officer, either of the line or of a staff corps, detailed to command by competent authority or who has succeeded to command has precedence over all officers or other persons attached to the command of whatever rank and whether they are of the line or of a staff corps.

§ 700.805. Precedence of the executive officer.

The executive officer, while in the execution of his duties as such, shall take precedence over all persons under the command of the commanding officer.

§ 700.806. Precedence on courts and boards.

The precedence established by these regulations shall be observed on all courts and boards.

§ 700.807. Precedence in processions on shore.

(a) Officers in processions on shore shall be placed in formation according to their grade but not necessarily according to their order of precedence in grade. All processions on shore where officers appear in an official capacity, and where formation is necessary, shall be regarded as military formations. The command thereof shall devolve upon the senior line officer in the formation, except when the commander or commanding officer of the unit in formation is a member of a staff corps, the senior officer in the formation who is a member of the same staff corps as the commander or commanding officer shall be in command thereof.

(b) When serving on shore with a mixed detachment composed of seamen and marines, the marines shall always be placed on the right in battalion or other infantry formation on occasions of ceremony.

§ 700.808. Title of officers holding acting appointments.

An officer holding an acting appointment shall have the title of his acting grade, and when such appointment is revoked, he shall resume the title of his actual grade.

§ 700.809. Titles and authority of certain officers.

(a) The Commander Naval Supply Systems Command, the Commander Naval Facilities Engineering Command, and the Chief of the Dental Division shall have, while so serving, the additional titles of Chief of Supply Corps, Chief of Civil Engineers, and Chief of Dental Corps, respectively.

(b) The Surgeon General, the Chief of Supply Corps, the Chief of Chaplains, the Chief of Civil Engineers, the Judge Advocate General, the Chief of the Dental Corps, the Chief of the Medical Service Corps, the Director of the Nurse Corps, shall be the principal advisors and sponsors on matters concerned with officers in their respective corps and enlisted personnel with ratings associated with the corps. Also, as heads of corps, they shall be spokesmen regarding professional matters with the military and civilian communities.

§ 700.810. Manner of addressing officers.

(a) Except as provided in paragraph 2, every officer in the naval service shall be designated and addressed in official communications by the title of his or her grade, preceding the name.

(b) In oral official communications, officers will be addressed by their grade except that officers of the Medical Corps, the Dental Corps and those officers of the Medical Service Corps and the Nurse Corps having doctoral degrees may be addressed as "Doctor" and officers of the Chaplain Corps may be addressed as "Chaplain". When addressing an officer whose grade includes a modifier, the modifier may be dropped.

(c) In written communications the name of the corps to which any staff corps officer belongs shall be indicated immediately after his name.

§ 700.811. Exercise of authority.

(a) All persons in the naval service on active service, and those on the retired list with pay, and transferred members of the Fleet Reserve and the Fleet Marine Corps Reserve, are at all times subject to naval authority. While on active service they may, if not on leave of absence except as noted below, on the sick list, taken into custody, under arrest, suspended from duty, in confinement, or otherwise incapable of discharging their duties, exercise authority over all persons who are subordinate to them.

(b) A person in the naval service, although on leave, may exercise authority:

(1) When in a naval ship or aircraft and placed on duty by the commanding officer or aircraft commander.

(2) When in a ship or aircraft of the armed services of the United States, other than a naval ship or aircraft, as the commanding officer of naval personnel embarked, or when placed on duty by such officer.

(3) When senior officer at the scene of a riot or other emergency, or when placed on duty by such officer.

§ 700.812. Authority over subordinates.

All officers of the naval service, of whatever designation or corps, shall have all the necessary authority for the performance of their duties and shall be obeyed by all persons, of whatever designation or corps, who are, in accordance with these regulations and orders from competent authority, subordinate to them.

§ 700.813. Delegation of authority.

The delegation of authority and the issuance of orders and instructions by a person in the naval service shall not relieve such person from any responsibility imposed upon him. He shall ensure that the delegated authority is properly exercised and that his orders and instructions are properly executed.

§ 700.814. Abuse of authority.

Persons in authority are forbidden to injure their subordinates by tyrannical or capricious conduct, or by abusive language.

§ 700.815. Contradictory and conflicting orders.

(a) An officer who diverts another from any service upon which he has been ordered by a common superior, or requires him to act contrary to the orders of such superior, or interferes with those under such superior's command, must immediately report his action to the officer whose orders he has contravened, and show that the public interest required such action. All orders under such circumstances shall be given in writing when possible.

(b) If an officer receives an order which annuls, suspends, or modifies one received from another superior, or one contrary to instructions or orders from the Secretary of the Navy, he shall exhibit his first orders, unless he has been instructed not to do so, and represent the facts in writing to the superior from whom the last order was received. If, after such representation, the officer from whom the last order was received should insist upon the execution of his order, it shall be obeyed. The officer receiving and executing such order shall report the circumstances to the superior from whom he received the original order.



**§ 700.816. Authority of an officer in command.**

An officer, either of the line or a staff corps, detailed to command by competent authority, has authority over all officers or other persons attached to the command, whatever their rank, and whether they are of the line or of a staff corps.

**§ 700.817. Authority of an officer who succeeds to command.**

(a) An officer who succeeds to command due to incapacity, death, departure on leave, detachment without relief, or absence due to orders from competent authority of the officer detailed to command has the same authority and responsibility as the officer whom he succeeds.

(b) An officer who succeeds to command during the temporary absence of the commanding officer shall make no changes in the existing organization, and shall endeavor to have the routine and other affairs of the command carried on in the usual manner.

(c) When an officer temporarily succeeding to command signs official correspondence, the word "Acting" shall appear below his signature.

**§ 700.818. Authority of a vice commander or a deputy.**

A vice commander or a deputy shall exercise command or control only over activities and matters specified in his orders or as directed by his superior.

**§ 700.819. Authority of the commander or commanding officer of a base or station over visiting commands.**

While at a naval base or naval station and not under the command of the naval base commander or naval station commanding officer, the officer in command or in charge of a ship, craft, unit of aircraft or troops shall conform to the orders of the naval base commander or naval station commanding officer related to common or specific services he may provide. Such common or specific services may include waterfront operations, airfield operations, security, fire protection, safety, defense, sanitation, recreation, and welfare.

**§ 700.820. Authority over fleet aircraft at a naval station.**

(a) Fleet aircraft personnel and aircraft units based on shore at a naval station shall constitute the Fleet Air Detachment at that station. Squadrons and larger tactical units of fleet aircraft, however, shall retain their identity as such, including command of all regularly assigned personnel.

(b) The senior officer in command of a unit of fleet aircraft based at a naval station shall have the title Commander Fleet Air Detachment. He shall coordinate the operations of units of fleet aircraft present when required for a common purpose. He shall require that personnel attached to such units conform to the orders of the commanding officer of the station in matters under the authority of the latter, including, in-

sofar as operating conditions permit, the routine of the station. He shall make such special details of fleet personnel to assist the various departments of the station as may be determined to be necessary by higher authority.

**§ 700.821. Authority of the commanding officer of a hospital ship.**

(a) The naval hospital in a hospital ship embraces all persons attached to the hospital either for duty or for treatment, all activities within the ship which are devoted to the care or treatment of the sick or injured, and all parts of the ship which are used for the care and treatment of the sick or injured, as living quarters by persons attached to the hospital, or for the stowage of the supplies or equipment belonging to the hospital.

(b) The commanding officer of the naval hospital is under the command of the commanding officer of the hospital ship. The commanding officer of the ship shall normally limit the exercise of command over the naval hospital to such military matters as discipline, security, intelligence, communications, fire protection, watertight integrity, stability, preservation, and maintenance, and overall cleanliness with regard for the responsibility of the commanding officer of the naval hospital for the sanitary conditions of the naval hospital. Except as above stated, he shall not exercise control, within the hospital, over its administration or organization, including the expenditure or accountability of funds allotted the hospital, the assignment of personnel and work, and the establishment of technical methods and procedures, unless such control has been specifically delegated to him by competent authority. Nothing in this article shall be construed to prevent the appropriate assignment of a proportionate share of work of a general nature to personnel attached to the naval hospital.

**§ 700.822. Authority of an officer of the Marine Corps over naval forces.**

Officers of the Marine Corps may not command ships or naval shipyards. This article shall not be construed to prevent an officer of the Marine Corps, when so detailed by the Secretary of the Navy or a commander in chief, from having and exercising such authority as may be necessary to direct the operations of all forces assigned to him.

**§ 700.823. Authority of officers embarked as passengers.**

(a) The commanding officer of a ship or aircraft, not a flagship, with a flag officer eligible for command at sea embarked as a passenger shall be subject to the orders of such flag officer. Other officers embarked as passengers, senior to the commanding officer, shall have no authority over him.

(b) Officers embarked as passengers who are junior to the commanding officer, or commanding officer of the transport unit of a ship of the Military Sealift Command, if not on the staff of an officer also embarked, may be assigned to duty when the exigencies of the service

render it necessary. The commanding officer or commanding officer of the transport unit shall be the judge of such necessity. Passengers thus assigned shall have the same authority as though regularly attached to the ship.

**§ 700.824. Authority to place self on duty.**

No officer can place himself on duty by virtue of his commission or warrant alone.

**§ 700.825. Authority in a boat.**

Except when embarked in a boat authorized by the Chief of Naval Operations to have an officer or petty officer in charge, the senior line officer (including commissioned warrant and warrant officers) eligible for command at sea has authority over all persons embarked therein, and is responsible for the safety and management of the boat.

**§ 700.826. Authority and responsibility of a senior officer under certain circumstances.**

(a) In the event of a riot or quarrel between persons in the naval service or in other circumstances not provided for in these regulations in which persons in the naval service are involved and the exercise of naval authority is necessary, the senior officer in the naval service at the scene shall assume command and take the action necessary, until relieved of this responsibility by competent authority. All persons in the naval service in the vicinity shall render prompt assistance and obedience to the officer thus engaged in the restoration of order.

(b) Should there be no commissioned officer or warrant officer at the scene, the senior petty officer or non-commissioned officer present shall assume command.

(c) The person who assumed command under the above circumstances shall have the authority to apprehend any person in the naval service if necessary.

**§ 700.827. Authority and status of persons in the Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service.**

Whenever, by order of the President, personnel of the Coast Guard and the National Oceanic and Atmospheric Administration, and officers of the Public Health Service, are serving as part of the naval service, they shall be subject to the laws, regulations, and orders which pertain to the Navy insofar as may be necessary for command discipline, and effective naval administration. Otherwise they shall continue to be subject to laws, regulations, and orders of their respective services. They shall have the same authority and control over officers and enlisted persons of the other services as that to which their grade, rank or rate entitles them in their respective services.

**§ 700.828. Authority of officers with acting appointments.**

An officer duly appointed to act in any grade shall, while serving under such appointment, have the same authority as if he held a commission in that grade.

**§ 700.829. Authority of warrant officers, non-commissioned officers, and petty officers.**

Chief warrant officers, warrant officers, non-commissioned officers, and petty officers shall have, under their superiors, all necessary authority for the proper performance of their duties, and they shall be obeyed accordingly.

**§ 700.830. Authority of a sentry.**

A sentry, within the limits stated in his orders, has authority over all persons on his post.

**§ 700.831. Authority of juniors to issue orders to seniors.**

No officer is authorized by virtue of his rank alone to give any order or grant any privilege, permission, or liberty to any officer his senior. A senior officer is not required to receive such order, privilege, permission, or liberty from his junior, unless such junior is at the time in command of the ship or other command to which the senior is attached, or in command or direction of the military expedition or duty on which such senior is serving, or as executive officer is executing an order of the commanding officer.

**§ 700.832. Basis for details.**

Appointments, details, transfers, and assignments shall be made on the basis of official records.

**§ 700.833. Changes in details to duty.**

No officer, except the senior officer present, shall change the detail of a person assigned by a superior to a specific duty without the permission of that superior. The senior officer present shall not change the detail of any person without good and sufficient reason and shall report all changes and the reasons for them to the superior without delay.

**§ 700.834. Orders to active service.**

(a) No person who is not on active service or leave of absence shall be ordered into active service or on duty without permission of the Commandant of the Marine Corps, or the Chief of Naval Personnel, except:

(1) In the case of a person on leave of absence by the officer who granted the leave or a superior.

(2) By the senior officer present on a foreign station.

(b) In the event that the senior officer present of a foreign station issues any orders as contemplated by this article, he shall report the facts, including the reasons for issuing such orders, to the Chief of Naval Personnel or the Commandant of the Marine Corps, without delay.

(c) Retired officers of the Navy and Marine Corps may be ordered to active service, with their consent, in time of peace, in time of war or a national emergency, such retired officers may, at the discretion of the Secretary of the Navy, be ordered to active service.

**§ 700.835. Command of a task force.**

A commander in chief and any other naval commander, may detail in com-

mand of a task force, or other task command, any eligible officer under his command whom he desires, and all other officers ordered to the task force or other task command shall be considered subordinate to the designated commander. All orders issued under the authority of this article shall continue in effect after the death or disability of the officer issuing them until revoked by his successor in command or by higher authority. The powers delegated to a commander by this article are not conferred on any other officer by virtue of the fact that he is senior officer present.

**§ 700.836. Command of naval districts.**

The officer detailed as commandant of a naval district shall be an officer of the line in the Navy, eligible for command at sea.

**§ 700.837. Command of naval bases.**

The officer detailed to command a naval base shall be an officer of the line in the Navy, eligible for command at sea.

**§ 700.838. Command of naval shipyards.**

The officer detailed to command a naval shipyard shall be trained in the technical aspects of building and repair of ships and shall have had substantial previous experience in the technical and management phases of such work. Such officer may have been designated for engineering duty.

**§ 700.839. Command of ships and submarines.**

(a) The officer detailed to command a commissioned ship shall be an officer of the line in the Navy eligible for command at sea.

(b) The officer detailed to command an aircraft carrier, an aircraft tender, or a ship with a primary task of operating or supporting aircraft shall be an officer of the line in the Navy, eligible for command at sea, designated as a naval aviator or naval flight officer.

(c) The officer detailed to command a submarine shall be an officer of the line in the Navy, eligible for command at sea, and qualified for command of submarines.

**§ 700.840. Command of air activities.**

(a) The officer detailed to command a naval aviation school, a naval air station, or a naval air unit organized for flight tactical or administrative purposes shall be an officer of the line in the Navy, designated as a naval aviator or naval flight officer, eligible for command at sea.

(b) The officer detailed to command a naval air activity of a technical nature on shore may be an officer of the line in the Navy not eligible for command at sea but designated as a naval aviator or naval flight officer or designated for aeronautical engineering duty.

(c) The officer detailed to command a Marine Corps aviation school, a Marine Corps air activity on shore or a Marine Corps air unit organized for flight tactical purposes shall be an officer of the Marine Corps, designated as a naval aviator or naval flight officer.

(d) An officer of the Navy shall not normally be detailed to command an aviation unit of the Marine Corps nor shall an officer of the Marine Corps normally be detailed to command an aviation unit of the Navy. Aircraft units of the Marine Corps may, however, be assigned to ships or to naval air activities in the same manner as aircraft units of the Navy and, conversely, aircraft units of the Navy may be so assigned to Marine Corps air activities. A group composed of aircraft units of the Navy and aircraft units of the Marine Corps may be commanded either by an officer of the Navy or Marine Corps.

**§ 700.841. Multiservice commands.**

(a) When different commands of the Army, Navy, Air Force, Marine Corps, and Coast Guard join or serve together, the officer highest in rank in the Army, Navy, Air Force, Marine Corps, or Coast Guard on duty there, who is otherwise eligible to command, commands all those forces unless otherwise directed by the President.

(b) An officer of the naval service in command of a unified, specified, joint, or combined command is not authorized to exercise operational control over U.S. naval forces not specifically assigned to him for operations, nor is he authorized to exercise authority as senior officer present or senior officer present afloat over such U.S. naval forces.

**§ 700.842. Command of staff corps activities.**

An officer in a staff corps shall be detailed to command only such activities as are appropriate to his corps.

**§ 700.843. Detail of executive officer.**

(a) The officer detailed as executive officer shall be the officer eligible to succeed to command and who, when practicable, is next in rank to the commanding officer. In the case of a naval hospital, a medical officer not next in rank may be detailed as executive officer by the Chief of Naval Personnel.

(b) When no officer has been detailed as executive officer by the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate, or when the officer detailed is absent or incapable of performing the duties of his office, the commanding officer shall detail the senior line officer under his command and eligible to succeed to command as executive officer except that, if the commanding officer is a member of a staff corps, he may detail as executive officer the next senior officer in the appropriate staff corps.

**§ 700.844. Detail of heads of department and other officers.**

When no officer has been detailed by the Commandant of the Marine Corps, or the Chief of Naval Personnel, as head of a department or other subdivision of the command, or to specific duty within the department or subdivision, or when the officer so detailed is absent or incapable of performing his duty, the com-

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manding officer may detail a suitable officer to perform such duty.

**§ 700.845. Detail of persons performing medical or religious services.**

Members of Medical, Dental, Chaplain, Medical Service, Nurse, or Hospital Corps shall be detailed or permitted to perform only such duties, in peace or war, as are related to medical, dental, or religious service and the administration of medical, dental, or religious units and establishments. Such duties are in accord with the permissible functions of the Geneva Conventions of August 12, 1949.

**§ 700.846. Detail of women.**

Women members of the naval service shall not be detailed to duty in aircraft that are engaged in combat missions nor shall they be detailed to ships of the Navy other than hospital ships and transports.

**§ 700.847. Detail of enlisted persons for certain duties.**

(a) Petty officers and noncommissioned officers shall not be detailed as messmen, except when nonrated men are not available.

(b) Marines shall not be detailed to perform the duties of master-at-arms yeoman, or hospital corpsman, except in case of emergency, which shall be determined by the commanding officer. When necessary to make such assignment, it shall continue only until a suitable person can be selected for the required duty.

(c) Enlisted naval personnel may be assigned to duty in a service capacity in officers' messes and public quarters only when such assignment is authorized by the Secretary of the Navy. This shall not be construed to prevent the voluntary employment, in any such capacity, of a retired enlisted person or a transferred member of the Fleet Reserve or Fleet Marine Corps Reserve without additional expense to the Government.

**§ 700.848. Rank and grade of an officer who succeeds to command.**

An officer who succeeds to command acquires no increase of rank nor change in grade by virtue of such succession alone.

**§ 700.849. Succession of a deputy or vice commander.**

Except as otherwise provided for specific cases, a deputy or vice commander shall succeed to command or control, as appropriate, in the case of the incapacity or death of the officer whose deputy or vice commander he is, and, unless the latter directs otherwise, at other times during the absence of such officer.

**§ 700.850. Succession to command of a bureau.**

(a) When there is a vacancy in the office of the chief of a bureau, or during the disability of the chief of a bureau, or during his absence and unless he directs otherwise, the deputy chief of the bureau shall command the bureau until a successor takes office or the disability or the absence ceases.

(b) When the foregoing paragraph can-

not be complied with because of the disability or absence of the deputy chief of the bureau, the heads of the major divisions of the bureau, in the order recommended by the Chief of Naval Operations and directed by the Secretary of the Navy, shall command the bureau until a successor takes office or the disability or the absence of the chief or deputy ceases.

**§ 700.851. Succession to command of the Naval Material Command.**

(a) When there is a vacancy in the office of the Chief of Naval Material or during the disability of the Chief of Naval Material, or during his absence and unless he directs otherwise, the Vice Chief of Naval Material shall command the Naval Material Command until a successor takes office, or the disability or the absence ceases.

(b) When the foregoing paragraph cannot be complied with because of disability or absence of the Vice Chief of Naval Material, the officer next senior in rank on the staff of the Chief of Naval Material shall succeed to command of the Naval Material Command, unless otherwise directed by the Chief of Naval Operations or the Secretary of the Navy, until a successor takes office or the disability or the absence of the Chief or the Vice Chief ceases.

**§ 700.852. Succession to command of a naval systems command.**

(a) When there is a vacancy in the office of a commander of a naval systems command or during the disability of a commander of a naval systems command, or during the absence of a commander of a naval systems command and unless he directs otherwise, the vice commander shall succeed to the command of the naval systems command until a successor takes office, or the disability or the absence ceases.

(b) When the foregoing paragraph cannot be complied with because of the absence or disability of the vice commander, the officer on the staff of the commander next senior in rank of the line or same staff corps as the commander, as appropriate, shall succeed to command of the naval systems command, unless otherwise directed by the Chief of Naval Material or the Chief of Naval Operations, until a successor takes office or the absence or disability of commander or vice commander ceases.

**§ 700.853. Succession of a chief of staff and other staff officers.**

In the absence or incapacity of the officer on whose staff he is serving, a chief of staff, chief staff officer, or other officer on a staff may succeed to command if next in rank within the command and otherwise eligible as provided in these regulations.

**§ 700.854. Succession prescribed by a commander in chief.**

A commander in chief and, when empowered by the Chief of Naval Operations, any other naval commander may prescribe the order of succession to command, including his own, among the

various officers whom he has detailed to command task forces or other task commands. All orders issued under the authority of this article shall continue in effect after the incapacity or death of the officer issuing them until revoked by his successor in command or by higher authority. The powers delegated to a naval commander by this article are not conferred on any other officer by virtue of the fact that he is the senior officer present.

**§ 700.855. Succession to command of a fleet, subdivision of a fleet, fleet marine force, or subdivision of a fleet marine force.**

(a) In the event of the incapacity, death, departure on leave, or detachment without relief of a commander in chief of a fleet, a commander of a subdivision of a fleet, a commanding general of a fleet marine force, or a commanding general of a subdivision of a fleet marine force, or when such officer is absent from his command due to orders from competent authority and so directs, the following applies with regard to succession to command, unless competent authority prescribes that a deputy or other officer shall succeed to command. With respect to:

(1) A fleet, the senior line officer of the Navy, eligible for command at sea, in the fleet or subdivision of a fleet shall succeed to command.

(2) A fleet marine force, the senior officer of the Marine Corps, eligible for command, in the fleet marine force or subdivision of a Fleet Marine force shall succeed to command.

(b) During the absence from his command or headquarters of any of the commanders referred to in paragraph 1 of this article, and when such officer has not directed that he be succeeded in command as provided in the preceding paragraph, succession to command shall be as follows:

(1) The chief of staff or chief staff officer within a fleet.

(2) The deputy or assistant commander within a fleet marine force, or the chief of staff if a deputy or assistant commander is not assigned.

(c) An officer succeeding to command shall have authority to issue orders required to carry on the established routine and to perform the administrative functions of the command. He shall be the officer commanding for the time being for the administration and for the exercise of general court martial jurisdiction within the command. This shall not be construed to limit the authority and responsibility of the senior officer present in emergency or other foreseen situations which demand his action.

**§ 700.856. Succession in battle.**

When a flag officer or other commander of ships is incapacitated in battle the officer next in rank in the flagship and eligible to succeed him shall succeed provisionally until the officer who would succeed as provided in the preceding article announces that he has taken command. It is the duty of the

officer who succeeds provisionally to report, as soon as practicable, the incapacity of the flag officer to the officer who will succeed him and to the immediate superior of the flag officer.

**§ 700.857. Succession to command of a ship.**

In the event of the incapacity, death, relief from duty, or absence of the officer detailed to command a ship, he shall be succeeded by the line officer in the Navy, eligible for command at sea, next in rank and regularly attached to and on board the ship, until relieved by competent authority or until the regular commanding officer returns.

**§ 700.858. Succession to command of aircraft units and submarines.**

(a) In the event of the incapacity, death, relief from duty, or absence of the officer detailed to command an aircraft squadron, group, or wing, the line officer regularly attached to and on board the aircraft unit who is next in rank and qualified as a naval aviator or naval flight officer shall succeed him, until relieved by competent authority or until the regular commanding officer returns.

(b) In the event of the incapacity, death, relief from duty, or absence of the officer detailed to command a submarine, the line officer regularly attached to and on board the submarine who is next in rank and qualified for command in submarines shall succeed him, until relieved by competent authority or until the regular commanding officer returns.

**§ 700.859. Succession to command of a sea frontier or of a naval district.**

(a) In the event of the incapacity or death of a commander of a sea frontier or of a commandant of a naval district, or when he is absent from the limits of his command and so directs, he shall be succeeded by the officer eligible for command at sea, designated by the commander or by the commandant with the knowledge of the Chief of Naval Operations.

(b) During the absence of a commander of a sea frontier or of a commandant of a naval district and when he has not directed that he be succeeded in command as provided in the preceding paragraph, the deputy or the chief of staff or chief staff officer shall have authority to issue the orders required to carry on the established routine and to perform the administrative functions of the command. This shall not be construed to limit the authority or responsibility of the senior officer present in emergencies or other unforeseen situations which demand his action.

**§ 700.860. Succession to command of a naval base.**

(a) In the event of the incapacity or death of the commander of a naval base, or when he is absent and provided he so directs, he shall be succeeded by the officer, eligible for command at sea, designated by the commander of the naval base, with the approval of the immediate superior.

(b) During the absence of a commander of a naval base, and when he has not directed that he be succeeded in command as provided in the preceding paragraph, the chief of staff or chief staff officer shall have authority to issue the orders required to carry on the established routine and perform the administrative functions of the naval base. This shall not be construed to limit the authority or responsibility of the senior officer present in emergencies or other unforeseen situations which demand his action.

**§ 700.861. Succession to command of a naval shore activity.**

(a) In the event of incapacity, death or absence of the commanding officer or officer in charge of a naval shore activity not otherwise provided for in these regulations, the line officer next in rank shall succeed him, except:

(1) The commanding officer of a naval hospital shall be succeeded by the executive officer who, if so detailed by the Chief of Naval Personnel, need not be next in rank.

(2) An officer in the staff corps may succeed to command only at such activities as appropriate to his corps.

(3) When appropriate, the Chief of Naval Operations may specify that the commanding officer shall be succeeded by an officer eligible for command at sea who need not be next in rank.

**§ 700.862. Succession to command by officers designated for engineering duty or special duty.**

Officers designated for engineering duty, aeronautical engineering duty, or special duty who are otherwise eligible as provided in these regulations, may succeed to command only on shore.

**§ 700.863. Succession to command by officers of the Marine Corps.**

An officer of the Marine Corps shall not succeed to command of any ship or naval shipyard, or of a naval station, except when the officer detailed to command the station is an officer of the Marine Corps.

**§ 700.864. Succession to command on detachment of an officer in command without relief.**

Should an officer in command be detached without relief, he shall be succeeded in command by that officer who, in accordance with these regulations, would succeed to command in case of the incapacity, death, or absence of the officer in command.

**§ 700.865. Succession to command by line officers designated for limited duty.**

Officers of the line designated for limited duty may succeed to command of an activity in conformity with the following:

(a) In ships, officers of the line of the Navy designated for limited duty, who are authorized to perform all deck duties afloat, may succeed to command.

(b) Within other commands of the naval service, any limited duty officer with a designator appropriate to the

function of the activity may succeed to command.

**§ 700.866. Succession to command by chief warrant officers and warrant officers.**

Chief warrant officers and warrant officers may succeed to command of an activity in conformity with the following:

(a) In ships, chief warrant and warrant officers who are authorized to perform all deck duties afloat may succeed to command.

(b) Within other commands of the naval service, any chief warrant or warrant officer, with a designator appropriate to the function of the activity may succeed to command.

**§ 700.867. Relief of a commanding officer by a subordinate.**

(a) It is conceivable that most unusual and extraordinary circumstances may arise in which the relief from duty of a commanding officer by a subordinate becomes necessary, either by placing him under arrest or on the sick list; but such action shall never be taken without the approval of the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate, or the senior officer present, except when reference to such higher authority is undoubtedly impracticable because of the delay involved or for other clearly obvious reasons. In any event, a complete report of the matter shall be made to the Commandant of the Marine Corps or the Chief of Naval Personnel as appropriate, and the senior officer present, setting forth all facts in the case and the reasons for the action or recommendation, with particular regard to the degree of urgency involved.

(b) In order that a subordinate officer, acting upon his own initiative, may be vindicated for relieving a commanding officer from duty, the situation must be obvious and clear, and must admit of the single conclusion that the retention of command by such commanding officer will seriously and irretrievably prejudice the public interests. The subordinate officer so acting must be next in succession to command; must be unable to refer the matter to a common senior for one of the reasons set forth in the preceding paragraph; must be certain that the prejudicial actions of his commanding officer are not caused by instructions unknown to the subordinate officer; must have given the matter such careful consideration, and must have made such exhaustive investigation of all the circumstances as may be practicable; and finally, must be thoroughly convinced that the conclusion to relieve his commanding officer is one which a reasonable, prudent, and experienced officer would regard as a necessary consequence from the facts thus determined to exist.

(c) Intelligent, fearless initiative is an important trait of military character; and it is not the purpose of these regulations to discourage its employment in cases of this nature. However, as the action of relieving a senior from command involves most serious possibilities, a de-



cision to do so, or to so recommend should be based upon facts established by substantial evidence, and upon the official views of others in a position to form valid opinions, particularly of a technical character. An officer relieving his commanding officer or recommending such action, together with all others who so counsel, must bear the legitimate responsibility for, and must be prepared to justify, such action.

Note: For Subpart I of this Part, see page 7220.

#### Subpart J—Rights and Responsibilities of Persons in the Department of the Navy

##### § 700.1101. Officer's duties relative to laws, orders and regulations.

Every officer in the naval service shall acquaint himself with, obey, and, so far as his authority extends, enforce the laws, regulations and orders relating to the Department of the Navy. He will faithfully and truthfully discharge the duties of his office to the best of his ability in conformance with existing orders and regulations and his solemn profession of the oath of office. In the absence of instructions he shall act in conformity with the policies and customs of the service to protect the public interest.

##### § 700.1102. Requirement of exemplary conduct.

All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge. (10 USC 5947).

##### § 700.1103. Conduct of persons in the naval service.

All persons in the naval service shall show in themselves a good example of subordination, courage, zeal, sobriety, neatness and attention to duty. They shall aid, to the utmost of their ability and to the extent of their authority, in maintaining good order and discipline as well as in other matters concerned with the efficiency of the command.

##### § 700.1104. Compliance with lawful orders.

All persons in the naval service are required to obey readily and strictly, and to execute promptly, the lawful orders of their superiors.

##### § 700.1105. Appeal from decision of a superior.

An official appeal by a person in the Department of the Navy from an order or decision of an immediate superior shall be addressed to the next higher

common superior having power to act in the matter and shall be forwarded through such immediate superior, except in the case of the latter's refusal or failure to forward it, when it may be forwarded direct with an explanation of such course. If the officer whose order or decision is appealed from is the commanding officer of the person appealing, and if such commanding officer refuses or fails to forward the appeal, the person appealing may appeal to any officer superior to such commanding officer; the latter officer shall forward the appeal directly to the officer exercising general court-martial jurisdiction over the commanding officer. The officer exercising general court-martial jurisdiction shall examine into said appeal and take proper measure; and he shall, as soon as possible, transmit to the Secretary of the Navy a true statement of such appeal, with the proceedings had thereon.

##### § 700.1106. Oppression or other misconduct by a superior.

(a) If any person in the naval service considers himself oppressed by his superior, or observes in him any misconduct, he shall not fail in his respectful bearing towards such superior, but shall report such oppression or misconduct to the proper authority. Such person will be held accountable if his report is found to be vexatious, frivolous, or false.

(b) A report of oppression by, or misconduct of, a superior shall be made to the immediate commanding officer of the person making the report unless the commanding officer is himself the subject of the report, or is the subordinate of the officer who is the subject of the report.

(c) If the immediate commanding officer is the subject of the report, the report shall be in writing and shall be forwarded to the superior who exercises general court-martial jurisdiction over the commanding officer reported on, through the immediate commanding officer and any other officers who may be in the chain of command. If the immediate commanding officer reported on or if any superior in the chain of command not having general court-martial jurisdiction shall refuse or fail within a reasonable time to forward the report received to his immediate superior having such jurisdiction, the person making the report may complain to any officer superior to himself and such officer shall forward the complaint directly to the immediate superior exercising general court-martial jurisdiction over the immediate commanding officer.

(d) If a superior of the immediate commanding officer is the subject of the report, the report shall be in writing and shall be forwarded through the immediate commanding officer and the officer who is the subject of the report, and any other officers who may be in the chain of command, to the immediate superior exercising general court-martial jurisdiction over the officer reported on. If any officer through whom the report is forwarded refuses or fails to forward the report within a reasonable time, the per-

son making the report may complain to any officer superior to himself, and such officer shall forward the complaint directly to the immediate superior exercising general court-martial jurisdiction over the officer reported on.

(e) Any officer exercising general court-martial jurisdiction over a person reported on shall, upon receiving a report of oppression or misconduct, examine into the matter, and take such action in conformity with the Uniform Code of Military Justice and these regulations as may be proper to redress wrong, if any, complained of; and he shall, as soon as may be practicable, transmit to the Secretary of the Navy a true statement of the report and any proceedings had in connection therewith.

##### § 700.1107. Direct communication with the commanding officer.

(a) The right of any person in the naval service to communicate with the commanding officer at a proper time and place is not to be denied or restricted.

(b) Officers who are senior to the executive officer have the right to communicate directly with the commanding officer, but they shall keep the executive officer informed on matters related to the functioning of the command.

(c) A head of department, or of any other major subdivision of an activity, has the right to communicate directly with the commanding officer concerning any matter relating to his department or subdivision, but shall keep the executive officer informed.

##### § 700.1108. Forwarding individual requests.

Requests from persons in the naval service shall be acted upon promptly. When addressed to higher authority, requests shall be forwarded without delay. The reason should be stated when a request is not approved or recommended.

##### § 700.1109. Accusations, replies, and counter charges.

(a) Whenever an accusation is made against a person in the naval service, either by report or by endorsement upon a communication, a copy of such report or endorsement shall be furnished him at the time.

(b) Reports or complaints, and statements submitted in reply to written accusation or in explanation thereof, shall be couched in temperate language and shall be confined to pertinent facts. Opinions shall not be expressed nor the motives of others impugned.

(c) Persons in the naval service to whom reports or complaints are submitted for statement shall not reply by making counter charges.

##### § 700.1110. Adverse matter in the record of a person in the naval service.

Adverse matter shall not be placed in the record of a person in the naval service without his knowledge. Except for the medical and dental entries referred to in the following article, such matters shall be first referred to the person reported upon for such statement as he may

choose to make. If the person reported upon does not desire to make a statement, he shall so state in writing.

##### § 700.1111. Adverse entries in medical and dental records.

(a) The medical officer or dental officer shall inform the person concerned whenever an entry is made in such person's medical record or dental record of a serious illness, operation, injury, or physical defect which may adversely affect, in other than a temporary degree, his efficiency in the performance of duty.

(b) The medical officer or dental officer shall inform, in writing, the commanding officer and the person concerned whenever an entry is made in the latter's medical record which indicates that a disease or injury may be attributable to misconduct, or indicating the use by such person of intoxicants, marijuana, narcotic substances or other controlled substances as defined in these regulations to a degree presumed to disqualify him physically, mentally, or morally for performance of duty.

(c) The medical officer or dental officer normally shall permit access to the record by the person concerned when adverse entries are made. Should the medical officer or dental officer deem the condition of the person concerned to be such as to make it inadvisable or impractical to inform him of the entry or to permit him access to the record, he shall so advise the commanding officer, and shall make a notation of this action and opinion in the record. As soon as circumstances permit the person concerned shall be notified of the adverse entry and this fact shall be noted in the record. The person concerned shall have the right to make and have entered in the record such statement in rebuttal as he may desire. If the person concerned does not desire to make a statement, he shall so state in writing.

##### § 700.1112. Misconduct and line of duty findings.

Except for the medical and dental entries referred to in the preceding article, no adverse entry concerning misconduct and line of duty shall be made in any person's official record except in accordance with the provisions of the Manual of the Judge Advocate General.

##### § 700.1113. Inspection of the record of a person in the naval service.

The record of a person of the naval service maintained by the Chief of Naval Personnel or the Commandant of the Marine Corps shall be available for inspection by him or his duly authorized agent, designated as such by him in writing.

##### § 700.1114. Correction of naval records.

(a) Any military record in the Department of the Navy may be corrected by the Secretary of the Navy, acting through the Board for Correction of Naval Records, when he considers that such action should be taken in order to correct an error or to remove an injustice.

(b) Applications for corrections under this article may be made only after exhaustion of all other administrative remedies afforded by law or regulation.

(c) Applications for such corrections should be submitted to the Secretary of the Navy (Board for Correction of Naval Records) in accordance with procedural regulations established by the Secretary of the Navy and approved by the Secretary of Defense.

##### § 700.1115. Control of Official Records.

No person, without proper authority, shall withdraw official records or correspondence from the files, or destroy them, or withhold them from those persons authorized to have access to them.

##### § 700.1116. Disclosure and Publication of Information.

(a) No person in the Department of the Navy shall convey or disclose by oral or written communication, publication, graphic (including photographic) or other means, any classified information except as provided in the Department of the Navy Security Manual for Classified Information. Additionally, no person in the Department of the Navy shall communicate or otherwise deal with foreign entities, even on an unclassified basis, when such would commit the Department of the Navy to disclose classified military information, except as may be required in his official duties and only after coordination with an approval by the release authority stipulated in the Department of the Navy Security Manual for Classified Information.

(b) No person in the Department of the Navy shall convey or disclose by oral or written communication, publication, or other means, except as may be required by his official duties, any information concerning the Department of Defense or forces, or any person, thing, plan or measure pertaining thereto, where such information might be of possible assistance to a foreign power; nor shall any person in the Department of the Navy make any public speech or permit publication of any article written by or for him which is prejudicial to the interests of the United States. The regulations concerned with the release of information to the public through any media will be as prescribed by the Secretary of the Navy.

(c) No person in the Department of the Navy shall, other than in the discharge of his official duties, disclose any information whatever, whether classified or unclassified, or whether obtained from official records or within the knowledge of the relator, which might aid or be of assistance in the prosecution or support of any claim against the United States.

(d) Any person in the Department of the Navy receiving a request from the public for Department of the Navy records shall be governed by security classification markings, distribution statements on technical documents, and the term "For Official Use Only" which may be used to identify material or records not to be released to the general public.

The general regulations concerned with the availability to the public of the Department of the Navy records shall be as prescribed by the Secretary of the Navy.

(e) Persons in the Department of the Navy desiring to submit manuscripts to commercial publishers, on professional, political or international subjects shall comply with regulations promulgated by the Secretary of the Navy.

(f) No person in the naval service on active duty or civilian employee of the Department of the Navy shall act as correspondent of a news service or periodical, or as a television or radio news commentator or analyst, unless assigned to such duty in connection with the public affairs activities of the Department of the Navy, or authorized by the Secretary of the Navy. Except as authorized by the Secretary of the Navy, no person assigned to duty in connection with public affairs activities of the Department of the Navy shall receive any compensation for acting as such correspondent, commentator, or analyst.

##### § 700.1117. Official records in civil courts.

No person in the Department of the Navy shall produce or release any official record in response to a subpoena duces tecum, motion for discovery, interrogatory or otherwise in a civil suit, or in connection with preliminary investigations by attorneys or others except in accordance with the provisions of the Manual of the Judge Advocate General.

##### § 700.1118. Leave and liberty.

It is the policy of the Department of the Navy that leave and liberty will be granted to the maximum extent practicable.

##### § 700.1119. Quality and quantity of rations.

(a) Meals served in the general mess shall be sampled, regularly, by an officer detailed by the commanding officer for that purpose. Should this officer find the quality or quantity of the food unsatisfactory, or should any member of the mess object to the quality or quantity of the food, the commanding officer shall be notified and he shall take appropriate action.

(b) No person employed in the service of the general mess shall receive any subscription from persons entitled to subsist in the mess.

##### § 700.1120. Rules for preventing collisions, afloat and in the air.

(a) All persons in the naval service responsible for the operation of naval ships, craft and aircraft shall diligently observe the International Rules for Preventing Collisions at Sea, (commonly called International Rules of the Road) Inland Rules of the Road, domestic and international air traffic regulations, and such other rules and regulations as may be established by the Secretary of Transportation or other competent authority for regulating traffic and preventing collisions on the high seas, in inland waters, or in the air, where such laws, rules and



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regulations are applicable to naval ships and aircraft. In those situations where such law, rule or regulation is not applicable to naval ships, craft or aircraft they shall be operated with due regard for safety of others.

(b) Any significant infraction of the laws, rules and regulations governing traffic or designed to prevent collisions on the high seas, in inland waters, or in the air, which may be observed by persons in the naval service shall be promptly reported to their superiors, including the Chief of Naval Operations or Commandant of the Marine Corps when appropriate.

(c) Reports need not be made under this article if the facts are otherwise reported in accordance with other directives, including duly authorized safety programs.

§ 700.1121. Discharge of oil, trash, and garbage.

(a) Except as authorized by law or regulation, no oil, oily waste, or trash shall be discharged into United States or foreign internal waters or prohibited areas. The United States prohibited area is designated as waters within 50 miles of the United States coastline. The Chief of Naval Operations shall provide descriptions of prohibited areas for other nations. Trash discharged at sea should have, or be packaged for, negative buoyancy.

(b) Garbage shall not be thrown overboard within a contiguous zone, which is 12 miles from any coastline.

(c) Any oil slick within 50 miles of the coastline of the United States shall be reported as soon as possible to nearest Coast Guard District Headquarters.

§ 700.1122. Code of Conduct for Members of the Armed Forces of the United States.

(a) The code of Conduct for Members of the Armed Forces of the United States shall be carefully explained to each enlisted person:

(1) Within six days of his initial enlistment.

(2) After completion of six month's active service, and

(3) Upon the occasion of each reenlistment.

(b) Instruction in the Code of Conduct for Members of the Armed Forces of the United States shall be included in the general military training program of the command.

(c) A text of the Code of Conduct for Members of the Armed Forces of the United States shall be posted in one or more conspicuous places, readily accessible to personnel of the command.

§ 700.1123. Capture by an enemy.

(a) A person in the naval service who is captured by the enemy is bound to give only his name, grade or rate, file or serial number and date of birth. In order to communicate with his family, as guaranteed in the Geneva Convention Relative to the Treatment of Prisoners of War, he may give the names and addresses of his parents, guardian, or next of kin.

(b) Except as provided in the foregoing any person in the naval service captured by the enemy shall evade further questions and shall make no oral or written statement disloyal to, critical of, or harmful to, the United States or its allies.

§ 700.1124. Relations with foreign nations.

(a) Persons in the Department of the Navy, in their relations with foreign nations, and with the governments or agents thereof, shall conform to international law and to the precedents established by the United States in such relations.

(b) The religious institutions and customs of foreign countries visited by persons in the Department of the Navy shall be respected.

§ 700.1125. Language reflecting upon a superior.

No person in the naval service shall use language which may tend to diminish the confidence in or respect due to his superior officer.

§ 700.1126. Suggestions for improvement.

Any person in the Department of the Navy may address to the Secretary of the Navy via chain of command, suggestions or constructive criticism pertaining to improvements in efficiency or more economical methods of administration or management in the Department of the Navy.

§ 700.1127. Exchange of duty.

No person in the naval service shall exchange an assigned duty with another without permission from his commanding officer or appropriate superior.

§ 700.1128. Unavoidable separation from a command.

Any person in the naval service who is separated from his ship, station, or unit due to shipwreck, disaster, or other unavoidable circumstances, shall proceed as soon as possible to the nearest United States military activity and report to the commanding officer thereof.

§ 700.1129. Combinations for certain purposes prohibited.

Combinations of persons in the naval service for the purpose of remonstrating against orders or details to duty, complaining of particulars of duty or procuring preferences are forbidden.

§ 700.1130. Making of gifts or presents.

(a) No person in the Department of the Navy shall at any time solicit contributions from other persons in the naval service or from other officers, clerks, or employees in the Government service for a gift or present to persons in superior official positions; nor shall any persons in such superior official positions receive any gift or present offered or presented them as a contribution from persons in Government employ (including persons in the naval service) receiving a less rate of pay than themselves, nor shall any of said persons make any donation as a gift or present to any such official superiors.

However, this paragraph does not prohibit a voluntary gift of nominal value or donation in nominal amount made on a special occasion such as marriage, illness or retirement.

(b) No person in the Department of the Navy shall solicit subscriptions for the purpose of making a gift to a member of the immediate family of a person in a superior official position.

§ 700.1131. Pecuniary dealings with enlisted persons.

(a) No officer shall borrow money or accept deposits from, or have any pecuniary dealings with an enlisted person except as may be required in the performance of his duty, and except for the sale of an item of personal property which is for sale to other persons under the same conditions of guarantee and for same consideration, and never having been the property of a government.

(b) Superiors, of flag or general grade, may authorize, as a duty, an officer or officers to accept deposits from an enlisted person for the sole purpose of temporarily safeguarding his personal funds under emergency or operational situations.

§ 700.1132. Lending money and engaging in a trade or business.

(a) No person in the naval service, on active service, shall, for profit or benefit of any kind, lend money to another person in the armed services, except by permission of his commanding officer; nor, having made a loan to another person in the armed services, shall he take or receive, in payment therefor, then or later, directly or indirectly, without the approval of the commanding officer, a sum of money, or any other thing or service, of a greater amount or value than the sum of money loaned.

(b) Unless authorized by his commanding officer or higher authority, no person in the naval service on active service, either for himself or as an agent for another, shall engage in trade or business on board any ship of the Navy or within any naval activity or introduce any article for purposes of trade on board any ship of the Navy or within any naval activity.

§ 700.1133. Use of title for commercial enterprises.

No person in the naval service shall, while on extended naval service, use his grade or rating in connection with a commercial enterprise, "Extended naval service," for the purposes of this article, is defined as active duty, other than active duty for training, under a call or order that does not specify a period of thirty days or less. This article shall not apply to a person who is not on active service, nor shall it apply to authorship of any material for publication, by persons on either active or inactive service, provided that such material is published in accordance with existing regulations.

§ 700.1134. Report of a communicable disease.

All persons in the naval service shall report promptly to a medical representative, or where no medical officer is read-

ily available, to his higher authority the existence or suspicion of communicable disease in persons with whom they are living or otherwise come in contact.

§ 700.1135. Immunization.

Persons in the naval service shall permit such action to be taken to immunize them against disease as is prescribed by competent authority.

§ 700.1136. Possession of weapons.

Except as may be necessary to the proper performance of his duty or as may be authorized by proper authority, no person in the naval service shall:

(a) Have concealed about his person any dangerous weapon, instrument or device; or any highly explosive article or compound.

(b) Have in his possession any dangerous weapon, instrument, or device or any highly explosive article or compound on board any ship, craft, aircraft, or in any vehicle of the naval service or within any base, or other place under naval jurisdiction.

§ 700.1137. Report of deficit or excess of public money or property.

Any person in the Department of the Navy who has knowledge of a deficit or excess of public money or public property shall take prompt and appropriate action to bring the matter to the attention of his commanding officer or appropriate superior.

§ 700.1138. Use and expenditures of equipment and supplies.

All persons in the Department of the Navy shall ensure that equipment and supplies in their charge are properly cared for, preserved, and economically used. They shall avoid any unnecessary expenditure of public money. To the extent of their authority, they shall prevent infractions of this regulation by others.

§ 700.1139. Obligation to report offenses.

Persons in the Department of the Navy shall report to proper authority offenses committed by persons in the Department of the Navy which come under their observation.

§ 700.1140. Report of fraud.

If any person in the Department of the Navy has knowledge of any fraud, collusion, or improper conduct on the part of any purchasing or other agent or contractor, or on the part of any person employed in superintending repairs, receiving or receipting for supplies, or has knowledge of any fraud, collusion, or improper conduct in such matters connected with the Department of the Navy, he shall report the same immediately in writing to the proper authority, specifying the particular act, or acts of misconduct, fraud, neglect, or collusion and describing any evidence which may assist in proving same.

§ 700.1141. Possession of government property.

No person in the Department of the Navy shall have in his possession any property of the United States, except as

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may be necessary to the proper performance of duty or as may be authorized by proper authority.

§ 700.1142. Uniforms, arms, and outfits.

(a) The clothing, arms, and accouterments which are sold or issued by the United States to any person in the naval service shall not be sold, bartered, exchanged, pledged, loaned or given away, except as may be authorized by proper authority.

(b) No person in the naval service shall have in his possession, without permission from proper authority, any article of wearing apparel or bedding belonging to any other person in the naval service.

§ 700.1143. Return of government property on release from active service.

When a person is released from active service, he shall return all Government property in his possession to his commanding officer or other competent authority.

§ 700.1144. Issue or loan of public property.

(a) Except as prescribed in this article, public property including supplies, shall not be issued, on loan or otherwise, to any state, organization, or private individual except by special authority of Congress.

(b) When so authorized by the senior officer present, a commanding officer may issue such supplies as can be spared to those in distress in the event of a public exigency or calamity, or to vessels in distress, and, when so authorized, he may issue rations and necessities to destitute seamen and airmen of the United States who are received on board. The supply officer making such an issue shall do so only pursuant to an order in writing, shall procure receipts when practicable for the supplies issued, and shall render accounts for such supplies in accordance with the instructions contained in the Naval Supply System Command Manual or the Marine Corps Supply Manual, as appropriate.

(c) Public property, except aircraft, may be loaned by the commandant of a naval district to a state located within the district and maintaining naval militia organizations, for use by a naval militia organization in that state, provided that 95 percent of the personnel of the last-mentioned organization are attached to or associated with a unit of the naval reserve, and provided that the naval militia organization conforms to the standards prescribed by the Secretary of the Navy for similar organizations of the Naval Reserve. A report of such loans shall be made by the commandant to the interested bureaus, offices or commands of the Navy Department.

§ 700.1145. Administrative control of funds.

No person in the Department of the Navy shall make or authorize an expenditure from or create or authorize an obligation under any appropriation or fund in excess of the amount available therein; nor shall any such person in-

volve the Government in any contract or other obligation for the payment of money for any purpose in advance of appropriations made for such purpose, unless such contract or obligation is authorized by law. No person in the Department of the Navy shall accept voluntary service for the United States or employ personal service in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property.

§ 700.1146. Adoption or use of proprietary articles, inventions or copyrighted material.

(a) Except as prescribed in this article, no person in the Department of the Navy shall adopt or use or shall authorize the adoption or use for or on behalf of the Government of:

(1) Any article when it is known to be proprietary.

(2) Any invention when it is known, or there is reason to believe, that the invention is or will be patented.

(3) Any matter in which it is known, or there is reason to believe, a copyright exists.

(b) Adoption or use of any of the above mentioned classes shall not be made unless consent of the owner has been obtained or, lacking consent of the owner, such use or adoption has been authorized by the Secretary of the Navy; provided, however, that when the exigencies of the naval service necessitate, adoption or use of any of the classes above mentioned may be made without waiting to obtain prior consent or authorization of either the owner or the Secretary of the Navy. In any case where such adoption or use is made without obtaining prior consent or authorization, a full and complete report of all facts and circumstances relevant thereto shall be made promptly to the Secretary of the Navy.

§ 700.1147. Service examinations.

(a) No person in the Department of the Navy, without proper authority, shall:

(1) Have in his possession, obtain, sell, publish, give, purchase, receive, or reproduce; or

(2) Attempt or offer to have in his possession, obtain, sell, publish, give, purchase, receive, or reproduce; any examination paper, or any part or copy thereof, or answer sheet thereto, for any examination whatsoever which has been, is, or is to be, administered within the Department of the Navy.

(b) Prior to, during, or after any examination which is to be, is being, or has been administered within the Department of the Navy, no person in the Department of the Navy shall, without proper authority, disclose, or solicit the disclosure of, any information regarding questions or answers to questions on such examination.

(c) No person in the Department of the Navy shall engage in any unauthorized form of giving or accepting assistance or of self-help during the administration of any examination within the Department of the Navy.



#### § 700.1148. Dealings with members of Congress.

No person may restrict any member of an armed force in communicating with a member of Congress, unless the communication is unlawful or violates a regulation necessary to the security of the United States. (10 USC 1034).

#### § 700.1149. Communications to the Congress.

No person in the naval service shall, in his official capacity, apply to the Congress or to either house thereof, or to any committee thereof, for legislation or for appropriations or for Congressional action of any kind except with the consent and knowledge of the Secretary of the Navy. Nor shall any such person, in his official capacity, respond to any request for information from Congress, or from either house thereof, or from any committee of Congress, except through, or as authorized by, the Secretary of the Navy, or as provided by law.

#### § 700.1150. Alcoholic liquors.

(a) Except as may be authorized by the Secretary of the Navy, the introduction, possession or use of alcoholic liquors for beverage purposes on board any ship, craft, aircraft, or in any vehicle of the Department of the Navy is prohibited. The transportation of alcoholic liquors for personal use ashore is authorized, subject to the discretion of the officer in command or officer in charge, or higher authority, when the liquors are delivered to the custody of the officer in command or officer in charge of the ship, craft, or aircraft in sealed packages, securely packed, properly marked and in compliance with customs laws and regulations, and stored in securely locked compartments, and the transportation can be performed without undue interference with the work or duties of the ship, craft, or aircraft. Whenever alcoholic liquor is brought on board any ship, craft, or aircraft for transportation for personal use ashore, the person who brings it on board shall at that time file with the officer in command or officer in charge of the ship, craft, or aircraft, a statement of the quantity and kind of alcoholic liquor brought on board by him, together with his certification that its importation will be in compliance with customs and internal revenue laws and regulations and applicable State or local laws at the place of debarkation.

(b) The introduction, possession, and use of alcoholic liquors for beverage purposes or for sale is authorized within naval activities and other places ashore under naval jurisdiction, to the extent and in such manner as the Secretary of the Navy may prescribe.

#### § 700.1151. Responsibilities concerning marijuana, narcotics, and other controlled substances.

(a) All personnel shall endeavor to prevent and eliminate the unauthorized use of marijuana, narcotics, and other controlled substances within the naval service.

(b) Except for authorized medicinal purposes, the introduction, possession, use, sale, or other transfer of marijuana, narcotic substances or other controlled substances on board any ship, craft, or aircraft of the Department of the Navy or within any naval station or other place under the jurisdiction of the Department of the Navy, or the possession, use, sale, or other transfer of marijuana, narcotic substances or other controlled substances by persons in the naval service, is prohibited.

(c) The term "controlled substance" means: a drug or other substance included in Schedule I, II, III, IV, or V established by section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), as updated and republished under the provisions of that Act.

#### § 700.1152. Records of fitness.

(a) Records will be maintained on officers and enlisted persons of the Navy and Marine Corps which reflect their fitness for the service and performance of duties. Promotion and assignment to duty is determined by an individual's record of which the record fitness and performance is an essential part.

(b) The fitness and performance report is decisive in the service career of the individual officer and enlisted person and has an important influence on the efficiency of the entire Department of the Navy. The preparation of these reports shall be regarded by superior and commanding officers as one of their most important and responsible duties.

(c) The Chief of Naval Operations and the Commandant of the Marine Corps shall be responsible for the maintenance and administration of the records and reports in their respective services.

#### § 700.1153. Demand for court-martial.

Except as otherwise provided in the Uniform Code of Military Justice, no person in the naval service may demand a court-martial either on himself or on any other person in the naval service.

#### § 700.1154. Suspension or arrest of an officer.

(a) An officer placed under arrest or restriction (with or without suspension from duty) on board ship shall not be confined to his room or restrained from the proper use of any part of the ship to which, before his suspension, arrest, or confinement, he had a right, except the quarter-deck and bridges, unless such arrest or restriction shall be necessary for the safety of the ship or of the officer, or for the preservation of good order and discipline. Similarly, at a naval station or other place on shore, the arrest or restriction imposed shall not be unduly rigorous.

(b) An officer when placed under arrest shall not visit his commanding officer or other superior officer unless sent for or to obtain medical treatment or in case of emergency, but in case of business requiring attention, he shall make it known in writing.

#### § 700.1155. Temporary restoration to duty.

A commanding officer or other competent authority may temporarily release and restore to duty an officer in custody or under restriction, arrest, or confinement, should an emergency of the service or other sufficient cause make such measure necessary. The order for temporary release shall be in writing and shall assign the reasons. Should the officer be under charges, they need not be withdrawn, and such temporary release and restoration to duty shall not be a bar to any subsequent investigation or trial of the case that the convening authority may think proper to order, nor to the investigation of any complaint the accused may make in regard to the custody, restriction, arrest or confinement.

#### § 700.1156. Refusal to return to duty.

No person in the naval service shall persist in considering himself in custody or under restriction, arrest, or confinement, after he has been released by proper authority, nor shall he refuse to return to duty.

#### § 700.1157. Reprimand or admonition.

Any letter of censure to a subordinate from any officer in command is a non-judicial punishment within the purview of Article 15, Uniform Code of Military Justice, except when issued pursuant to the sentence of a court-martial, if a copy thereof is forwarded to the Headquarters, United States Marine Corps or Bureau of Naval Personnel. Any other criticism, reproof, or instructions, written or oral, shall not in itself constitute a punishment in that sense.

#### § 700.1158. Limitations on certain punishments.

(a) Instruments of restraint, such as handcuffs, chains, irons, and strait-jackets, shall not be applied as punishment. Furthermore, chains shall not be applied as restraints. Other instruments of restraint may not be used except for safe custody and no longer than is strictly necessary under the following circumstances:

(1) As a precaution against escape during the transfer of a person in custody or confinement;

(2) On medical grounds by direction of the medical officer;

(3) By order of the commanding officer or officer in charge, if necessary to prevent a person from injuring himself or others or from damaging property, provided that other methods of control are considered ineffectual. In such instances a medical examination shall be made at the earliest practicable time, preferably in advance of the restraint, to ensure that no medical contraindication exists. The commanding officer or officer in charge shall submit a letter report of the details to the next superior authority and, if no medical officer is available to conduct the examination, shall submit a message report in lieu thereof.

(b) The punishments of extra duties and hard labor without confinement shall not be performed on Sunday although Sunday counts in the computation of the period for which such punishments are imposed.

(c) Guard duty shall not be inflicted as punishment.

#### § 700.1159. Treatment and release of prisoners.

(a) Persons in confinement shall be in the custody of a master-at-arms or other person designated by the commanding officer. They shall not be subjected to cruel or unusual treatment. They shall be visited as necessary, but at least once every 4 hours to ascertain their condition, and to care, as may be appropriate, for their needs.

(b) The commanding officer shall direct their release promptly upon the expiration of their confinement. In case of fire or other sudden danger which may imperil their lives, they shall, subject to such special orders as the commanding officer may have issued, be removed to a place of safety or, when appropriate, released within the limits of the command by the master-at-arms, or other custodian, and the commanding officer shall be promptly informed of the action taken.

(c) No greater force than that required to restrain or confine the offender shall be used in taking into custody a person intoxicated from indulgence in alcoholic liquors, or under the influence of marijuana, narcotic substances, or other controlled substances as defined in these regulations.

#### § 700.1160. Places of confinement.

(a) Prisoners shall be confined only in brig or other facilities designated as naval places of confinement by the Secretary of the Navy. However, in cases of necessity, the senior officer present may authorize temporary confinement in spaces which provide sufficient security features, safety for both the prisoner and guard personnel, and adequate living conditions.

(b) Intoxicated persons or persons under the influence of marijuana, narcotic substances, or controlled substances as defined in these regulations shall not be confined in any place or manner that may be dangerous to them in their condition.

#### § 700.1161. Endorsement of commercial product or process.

Except as necessary during contract administration to determine specification or other compliance, no person in the Department of the Navy, in his official capacity, shall endorse or express an opinion of approval or disapproval of any commercial product or process.

#### § 700.1162. Action upon receipt of orders.

(a) An order from competent authority to an officer requiring such officer to report for duty at a place, or to proceed to any point and report for duty, but fixing no date and not expressing haste,

shall be obeyed by reporting within four days, exclusive of travel time, after its receipt for execution. If the order read "without delay," the officer shall report within forty-eight hours, exclusive of travel time, after its receipt for execution; and if "immediately," within twelve hours, exclusive of travel time, after its receipt for execution. Officers receiving "proceed without delay" and "proceed immediately" orders shall endorse on their orders the date and hour of their receipt for execution. Any delay in carrying out orders granted by competent authority is in addition to the time allowed by this article.

(b) The time allowed by this article may be taken any time between the time of detachment from the officer's original station and the time of reporting at the new permanent duty station. It may, however, be taken only once regardless of whether the officer avails himself at that time of all or part of the proceed time.

(c) An application for the revocation or modification of orders will not justify any delay in their execution, if the officer ordered is able to travel.

(d) Proceed time for enlisted personnel will be as prescribed by the Chief of Naval Operations or the Commandant of the Marine Corps.

#### § 700.1163. Equal opportunity and treatment.

Equal opportunity and treatment shall be accorded all persons in the Department of the Navy irrespective of their race, color, religion, sex, or national origin consistent with requirements for physical capabilities.

#### Subpart K—Purpose and Force of Regulations Within the Department of the Navy

#### § 700.1201. Purpose and force of United States Navy Regulations.

United States Navy Regulations is the principal regulatory document of the Department of the Navy, endowed with the sanction of law, as to duty, responsibility, authority, distinctions, and relationships of various commands, officials, and individuals. Other regulations, instructions, orders, manuals, or similar publications, shall not be issued within the Department of the Navy which conflict with, alter or amend any provision of Navy Regulations.

#### § 700.1202. Issuances concerning matters over which control is exercised.

Responsible officers and officials of the Department of the Navy may issue, or cause to be issued, orders, instructions, directives, manuals or similar publications concerning matters over which they exercise command, control, or supervision.

#### § 700.1203. Imposition of workload.

Orders, instructions or directives will be issued with due regard for the imposition of workload resulting therefrom and benefits or advantages to be gained, particularly, when the imposition of requirements is outside of command lines of authority.

#### § 700.1204. Navy Regulations changes.

(a) The Chief of Naval Operations is responsible for ensuring that Navy Regulations conform to the current needs of the Department of the Navy. When any person in the Department of the Navy deems it advisable that a correction, change or addition should be made to Navy Regulations, he shall forward a draft of the proposed correction, change or addition, with a statement of the reasons therefor to the Chief of Naval Operations via the chain of command. The Chief of Naval Operations shall endeavor to obtain the concurrence of the Commandant of the Marine Corps, the Judge Advocate General, and other appropriate offices and bureaus. Unresolved disputes concerning such corrections, changes or additions shall be forwarded to the Secretary of the Navy for appropriate action.

(b) Changes to Navy Regulations will be numbered consecutively and contained in page changes. Advance changes may be used when required. Advance changes will be numbered consecutively and incorporated in page changes at frequent intervals.

Dated: February 15, 1974.

MERLIN H. STARING,  
Rear Admiral, JAGC, U.S. Navy,  
Judge Advocate General of  
the Navy.

[FR Doc. 74-4193 Filed 2-22-74; 8:45 am]

#### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-CE-3-AD, Amdt. 39-1791]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Beech Models 19, 23 and 24 Airplanes

There is a possibility that the fuel vent lines may be obstructed in certain serial numbers of Beech Models 19, 23 and 24 airplanes. Specifically, these vent lines may be kinked, bent or twisted. This condition, if not corrected, may prevent proper functioning of the fuel tank vent system and could result in engine power loss. Since the condition described herein may exist in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued applicable to these airplanes which will require inspection to detect possible restriction of the fuel vent lines and correction of any unsatisfactory conditions noted.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.



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regulations are applicable to naval ships and aircraft. In those situations where such law, rule or regulation is not applicable to naval ships, craft or aircraft they shall be operated with due regard for safety of others.

(b) Any significant infraction of the laws, rules and regulations governing traffic or designed to prevent collisions on the high seas, in inland waters, or in the air, which may be observed by persons in the naval service shall be promptly reported to their superiors, including the Chief of Naval Operations or Commandant of the Marine Corps when appropriate.

(c) Reports need not be made under this article if the facts are otherwise reported in accordance with other directives, including duly authorized safety programs.

§ 700.1121. Discharge of oil, trash, and garbage.

(a) Except as authorized by law or regulation, no oil, oily waste, or trash shall be discharged into United States or foreign internal waters or prohibited areas. The United States prohibited area is designated as waters within 50 miles of the United States coastline. The Chief of Naval Operations shall provide descriptions of prohibited areas for other nations. Trash discharged at sea should have, or be packaged for, negative buoyancy.

(b) Garbage shall not be thrown overboard within a contiguous zone, which is 12 miles from any coastline.

(c) Any oil slick within 50 miles of the coastline of the United States shall be reported as soon as possible to nearest Coast Guard District Headquarters.

§ 700.1122. Code of Conduct for Members of the Armed Forces of the United States.

(a) The Code of Conduct for Members of the Armed Forces of the United States shall be carefully explained to each enlisted person:

(1) Within six days of his initial enlistment.

(2) After completion of six month's active service, and

(3) Upon the occasion of each reenlistment.

(b) Instruction in the Code of Conduct for Members of the Armed Forces of the United States shall be included in the general military training program of the command.

(c) A text of the Code of Conduct for Members of the Armed Forces of the United States shall be posted in one or more conspicuous places, readily accessible to personnel of the command.

§ 700.1123. Capture by an enemy.

(a) A person in the naval service who is captured by the enemy is bound to give only his name, grade or rate, file or serial number and date of birth. In order to communicate with his family, as guaranteed in the Geneva Convention Relative to the Treatment of Prisoners of War, he may give the names and addresses of his parents, guardian, or next of kin.

(b) Except as provided in the foregoing any person in the naval service captured by the enemy shall evade further questions and shall make no oral or written statement disloyal to, critical of, or harmful to, the United States or its allies.

§ 700.1124. Relations with foreign nations.

(a) Persons in the Department of the Navy, in their relations with foreign nations, and with the governments or agents thereof, shall conform to international law and to the precedents established by the United States in such relations.

(b) The religious institutions and customs of foreign countries visited by persons in the Department of the Navy shall be respected.

§ 700.1125. Language reflecting upon a superior.

No person in the naval service shall use language which may tend to diminish the confidence in or respect due to his superior officer.

§ 700.1126. Suggestions for improvement.

Any person in the Department of the Navy may address to the Secretary of the Navy via chain of command, suggestions or constructive criticism pertaining to improvements in efficiency or more economical methods of administration or management in the Department of the Navy.

§ 700.1127. Exchange of duty.

No person in the naval service shall exchange an assigned duty with another without permission from his commanding officer or appropriate superior.

§ 700.1128. Unavoidable separation from a command.

Any person in the naval service who is separated from his ship, station, or unit due to shipwreck, disaster, or other unavoidable circumstances, shall proceed as soon as possible to the nearest United States military activity and report to the commanding officer thereof.

§ 700.1129. Combinations for certain purposes prohibited.

Combinations of persons in the naval service for the purpose of remonstrating against orders or details to duty, complaining of particulars of duty or procuring preferences are forbidden.

§ 700.1130. Making of gifts or presents.

(a) No person in the Department of Navy shall at any time solicit contributions from other persons in the naval service or from other officers, clerks, or employees in the Government service for a gift or present to persons in superior official positions; nor shall any persons in such superior official positions receive any gift or present offered or presented them as a contribution from persons in Government employ (including persons in the naval service) receiving a less rate of pay than themselves, nor shall any of said persons make any donation as a gift or present to any such official superiors.

However, this paragraph does not prohibit a voluntary gift of nominal value or donation in nominal amount made on a special occasion such as marriage, illness or retirement.

(b) No person in the Department of the Navy shall solicit subscriptions for the purpose of making a gift to a member of the immediate family of a person in a superior official position.

§ 700.1131. Pecuniary dealings with enlisted persons.

(a) No officer shall borrow money or accept deposits from, or have any pecuniary dealings with an enlisted person except as may be required in the performance of his duty, and except for the sale of an item of personal property which is for sale to other persons under the same conditions of guarantee and for same consideration, and never having been the property of a government.

(b) Superiors, of flag or general grade, may authorize, as a duty, an officer or officers to accept deposits from an enlisted person for the sole purpose of temporarily safeguarding his personal funds under emergency or operational situations.

§ 700.1132. Lending money and engaging in a trade or business.

(a) No person in the naval service, on active service, shall, for profit or benefit of any kind, lend money to another person in the armed services, except by permission of his commanding officer; nor, having made a loan to another person in the armed services, shall he take or receive, in payment therefor, then or later, directly or indirectly, without the approval of the commanding officer, a sum of money, or any other thing or service, of a greater amount or value than the sum of money loaned.

(b) Unless authorized by his commanding officer or higher authority, no person in the naval service on active service, either for himself or as an agent for another, shall engage in trade or business on board any ship of the Navy or within any naval activity or introduce any article for purposes of trade on board any ship of the Navy or within any naval activity.

§ 700.1133. Use of title for commercial enterprises.

No person in the naval service shall, while on extended naval service, use his grade or rating in connection with a commercial enterprise, "Extended naval service," for the purposes of this article, is defined as active duty, other than active duty for training, under a call or order that does not specify a period of thirty days or less. This article shall not apply to a person who is not on active service, nor shall it apply to authorship of any material for publication, by persons on either active or inactive service, provided that such material is published in accordance with existing regulations.

§ 700.1134. Report of a communicable disease.

All persons in the naval service shall report promptly to a medical representative, or where no medical officer is read-

ily available, to his higher authority the existence or suspicion of communicable disease in persons with whom they are living or otherwise come in contact.

§ 700.1135. Immunization.

Persons in the naval service shall permit such action to be taken to immunize them against disease as is prescribed by competent authority.

§ 700.1136. Possession of weapons.

Except as may be necessary to the proper performance of his duty or as may be authorized by proper authority, no person in the naval service shall:

(a) Have concealed about his person any dangerous weapon, instrument or device; or any highly explosive article or compound.

(b) Have in his possession any dangerous weapon, instrument, or device or any highly explosive article or compound on board any ship, craft, aircraft, or in any vehicle of the naval service or within any base, or other place under naval jurisdiction.

§ 700.1137. Report of deficit or excess of public money or property.

Any person in the Department of the Navy who has knowledge of a deficit or excess of public money or public property shall take prompt and appropriate action to bring the matter to the attention of his commanding officer or appropriate superior.

§ 700.1138. Use and expenditures of equipment and supplies.

All persons in the Department of the Navy shall ensure that equipment and supplies in their charge are properly cared for, preserved, and economically used. They shall avoid any unnecessary expenditure of public money. To the extent of their authority, they shall prevent infractions of this regulation by others.

§ 700.1139. Obligation to report offenses.

Persons in the Department of the Navy shall report to proper authority offenses committed by persons in the Department of the Navy which come under their observation.

§ 700.1140. Report of fraud.

If any person in the Department of the Navy has knowledge of any fraud, collusion, or improper conduct on the part of any purchasing or other agent or contractor, or on the part of any person employed in superintending repairs, receiving or receipting for supplies, or has knowledge of any fraud, collusion, or improper conduct in such matters connected with the Department of the Navy, he shall report the same immediately in writing to the proper authority, specifying the particular act, or acts of misconduct, fraud, neglect, or collusion and describing any evidence which may assist in proving same.

§ 700.1141. Possession of government property.

No person in the Department of the Navy shall have in his possession any property of the United States, except as

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may be necessary to the proper performance of duty or as may be authorized by proper authority.

§ 700.1142. Uniforms, arms, and outfits.

(a) The clothing, arms, and accouterments which are sold or issued by the United States to any person in the naval service shall not be sold, bartered, exchanged, pledged, loaned or given away, except as may be authorized by proper authority.

(b) No person in the naval service shall have in his possession, without permission from proper authority, any article of wearing apparel or bedding belonging to any other person in the naval service.

§ 700.1143. Return of government property on release from active service.

When a person is released from active service, he shall return all Government property in his possession to his commanding officer or other competent authority.

§ 700.1144. Issue or loan of public property.

(a) Except as prescribed in this article, public property including supplies, shall not be issued, on loan or otherwise, to any state, organization, or private individual except by special authority of Congress.

(b) When so authorized by the senior officer present, a commanding officer may issue such supplies as can be spared to those in distress in the event of a public exigency or calamity, or to vessels in distress, and, when so authorized, he may issue rations and necessities to destitute seamen and airmen of the United States who are received on board. The supply officer making such an issue shall do so only pursuant to an order in writing, shall procure receipts when practicable for the supplies issued, and shall render accounts for such supplies in accordance with the instructions contained in the Naval Supply System Command Manual or the Marine Corps Supply Manual, as appropriate.

(c) Public property, except aircraft, may be loaned by the commandant of a naval district to a state located within the district and maintaining naval militia organizations, for use by a naval militia organization in that state, provided that 95 percent of the personnel of the last-mentioned organization are attached to or associated with a unit of the naval reserve, and provided that the naval militia organization conforms to the standards prescribed by the Secretary of the Navy for similar organizations of the Naval Reserve. A report of such loans shall be made by the commandant to the interested bureaus, offices or commands of the Navy Department.

§ 700.1145. Administrative control of funds.

No person in the Department of the Navy shall make or create or authorize an obligation under any appropriation or fund in excess of the amount available therein; nor shall any such person involve the Government in any contract or other obligation for the payment of money for any purpose in advance of appropriations made for such purpose, unless such contract or obligation is authorized by law. No person in the Department of the Navy shall accept voluntary service for the United States or employ personal service in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property.

§ 700.1146. Adoption or use of proprietary articles, inventions or copyrighted material.

(a) Except as prescribed in this article, no person in the Department of the Navy shall adopt or use or shall authorize the adoption or use for or on behalf of the Government of:

(1) Any article when it is known to be proprietary.

(2) Any invention when it is known, or there is reason to believe, that the invention is or will be patented.

(3) Any matter in which it is known, or there is reason to believe, a copyright exists.

(b) Adoption or use of any of the above mentioned classes shall not be made unless consent of the owner has been obtained or, lacking consent of the owner, such use or adoption has been authorized by the Secretary of the Navy; provided, however, that when the exigencies of the naval service necessitate, adoption or use of any of the classes above mentioned may be made without waiting to obtain prior consent or authorization of either the owner or the Secretary of the Navy. In any case where such adoption or use is made without obtaining prior consent or authorization, a full and complete report of all facts and circumstances relevant thereto shall be made promptly to the Secretary of the Navy.

§ 700.1147. Service examinations.

(a) No person in the Department of the Navy, without proper authority, shall:

(1) Have in his possession, obtain, sell, publish, give, purchase, receive, or reproduce; or

(2) Attempt or offer to have in his possession, obtain, sell, publish, give, purchase, receive, or reproduce; any examination paper, or any part or copy thereof, or answer sheet thereto, for any examination whatsoever which has been, is, or is to be, administered within the Department of the Navy.

(b) Prior to, during, or after any examination which is to be, is being, or has been administered within the Department of the Navy, no person in the Department of the Navy shall, without proper authority, disclose, or solicit the disclosure of, any information regarding questions or answers to questions on such examination.

(c) No person in the Department of the Navy shall engage in any unauthorized form of giving or accepting assistance or of self-help during the administration of any examination within the Department of the Navy.

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#### § 700.1148. Dealings with members of Congress.

No person may restrict any member of an armed force in communicating with a member of Congress, unless the communication is unlawful or violates a regulation necessary to the security of the United States. (10 USC 1034).

#### § 700.1149. Communications to the Congress.

No person in the naval service shall, in his official capacity, apply to the Congress or to either house thereof, or to any committee thereof, for legislation or for appropriations or for Congressional action of any kind except with the consent and knowledge of the Secretary of the Navy. Nor shall any such person, in his official capacity, respond to any request for information from Congress, or from either house thereof, or from any committee of Congress, except through, or as authorized by, the Secretary of the Navy, or as provided by law.

#### § 700.1150. Alcoholic liquors.

(a) Except as may be authorized by the Secretary of the Navy, the introduction, possession or use of alcoholic liquors for beverage purposes on board any ship, craft, aircraft, or in any vehicle of the Department of the Navy is prohibited. The transportation of alcoholic liquors for personal use ashore is authorized, subject to the discretion of the officer in command or officer in charge, or higher authority, when the liquors are delivered to the custody of the officer in command or officer in charge of the ship, craft, or aircraft in sealed packages, securely packed, properly marked and in compliance with customs laws and regulations, and stored in securely locked compartments, and the transportation can be performed without undue interference with the work or duties of the ship, craft, or aircraft. Whenever alcoholic liquor is brought on board any ship, craft, or aircraft for transportation for personal use ashore, the person who brings it on board shall at that time file with the officer in command or officer in charge of the ship, craft, or aircraft, a statement of the quantity and kind of alcoholic liquor brought on board by him, together with his certification that its importation will be in compliance with customs and internal revenue laws and regulations and applicable State or local laws at the place of debarkation.

(b) The introduction, possession, and use of alcoholic liquors for beverage purposes or for sale is authorized within naval activities and other places ashore under naval jurisdiction, to the extent and in such manner as the Secretary of the Navy may prescribe.

#### § 700.1151. Responsibilities concerning marijuana, narcotics, and other controlled substances.

(a) All personnel shall endeavor to prevent and eliminate the unauthorized use of marijuana, narcotics, and other controlled substances within the naval service.

(b) Except for authorized medicinal purposes, the introduction, possession, use, sale, or other transfer of marijuana, narcotic substances or other controlled substances on board any ship, craft, or aircraft of the Department of the Navy or within any naval station or other place under the jurisdiction of the Department of the Navy, or the possession, use, sale, or other transfer of marijuana, narcotic substances or other controlled substances by persons in the naval service, is prohibited.

(c) The term "controlled substance" means: a drug or other substance included in Schedule I, II, III, IV, or V established by section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), as updated and republished under the provisions of that Act.

#### § 700.1152. Records of fitness.

(a) Records will be maintained on officers and enlisted persons of the Navy and Marine Corps which reflect their fitness for the service and performance of duties. Promotion and assignment to duty is determined by an individual's record of which the record fitness and performance is an essential part.

(b) The fitness and performance report is decisive in the service career of the individual officer and enlisted person and has an important influence on the efficiency of the entire Department of the Navy. The preparation of these reports shall be regarded by superior and commanding officers as one of their most important and responsible duties.

(c) The Chief of Naval Operations and the Commandant of the Marine Corps shall be responsible for the maintenance and administration of the records and reports in their respective services.

#### § 700.1153. Demand for court-martial.

Except as otherwise provided in the Uniform Code of Military Justice, no person in the naval service may demand a court-martial either on himself or on any other person in the naval service.

#### § 700.1154. Suspension or arrest of an officer.

(a) An officer placed under arrest or restriction (with or without suspension from duty) on board ship shall not be confined to his room or restrained from the proper use of any part of the ship to which, before his suspension, arrest, or confinement, he had a right, except the quarter-deck and bridges, unless such arrest or restriction shall be necessary for the safety of the ship or of the officer, or for the preservation of good order and discipline. Similarly, at a naval station or other place on shore, the arrest or restriction imposed shall not be unduly rigorous.

(b) An officer when placed under arrest shall not visit his commanding officer or other superior officer unless sent for or to obtain medical treatment or in case of emergency, but in case of business requiring attention, he shall make it known in writing.

#### § 700.1155. Temporary restoration to duty.

A commanding officer or other competent authority may temporarily release and restore to duty an officer in custody or under restriction, arrest, or confinement, should an emergency of the service or other sufficient cause make such measure necessary. The order for temporary release shall be in writing and shall assign the reasons. Should the officer be under charges, they need not be withdrawn, and such temporary release and restoration to duty shall not be a bar to any subsequent investigation or trial of the case that the convening authority may think proper to order, nor to the investigation of any complaint the accused may make in regard to the custody, restriction, arrest or confinement.

#### § 700.1156. Refusal to return to duty.

No person in the naval service shall persist in considering himself in custody or under restriction, arrest, or confinement, after he has been released by proper authority, nor shall he refuse to return to duty.

#### § 700.1157. Reprimand or admonition.

Any letter of censure to a subordinate from any officer in command is a non-judicial punishment within the purview of Article 15, Uniform Code of Military Justice, except when issued pursuant to the sentence of a court-martial, if a copy thereof is forwarded to the Headquarters, United States Marine Corps or Bureau of Naval Personnel. Any other criticism, reproof, or instructions, written or oral, shall not in itself constitute a punishment in that sense.

#### § 700.1158. Limitations on certain punishments.

(a) Instruments of restraint, such as handcuffs, chains, irons, and strait-jackets, shall not be applied as punishment. Furthermore, chains shall not be applied as restraints. Other instruments of restraint may not be used except for safe custody and no longer than is strictly necessary under the following circumstances:

(1) As a precaution against escape during the transfer of a person in custody or confinement;

(2) On medical grounds by direction of the medical officer;

(3) By order of the commanding officer or officer in charge, if necessary to prevent a person from injuring himself or others or from damaging property, provided that other methods of control are considered ineffectual. In such instances a medical examination shall be made at the earliest practicable time, preferably in advance of the restraint, to ensure that no medical contraindication exists. The commanding officer or officer in charge shall submit a letter report of the details to the next superior authority and, if no medical officer is available to conduct the examination, shall submit a message report in lieu thereof.

(b) The punishments of extra duties and hard labor without confinement shall not be performed on Sunday although Sunday counts in the computation of the period for which such punishments are imposed.

(c) Guard duty shall not be inflicted as punishment.

#### § 700.1159. Treatment and release of prisoners.

(a) Persons in confinement shall be in the custody of a master-at-arms or other person designated by the commanding officer. They shall not be subjected to cruel or unusual treatment. They shall be visited as necessary, but at least once every 4 hours to ascertain their condition, and to care, as may be appropriate, for their needs.

(b) The commanding officer shall direct their release promptly upon the expiration of their confinement. In case of fire or other sudden danger which may imperil their lives, they shall, subject to such special orders as the commanding officer may have issued, be removed to a place of safety or, when appropriate, released within the limits of the command by the master-at-arms, or other custodian, and the commanding officer shall be promptly informed of the action taken.

(c) No greater force than that required to restrain or confine the offender shall be used in taking into custody a person intoxicated from indulgence in alcoholic liquors, or under the influence of marijuana, narcotic substances, or other controlled substances as defined in these regulations.

#### § 700.1160. Places of confinement.

(a) Prisoners shall be confined only in brig or other facilities designated as naval places of confinement by the Secretary of the Navy. However, in cases of necessity, the senior officer present may authorize temporary confinement in spaces which provide sufficient security features, safety for both the prisoner and guard personnel, and adequate living conditions.

(b) Intoxicated persons or persons under the influence of marijuana, narcotic substances, or controlled substances as defined in these regulations shall not be confined in any place or manner that may be dangerous to them in their condition.

#### § 700.1161. Endorsement of commercial product or process.

Except as necessary during contract administration to determine specification or other compliance, no person in the Department of the Navy, in his official capacity, shall endorse or express an opinion of approval or disapproval of any commercial product or process.

#### § 700.1162. Action upon receipt of orders.

(a) An order from competent authority to an officer requiring such officer to report for duty at a place, or to proceed to any point and report for duty, but fixing no date and not expressing haste,

shall be obeyed by reporting within four days, exclusive of travel time, after its receipt for execution. If the order read "without delay," the officer shall report within forty-eight hours, exclusive of travel time, after its receipt for execution; and if "immediately," within twelve hours, exclusive of travel time, after its receipt for execution. Officers receiving "proceed without delay" and "proceed immediately" orders shall endorse on their orders the date and hour of their receipt for execution. Any delay in carrying out orders granted by competent authority is in addition to the time allowed by this article.

(b) The time allowed by this article may be taken any time between the time of detachment from the officer's original station and the time of reporting at the new permanent duty station. It may, however, be taken only once regardless of whether the officer avails himself at that time of all or part of the proceed time.

(c) An application for the revocation or modification of orders will not justify any delay in their execution, if the officer ordered is able to travel.

(d) Proceed time for enlisted personnel will be as prescribed by the Chief of Naval Operations or the Commandant of the Marine Corps.

#### § 700.1163. Equal opportunity and treatment.

Equal opportunity and treatment shall be accorded all persons in the Department of the Navy irrespective of their race, color, religion, sex, or national origin consistent with requirements for physical capabilities.

#### Subpart K—Purpose and Force of Regulations Within the Department of the Navy

#### § 700.1201. Purpose and force of United States Navy Regulations.

United States Navy Regulations is the principal regulatory document of the Department of the Navy, endowed with the sanction of law, as to duty, responsibility, authority, distinctions, and relationships of various commands, officials, and individuals. Other regulations, instructions, orders, manuals, or similar publications, shall not be issued within the Department of the Navy which conflict with, alter or amend any provision of Navy Regulations.

#### § 700.1202. Issuances concerning matters over which control is exercised.

Responsible officers and officials of the Department of the Navy may issue, or cause to be issued, orders, instructions, directives, manuals or similar publications concerning matters over which they exercise command, control, or supervision.

#### § 700.1203. Imposition of workload.

Orders, instructions or directives will be issued with due regard for the imposition of workload resulting therefrom and benefits or advantages to be gained, particularly, when the imposition of requirements is outside of command lines of authority.

#### § 700.1204. Navy Regulations changes.

(a) The Chief of Naval Operations is responsible for ensuring that Navy Regulations conform to the current needs of the Department of the Navy. When any person in the Department of the Navy deems it advisable that a correction, change or addition should be made to Navy Regulations, he shall forward a draft of the proposed correction, change or addition, with a statement of the reasons therefor to the Chief of Naval Operations via the chain of command. The Chief of Naval Operations shall endeavor to obtain the concurrence of the Commandant of the Marine Corps, the Judge Advocate General, and other appropriate offices and bureaus. Unresolved disputes concerning such corrections, changes or additions shall be forwarded to the Secretary of the Navy for appropriate action.

(b) Changes to Navy Regulations will be numbered consecutively and contained in page changes. Advance changes may be used when required. Advance changes will be numbered consecutively and incorporated in page changes at frequent intervals.

Dated: February 15, 1974.

MERLIN H. STARING,  
Rear Admiral, JAGC, U.S. Navy,  
Judge Advocate General of  
the Navy.

[FR Doc.74-4193 Filed 2-22-74; 8:45 am]

#### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-CE-3-AD, Amdt. 89-1791]

#### PART 39—AIRWORTHINESS DIRECTIVES Beech Models 19, 23 and 24 Airplanes

There is a possibility that the fuel vent lines may be obstructed in certain serial numbers of Beech Models 19, 23 and 24 airplanes. Specifically, these vent lines may be kinked, bent or twisted. This condition, if not corrected, may prevent proper functioning of the fuel tank vent system and could result in engine power loss. Since the condition described herein may exist in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued applicable to these airplanes which will require inspection to detect possible restriction of the fuel vent lines and correction of any unsatisfactory conditions noted.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

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**BEECH.** Applies to Models B19 (Serial Numbers MB-606 thru MB-628); C23 (Serial Numbers M-1477 thru M-1496 and M-1501); and B24R (Serial Numbers MC-150 thru MC-192, MC-195, MC-197 and MC-198) airplanes.

**Compliance:** Required within 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent engine power loss due to restricted fuel tank vent lines, accomplish the following:

(A) 1. Remove the inspection plates from both lower wings outboard of the fuel tanks. 2. With the aid of a flashlight and mirror, visually inspect the fuel vent lines in both wings outboard of the fuel tanks for kinks, bends or twists.

3. Remove any kink, bend or twist observed in the fuel vent lines. If an existing fuel vent line cannot be straightened, cut the obstructed area from the fuel vent line and splice in a replacement with a P/N 282P 1/4 union. (Available from Imperial Eastman, 6800 West Howard Street, Chicago, Illinois 60648, or Beech Aircraft Company.)

4. Remove the fuel filler cap, cover the small hole in the side of the vent outlet, and blow air orally into the vent outlets to verify that the vent lines are open.

5. Check the routing of the vent lines for excessive tubing adjacent to the tank ribs at the outboard end of the tanks. Remove any excess tubing and splice the line with a P/N 282P 1/4 union.

6. Replace the fuel caps and inspection plates.

(B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Instruction No. 0628-281 or later FAA-approved revisions cover the subject matter of this AD.

This amendment becomes effective February 27, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 13, 1974.

A. L. COULTER,  
Director, Central Region.  
[FR Doc.74-4279 Filed 2-22-74; 8:45 am]

[Docket No. 73-50-52; Amdt. 39-1792]  
**PART 39—AIRWORTHINESS DIRECTIVES**  
**Piper PA-25 Series Airplanes**

Amendment 39-1755 (38 FR 34460), AD 73-26-2, requires inspection of the forward wing spar lower cap for cracks and replacement, if necessary, on Piper PA-25 series airplanes. After issuing Amendment 39-1755, the Agency determined that a modification is available to eliminate the need for repetitive inspections on those airplanes modified by STC SA501SW. Therefore, the AD is being amended to provide for modification of the forward spar and elimination of repetitive inspection requirements.

Since this amendment provides an alternate means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and this amendment may be made effective in less than 30 days.

**RULES AND REGULATIONS**

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1755 is amended as follows:

(1) By amending applicability to read as follows:

Applies to all Piper PA-25 (150 hp) and PA-25-235 airplanes certificated in all categories which have incorporated STC SA501SW.

(2) By adding the following new paragraph at the end thereof:

(f) When STC SA501SW is modified in accordance with Drawing SPD20025 by Luther W. Moore dated January 2, 1974, the repetitive inspections at 100 hour intervals after the first inspection are no longer required.

This amendment becomes effective February 28, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423e); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 14, 1974.

P. M. SWATEK,  
Director, Southern Region.  
[FR Doc.74-4280 Filed 2-22-74; 8:45 am]

**Title 16—Commercial Practices**  
**CHAPTER I—FEDERAL TRADE COMMISSION**  
[Docket No. 8885]

**PART 13—PROHIBITED TRADE PRACTICES**  
**Gimbel Brothers, Inc.**

Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.405 To discriminate unfairly or restrictively in general; § 13.430 To enhance, maintain or unify prices; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.470 To restrain or monopolize trade. Subpart—Cutting off access to customers or market: § 13.560 Interfering with distributive outlets.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 710, as amended; 15 U.S.C. 45) [Cease and desist order, Gimbel Brothers, Inc., New York, N.Y., Docket 8885, Jan. 30, 1974]

In the Matter of Gimbel Brothers, Inc., a Corporation

Consent order requiring a leading department store headquartered in New York City, among other things to cease entering into or enforcing agreements, including lease agreements, enabling it to control the identity, size or location of other retailers in shopping centers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. For purposes of this order, the following definitions shall apply:

A. The term "respondent" refers to Gimbel Brothers, Inc., its operating divisions, its subsidiaries, and their respective officers, agents, representatives, employees, successors or assignees.

B. The term "shopping center" refers

to a planned development of retail outlets which has a total floor area designed for retail occupancy of at least 200,000 sq. ft. excluding, however, such a development consisting of one major tenant and less than 50,000 sq. ft. designed for retail occupancy by tenants other than the major tenant.

C. The term "tenant" refers to any occupant or potential occupant of retail space in a shopping center, whether as lessee or owner of such space, but not as a developer of a shopping center.

D. The term "retailer" refers to a tenant which sells merchandise or services to the public.

E. The term "major tenant" refers to a tenant providing primary drawing power in a shopping center.

F. The term "respondent's pro rata share of lineal feet" refers to the number of lineal feet in a shopping center determined by dividing 50 percent of the total lineal feet of nonmajor tenant mall store frontage by the number of major tenants in the shopping center.

II. A. It is ordered, That respondent, in its capacity as a tenant in a shopping center, cease and desist from making, carrying out, or enforcing, directly or indirectly, an agreement or provision of any agreement which:

1. Grants respondent the right to approve or disapprove the entry into a shopping center of any other retailer; 2. Grants respondent the right to approve or disapprove the amount of floor space that any other retailer may lease or purchase in a shopping center; 3. Prohibits the admission into a shopping center of any particular retailer or class of retailers, including, for purposes of illustration:

(a) Other department stores, (b) Junior department stores, (c) Discount stores, or (d) Catalogue stores;

4. Limits the types of merchandise or brands of merchandise or service which any other retailer in a shopping center may offer for sale;

5. Specifies that any other retailer in a shopping center shall or shall not sell its merchandise or services at any particular price or within any range of prices;

6. Grants respondent the right to approve or disapprove the location in a shopping center of any other retailer;

7. Specifies or prohibits any type of advertising by other retailers, other than advertising within a shopping center;

8. Prohibits price advertising within a shopping center by retailers or controls advertising within a center by retailers in such a way as to make it difficult for customers to discern advertised prices from the common area of such shopping center; or

9. Prevents expansion of a shopping center.

B. It is further ordered, That respondent, in its capacity as a tenant in a shopping center, shall not enter into or carry out any conspiracy, combination or arrangement with any other tenant to exclude any tenants from a shopping cen-

**RULES AND REGULATIONS**

**Title 21—Food and Drugs**  
**CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**SUBCHAPTER A—GENERAL**  
**PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES**

**Subpart H—Delegations of Authority**  
**REVISION OF DELEGATIONS OF AUTHORITY REGARDING IMPORTS**

The Commissioner of Food and Drugs is amending Part 2—Administrative Functions, Practices, and Procedures (21 CFR Part 2) to provide an additional delegation of authority to Bureau of Radiological Health Officials regarding imported electronic products.

Further redelegation of this authority is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended by revising § 2.121(c) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

(c) *Delegations regarding imports.* (1) The Regional Food and Drug Directors and Deputy Regional Food and Drug Directors are authorized to designate officials who may request, under section 801(a) of the Federal Food, Drug, and Cosmetic Act, from the Secretary of the Treasury samples of foods, drugs, devices, or cosmetics imported, or offered for import, in order to determine whether such articles are in compliance with that act.

(2) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau are authorized to request, under section 360(a) of the Public Health Service Act, from the Secretary of the Treasury samples of electronic products imported or offered for import in order to determine whether such articles are in compliance with that act.

(3) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau may, under section 360B(b) of the Public Health Service Act, exempt persons from issuing a certification as required by section 358 (h) of the act, for electronic products imported into the United States for testing, evaluation, demonstration, or training, which will not be introduced into commerce and upon completion of their

ter or to grant respondent or another tenant any control over the admission of other tenants to the shopping center.

III. A. It is further ordered, That when respondent is the first major tenant to agree with a developer or landlord of a shopping center to become a tenant in such center, this order shall not prohibit respondent from terminating its agreement to become a tenant in such center if such developer or landlord does not obtain the agreement of one major tenant acceptable to respondent to operate a store in the center.

B. It is further ordered, That this order shall not prohibit respondent from negotiating to include, including, carrying out, or enforcing provisions in any agreement (a) with a developer or a landlord of a shopping center, or (b) if respondent shall be the owner of the building in which its store is located within a shopping center or land in a shopping center on which it intends to erect such a building, then with the owners of other buildings and land in such shopping center, which:

1. Permit respondent to establish reasonable categories of retailers from which the developer or the landlord may select tenants to be located in the area immediately proximate to respondent's store; *Provided*, That such categories shall not include specification of (a) price ranges, (b) price lines, (c) trade names, (d) store names, (e) trademarks, brands or lines of merchandise of retailers, or (f) identity of particular retailers, including the listing of particular retailers as examples of a category; *And further, provided*, That such area shall not exceed 150 lineal feet of mall store frontage with respect to respondent's department stores and 200 lineal feet of mall store frontage with respect to respondent's Saks Fifth Avenue stores, immediately proximate to the mall frontage of respondent's store, on each level; *Provided*, That such area does not exceed respondent's pro rata share of lineal feet;

2. Require the developer or the landlord to maintain reasonable standards of appearance, signs, maintenance and housekeeping of and in the shopping center;

3. Prohibit occupancy of space in the shopping center by clearly objectionable types of tenants, including, for purposes of illustration, shops selling pornographic materials;

4. Approve or grant to respondent the right to approve an initial layout of the shopping center, which layout may (a) designate respondent's store, (b) set forth the location, size and height of all buildings, (c) locate parking areas, roadways, utilities, entrances, exits, walkways, malls, landscaped areas and other common areas, and (d) establish a proposed layout for future expansion of the shopping center; and

5. Require that any expansion of the shopping center not provided for in the initial layout:

(a) Shall not interfere with efficient

automobile and pedestrian traffic flow into and out of the shopping center and between respondent's store and perimeter and access roads, parking areas, malls and other common areas of the shopping center;

(b) Shall not interfere with the efficient operation of respondent's store, including its utilities or its visibility from within the shopping center or from public highways adjacent thereto;

(c) Shall not result in a change of (i) the shopping center's parking ratio; (ii) the location of a number of parking spaces reasonably accessible to respondent's store determined by the application of such parking ratio to the number of square feet of floor area of respondent's store; (iii) the entrances and exits to and from respondent's store and any malls; and (iv) those parking area mall entrances and exits which substantially serve respondent's store;

(d) Shall be accomplished only after any and all covenants, obligations and standards (for example, construction, architecture, operation, maintenance, repair, alteration, restoration, parking ratio, and easements) of the shopping center, exclusive of the expansion area (i) shall be made applicable to the expansion area and (ii) shall be made prior in right to any and all mortgages, deeds of trust, liens, encumbrances, and restrictions applicable to the expansion area, and (iii) shall be made prior in right to any and all other covenants, obligations and standards applicable to the expansion area.

IV. It is further ordered, That respondent shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered, That respondent shall:

(1) Within thirty (30) days after service of this order upon respondent, notify each developer of shopping centers in which respondent occupies floor space, of this order by providing each such developer with a copy thereof by registered certified mail, and

(2) Within sixty (60) days after the date of issuance of this order, file with the Commission a report showing the manner and form in which it has complied and is complying with each and every specific provision of this order.

V. It is further ordered, That respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

Issued: January 30, 1974.

By the Commission.

[SEAL] CHARLES A. TORIN,  
Secretary.

[FR Doc.74-4320 Filed 2-22-74; 8:45 am]



function, will be destroyed or exported in accord with Bureau of Customs regulations.

**Effective date.** This order shall be effective on February 25, 1974.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: February 15, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 74-4299 Filed 2-22-74; 8:45 am]

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

##### PART 121—FOOD ADDITIVES

###### Boiler Water Additives

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1A2657) filed by Union Carbide Corp., Post Office Box 65, Tarrytown, NY 10591, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of monobutyl ethers of polyethylene-polypropylene glycol as a boiler water additive in the preparation of steam that will contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1088(c) is amended by alphabetically inserting in the list of substances a new item as follows:

§ 121.1088 Boiler water additives.

(c) List of substances:

	Limitations
Monobutyl ethers of polyethylene-polypropylene glycol produced by random condensation of a 1:1 mixture by weight of ethylene oxide and propylene oxide with butanol.	Minimum mol. wt. 1,500.

Any person who will be adversely affected by the foregoing order may at any time on or before March 27, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event

that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

**Effective date.** This order shall become effective on February 25, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)))

Dated: February 15, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 74-4304 Filed 2-22-74; 8:45 am]

#### SUBCHAPTER C—DRUGS

##### PART 135—NEW ANIMAL DRUGS

Subpart B—Statements of Policy and Interpretation Regarding Animal Drugs and Medicated Feeds

###### ANTHELMINTIC DRUGS FOR USE IN ANIMALS

In the FEDERAL REGISTER of August 11, 1972 (37 FR 16200), the Commissioner of Food and Drugs proposed new § 135.111 *Anthelmintic drugs for veterinary use*. This proposed regulation would require that anthelmintic drugs which do not carry the prescription statement be labeled to include the statement "For a satisfactory diagnosis, a microscopic fecal examination should be performed by a veterinarian or diagnostic laboratory prior to worming." The proposed label statement was based upon the fact that parasites inhabiting the host digestive tract produce ova and larvae primarily of microscopic size that leave the body of the host by way of the feces. The parasitic forms seen in the feces have a characteristic morphology which is diagnostic for a particular species or group of closely related parasites. The various intestinal parasites differ substantially in sensitivity to different anthelmintic drugs. The lay person generally has neither the equipment nor the experience necessary to isolate and differentiate these parasites which may be present in animals.

Twenty-four responses were received to the proposed regulation; two favored the proposal, fourteen opposed it, and eight offered alternative label statements or requested exemption. The following is a summary and evaluation of the submitted comments:

1. A number of comments took issue with the statement that a satisfactory diagnosis should be based upon a microscopic fecal examination. The comments stated that, although fecal examination is a valuable diagnostic tool, it is subject to variable factors such as some parasite ova are difficult or impossible to identify because they rapidly embryonate; samples submitted for examination often arrive at the laboratory in poor condition; explicit information regarding the clinical history of the animal is necessary; the type of examination required; the

origin of a specimen is often lacking; a differential diagnosis requires experienced examiners; some procedures are complex, requiring larval cultures resulting in considerable time in diagnosis thus making treatment more difficult; on occasion several methods of fecal egg count must be employed; and many internal parasites cannot be diagnosed by fecal examination. The comments stated that it is not always necessary nor desirable to obtain diagnosis by fecal examination prior to worming. Sampling programs on a herd or flock basis would be extremely difficult to undertake. Also, mixed infections are usually present to some extent. Poultry, especially broilers, are often raised on built-up litter and are frequently routinely wormed several times during their growing cycle as part of a preventive program. One state university school of agriculture stated that they recommended a continuous farrowing program in swine in which an anthelmintic is given to pigs 5 to 6 weeks of age and treatment is repeated 30 days later. Under this program, diagnosis by routine fecal examination is not appropriate.

The Commissioner concludes that microscopic fecal examination is subject to a number of variables and may not always be appropriate. The required label statement as adopted below has been revised to delete specific reference to diagnostic procedure and to give more emphasis to obtaining professional assistance in the diagnosis, treatment, and control of parasitism.

2. Several comments assumed that the order would result in a mandatory diagnosis for parasitism before these drugs could be used. It was stated that adequate diagnostic facilities are not available in sufficient numbers to accommodate all users of anthelmintic drugs. It was also pointed out that a mandatory diagnosis would increase the cost of production and the cost of edible products. Such mandatory requirement would cause these over-the-counter products to be subject to use on advise or recommendation of a veterinarian or diagnostician which would in effect place these products in prescription status. One comment suggested that the requirement appeared to be a step toward making all such drugs subject to prescription dispensing. Another comment stated that if the diagnosis became mandatory it would result in reduced performance of livestock and poultry since preventive programs could not be used, resulting in an increase in the rate of condemnations at slaughter. One practitioner stated that the requirement of a fecal examination may discourage pet owners from routinely worming their animals prior to whelping. He stated that routine worming is desirable since all animals will carry some degree of infection whether or not shown by fecal examination.

The proposed label statement was not intended to place a mandatory requirement for diagnosis for parasitism, including fecal examination, prior to the use of over-the-counter anthelmintics in the treatment of livestock, poultry, or pets. It

brings to the attention of users of such drugs that prediagnosis in the treatment of parasitism is a good management practice and that it is well to be aware of the type of helminths inhabiting the intestinal tract prior to treatment.

3. Another comment expressed the view that the amount of information now carried in the labeling is unlikely to be read in its entirety and that the additional statement would also be disregarded in many instances.

The Commissioner finds that the labels and labeling of all over-the-counter animal drugs, including anthelmintic drugs, should bear adequate directions for their safe and effective use. It is incumbent upon the user to familiarize himself with all such information made available to him regarding the use of such drugs.

4. One comment requested that the required labeling not apply to medicated feeds. It was pointed out that most anthelmintics administered in feed are for prevention and control purposes. They are administered by livestock and poultry producers familiar with the problems encountered in the control of such conditions and therefore, these products should not be subject to labeling which would require prediagnosis.

The Commissioner does not agree that livestock and poultry producers will necessarily be familiar with all the problems encountered in the prevention and control of parasites in herd management programs and concludes that livestock and poultry producers may need assistance. The statement as modified will be required on the labels of medicated feeds as well as all other over-the-counter anthelmintic drugs, and the regulation has been revised to make this clear.

5. One comment requested that the proposal be modified with respect to the term "labeling," suggesting that the statement need appear only on the label and not in all labeling except insofar as such labeling contains complete directions for use.

The proposed regulation has been revised to require that the statement appear on the label and any labeling furnishing or purporting to furnish directions for use.

6. A manufacturer of piperazine stated that this anthelmintic has been in use for over 20 years, and livestock growers are familiar with its capabilities and therefore do not require professional advice. The spectrum treated by piperazine is such that a diagnosis is usually unnecessary, and the drug is relatively safe. Therefore, this drug should be exempt from the proposed statement.

The Commissioner finds that the statement as modified should apply to piperazine products as well as all other over-the-counter anthelmintic drugs. Many livestock growers may be familiar with the capabilities of piperazine; however, this will not always be the case. The

spectrum of organisms which are susceptible to treatment with piperazine do not include all organisms encountered in livestock management.

7. One comment on behalf of the principal United States manufacturers of animal health and nutrition products, set forth various objections to the diagnostic provisions of the proposed statement. However, the comment went on to state that it is appropriate to advise the layman how to obtain diagnostic assistance if desired, and recommended alternative wording.

The Commissioner concurs in part with this recommendation and after consideration of this and all other comments has adopted an alternate statement. The statement as proposed has been revised to read, "Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism."

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(b), 512, 701(a), 52 Stat. 1051, 1055, 82 Stat. 343-351; 21 U.S.C. 352(b), 360b, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135 is amended by adding the following new section:

§ 135.111 Anthelmintic drugs for use in animals.

(a) The Commissioner of Food and Drugs has determined that, in order to assure that anthelmintic drugs, including animal feeds bearing or containing such drugs, which do not carry the prescription statement are labeled to provide adequate directions for their effective use, labeling of these anthelmintic drugs shall bear, in addition to other required information, a statement that a veterinarian should be consulted for assistance in the diagnosis, treatment, and control of parasitism.

(b) The label and any labeling furnishing or purporting to furnish directions for use, shall bear conspicuously the following statement: "Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism."

(c) For drugs covered by approved new animal drug applications, the labeling revisions required for compliance with this section may be placed into effect without prior approval as provided for in § 135.13a (d) and (e). For animal feeds bearing or containing anthelmintic drugs covered by approved applications, the labeling revisions required for compliance with this section may be placed into effect without the submission of supplemental applications as provided for in § 135.13b.

(d) Labeling revisions required for compliance with this section shall be placed into effect by February 25, 1975, following which, any such drugs that are introduced into interstate commerce and not in compliance with this section will be subject to regulatory proceedings.

**Effective date.** This order shall be effective on February 25, 1974.

(Secs. 502(b), 512, 701(a), 52 Stat. 1051, 1055, 82 Stat. 343-351; (21 U.S.C. 352(b), 360b, 371(a)))

Dated: February 15, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 74-4300 Filed 2-22-74; 8:45 am]

##### PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

###### Dexamethasone Powder, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (30-434V) filed by Schering Corp., 86 Orange St., Bloomfield, NJ 07003, proposing revised labeling for the safe and effective use of dexamethasone powder, veterinary for treating cattle and horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(l), 82 Stat. 347; (21 U.S.C. 360b(l))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section thereto as follows:

§ 135c.79 Dexamethasone powder, veterinary.

(a) **Specifications.** Dexamethasone powder, veterinary is packaged in packets containing 10 milligrams of dexamethasone.

(b) **Sponsor.** See code No. 032 in § 135.501(c) of this chapter.

(c) **Conditions of use.** (1) Dexamethasone powder, veterinary is indicated in cases where cattle and horses require additional steroid therapy following its parenteral administration. The drug is used as supportive therapy for management or inflammatory conditions such as acute arthritic lameness, and for various stress conditions where corticosteroids are required while the animal is being treated for a specific condition.

(2) The drug is administered at a dosage level of 5 to 10 milligrams per animal the first day then 5 milligrams per day as required by drench or by sprinkling on a small amount of feed.

(3) Clinical and experimental data have demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

**Effective date.** This order shall be effective on February 25, 1974.

(Sec. 512(l), 82 Stat. 347; (21 U.S.C. 360b(l)))

Dated: February 15, 1974.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc. 74-4301 Filed 2-22-74; 8:45 am]



Title 24—Housing and Urban Development  
CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-203]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Arkansas	Phillips	Helena, city of				Feb. 15, 1974. Emergency.
Do.	Pulaski	Sherwood, city of				Do.
California	San Luis Obispo	Morro Bay, city of				Do.
Illinois	St. Clair	East Carondelet, village of				Do.
Minnesota	Washington	Newport, village of				Do.
Mississippi	Winston	Louisville, city of				Feb. 11, 1974. Emergency.
Do.	Bolivar	Merigold, town of				Do.
Missouri	Phelps	Rolla, city of				Feb. 15, 1974. Emergency.
New York	Niagara	Wilson, village of				Do.
North Carolina	Edgecombe	Tarboro, town of				Do.
Pennsylvania	Lebanon	Palmyra, borough of				Do.
Do.	do	South London-derry, township of				Do.
Do.	Mercer	Wheatland, borough of				Do.
Washington	Pierce	Unincorporated areas				Do.
Do.	Garfield	Pomeroy, city of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: February 12, 1974.

CHARLES W. WIECKING,  
Acting Federal Insurance Administrator.

[FR Doc.74-4238 Filed 2-22-74; 8:45 am]

[Docket No. FI-205]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California	San Diego	Coronado, city of				Feb. 22, 1974. Emergency.
Louisiana	St. John the Baptist Parish	Unincorporated areas				Feb. 11, 1974. Emergency.
Minnesota	Dodge	Unincorporated areas				Feb. 22, 1974. Emergency.
New Jersey	Mercer	Hopewell, borough of				Do.
Oregon	Coos	Coos Bay, city of				Do.
Pennsylvania	Jefferson	Reynoldsville, borough of				Do.
Virginia	Appomattox	Appomattox, town of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: February 15, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-4240 Filed 2-22-74; 8:45 am]

[Docket No. FI-206]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
New Jersey	Burlington	Pemberton, township of				Feb. 22, 1974. Emergency.
Louisiana	St. James	Luteher, town of				Feb. 14, 1974. Emergency.
Pennsylvania	Perry	Bloomfield, borough of				Feb. 22, 1974. Emergency.
Texas	Harris	Deer Park, city of				Do.
Virginia	Alleghany	Unincorporated areas				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: February 14, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-4241 Filed 2-22-74; 8:45 am]



[Docket No. FI-207]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE  
Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alabama	Cullman	Cullman, city of				Feb. 19, 1974. Emergency.
Massachusetts	Bristol	Berkley, town of				Do.
Minnesota	Cottonwood	Windom, city of				Do.
Do.	Dodge	Hayfield, city of				Do.
Do.	Sherburne	Elk River, city of				Do.
Mississippi	Clatsborne	Unincorporated areas.				Feb. 14, 1974. Emergency.
Missouri	St. Louis	Ohvette, city of				Feb. 19, 1974. Emergency.
Pennsylvania	Bradford	Sayre, borough of				Do.
Do.	Columbia	Benton, township of				Do.
Do.	Montgomery	North Wales, borough of				Do.
Texas	do.	Woodbranch, village of				Do.
Do.	Tarrant	Forest Hill, city of				Do.
Virginia	Campbell	Altavista, town of				Do.
Do.	Rockingham	Bridgewater, town of				Do.
Do.	Montgomery	Unincorporated areas.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (38 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127, and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: February 13, 1974.

CHARLES W. WIECKING,  
Acting Federal Insurance Administrator.

[FR Doc.74-4242 Filed 2-22-74;8:45 am]

[Docket No. FI-204]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS  
List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	Alameda	Newark, city of	H 06 001 2370 01 through H 06 001 2370 03	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Mayor, 37101 Newark Blvd., Newark, Calif. 94660.	Feb. 22, 1974.
Do.	San Diego	Del Mar, city of	H 06 073 1004 01 through H 06 073 1004 04	do.	Mayor, City Hall, 201 15th and Del Mar Ave., Del Mar, Calif. 92014.	Do.
Do.	San Joaquin	Stockton, city of	H 06 077 3770 01 through H 06 077 3770 20	do.	City Hall, 425 North Eldorado St., Stockton, Calif. 95202.	Do.
Do.	San Mateo	Dale City, city of	H 06 081 0970 01 through H 06 081 0970 04	do.	Mayor, City Hall, Sullivan and 90th Sts., Daly City, Calif. 94015.	Do.
Do.	Shastis	Etna, city of	H 06 093 1210 01 through H 06 097 0730 01	do.	Mayor, City Hall, Etna, Calif. 95927.	Do.
Do.	Sonoma	Cloverdale, city of	H 06 097 0730 01 through H 06 097 0730 02	do.	Mayor, City Hall, 124 North Cloverdale Blvd., Cloverdale, Calif. 95425.	Do.
Do.	do.	Sonoma, city of	H 06 097 3600 01	do.	Mayor, City Hall, No. 1, The Plaza, Sonoma, Calif. 94768.	Do.
Do.	Tulare	Farmersville, city of	H 06 107 1254 01	do.	Mayor, City Hall, 147 East Front St., Farmersville, Calif. 93223.	Do.
Colorado	Adams	Brighton, city of	H 06 001 0230 01 through H 06 001 0230 04	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	City Manager, City Hall, Brighton, Colo. 80601.	Do.
Florida	Brevard	Satellite Beach, city of	H 12 009 2785 01 through H 12 009 2785 02	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, the Capitol, Tallahassee, Fla. 32304.	City Hall, city of Satellite Beach, 510 Cinnamon Dr., Satellite Beach, Fla. 32937.	Do.
Do.	Broward	Sunrise Golf Village, city of	H 12 011 2918 01 through H 12 011 2918 04	do.	Mayor, City Hall, 77 Sunset Strip, Fort Lauderdale, Fla. 33313.	Do.
Do.	do.	North Lauderdale, city of	H 12 011 2214 01 through H 12 011 2214 02	do.	Mayor, City Hall, North Lauderdale, Fla. 33314.	Do.
Illinois	Cook	Northbrook, village of	H 17 031 6280 01 through H 17 031 6280 04	Governor's Task Force on Flood Control, Natural Resources Service Center, Thornhill Bldg., P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 609 State Office Bldg., Indianapolis, Ind. 46204.	Village Hall, 1225 Cedar Lane, Northbrook, Ill. 60062.	Do.
Do.	Bureau	Spring Valley, city of	H 17 011 8230 01 through H 17 011 8230 03	do.	Mayor, City Hall, Spring Valley, Ill. 61362.	Do.
Do.	Cook	Park Ridge, city of	H 17 031 6740 01 through H 17 031 6740 03	do.	Mayor, 605 Park Pl., Park Ridge, Ill. 60068.	Do.
Do.	Effingham	Teutopolis, village of	H 17 049 8330 01	do.	Mayor, City Hall, Teutopolis, Ill. 62407.	Do.
Do.	Ford	Piper, village of	H 17 053 6970 01	do.	Mayor, village of Piper City, Piper City, Ill. 60969.	Do.
Do.	Gallatin	Ridgway, village of	H 17 059 7310 01	do.	President, village of Ridgway, Municipal Bldg., Ridgway, Ill. 62979.	Do.
Do.	Green	Greenfield, city of	H 17 061 3000 01	do.	Mayor, City Hall, Greenfield, Ill. 62304.	Do.
Do.	Iroquois	Cissna Park, village of	H 17 075 1760 01	do.	Mayor, City Hall, Cissna Park, Ill. 60524.	Do.
Do.	Jasper	Wheeler, village of	H 17 079 9294 01	do.	Village president, Wheeler, Ill. 62479.	Do.
Do.	Knox	Galesburg, city of	H 17 095 3300 01 through H 17 095 3300 07	do.	Mayor, City Hall, Galesburg, Ill. 61401.	Do.
Do.	Livingston	Cullom, village of	H 17 105 2120 01	do.	Mayor, Village Hall, Cullom, Ill. 60929.	Do.



State	County	Location	Map No	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Pope	Hamletsburg, village of	H 17 181 3685 01	do.	Mayor, City Hall, Hamletsburg, Ill. 62444.	Do.
Do.	Richland	Olney, city of	H 17 189 6620 01	do.	City manager, City Hall, Olney, Ill. 62450.	Do.
Do.	St. Clair	Fayetteville, village of	H 17 189 6620 02	do.	Zoning Director, Fayetteville Zoning Board, Route No. 2, Mascoutah, Ill. 62268.	Do.
Do.	do.	O'Fallon, city of	H 17 183 6460 01	do.	Zoning Director, 200 North Lincoln, O'Fallon, Ill. 62266.	Do.
Do.	Saline	Eldorado, city of	H 17 165 2680 01	do.	Mayor, City Hall, Eldorado, Ill. 62330.	Do.
Do.	Wayne	Fairfield, city of	H 17 191 2920 01	do.	Mayor, City Hall, Fairfield, Ill. 62837.	Do.
Iowa	Woodbury	Correctionville, town of	H 17 191 2920 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Correctionville, Iowa 51016.	Do.
Kansas	Barton	Holsington, city of	H 20 009 2490 01	Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Holsington, Kans. 66112.	Do.
Do.	Elk	Moline, city of	H 20 049 3730 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612.	Mayor, City Hall, Moline, Kans. 67353.	Do.
Do.	Rush	La Crosse, city of	H 20 165 2910 01	Kansas Insurance Department, 1st floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, La Crosse, Kans. 67548.	Do.
Kentucky	Bell	Pineville, city of	H 21 013 2650 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601.	Office of City Clerk, city of Pineville, Municipal Bldg., Pineville, Ky. 40377.	Do.
Do.	Magoffin	Salyersville, town of	H 21 153 3870 01	Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, City Hall, Salyersville, Ky. 40465.	Do.
Maine	Androscoggin	Poland, town of	H 23 001 6226 01	do.	Chairman, selectmen, R.F.D. No. 4, town of Poland.	Do.
Do.	do.	do.	H 23 001 6226 05	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330.	do.	Do.
Do.	Aroostook	Presque Isle, city of	H 23 003 6450 01	Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Chairman, city council, City Office, Presque Isle, Maine 04769.	Do.
Do.	Cumberland	South Portland, city of	H 23 003 6450 04	do.	Planning Board, city of South Portland, South Portland, Maine 04106.	Do.
Do.	Kennebec	Gardiner, city of	H 23 005 7600 01	do.	Mayor, City Bldg., Gardiner, Maine 04344.	Do.
Massachusetts	Worcester	Lancaster, town of	H 23 011 3150 05	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202.	Chairman, Board of Selectmen, Town Hall, town of Lancaster, Lancaster, Mass. 01523.	Do.
Do.	do.	do.	H 23 027 0566 02	Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	do.	Do.
Do.	do.	Millbury, town of	H 25 027 0785 01	do.	Municipal Office Bldg., Elm St., Millbury, Mass. 01527.	Do.
Michigan	Monroe	Dundee, township of	H 25 027 0785 05	do.	do.	Do.
Do.	do.	do.	H 25 115 1340 01	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48913.	Ben Ball, 4190 Kimpton Rd., Dundee, Mich. 48131.	Do.
Do.	do.	do.	H 25 115 1340 13	Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	do.	Do.
Do.	Oakland	Beverly Hills, village of	H 26 125 0472 01	do.	Village Offices, 31000 Lahser Rd., Birmingham, Mich. 48010.	Do.
Do.	Washtenaw	Manchester, village of	H 26 125 0472 02	do.	do.	Do.
Missouri	St. Louis	Olivette, city of	H 29 189 5910 01	do.	President, 421 Riverside Dr., Manchester, Mich. 48168.	Do.
Do.	do.	do.	H 29 189 5910 06	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101.	Mayor, City Hall, Olivette, Mo. 63132.	Do.
New Hampshire	Coos	Northumberland, town of	H 33 007 0389 01	Division of Insurance, P.O. Box 600, Jefferson City, Mo. 65101.	do.	Do.
Do.	do.	do.	H 33 007 0389 07	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301.	Town manager, Town Office, town of Northumberland, Goveston, N.H. 03352.	Do.
Do.	Hillsborough	Pelham, town of	H 33 011 0400 01	New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	do.	Do.
Do.	do.	do.	H 33 011 0400 09	do.	Selectmen, town of Pelham, Pelham, N.H. 03076.	Do.

State	County	Location	Map No	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Jersey	Bergen	Woodcliff Lake, borough of	H 34 003 3730 01	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1300, Trenton, N.J. 08646.	Mayor, 188 Pascaok Rd., Woodcliff Lake, N.J. 07675.	Do.
Do.	Camden	Oaklyn, borough of	H 34 007 2340 01	New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	do.	Do.
Do.	Mercer	Hamilton, township of	H 34 021 1294 01	do.	Mayor, township of Hamilton, Hamilton, N.J.	Do.
Do.	Middlesex	South Plainfield	H 34 021 1294 06	do.	Office of the Borough Clerk, 2450 Plainfield Ave., South Plainfield, N.J. 07080.	Do.
Do.	Monmouth	South Belmar, borough of	H 34 023 3161 01	do.	Mayor, P.O. Box 569, South Belmar, N.J. 07719.	Do.
New York	Broome	Whitney Point, village of	H 36 007 6600 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201.	Mayor, Whitney Point, N.Y. 13862.	Do.
Do.	Cayuga	Fair Haven, village of	H 36 011 1920 01	New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	do.	Do.
Do.	Chautauque	Falconer, village of	H 36 011 1920 02	do.	Office of Village Clerk, Cayuga St., Fair Haven, N.Y. 13064.	Do.
Do.	do.	Silver Creek, village of	H 36 013 1950 01	do.	Village Board, 101 West Main St., Falconer, N.Y. 14733.	Do.
Do.	Chenango	Norwich, city of	H 36 013 5710 01	do.	Village Board, 172 Central Ave., Silver Creek, N.Y. 14136.	Do.
Do.	Cortland	Homer, village of	H 36 017 4350 01	do.	Mayor, Municipal Bldg., Norwich, N.Y. 13815.	Do.
Do.	Erie	Depew, village of	H 36 023 2760 01	do.	Mayor, Village Hall, Homer, N.Y. 13077.	Do.
Do.	Greene	Athens, village of	H 36 029 1500 01	do.	Mayor, Village Hall, 571 Terrace Blvd., Depew, N.Y. 14043.	Do.
Do.	Jefferson	Alexandria Bay, village of	H 36 029 0290 01	do.	Mayor, Village Hall, Athens, N.Y. 12015.	Do.
Do.	Madison	Cazenovia, village of	H 36 045 0090 01	do.	Municipal Bldg., Church St., Alexandria Bay, N.Y. 13607.	Do.
Do.	Monroe	Wheatland, town of	H 36 045 0090 02	do.	Mayor, Municipal Bldg., Albany St., Cazenovia, N.Y. 13035.	Do.
Do.	Montgomery	Canajoharie, village of	H 36 053 1010 01	do.	Town of Wheatfield, 2884 Niagara Falls Blvd., North Tonawanda, N.Y. 14120.	Do.
Do.	Oneida	New Hartford, village of	H 36 055 0664 06	do.	Mayor, Town Hall, Canajoharie, N.Y. 13317.	Do.
Do.	Oriskany	Oriskany, village of	H 36 065 4610 01	do.	Mayor, Village Hall, New Hartford, N.Y. 13413.	Do.
Do.	Whitesboro	Whitesboro, village of	H 36 065 4610 01	do.	Mayor, Village Hall, Oriskany, N.Y. 13424.	Do.
Do.	Yorkville	Yorkville, village of	H 36 065 6990 01	do.	Mayor, Village Hall, Whitesboro, N.Y. 13492.	Do.
Do.	Onondaga	Manlius, town of	H 36 065 6930 01	do.	Mayor, Village Hall, Yorkville, N.Y. 13495.	Do.
Do.	Tioga	Newark Valley, town of	H 36 067 3504 04	do.	Town Hall, 301 Brooklea Dr., Fayetteville, N.Y.	Do.
North Carolina	Ashe	Lansing, town of	H 36 107 4040 01	do.	Town Clerk's Office, Newark Valley, N.Y. 13811.	Do.
Do.	Carleton	Morehead City, town of	H 37 009 2525 01	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611.	Chairman, Ashe County Board of Commissioners, town of Lansing, Jefferson, N.C. 28640.	Do.
Do.	Craven	New Bern, city of	H 37 031 3120 01	do.	do.	Do.
Do.	Gates	Gatesville, town of	H 37 031 3120 02	do.	Town clerk, Municipal Bldg., Evans and 8th Sts., Morehead City, N.C. 28557.	Do.
Do.	Hertford	Ahoke, town of	H 37 048 3250 01	do.	City Hall, New Bern, N.C. 28560.	Do.
Do.	McDowell	Old Fort, town of	H 37 049 3250 02	do.	do.	Do.
Do.	Orange	Carrboro, village of	H 37 073 1810 01	do.	Gatesville manager, town of Gatesville, Gatesville, N.C. 27038.	Do.
Do.	do.	do.	H 37 091 0050 01	do.	Town manager, Town Hall, Ahoskie, N.C. 27910.	Do.
Do.	do.	do.	H 37 091 0050 02	do.	Mayor, Town Hall, Old Fort, N.C. 28762.	Do.
Do.	do.	do.	H 37 111 5430 01	do.	Village clerk, village of Carrboro, Carrboro, N.C. 27510.	Do.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Famlico	Alliance, town of	H 37 137 0073 01 through H 37 137 0073 02 H 37 137 4480 01	do	Mayor, Town Hall, Alliance, N.C. 28509.	Do.
Do.	do	Stonewall,	do	do	Town manager, town of Stonewall, N.C. 27105.	Do.
Do.	do	Vandemere, town of	H 37 137 4730 01	do	Town manager, town of Vandemere, N.C.	Do.
Do.	Randolph	Franklinville, town of	H 37 151 1720 01	do	Chairman, County Commissioners, Courthouse, town of Franklinville, Asheboro, N.C. 27203.	Do.
Do.	Rowan	East Spencer, city of	H 37 159 1420 01	do	Mayor, City Hall, East Spencer, N.C. 28609.	Do.
Do.	do	Salisbury, city of	H 37 159 4070 01 through H 37 159 4970 04 H 40 047 1550 01 through H 40 047 1550 22	do	Mayor, City Hall, Salisbury, N.C. 28144.	Do.
Oklahoma	Garfield	Enid, city of	do	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73101.	Convention Hall, Cherokee and Independence, Enid, Okla. 73701.	Do.
Oregon	Benton	Philomath, city of	H 41 003 1620 01	Oklahoma Insurance Department, Room 403, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, City Hall, Philomath, Ore. 97370.	Do.
Do.	Lane	Cottage Grove, city of	H 41 039 0430 01 through H 41 039 0430 02	Executive Department, State of Oregon, Salem, Ore. 97310.	Mayor, City Hall, Cottage Grove, Ore. 97424.	Do.
Do.	Linn	Albany, city of	H 41 043 0020 01 through H 41 043 0020 04 H 42 007 0160 01	Oregon Insurance Division, Department of Commerce, 128 12th St. N.E., Salem, Ore. 97310.	Mayor, City Hall, Albany, Ore. 97321.	Do.
Pennsylvania	Beaver	Ambridge, borough of	do	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120.	Mayor, Borough Bldg., Ambridge, Pa. 16003.	Do.
Do.	do	Beaver Falls, city of	H 42 007 0480 01 through H 42 007 0480 02	Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Municipal Bldg., Beaver Falls, Pa. 16010.	Do.
Do.	do	Bridgewater, borough of	H 42 007 0890 01 through H 42 007 0890 02	do	Mayor, Borough Bldg., Bridgewater, Pa. 16009.	Do.
Do.	Clearfield	Curwensville, borough of	H 42 033 1830 01 through H 42 033 1830 04 H 42 037 0740 01 through H 42 037 0740 02	do	Mayor, borough of Curwensville, Curwensville, Pa. 16853.	Do.
Do.	Columbia	Bloomsburg, town of	do	do	Secretary, Town Hall, Bloomsburg, Pa. 17815.	Do.
Do.	Fayette	Fayette City, borough of	H 42 051 2820 01	do	Mayor, 118 South High St., Fayette City, Pa. 15428.	Do.
Do.	Lycoming	Armstrong, township of	H 42 061 0206 01 through H 42 061 0206 06 H 42 061 3124 01 through H 42 061 3124 03	do	Mr. Jack A. Reigle, Rural Delivery No. 3, South Williamsport, Pa. 17701.	Do.
Do.	do	Gamble, township of	do	do	Gamble Township Community Hall, c/o Mrs. Edna Hipple, Trout Run, Pa. 17771.	Do.
Do.	Perry	Oliver, township of	H 42 069 6241 01 through H 42 069 6241 02 H 42 119 5760 01	do	Oliver Township Office, Bloomfield Ave., Newport, Pa. 17074.	Do.
Do.	Union	New Berlin, borough of	do	do	President, Borough Council, 115 Water St., New Berlin, Pa. 17855.	Do.
Do.	Schuylkill	Tremont, borough of	H 42 107 8550 01 through H 42 107 8550 02	do	Borough of Tremont, Borough Hall, 56 East Main St., Tremont, Pa. 17961.	Do.
Do.	York	Fairview, township of	H 42 123 2274 05 through H 42 123 2274 05 H 47 017 1180 01 through H 47 017 1180 05	do	Fairview Township Bldg., rural delivery 1, New Cumberland, Pa. 17070.	Do.
Tennessee	Carroll	Huntingdon, town of	do	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219.	Mayor, P.O. Box 666, Huntingdon, Tenn. 38344.	Do.
Do.	Shelby	Bartlett, city of	H 47 157 0160 01 through H 47 157 0160 05 H 48 005 4100 01 through H 48 005 4100 07	Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, city of Bartlett, Bartlett, Tenn. 38003.	Do.
Texas	Angelina	Lufkin, city of	do	do	Engineering Department, Drawer 190, Lufkin, Tex. 75901.	Do.
Do.	Dallas	Sachse, city of	H 48 113 6053 01 through H 48 113 6053 03 H 48 203 4300 01 through H 48 203 4300 03	Texas Water Development Board, P.O. Box 19087, Capitol Station, Austin, Tex. 78711.	Mayor, Route No. 2, city of Sachse, Box 159-C, Garland, Tex. 75040.	Do.
Do.	Harrison	Marshall, city of	do	Texas Insurance Department, 1114 San Jacinto St., Austin, Tex. 78701.	City manager, Box 608, Marshall, Tex. 75674.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	McLennan	McGregor, city of	H 48 203 4220 01 through H 48 203 4220 04 H 48 439 4300 01	do	Mayor, P.O. Box 192, McGregor, Tex. 76657.	Do.
Do.	Tarrant	Mansfield, city of	do	do	Mayor, P.O. Box 400, Mansfield, Tex. 76063.	Do.
Vermont	Caledonia	Barnet, town of	H 50 005 0083 01 through H 50 005 0083 04	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Barnet Board of Selectmen, c/o town clerk, West Burke, Vt. 05671.	Do.
Do.	Windsor	Springfield, town of	H 50 027 0530 01 through H 50 027 0530 03 H 51 000 1010 01	Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Town manager, Municipal Bldg., Springfield, Vt. 05156.	Do.
Virginia	Independent City	Franklin, city of	do	Bureau of Water Control Management, State Water Control Board, 2d floor Davenport Bldg., 11 South 10 St., Richmond, Va. 23219.	City manager, Municipal Bldg., Franklin, Va. 23851.	Do.
Wisconsin	Milwaukee	Bayside, city of	H 55 079 0865 01	Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond, Va. 22309.	Bayside City Hall, 9075 North Regent Rd., Milwaukee, Wis. 53217.	Do.
Do.	do	Whitefish Bay, city of	H 55 079 0271 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53703.	City Hall, 4300 North Malborough Dr., Whitefish Bay, Wis. 53217.	Do.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-163, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: February 13, 1974.

CHARLES W. WICKING,  
Acting Federal Insurance Administrator.

[FR Doc. 74-4239 Filed 2-22-74; 8:45 am]

**Title 30—Mineral Resources**  
**CHAPTER I—BUREAU OF MINES,**  
**DEPARTMENT OF THE INTERIOR**  
**SUBCHAPTER O—COAL MINE HEALTH AND SAFETY**

**PART 75—MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES**  
**PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES**

**Distinctively Colored Hard Hats or Caps for Inexperienced Miners**

Pursuant to the authority contained in section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 745; (30 U.S.C. 811(a))), there was published, as notice of proposed rulemaking, in the FEDERAL REGISTER for October 5, 1973 (38 FR 27621), amendments to § 75.1720(d), a new § 75.1720-1, amendments to § 77.1710 and a new § 77.1710-1 of Part 75 and Part 77, Subchapter O, chapter I, Title 30, Code of Federal Regulations, setting forth mandatory standards requiring that newly employed, inexperienced miners in underground coal mines, surface coal mines and in the surface work areas of underground coal mines wear a distinctively colored hard hat or hard cap.

Interested persons were afforded a period of 45 days following publication within which to submit to the Director, Bureau of Mines, written comments, suggestions, or objections to these proposed mandatory safety standards. Due consideration has been given to all comments received in response to the notice,

insofar as they relate to matters within the scope of the notice.

One comment noted the potential hazard of use of metallic based paint on a hard hat or hard cap. The Secretary agrees that such a potential hazard would exist regardless whether the metallic based paint was applied to the hat or cap of an experienced miner or a newly employed, inexperienced miner, and the wording of § 75.1720(d) and § 77.1710(d) has been changed accordingly.

It was also recommended by a commentator that newly employed, inexperienced miners, under §§ 77.1710(d) and 77.1710-1, wear a distinctively colored hard hat or hard cap at all times, rather than only where falling objects may create a hazard. Two commentators objecting to the proposed § 75.1710-1, opposed the wearing of distinctively colored hard hats or hard caps at any time. In this regard, it is determined that the principal purpose of the proposed regulations is to provide an effective means of quickly identifying a newly employed, inexperienced miner, so as to enable his supervisors and experienced coworkers to be alert to the inexperienced worker, his work practices and methods, and the mining conditions surrounding him. It is felt that the purpose of the regulations would be served best by requiring the newly employed, inexperienced miner under Part 77 to wear a distinctively colored hard hat or hard cap at all times, and the wording of § 77.1710-1 has been changed accordingly.

Part 75 and Part 77, Subchapter O, Chapter I, of Title 30 are herewith modified and amended as set forth below.

These amendments shall be effective on March 15, 1974.

WILLIAM A. VOGELY,  
Acting Deputy Assistant  
Secretary of the Interior.

FEBRUARY 20, 1974.

Part 75 and Part 77, Subchapter O, Chapter I, Title 30, Code of Federal Regulations are amended as follows:

1. In § 75.1720, paragraph (d) is amended as follows:

§ 75.1720 Protective clothing; requirements.

(d) A suitable hard hat or hard cap. If a hard hat or hard cap is painted, nonmetallic based paint shall be used.

2. A new § 75.1720-1 is added to Part 75 as follows:

§ 75.1720-1 Distinctively colored hard hats, or hard caps; identification for newly employed, inexperienced miners.

Hard hats or hard caps distinctively different in color from those worn by experienced miners shall be worn by each newly employed, inexperienced miner for at least one year from the date of his initial employment as a miner or until he has been qualified or certified as a miner by the State in which he is employed.

3. In § 77.1710, the introductory paragraph and paragraph (d) is amended as follows:



#### § 77.1710 Protective clothing; requirements.

Each employee working in a surface coal mine or in the surface work areas of an underground coal mine shall be required to wear protective clothing and devices as indicated below:

(d) A suitable hard hat or hard cap when in or around a mine or plant where falling objects may create a hazard. If a hard hat or hard cap is painted, non-metallic based paint shall be used.

4. A new § 77.1710-1 is added to Part 77 as follows:

§ 77.1710-1 Distinctively colored hard hats or hard caps; identification for newly employed, inexperienced miners.

Hard hats or hard caps distinctively different in color from those worn by experienced miners shall be worn at all times by each newly employed, inexperienced miner when working in or around a mine or plant for at least one year from the date of his initial employment as a miner or until he has been qualified or certified as a miner by the State in which he is employed.

[FR Doc. 74-4289 Filed 2-22-74; 8:45 am]

#### Title 50—Wildlife and Fisheries

#### CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

#### PART 28—PUBLIC ACCESS, USE AND RECREATION

#### Operation of Vehicles on National Wildlife Refuges

Section 3 of Executive Order 11644 requires that the heads of Federal agencies shall develop and issue regulations and administrative instructions to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted.

The regulations of the Bureau of Sport Fisheries and Wildlife have been reviewed in light of Executive Order 11644, and it has been determined that with the exception of § 28.7 the existing regulations are adequate to carry out the purpose of that Executive order.

On page 4405 of the FEDERAL REGISTER of February 14, 1973, there was published a notice of proposed rulemaking to amend § 28.7—Operation of Vehicles. The amendment established additional regulations concerning the operation of off-road vehicles on lands under the jurisdiction of the Bureau of Sport Fisheries and Wildlife. Interested persons were given an opportunity to submit comments, suggestions and objections regarding the proposed amendment. All comments submitted were given due consideration.

The proposed amendment adding new paragraphs (i) and (j) to § 28.7 is here-

by adopted without change as set forth below.

**Effective date:** The amendment is effective March 15, 1974.

#### § 28.7 Operation of vehicles.

(i) All vehicles shall be equipped with a proper muffler in good working order and in constant operation that conforms to the laws of the State in which the refuge is located and no vehicle shall have a muffler cutout, bypass, or similar device. A vehicle that produces unusual or excessive noise or other pollutants shall not be permitted. A Refuge Manager, by posting of appropriate signs or by marking on a map which shall be available in the office of the Refuge Manager, may require that a motor vehicle operating off established road and parking areas, shall be equipped with a spark arrestor that meets standard 5100-1a of the Forest Service, U.S. Department of Agriculture, which standard includes the requirement that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles, for all flow rates, and which includes a requirement that such spark arrestor has been warranted by its manufacturer as meeting the above-mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation.

(j) A motor vehicle shall not be operated at any time without proper brakes, or from a half-hour after sunset to a half-hour before sunrise without working headlights and taillights which comply with the laws and regulations for operations on the roads of the State within whose boundaries the refuge is located.

LYNN A. GREENWALT,  
Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 19, 1974.

[FR Doc. 74-4288 Filed 2-22-74; 8:45 am]

#### Title 10—Energy

#### CHAPTER II—FEDERAL ENERGY OFFICE PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

#### Removal of Exemption for State and Local Government Sales

On October 25, 1973, the Cost of Living Council issued a notice of proposed rulemaking proposing to remove the exempt status for prices charged by State and local governments in sales of "covered products," as defined in the Cost of Living Council Regulations, 6 CFR Part 150, Subpart L. Pursuant to Delegation Order Number 47 issued by the Council on December 26, 1973 (39 FR 24) the Federal Energy Office assumed responsibilities for price regulation of "covered products," as now defined in the FEO Regulations, 10 CFR 212.31, including the outstanding rule making proposal. The price exemption for sales by State and local governments was provided for at

CFR 150.54 in the Cost of Living Council Regulations and is now provided for at 10 CFR 212.52(b) of the FEO regulations.

The FEO has reviewed the comments that were submitted and has concluded that the sale of covered products, including crude oil, by State and local governments should not be exempt from the price regulations of Part 212.

In its notice initiating this rule making proceeding, the Cost of Living Council indicated that it was aware that certain government units as lessors of crude petroleum fields had the option to take royalty payment in kind and that under the existing regulations the sales of products including crude petroleum and refined petroleum products were exempt from price regulation. The proposed rule change would result in such sales being treated just as sales by any other firm. Comments were solicited on the impact of the proposed rule change on supply and price stabilization, and, more specifically, on the impact of the proposed rule on total domestic sales of crude petroleum, on the regulatory scheme of a mandatory allocation program, on possible changes in traditional supply patterns, and the impact in light of the curtailment of sales of foreign crude petroleum to the United States.

Comments submitted in this proceeding indicate that, although exact figures were not supplied, the quantity of crude oil being taken in kind and sold by State or local governments is a relatively small portion of the overall amount of crude oil being purchased in the United States. The FEO does not believe that the relatively small quantities of crude oil that are involved at present provide a sufficient basis for continuing the exemption, however, in light of further considerations described below.

Insofar as the FEO can determine, the price exemption has no significant impact on the supply of crude oil, since royalty crude oil typically represents a specified percentage of the production under a lease, where the amount produced is independent of the prices that can be obtained by a State or local government for its royalty crude oil. Thus, there is no basis for continuing the exemption in order to encourage additional domestic production of crude oil. This is in contrast to the exemption from price regulation provided for by the Congress for crude oil produced by "stripper well" leases, and the exemption provided by the regulations for so-called "new" oil. Both of these exemptions are designed to stimulate domestic oil production.

The Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, enacted after this rulemaking proceeding was initiated, on November 27, 1973, has among its objectives the minimizing of dislocations in the national distribution system of crude oil and refined petroleum products. The FEO finds that the price exemption for the sale of covered products, particularly crude oil, by State and local governments, if it is not removed, would tend to have a disruptive impact on the national distribution system. Substan-

tially higher prices can now be obtained for crude oil at wholly uncontrolled prices than can be obtained for domestically produced crude oil which, except for new oil and stripper well oil, is subject to ceiling prices. It appears that much of the crude oil sold by State and local governments is purchased by small independent refiners which, if they are required to pay the substantially higher prices now obtainable for uncontrolled crude oil, may experience severe competitive harm. Thus, although the relative quantity of crude oil involved is small, the effects of the exemption are focused on a particular segment of the industry, and the preservation of the competitive viability of small and independent refiners, which is a specific objective of the Act, would not be adequately accomplished unless the exemption is removed.

A further reason for eliminating the exemption is to eliminate the opportunity and incentive for State and local governments to seek to enter into agreements or arrangements regarding the sale of covered products which they would not otherwise enter into, and which could tend to result into further dislocations in the national distribution system which the Act seeks to preserve. Thus, for example, concern has been expressed that some States and local governments which have not done so to date have now begun to consider taking royalty oil in kind in order to reap the benefits of the sharply higher uncontrolled price of uncontrolled oil. This practice would tend to undermine existing supplier relationships and magnify the inflationary effects of the exemption.

Certain government units have urged that removal of the exemption would deprive them of added revenues. The FEO has concluded, however, that substantial additional revenues have already been realized by State and local governments from royalty crude oil due to the increases in the crude oil ceiling prices pursuant to the provisions of Subpart D of 10 CFR Part 212. The FEO believes that the still further revenues obtainable through the sale of crude oil at uncontrolled prices would represent, in effect, windfall revenues for those State and local governments having crude oil interests, at the expense of the adverse impact on the overall objectives of Act, as discussed above.

The Notice of proposed rulemaking explicitly provided that "if ultimately adopted, this regulation would be effective as of 9:00 a.m., e.s.t., October 25, 1973, the date on which this notice is filed with the FEDERAL REGISTER. It would

apply to any delivery of covered products occurring after that date." Accordingly, the change in regulations adopted herein is effective and applies to all sales of covered products by State and local governments on or after 9:00 a.m., e.s.t., October 25, 1973.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-910, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order Number 47, 39 FR 24)

In consideration of the foregoing, Part 212, Title 10 of the Code of Federal Regulations is amended by deleting § 212.52(b).

Issued in Washington, D.C., February 21, 1974.

WILLIAM N. WALKER,  
General Counsel,  
Federal Energy Office.

[FR Doc. 74-4515 Filed 2-21-74; 5:01 pm]

#### Title 6—Economic Stabilization CHAPTER I—COST OF LIVING COUNCIL PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

#### Appendix to Subpart K: Special Rule for Automobile Wholesalers and Retailers

The purpose of the following amendment to the Special Rule for Automobile Wholesalers and Retailers, Appendix to Subpart K, is to prevent a possible inequity created by the Special Rule as originally published.

It has come to the Council's attention that automobile retailers and wholesalers on the West Coast generally do not use the N.A.D.A. Official Used Car Guide to place a value on the trade-ins they receive. For example, the Kelly Blue Book is used by a majority of the automobile retailers and wholesalers in California. Furthermore, back copies of the N.A.D.A. Official Used Car Guide are not available to firms that have not historically used it. For this reason the Council has decided to allow automobile retailers and wholesalers to use the used car guide they have historically used to place a value on the trade-ins they receive.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule-making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding these regu-

lations. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective November 21, 1973.

Issued in Washington, D.C., on February 22, 1974.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

In 6 CFR Part 150, the Appendix to Subpart K, Special Rule for Automobile Wholesalers and Retailers, is amended in Paragraphs 2 and 3 to read as follows:

#### APPENDIX—SPECIAL RULE FOR AUTOMOBILE WHOLESALESA AND RETAILERS

2. Computation of adjusted freeze prices. (a) For the purposes of this Special Rule— "Freeze base period" means freeze base period as defined in § 140.2 of this chapter. "Sales price" means the monetary remuneration received plus the National Automobile Dealers Association (N.A.D.A.) Official Used Car Guide (or other nationally or regionally published used car guide historically used by the dealer) trade-in value of a used automobile or truck received in partial payment for a new automobile or truck.

3. General price control rules. Notwithstanding paragraph (b) of § 150.304, all firms to which this rule applies will be controlled on the basis of gross margins received. In computing its gross margins, the firm shall include as part of its total revenues realized from the sales of merchandise, the N.A.D.A. Official Used Car Guide (or other nationally or regionally published used car guide historically used by the dealer) trade-in value of each used automobile or truck it receives in partial payment for a new automobile or truck.

The application of these rules may be illustrated by the following example: Example. During the period from June 1, 1973 through June 8, 1973, X, a Chevrolet dealer, sold five Impalas. The cost and sales price of each were as follows:

	Cost	Sales price = (Cash + Trade-In Markup value)	Percent
Car No. 1..	\$3,200	\$3,700	15.6
Car No. 2..	3,400	4,000	17.6
Car No. 3..	3,700	4,200	13.5
Car No. 4..	3,900	4,400	12.8
Car No. 5..	4,000	4,600	15.0



The highest markup used in at least 10 percent of the transactions is a 20 percent markup, as that was the markup used in one of the five transactions (Car No. 5). To compute adjusted freeze prices for Impalas, X applies that 20 percent markup to the June 1-June 8 cost of each model of Impala and to the June 1-June 8 cost of each accessory that may be sold with it. The adjusted freeze prices for the cars X is currently selling are the sum of the prices so derived for the basic Impalas and for each accessory sold on the car. X will compute his adjusted freeze prices for each series of automobiles, e.g., Caprice, Corvette, etc., in the same manner.

X must monitor his compliance with the regulations by the gross margin system computed on a category basis. An automobile dealer is allowed to determine his merchandise categories on the basis of different makes of cars. Therefore, since X sells only Chevrolets, that makes it his one merchandise category.

X computes his gross margin for the quarter according to the formula contained in § 150.303(b):

$$\text{Gross Margin} = \frac{\text{Revenues} - \text{Cost}}{\text{Revenues or Cost}} \times 100$$

In computing his total sales revenues, X must combine the monetary remuneration he has received for the automobiles sold with the N.A.D.A. Official Used Car Guide (or other nationally or regionally published used car guide historically used by the dealer) trade-in value of each used automobile or truck he accepted in part payment for a new automobile. For example, X sold an Impala for \$3,500 in cash plus a trade-in allowance on the purchaser's used car (a 1969 Nova, 6-cylinder, 2-door coupe with power steering and factory air conditioning and average mileage) of \$700. For the purposes of Subpart K, X's revenues on the sale of this car are not \$4,200, but rather \$4,500. This is computed as follows:

Cash:	\$3,500.	
		Trade-in Value
Average trade-in.....		\$950
Add power steering.....		25
Add factory air conditioning.....		25

Used car trade-in value as stated in N.A.D.A. official used car guide or guide historically used ..... 1,000

[FR Doc.74-4489 Filed 2-22-74; 10:23 am]

## Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

### DEPARTMENT OF THE TREASURY

United States Customs Service

[19 CFR Part 4]

#### VESSELS IN FOREIGN AND DOMESTIC TRADES

##### Proposed Information Required on Manifest Used in Connection With Coastwise Transportation

Notice is hereby given that under the authority of 5 U.S.C. 301, section 2, 23 Stat. 118, as amended (46 U.S.C. 2), section 27, 41 Stat. 999, as amended (46 U.S.C. 883), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend § 4.93(c) of the Customs Regulations (19 CFR 4.93(c)), to permit empty vans, tanks, and barges, equipment for use with vans and tanks, empty instruments of international traffic, and stevedoring equipment and material to be manifested at the port of lading without including their identification numbers or symbols or other identifying data, provided the manifest includes a statement that the district director at the port of unlading will be presented with a statement at the time of entry of the vessel that will list the identifying numbers or symbols or other appropriate data for the articles to be unladed at that port.

The proposed amendment is necessary because it has been found that the loading of such articles on a foreign vessel for movement from one coastwise port to a second coastwise port is the last action prior to sailing, and it is difficult for the carrier to list timely the number and symbol of each article without delaying the vessel. Furthermore, when a number of identical articles are being transported to two or more coastwise ports, it is sometimes not known which specific article will be unladed at which port, and identification by number or symbol on the manifest by port or destination results in a cumbersome operation.

The proposed amendment also points out that violations of the requirements set forth in § 4.93(c) are subject to applicable penalties under section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584).

Accordingly, it is proposed to amend paragraph (c) of § 4.93 to read as follows:

§ 4.93 Coastwise transportation by certain vessels of empty vans, tanks, and barges, equipment for use with vans and tanks; empty instruments of international traffic; stevedoring equipment and material; procedures.

(c) Any manifest required to be filed under this part by any foreign vessel

shall describe any article mentioned in paragraph (a) of this section laded aboard and transported from one United States port to another, giving its identifying number or symbol, if any, or such other identifying data as may be appropriate, the names of the shipper and consignee, and the destination. The manifest shall also include a statement

(1) that the articles specified in paragraph (a) (1) of this section are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign trade; or (2) that the stevedoring equipment and material specified in paragraph (a) (2) of this section is owned or leased by the owner or operator of the transporting vessel, or is owned or leased by the stevedoring company contracting for the lading or unlading of that vessel, and is transported without charge for use in the handling of cargo in foreign trade. If the district director at the port of lading is satisfied that there will be sufficient control over the coastwise transportation of the article without identifying it by number or symbol or such other identifying data on the manifest, he may permit the use of a manifest that does not include such information provided the manifest includes a statement that the district director at the port of unlading will be presented with a statement at the time of entry of the vessel that will list the identifying number or symbol or other appropriate identifying data for the article to be unladed at that port. Applicable penalties under section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), shall be assessed for violation of this paragraph.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before March 27, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACRE, Commissioner of Customs.

Approved: February 15, 1974.

JAMES B. CLAWSON, Assistant Secretary of the Treasury.

[FR Doc.74-4321 Filed 2-22-74; 8:45 am]

### DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1006, 1012, 1013]

[Docket Nos. AO 356-A10 etc.]

#### MILK IN THE UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

##### Partial Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before March 12, 1974. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

##### PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, as amended, were formulated, was conducted at Orlando, Florida, on May 24, 1972, pursuant to notice thereof which was issued on May 9, 1972 (37 FR 9565).

The material issues on the record of the hearing relate to:

1. Revision of the location adjustment of Orders 6, 12 and 13.
2. Change of pricing point on diverted milk under Orders 12 and 13.
3. Elimination of the mileage limitation on transfers and diversions of Class II milk to nonpool plants under Order 13.
4. Revision of order format for all three orders.
5. Adoption of a Class II classification for cream and cream products under all three orders.



Issues 1, 2, 3, and 4 were dealt with in an earlier decision. This decision deals with the remaining issue, No. 5.

Proponents of Issue 5 testified at the hearing that their proposal was offered so that the classification of cream and cream products under the three orders could be modified to coincide with whatever classification was ultimately adopted for such products under the 40-market classification proceedings on which decisions were then pending.<sup>1</sup> Since final decisions are now being issued dealing with the classification of cream and cream products under the 40 orders, it is appropriate that Issue 5 be considered at this time.

#### FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

5. Adoption of a Class II classification for cream and cream products under all three orders. The provisions of the three Florida orders should not be changed on the basis of this record to provide a Class II classification for cream and cream products, including eggnog.

Each of these orders now provides a Class I classification for sweet cream, mixtures of sweet cream and milk or skim milk, and eggnog. Sour cream and sour cream products (e.g., dips), aerated cream, and aerated cream products, however, are designated Class II products.

Handlers whose operations are fully regulated under these orders must account for their milk receipts from dairy farmers (producers) in accordance with actual use as Class I milk or Class II milk (Southeastern Florida order also provides a Class III classification for milk, the skim milk portion of which is disposed of for fertilizer or livestock feed, or is dumped) at the specified order class prices.

Under these prices, handlers' costs for skim milk and butterfat used in Class I (on a 3.5 percent butterfat content basis) is the basic formula price (Minnesota-Wisconsin manufacturing milk pay price) for the second preceding month plus \$2.85 in Upper Florida, \$2.95 in Tampa Bay, and \$3.15 in Southeastern Florida. The cost for skim milk and butterfat disposed of as Class II milk is the basic formula price for the month plus 15 cents. Differential butterfat used in Class I is priced at a flat value of 7.5 cents per point, while the Class II butterfat differential is computed by multiplying the Chicago butter price by 0.115.

Handlers operating partially regulated distributing plants (i.e., distributing plants with route disposition in the marketing area insufficient to meet the pooling standards for full regulation) alternatively may have their pool obligation computed as though their plant were a pool plant, subject to specified modifications, or at the difference between the Class I price and the uniform price on

the volume of their in-area Class I sales in excess of offsetting purchases of Class I milk from pool plants or from other order plants.

A partially regulated handler distributing cream and cream products in the three markets proposed that the orders be amended to provide a Class II classification for cream, mixtures of cream and milk or skim milk containing 9 percent or more butterfat and for eggnog containing 6 percent or more butterfat. Proponent indicated that he neither processes nor markets eggnog, but included such product in his proposed classification change to coincide with the proposals made by the principal cooperatives at the 40-market regional classification hearings.

The proponent handler operates a plant located at Jacksonville, Florida. The plant processes and packages principally whipping cream, light cream, and half and half that are distributed within the three marketing areas as well as in non-federally regulated areas. The plant also packages and processes aerated cream that is widely distributed in markets throughout the eastern United States. It was proponent's position that if, as a result of the 40-market classification hearings, cream products were classified as Class II (intermediate class in a 3-class market) in the surrounding Federally regulated markets in the Southeast (New Orleans, Georgia, Chattanooga, Nashville and Mississippi (now terminated)), he would be unable to compete equitably for sales in the Florida markets with handlers from adjacent markets because of his prospectively higher procurement costs. He was concerned also that he would be disadvantaged in selling cream and cream products in nearby markets in competition with plants located in such markets.

A second partially regulated handler also proposed a Class II classification for heavy cream, light cream, half and half and eggnog. This handler's plant, located at Lakeland, Florida, processes and distributes cultured milk and milk products over a wide area extending throughout Florida, the Caribbean area, the southeastern states and the States of New York, New Jersey and Pennsylvania.

Only one regulated handler voiced support for the proposed classification change for cream and cream products. His support was conditioned on there being no change in the specified minimum class prices. He opposed changing the classification of eggnog from Class I to Class II contending that resale prices for eggnog in the Florida markets appear to have little, if any, relationship to raw product procurement costs. He testified that the out-of-store prices for eggnog throughout most of Florida did not increase when the product (which prior to April 1970 was a Class II product as defined in the Florida orders) was reclassified to be a Class I product. In the Miami area the retail price for eggnog in fact declined, he stated, after the product was reclassified.

The spokesman for the cooperative associations representing producers in the three markets opposed any change in the classification of cream, cream products and eggnog unless the Class I prices under the respective orders were increased to offset the reduction in producer returns that he held, would otherwise result from the proposed change in classification. He pointed out that in each of the markets Class I disposition from pool plants during some months each year actually exceeds receipts from producers. As a further indication of the generally short milk supply, he noted that the percentage of producer milk used in Class I during 1971 averaged 93, 89 and 91 percent for the Upper Florida, Tampa Bay and Southeastern Florida markets, respectively. Any reduction in returns to producers, he held, could only result in a decline in milk production in these markets.

He calculated that based on data for 1971, the proposed change in classification would have resulted in a \$525,000 decrease in producer returns in the three markets. To offset this loss, he said, would require an increase of 4 cents in the Class I prices or, alternatively, a 32-cent increase in the Class II prices.

On the basis of this limited record the three Florida orders appropriately may not be amended to adopt the changes being made with respect to cream, cream mixtures and eggnog in the markets involved in the other classification proceedings referred to above. The basic difference existing between the latter orders and the Florida orders with respect to product classification, class prices, butterfat differentials, transfer provisions, allocation provisions, and methods of classifying end-of-month inventories, for example, were not considered on this record. Accordingly, the uniformity which proponents seek cannot be achieved without further hearing.

In addition, the relationship between the Class I and Class II prices under the Florida orders that existed at the time of the hearing has changed significantly.<sup>1</sup> At the time of the hearing (May 1972), the difference between the Class I and Class II prices (on a 3.5 percent butterfat content basis) under the Southeastern Florida order, for example, was \$3.10. During December 1973, such prices differed by \$2.55. This narrowing of the prices was accompanied by an increase spread between Class I and Class II in the Class II butterfat differential from 0.078 to 0.083. As a result of such price changes, the cost of half and half (10 percent butterfat) priced at a pool plant under the Southeastern Florida order, which during May 1972 was \$2.90 per hundredweight higher as a Class I product than would have been the situation had the product been Class II, had declined to the point that the difference was \$2.03 in December 1973. The cost of cream containing 40 percent butter-

<sup>1</sup> Official notice is taken of the May 1972 and December 1973 Market Statistics for Orders 6, 12, and 13 published by the market administrator.

fat during May 1972 was \$2 per hundred weight higher as Class I than would have been the case had such product been Class II. During December 1973, however, handlers' costs for cream would have been \$0.37 per hundredweight higher as a Class II product than actually was the case with the product in Class I.

Partially regulated distributing plants may elect to purchase their milk supplies from other than the local market. A partially regulated plant under any of the Florida orders could procure milk from handlers regulated under the Georgia order, for example. Under the amendments contained in the 40-market classification decision, such milk sold by Georgia handlers to a plant that is a partially regulated distributing plant under any of the Florida orders and disposes of cream and cream products would be priced at the Minnesota-Wisconsin manufacturing milk price plus 10 cents.

The partially regulated distributing plant's pool obligation on its sales within any of the Florida markets would be the difference between the particular Florida order's Class I price and its blend price. There would be no obligation on sales outside the regulated marketing areas. In recent months there has been little difference between the Class I and blend prices in any of the Florida markets.

In view of the above, it is not apparent that either regulated or partially regulated handlers would be significantly disadvantaged at this time under the existing order provisions.

Because of the higher level of surplus milk pricing and the lower Class I butterfat differential provided in the Florida orders, as compared with neighboring orders, there is no means by which the uniformity of pricing of cream, cream products and eggnog as between the Florida and surrounding Federal order markets can be achieved on the basis of this record. It is concluded, therefore, that no further order changes should be made on the basis of this record. The request for change in the classification of cream and cream products and eggnog is denied.

If interested parties believe that it is desirable to curtail the provisions of the Florida markets with the modifications made in the 40 orders as a result of the classification hearings, appropriately a hearing may be requested for that purpose in order that all the pertinent provisions may be considered.

#### RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such find-

ings or reach such conclusions are denied for the reasons previously stated in this decision.

#### DETERMINATION

The findings and conclusions of this decision do not require any change in the regulatory provisions of the orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas.

Signed at Washington, D.C., on: February 19, 1974.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.74-4292 Filed 2-22-74; 9:45 am]

#### Animal and Plant Health Inspection Service [9 CFR Parts 317, 381]

#### INFORMATION PANEL AND NUTRITION LABELING

##### Notice of Proposed Rulemaking; Correction

The notice of proposed rulemaking published in the *FEDERAL REGISTER* of January 11, 1974 (39 FR 1606-1614, FR Doc. 74-527), concerning nutrition labeling and an information panel on meat and poultry products, contains two errors.

1. In the text proposed for § 317.2(c) (4), in the third line, the paragraph designation "(k)" should read "(h)".
2. In the text proposed for § 381.116 (d) (1) (i), in the fourth line, the word "poultry" should be deleted.

Done at Washington, D.C., on February 15, 1974.

G. H. WISE,  
Acting Administrator, Animal and  
Plant Health Inspection Service.

[FR Doc.74-4370 Filed 2-22-74; 8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Food and Drug Administration

##### [21 CFR Part 121]

##### FOOD ADDITIVES

##### Proposed Revision of Use of Two Boiler Water Additives

Acting on a petition submitted by Nalco Chemical Co., Chicago, IL 60661, an order was published in the *FEDERAL REGISTER* of February 6, 1963 (28 FR 1149) which amended § 121.1088 *Boiler water additives* (21 CFR 121.1088) to prescribe the safe use of the two items, monobutyl ether of polyoxyethylene glycol and monobutyl ether of polyoxypropylene glycol, as boiler water additives in the preparation of steam that will contact food.

Published elsewhere in this issue of the *FEDERAL REGISTER* is an order responding to a petition submitted by Union Carbide Corp., Tarrytown, NY amending § 121.1088 to provide for the use of a copolymer of monobutyl ethers of polyethylene-polyoxypropylene glycol as a boiler water additive in the preparation of steam intended for food contact. Following the

filing of the Union Carbide petition, Nalco Chemical Co. advised the Food and Drug Administration that the subject of their earlier petition was in fact the same copolymer proposed by Union Carbide Corp. but inadvertently identified in their petition and subsequently listed under § 121.1088(c) as the individual polyglycol ethers.

In view of the foregoing, the Commissioner of Food and Drugs concludes that the individual polyglycol ethers cannot be authorized under § 121.1088(c) in the absence of supporting petition data.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 72 Stat. 1785-1788, as amended, 52 Stat. 1055; 21 U.S.C. 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend § 121.1088(c) by deleting from the list of substances the items "monobutyl ether of polyoxyethylene glycol" and "monobutyl ether of polyoxypropylene glycol."

Interested persons may, on or before April 26, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-36, 5000 Fishers Lane, Rockville, MD 20852, written comments (preferably in triplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 15, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.74-4303 Filed 2-22-74; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

##### [47 CFR Part 73]

[Docket No. 19937]

#### FM BROADCAST STATIONS IN RED OAK, KANA

##### Proposed Table of Assignments

In the matter of amendment of § 73.202 *Table of assignment FM Broadcast Stations* (Red Oak, Iowa), Docket No. 19937, RM-2119.

1. The Commission has before it for consideration the above-captioned petition for rule making filed January 5, 1973, by Red Oak Broadcasting, Inc., licensee of daytime-only AM Station KOAK, Red Oak, Iowa which requests the assignment of Channel 249A to Red Oak and its deletion from Nebraska City, Nebraska. Channel 249A was assigned to Nebraska City in 1943 when the present Table of Assignments was adopted. There is no application filed therefore. Petitioner asserts that Channel 249A could be assigned to Red Oak in conformity with the Commission's minimum mileage separation rules without affecting any presently assigned channel other than the deletion of Channel 249A from Nebraska City, Nebraska. A study shows that there is no channel available which could be assigned to Red Oak without re-



quiring other changes in the Table, or which could be substituted at Nebraska City, Nebraska. Nebraska City has a daytime-only AM Station, KNCY.

2. Red Oak, Iowa, a community of 6,210<sup>1</sup> persons and the seat of Montgomery County (population 12,781) is located 50 miles from Omaha, Nebraska. It presently has a daytime-only station (licensed to petitioner). Petitioner notes that Red Oak's retail sales and use tax ending fiscal year June 30, 1970, totalled \$142,176,514, and the two banking institutions in Red Oak have total assets of \$39,545,553. It states that the total labor force is 3,608 with 97 percent employment; six of the largest industries produce batteries, concrete products, calendars, pipe, agricultural-chemical packaging and liquid fertilizer. Petitioner points out that Red Oak is governed by a mayor-council form; has several elementary schools; a junior and senior high school; a public library and a hospital. Petitioner states that there is an evident need for a first FM channel in Red Oak and if the channel is assigned to that community it will make application therefor, and, if granted, will promptly place the channel in operation. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Red Oak, Iowa, is warranted.

3. In view of the foregoing, and pursuant to authority found in sections 4(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments (§ 73.202(b)) to read as follows:

City	Channel No.	
	Present	Proposed
Nebraska City, Nebr.	249A	249A
Red Oak, Iowa		249A

4. *Showings required.* Comments are invited on the proposal discussed above. Proponent will be expected to answer whatever questions are raised in the Notice and other questions that may be presented in initial comments. The proponent of the proposed assignment is expected to file comments even if he only resubmits or incorporates by reference his former pleading. He should also restate his present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

5. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

<sup>1</sup>Population Figures cited are from the 1970 U.S. Census.

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with this decision in this docket.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before March 1, 1974, and reply comments on or before March 11, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other document shall be furnished the Commission.

8. All filings made in this proceeding will be available for examination by interested parties during business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M St. NW.).

Adopted: February 13, 1974.

Released: February 20, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.74-4350 Filed 2-22-74;8:45 am]

#### FEDERAL POWER COMMISSION

[18 CFR Ch. I]

[Docket No. RM74-12]

#### INVESTIGATION OF RATES CHARGED FOR NONJURISDICTIONAL SALES OF NATURAL GAS

##### Notice of Extension of Time

FEBRUARY 15, 1974.

Investigation of rates charged for non-jurisdictional sales of natural gas by Natural Gas Companies subject to the jurisdiction of the Federal Power Commission.

Phillips Petroleum Company filed a request for an extension of time in which to file comments to the notice issued January 30, 1974, concerning the investigation of rates charged for nonjurisdictional sales of natural gas by natural gas companies subject to the jurisdiction of the Federal Power Commission.

Upon consideration, notice is hereby given that the time is extended to and including February 26, 1974, within which any views, comments, or suggestions in writing concerning all or any part may be filed.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4343 Filed 2-22-74;8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1125]

[Ex Parte No. 293 (Sub-No. 2)]

#### STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

##### Notice of Proposed Rulemaking and Order

FEBRUARY 19, 1974.

This notice and order is issued pursuant to, and under the authority of, section 205(d)(3) of the Regional Rail Reorganization Act of 1973 (the "Act"), Pub. L. 93-236, 87 Stat. 985, which provides that the Rail Services Planning Office of the Interstate Commerce Commission (the "Office") shall—

• • • within 180 days after the date of enactment of this Act, determine and publish standards for determining the "revenue attributable to the rail properties", the "avoidable costs of providing service", and "a reasonable return on the value", as those phrases are used in section 304 of this Act, after a proceeding in accordance with the provisions of section 553 of title 5, United States Code • • •

The Act has as its principal focus the statutory reorganization of railroads in bankruptcy in the northeastern quarter of the United States, and the restructuring of rail services in the 17-State region defined in section 102(13), plus additional territories added by the Commission by order entered January 14, 1974, in Ex Parte No. 293, namely, points in the St. Louis, Mo., and Louisville, Ky., Standard Metropolitan Statistical Areas and Manitowoc and Kewaunee, Wis. (the "Region"). Among other things, it provides for the development and ultimate approval by the Congress of a final system plan (the "Plan") for the redesign of rail services in the Region. The Plan is expected to identify a number of lines which are not considered essential to the overall rail transportation system and which cannot be operated profitably. These lines will not be included in the Plan, and section 304 of the Act, to which reference is made in section 205(d)(3) quoted above, permits the termination of service over, and the abandonment of, those lines under certain conditions.

Any time after the thirtieth day following the effective date of the Plan, the owner of a line excluded from the Plan may give notice to the governors of affected States and certain other persons of its intention to terminate service over the line. The notice may provide for termination of service at any time following 60 days after the issuance of the notice. Thus rail service over a line not included in the Plan could be terminated as early as 90 days following the effective date of the Plan. Rail properties may be abandoned, with certain exceptions, 120 days following the effective date of a notice of termination of train service over those properties.

Section 304(c)(2) of the Act provides that discontinuance of train service over, and abandonment of, lines not included

in the Plan cannot be carried out if, as pertinent to this proceeding, a shipper, a State, the United States, a local or regional transportation authority, or any responsible person offers—

• • • a rail service continuation subsidy which covers the difference between the revenue attributable to such rail properties and the avoidable costs of providing service on such properties plus a reasonable return on the value of such rail properties • • •

Section 205(d)(3), quoted above, requires the Office to promulgate standards for applying this formula within 180 days after the date of enactment of the Act—that is, on or before July 1, 1974.

Title IV of the Act recognizes the importance to the United States of continuing in operation rail lines not included in the Plan but considered essential by one of the States in the Region. It establishes a new program under which the Federal government is to reimburse the States for 70 percent of the amount of rail service continuation subsidies paid by them in order to maintain operations over rail lines that would otherwise have been abandoned under the Act.

In considering what standards should be established for computing the amount of a rail service continuation subsidy, it is essential to bear in mind not only the clearly expressed intent of the Congress to provide for the continued operation of services that might otherwise be terminated under the Act, but also the time limitations which Congress has imposed. The Office is allocated a period of only 180 days to develop and issue the standards, and the standards must be adopted pursuant to a proceeding subject to the Administrative Procedure Act requirement that all interested persons be given an opportunity to be heard. This means that a very tight procedural schedule must be adopted and adhered to.

More important is the fact that service over a line not included in the Plan could be terminated only 90 days after the Plan becomes effective, and only 60 days after notice of the owner's intention to terminate is given, unless a firm offer to provide subsidy is made by some interested person or government agency. To be able to make the decision whether to offer a subsidy, the cost of that subsidy must be known with at least a fair degree of precision. This means that if the intent of the Congress to establish an effective subsidy program is to be honored, and if the standards adopted in this proceeding are to serve any useful purpose, those standards must be such as to permit rapid calculation of the amount of the subsidy. In short, they must provide for a formula which can be applied to a given situation and produce an answer to the subsidy cost question in a very short time—necessarily less than the 60 days allowed by the Act between issuance of a notice of intent to terminate service and the effective date of the termination.

The proposed standards for determining the revenue and avoidable costs at-

tributable to a line not included in the Plan and as to which a notice of intent to terminate service has been given (herein for convenience called a "branch") are made up, in effect, of a series of apportionment formulas under which various revenue and expense accounts, as reported by the railroads to the Commission, are prorated between the branch and remainder of the owning railroad's system. The formulas require, for the most part, the application of data submitted routinely by the railroads in their annual reports and annual freight commodity statistics. Certain other information will also be required in order to make the required apportionments, and the proposed rules provide for its submission. Admittedly, the result of applying the apportionment formulas proposed is likely to be a less precise measure of attributable revenues and avoidable costs than would be achieved if an exhaustive study of branch costs and revenues were conducted in order to arrive at a measure of "avoidable loss" as that term has been used in the past by the Commission in its determination of routine rail abandonment applications. However, the statutory plan for northeastern and mid-western rail service restructuring, of which the required standards are a part, does not permit the luxury of detailed and time consuming studies of cost and revenue experience on individual lines.

In most if not all instances, only the railroad proposing to terminate service on a branch will have access to the information needed to assign historical revenues and costs to that line. Thus it is proposed that a rule be adopted requiring the railroad, when it submits its notice of intent to terminate service, to furnish the data necessary for making that determination. A notice of intent to terminate service under the rule proposed here would not be deemed complete until all such information had been supplied, and the effective date of the proposed termination of service could not be set by the railroad at less than 60 days following the date upon which its completed notice, including all necessary data, had been filed with this Office and the governor of the State in which the Branch Line is located. Those data would also have to be made available upon request, to all persons entitled to receive notice of the railroad's intention to terminate service. Comments are invited as to alternative procedures which would insure that the States obtain access to the necessary data in time to answer the subsidy cost question within the time constraints of the statute.

The proposed method of calculating "avoidable costs of providing service" and "revenue attributable to rail properties" uses data from the Commission's Annual Report Form A (recently redesignated as form R-1) and Annual Form QCS, both containing generally available data compiled by the railroads, and certain other statistics providing additional data needed for apportioning revenue and expenses to branch line operations set out in § 1125.7(d) and Table

I of the proposed standards. These data are available only from the railroads, but they should be able to furnish them without undue difficulty.

Development of a standard to determine what is a reasonable return on the value of rail properties to be kept in operation under subsidy requires a two-step process. First a means for determining the value of the properties must be established; second, what constitutes a fair rate of return must be determined.

The standard proposed for determining the value of the properties involved is net liquidation value—that is, current market value less the costs related to dismantling and disposal of the property. Disputes are likely to arise between the owning railroad and the subsidizing body over the value of the properties involved, and also possibly over the identification of the actual properties needed to provide the level of service to be performed. The proposed standard, therefore, includes a provision for compulsory arbitration.

The proposed standard for determining what is a reasonable return on the value of the property to be subsidized establishes a variable rate of return based on recent experience in the sale of what are considered relatively safe, long-term railroad securities—namely, equipment trust certificates. They are highly rated, and sold by competitive bidding to knowledgeable investors. In a recent sale, equipment trust certificates bearing interest at eight percent per year were sold at 100.5573, or an actual interest cost of 7.89 percent. The rate of return on the value of a branch to be subsidized would, under the proposed standard, be the average interest cost for equipment trust certificates sold by Class I railroads in the United States during the 3 calendar months preceding the month in which the notice of termination of service over the branch becomes effective. It is contemplated that the Office would make that computation and publish the current rate of return monthly in the FEDERAL REGISTER.

All persons interested in filing statements of their views on the proposed standards which are a part of this notice, or in proposing for consideration alternative standards, are invited to do so. Statements should be submitted in writing to the Office on or before May 3, 1974. An original and six copies of any statement should be supplied. Because of the severe time limitations imposed by the Regional Rail Reorganization Act of 1973, reply statements will not be entertained, nor will oral hearings be held.

In light of the foregoing considerations:

It is ordered, That a proceeding be, and it is hereby, instituted under the provisions of section 205(d)(3) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985, looking toward the adoption of standards for determining "the revenue attributable to the rail properties", the "avoidable costs of providing service", and "a reasonable return on the value" as those



terms are used in section 304 of such Act;

And it is further ordered, That no oral hearing be scheduled for receiving testimony in this proceeding, but that all interested persons be invited to participate in this proceeding by submitting written representations containing statements of fact or views. Comments are particularly invited on the proposed standards which accompany this notice and order. To be considered, the original and six copies of each representation must be filed before May 3, 1974, with:

Rail Services Planning Office  
Interstate Commerce Commission  
Washington, D.C. 20423

By the Commission, Rail Services Planning Office.<sup>1</sup>

[SEAL] ROBERT L. OSWALD,  
Secretary.

It is proposed to amend 49 CFR Chapter X by adding a new Part 1125 to read as follows:

**PART 1125—STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES**

Sec.	
1125.1	General.
1125.2	Definitions.
1125.3	Revenue attributable to particular rail lines.
1125.4	Avoidable costs of providing service on particular lines.
1125.5	Valuation of rail properties.
1125.6	Reasonable return.
1125.7	Submission of data by railroads seeking to terminate service.
1125.8	Amendment.

TABLE I

AUTHORITY: Sec. 205(d) (3), Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985.

**§ 1125.1 General.**

These standards are issued by the Rail Services Planning Office of the Interstate Commerce Commission pursuant to section 205(d) (3) of the Regional Rail Reorganization Act of 1973, and provide rules for the interpretation and application of the provisions of section 304(c) (2) of that Act regarding the payment of rail service continuation subsidies.

**§ 1125.2 Definitions.**

(a) Act means the Regional Rail Reorganization Act of 1973, P.L. 93-236, 87 Stat. 985.

(b) Branch means a line of railroad not included in the final system plan as defined in section 102(6) of the Act, and which is the subject of a notice to terminate service under section 304(a) of the Act.

(c) Commission means the Interstate Commerce Commission.

(d) Office means the Commission's Rail Services Planning Office, established by section 205 of the Act.

(e) Railroad, unless the context requires otherwise, means a railroad company, or the trustee or trustees of a railroad company, which owns or controls a

system of rail lines of which a branch is a part, or was a part prior to the effective date of the final system plan as defined in section 102(6) of the Act.

(f) Subsidizing body includes a shipper, the United States, a State, a local or regional transportation authority, or any responsible person offering, or expressing its intention to offer, a rail service continuation subsidy under section 304(c) (2) (A) of the Act.

**§ 1125.3 Revenue attributable to particular rail lines.**

The revenue attributable to a branch shall be the sum of the revenues apportioned to the branch in accordance with the principles set forth in this section.

(a) Freight revenues (Account 101) shall be apportioned to the branch in accordance with the following procedure:

(1) Utilizing information reported by the railroad in its most recent Annual Report of Freight Commodity Statistics (Interstate Commerce Commission Annual Form QCS) and the branch commodity statistics required to be supplied by such railroad under § 1125.7(d) (2) (A), obtain the gross freight revenue and the tons originated for each of the commodities originated on the branch, and compute the gross freight revenue per ton originated for such commodities.

(2) Multiply the gross freight revenue per ton originated separately by commodities by the tons originated on the branch for each commodity and by tons terminated on the branch which originated off the branch and aggregate the resulting products per ton originated and terminated to obtain branch line gross freight revenue.

(3) Adjust the branch line gross freight revenue by a percentage that is the relationship of freight revenue (Account 101) in the railroad's most recent Annual Report to the Commission (Rail Form A or R-1) to gross freight revenue from its most recent Annual Report of Freight Commodity Statistics (Annual Form QCS) to obtain freight revenues attributable to the branch.

(b) Passenger revenues (Account 102) shall be apportioned to the branch on the basis of passenger miles on the branch to system passenger miles.

(c) Account:

- 103—Baggage.
- 104—Sleeping car.
- 105—Parlor and chair car.
- 106—Mail.
- 107—Express.
- 108—Other passenger train.
- 131—Dining and buffet.

Apportion to branch on the basis of passenger car-miles on the branch to system passenger-car miles.

(d) Account:

- 110—Switching.
- 135—Storage freight.
- 137—Demurrage.
- 138—Communication.
- 142—Rents of buildings and other property.
- 143—Miscellaneous.

Where applicable to branch operations, assign directly; otherwise exclude.

(e) Account:

- 151—Joint facility—Cr.
- 152—Joint facility—Dr.

Where applicable to branch operations, apportion to branch on proportion of track miles operated to system track miles operated.

**§ 1125.4 Avoidable costs of providing service on particular lines.**

The avoidable costs of providing service over a branch shall be the sum of the expenses apportioned to the branch in accordance with the principles set forth in this section. Where applicable, expenses for providing both freight and passenger services shall be apportioned to the branch.

(a) Expenses for maintenance of way and structures. (1) Account:

- 201—Superintendence.
- 274—Injuries to persons.
- 275—Insurance.
- 276—Stationery and printing.
- 277—Employees' health and welfare benefits.
- 282—Other expenses.

Apportion to branch on the proportion of branch expenses in Accounts 202-265, inclusive, to system expenses in the same accounts.

(2) Account:

- 202—Roadway maintenance.
- 212—Ties.
- 216—Other track material.
- 218—Ballast.
- 220—Track laying and surfacing.

Apportion to the branch on the basis of equated track miles of branch line tracks. Basis of equating tracks, shall be:

	Percent
1st Main track.....	100
2nd Main track.....	83
3rd Main track.....	75
Branch line main track.....	49
Passing tracks.....	43
Yard tracks and sidings.....	32

(3) Account:

- 206—Tunnels and subways.
- 208—Bridges, trestles, and culverts.
- 210—Elevated structures.
- 221—Fences, snowsheds, and signs.

Where applicable, apportion to branch on proportion of branch expenses in Accounts 202-265, inclusive, to system expenses in the same accounts.

(4) Account:

- 227—Station and office buildings.

Apportion to branch on basis of tons of revenue freight or passengers carried on branch to tons of system revenue freight or passengers carried.

(5) Account:

- 229—Roadway buildings.
- 231—Water stations.
- 233—Fuel stations.
- 265—Miscellaneous structures.
- 266—Road property—Depreciation.
- 267—Retirements—Road.
- 269—Roadway machines.
- 270—Dismantling retired road property.
- 271—Small tools and supplies.
- 272—Removing snow, ice, and sand.
- 273—Public improvement—Maintenance.
- 281—Right-of-way expenses.
- 282—Other expenses.

Apportion to branch on basis of miles of road operated on branch to miles of road operated on the system.

(6) Account:

- 237—Grain elevators.
- 239—Storage warehouses.
- 241—Wharves and docks.
- 243—Coal and ore, wharves.

Where applicable, apportion to branch on basis of miles of road operated on branch to miles of road operated on the system.

(7) Account:

- 235—Shops and engine houses.
- 247—Communications systems.
- 249—Signals and interlockers.

Apportion to branch on proportion of branch train miles to total system train-miles.

(8) Account:

- 244—TOFC/COFC terminals.

Apportion to branch on basis of tons of revenue freight carried in TOFC/COFC vehicles on the branch to total system tons of revenue freight carried in TOFC/COFC vehicles.

(9) Account:

- 253—Power plants.
- 257—Power-transmission systems.

Apportion to branch on proportion of locomotive unit-miles of electric locomotives on branch to system electric locomotive unit-miles.

(10) Account:

- 278—Maintaining joint tracks, yards, and other facilities—Dr.
- 279—Maintaining joint tracks, yards, and other facilities—Cr.

Apportion to branch where applicable on the basis of miles operated on the branch to total miles operated on the system.

(b) Expenses for maintenance of equipment. (1) Account:

- 301—Superintendence.
- 332—Injuries to persons.
- 333—Insurance.
- 334—Stationery and printing.
- 335—Employees' health and welfare benefits.
- 339—Other expenses.

Apportion to branch on proportion of branch expenses in Accounts 311, 314, 318 and 323 to total system expenses in the same Accounts.

(2) Account:

- 302—Shop machinery.
- 304—Powerplant machinery.
- 305—Shop and power-plant machinery—depreciation.
- 306—Dismantling retired shop and power-plant machinery.
- 329—Dismantling retired equipment.
- 331—Equipment depreciation.
- 336—Joint maintenance of equipment—Dr.
- 337—Joint maintenance of equipment—Cr.

Apportion to the branch on proportion of branch expenses in Accounts 311, 314, 318, and 323 to total system expenses in the same Accounts. Charges for work done on cars rented on a mileage basis shall be excluded from Account 314.

(3) Account:

- 311—Locomotive—Repairs, Diesel locomotives—Yard.
- 311—Locomotive—Repairs, Other than diesel—Yard.

Apportion to the branch on proportion of the yard switching locomotive miles operated on the branch to system yard switching locomotive miles.

(4) Account:

- 311—Locomotive—Repairs, Diesel locomotives—Other.
- 311—Locomotive—Repairs, Other than diesel—Other.

Apportion to the branch on the proportion of the branch gross ton-miles, including locomotives in road service, to system gross ton-miles, including locomotives in road service.

(5) Account:

- 314—Freight train cars—Repairs.

Apportion to branch on proportion of branch loaded and empty freight car-miles of other than mileage rented cars to system loaded and empty freight car-miles of other than mileage rented cars.

(6) Account:

- 318—Highway revenue equipment—Repairs.

Apportion to branch on proportion of branch vehicle-miles (loaded and empty) in revenue service to system vehicle-miles (loaded and empty) in revenue service.

(7) Account:

- 323—Floating equipment—Repairs.

Where applicable, apportion to branch on proportion of branch cars handled (loaded and empty) to system cars handled (loaded and empty).

(8) Account:

- 326—Work equipment—Repairs.
- 328—Miscellaneous—Repairs.

Apportion to branch on proportion of branch nonrevenue ton-miles to system nonrevenue ton-miles.

(c) Traffic expenses (Accounts 351-360) shall be apportioned to branch on proportion of tons of revenue freight carried on branch to system tons of revenue freight carried.

(d) Transportation (rail line) expenses. (1) Account:

- 371—Superintendence.
- 409—Employees' health and welfare benefits.
- 410—Stationery and Printing.
- 411—Other Expenses.
- 414—Insurance.
- 420—Injuries to persons.

Apportion to branch on proportion of branch expenses in Accounts 372, 373 to 389, 392 to 408, and 415 to total system expenses in same accounts.

(2) Account:

- 372—Dispatching trains.
- 401—Trainmen.
- 404—Signal and interlocker operation.
- 405—Crossing protection.
- 406—Drawbridge operation.
- 407—Communications system operation.
- 415—Clearing wrecks.
- 416—Damage to property.
- 417—Damage to livestock on right-of-way.

Apportion to branch on proportion of branch train-miles to total system train-miles.

(3) Account:

- 373—Station employees.
- 376—Station supplies and expenses.

Apportion to branch on proportion of tons of revenue freight carried on branch to system tons of revenue freight carried.

(4) Account:

- 374—Weighing, inspection and demurrage bureaus.
- 375—Coal and ore wharves.
- 406—Operating floating equipment.

These expenses shall be excluded unless essential to branch operation. Where applicable, apportion to branch on proportion of branch tons of revenue freight to system tons of revenue freight.

(5) Account:

- 377—Yardmasters and yard clerks.
- 378—Yard conductors and brakemen.
- 379—Yard switch and signal tenders.
- 380—Yard enginemen.
- 382—Yard switching fuel.
- 383—Yard switching power produced.
- 384—Yard switching power purchased.
- 388—Servicing yard locomotives.
- 389—Yard supplies and expenses.
- 390 & 391—Operating joint yards and terminal (net).

Apportion to branch on proportion of branch yard switching locomotive unit-miles to system yard switching locomotive unit-miles.

(6) Account:

- 392—Train enginemen.
- 394—Train fuel.
- 395—Train power produced.
- 396—Train power purchased.
- 400—Servicing train locomotives.
- 412 & 413—Operating joint tracks and facilities (net).

Apportion these expenses to the branch on proportion of branch locomotive unit-miles (including train switching) to system locomotive unit-miles (including train switching).

(7) Account:

- 402—Train supplies and expenses.

Apportion to branch on proportion of branch freight car-miles (loaded, empty and caboose) to system freight car-miles (loaded, empty and caboose).

(e) Miscellaneous operations expenses (Accounts 441-448) shall be assigned to branch only if directly applicable, and otherwise shall be excluded.

(f) General expenses (Accounts 451-462) shall be apportioned to branch on proportion of branch expenses in each group of Accounts listed in paragraphs (a) through (d) of this section to total system expenses in the same groups of Accounts.

(g) Expenses reported under Account 532, Railway tax accruals, shall be apportioned as follows:

(1) Payroll taxes shall be apportioned to the branch on the basis of total branch operating expenses to total system operating expenses.

(2) Property taxes shall be apportioned to branch on the basis of branch miles of road to total miles of road within the state.

<sup>1</sup> Present: George M. Chandler, director, to whom the matters under consideration in this notice and order have been assigned.

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(3) Other taxes shall be apportioned on the basis of miles of road operated on branch to miles of road operated on the system.

(h) Rent income and payable

(1) Account:

- 503—Hire freight cars and highway revenue equipment—Cr.
- 536—Hire of freight cars and highway revenue equipment—Dr.

Apportion the net of the above accounts to the branch on the basis of car miles on the branch to total system car miles.

(2) Account:

- 504—Rent from locomotives.
- 506—Rent from floating equipment.
- 539—Rent for floating equipment.

Assign to branch only where applicable.

(3) Account:

- 507—Rent from work equipment.
- 540—Rent for work equipment.

Follow instructions for Account 326—Work equipment repairs.

(4) Account:

- 508—Joint facility rent income.

Assign directly to branch where applicable, otherwise apportion expenses to branch on the proportion of the sum of Accounts 279, 337, 413, and 462 charged to branch to total of such accounts.

(5) Account:

- 537—Rent for locomotives.

Apportion to the branch line on the basis of locomotive unit-miles used on the branch to total system locomotive unit-miles.

(6) Account:

- 541—Joint facility rents.

Assign directly to branch where applicable, otherwise apportion expenses to branch on the proportion of the sum of Accounts 278, 336, 390, 412, and 461, charged to branch to total of such accounts.

#### § 1125.5 Valuation of rail properties.

The value of rail properties on a branch shall be determined in accordance with the following principles:

(a) For the purposes of these standards, properties on a branch shall include only those properties and facilities—

(1) Which are used and useful to provide those rail services demanded by the subsidizing body; or

(2) In the absence of a specific demand for services by the subsidizing body, which are used and useful to provide the rail services actually performed on the branch on the effective date of the final system plan.

(b) The value of properties on a branch shall be the net liquidation value of those properties—that is, their current market value less all costs related to dismantling and disposition of improvements necessary to render the remaining property available for its highest and best use.

(c) If the railroad and the subsidizing body fail to reach agreement over what properties are used and useful or the net

liquidation value of those properties within what the subsidizing body considers a reasonable time after negotiations for the payment of a rail service continuation subsidy are begun, the subsidizing body may notify the railroad of its intention to seek arbitration, and—

(1) The railroad and the subsidizing body shall each appoint a representative, and the appointed representatives shall select an arbitrator or arbitrators mutually acceptable to them, and the decision of the arbitrator or arbitrators shall be final; or

(2) In the event that the railroad fails to appoint a representative as required in paragraph (c)(1) of this section within 5 days following receipt of a notice from the subsidizing body naming its representative, or in the event that the appointed representatives fail to agree upon a mutually acceptable arbitrator or arbitrators within 5 days following appointment of the railroad's representative, the subsidizing body may submit the matter for arbitration to the American Arbitration Association whose determination of the dispute shall be final.

#### § 1125.6 Reasonable return.

(a) The reasonable return on the value of rail properties on a branch as established in the immediately preceding section shall be the simple average interest cost for Equipment Trust Certificates sold by Class I railroads in the United States (as defined by the Commission) during the three calendar months immediately preceding the month in which a notice of intent to terminate service over the branch became, or would have become, effective.

(b) Average interest costs for Equipment Trust Certificates sold during the three immediately preceding months shall be computed monthly by the Office and published in the FEDERAL REGISTER.

#### § 1125.7 Submission of data by railroads seeking to terminate service.

(a) Any railroad filing notice of its intention to terminate service over a branch pursuant to section 304(a) of the Act shall—

(1) Serve upon the Director, Rail Services Planning Office, Interstate Commerce Commission, Washington, D.C. 20423, a copy of its notice accompanied by a copy of its most recent Annual Report (Interstate Commerce Commission Rail Form A or R-1) on file with the Commission, a copy of its most recent Annual Report of Freight Commodity Statistics (Interstate Commerce Commission Annual Form QCS) on file with the Commission, and the information described in subsection (d) of this subsection (d) of this section:

(2) Serve upon the governor or governors of the State or States within which the branch is located copies of the materials and information required to accompany the copy of the notice to be filed with the Director of the Office as provided in the immediately preceding paragraph; and

(3) Upon request, provide to any per-

son entitled to notice under section 304 (a) (2) (C) of the Act copies of, or reasonable access to, the materials and information required to accompany the copy of the notice to be served upon the Director of the Office as provided in paragraph (a) (1) of this section.

(b) No notice of intention to terminate rail service on a branch shall be deemed completed until all the materials and information required to accompany the copy of the notice to be filed with the Director of the Office as provided in paragraph (a) (1) of this section have in fact been served upon him and upon the governor or governors of the State or States within which the branch is located.

(c) No rail service over a branch shall be terminated under the provisions of section 304(a) of the Act less than 60 days following the date upon which a completed notice of intention to terminate service, as described in the immediately preceding subsection, has been served upon the governor or governors of the State or States within which the branch is located.

(d) Pursuant to the provisions of paragraph (a) of this section, and in addition to the information specified therein, any railroad filing notice of its intention to terminate service over a branch pursuant to section 304(a) of the Act shall provide the following information, developed for the same year as the railroad's most recent Annual Report on file with the Commission:

(1) The railroad shall provide the items of information listed in Table I accompanying these standards. To the extent applicable, the railroad shall provide for each item listed in Table I, information with respect to—

(i) Operations on the branch in freight service;

(ii) Operations on the entire system in freight service;

(iii) Operations on the branch in passenger service; and

(iv) If passenger service is provided on the branch, operations on the entire system in passenger service.

(2) The railroad shall either—

(i) Provide a listing of all commodities originating and terminating on the branch, identifying such commodities by the commodity codes used in the Quarterly Report on Freight Commodity Statistics, and providing for each commodity the tonnage originating and terminating on the branch; or

(ii) Shall provide its own computation of the freight revenues to be apportioned to the branch in accordance with the provisions of § 1125.3(a) of this Part. If the railroad elects to supply its own computation of freight revenues attributable to the branch, it shall make available for examination the working papers from which such computation was made to a subsidizing body upon request, provided that, if the railroad shall so request, the subsidizing body agrees to maintain the confidentiality of any information that may be disclosed in the course of such examination.

#### § 1125.8 Amendment.

The right to amend this part, following notice and the opportunity to be heard, is hereby expressly reserved.

##### TABLE I

The following information is to be provided pursuant to 49 CFR § 1125.7(d) (1):

##### AVERAGE MILES OF ROAD OPERATED

- 1 First main.
- 2 Second main.
- 3 3rd and 4th main.
- 4 Branch.
- 5 Passing tracks.
- 6 Yard and sidings.

##### TRAIN-MILES

- 7 Diesel locomotives.
- 8 Other locomotives.
- 9 Total locomotives.
- 10 Motorcars.
- 11 Total train-miles.

##### LOCOMOTIVE UNIT-MILES

- 12 Road service (Diesel and Other).
- 13 Road service (Electric only).
- 14 Train switching.
- 15 Yard switching.

## PROPOSED RULES

16 Total locomotive unit-miles (lines 12, 14, and 15).

##### CAR-MILES

- 17 Total motorcar car-miles.
- 18 Loaded time-mileage freight cars.
- 19 Loaded other freight cars.
- 20 Empty time-mileage freight cars.
- 21 Empty other freight cars.
- 22 Caboose.
- 23 Total freight car-miles (lines 18 through 22, inclusive).

##### GROSS TON-MILES AND TRAIN-HOURS IN ROAD SERVICE

- 24 Gross ton-miles of locomotives and tenders (thousands).
- 25 Gross ton-miles of freight-train cars contents, and cabooses (thousands).
- 26 Train-hours—Total.

##### REVENUE AND NONREVENUE FREIGHT TRAFFIC

- 27 Tons of revenue freight.
- 28 Tons of nonrevenue freight.
- 29 Tons of revenue freight in TOFC/COFC service.
- 30 Tons-miles—Revenue freight in road service (thousands).
- 31 Ton-miles—Nonrevenue freight in road service (thousands).
- 32 Count of loaded cars.

##### VEHICLE-MILES (LOADED AND EMPTY) Line-haul (station to station)

- 33 Truck-miles.
- 34 Tractor-miles.

##### TERMINAL SERVICE (WHEN PERFORMED BY VEHICLES OTHER THAN THOSE USED FOR LINE-HAUL)

- 35 Pickup and delivery.

##### PASSENGER SERVICE

- 36 Passengers carried.
- 37 Passenger miles.
- 38 Passenger-car miles.

INSTRUCTIONS: In preparing the above information, the railroad shall separate average miles of road operated by the various types of track listed at lines 1 through 6; assign directly to the branch the passing track, yard, and siding track mileage where they are solely related to the branch; and assign train-miles, locomotive unit-miles, car-miles, gross ton-miles and highway vehicle miles on the basis that they are incurred on the branch. Revenue and non-revenue traffic data shall be accumulated from source documents, such as waybills, to obtain appropriate statistics for the branch.

[FR Doc. 74-4246 Filed 2-22-74; 8:45 am]



## Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF THE TREASURY Office of the Secretary

#### REGENERATIVE BLOWER/PUMPS FROM WEST GERMANY; ANTIDUMPING

##### Determination of Sales at Less Than Fair Value

Information was received on April 16, 1973, that regenerative blower/pumps from West Germany were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the Act).

A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of November 23, 1973 (38 FR 32270).

I hereby determine that for the reasons stated below, regenerative blower/pumps from West Germany are being, or are likely to be, sold at less than fair value within the meaning of section 201 (a) of the Act (19 U.S.C. 160(a)).

##### Statement Of Reasons On Which This Determination Is Based:

The information before the U.S. Customs Service reveals that the proper basis of comparison for fair value purposes is between exporter's sales price and the adjusted home market price of such or similar merchandise.

Exporter's sales price was calculated on the basis of the resale price to unrelated purchasers in the United States, with deductions for ocean or air freight, as applicable, insurance, U.S. duty, Customs brokerage and clearance charges, inland freight, direct and indirect selling expenses in the United States, and a rebate of warranty costs.

Home market price was calculated on the basis of an ex-factory price to unrelated purchasers by wholly owned subsidiaries, with deductions for a discount, warranty and service costs, technical assistance, advertising and selling expenses.

Using the above criteria, exporter's sales price was found to be lower than the adjusted home market price of such or similar merchandise.

The United States Tariff Commission is being advised of this determination. (Section 201(c) of the Act (19 U.S.C. 160(c))).

[SEAL] JAMES B. CLAWSON,  
Acting Assistant Secretary  
of the Treasury.

[FR Doc.74-4519 Filed 2-22-74;8:53 am]

### DEPARTMENT OF DEFENSE

#### Corps of Engineers CHIEF OF ENGINEERS ENVIRONMENTAL ADVISORY BOARD Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the quarterly

meeting of the Environmental Advisory Board of the Chief of Engineers will be held on 26-27 February 1974, at the Conference Room of the Board of Engineers for Rivers and Harbors, Kingman Building, Fort Belvoir, Virginia, beginning at 0930 each morning.

The meeting will be open to the public at the following times:

FEBRUARY 26, 1974

1400-1615, Strategies of American Water Management and Policy and the Relationship to the U.S. Army Corps of Engineers.

FEBRUARY 27, 1974

(1) 0930-1100, Discussion of presentation delivered afternoon, February 26, 1974.

(2) 1500-1545, Examples and Problems on Nontraditional Approaches to Flood Plain Management.

(3) 1545-1615, On-going Evaluations Downstream of Dams.

The balance of the meeting will be subjects that fall within policies analogous to those recognized in section 552 (b) of title 5 U.S.C. and as such are exempt from public disclosure.

Persons desiring further information should contact LTC John F. Wall, Assistant Director of Civil Works, Environmental Programs, Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, telephone (202) 693-7093.

RUSSELL J. LAMP,

Colonel,  
Corps of Engineers Executive.

[FR Doc.4416 Filed 2-22-74;8:45 am]

### DEPARTMENT OF COMMERCE

#### Domestic and International Business Administration

#### INDIANA STATE DEPARTMENT OF MENTAL HEALTH, ET AL.

##### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 18, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER,

prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00249-01-11000.

Applicant: Indiana State Department of Mental Health, 1315 West 10th Street, Indianapolis, Indiana 46202. Article: Gas Chromatograph-Mass Spectrometer, LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in investigations relating to:

(1) Causes of mental and physical retardation which are genetically determined in children,

(2) Causes of unexplained ketoacidosis in the newborn,

(3) Investigation of jaundice in the newborn and metabolism of bilirubin, and

(4) Study of the neurochemistry and therapy of seizure disorders.

The article will also be used for education at the graduate level. Students preparing themselves for careers in analytical biochemistry with emphasis on intermediary metabolism or on drug metabolism will use the article in carrying out their major research projects. In addition, the article will be used by research fellows, graduate students, and a number of medical students for various phases of work in mass-spectrometry. Application received by Commissioner of Customs: December 19, 1973.

Docket Number: 74-00250-33-46040. Applicant: Roswell Park Memorial Institute, Health Research Inc., 666 Elm Street, Buffalo, New York 14203. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used in a wide range of research projects which include the following:

(1) Examination of human leukemia cells from A.L.L. and lymphosarcoma converted to leukemia to attempt to detect morphological differences in order to prognosticate,

(2) Examination of Ewing's Sarcoma and Reticulum Cell Sarcoma of the bone in an attempt to differentiate these two in order to "tailor-make" treatments,

(3) Examination of human lymphomas to detect morphological differences and correlate with prognosis,

(4) Examination of breast cancer,

(5) Expansion of pathological sources to use electron microscopy diagnosis on difficult diagnostic cases by light microscopy,

(6) Development of a hydration chamber for both transmission and scanning electron microscopy, and

(7) Localization of carcinoembryonic antigen on tumor cells, either from surgical specimens or from tissue culture using immuno electron microscopy techniques.

In addition, the article is to be used in the course Techniques of Electron Microscopy in which students will learn the principals of fixation, dehydration, and embedding of tissues for electron microscopy and practical training in the use of the electron microscope will be given. Application received by Commissioner of Customs: December 18, 1973.

Docket Number: 74-00252-75-40500.

Applicant: The University of Chicago, The James Franck Institute, 5640 S. Ellis Avenue, Chicago, Illinois 60637.

Article: Narrow Gap Interferometer. Manufacturer: Electro Photonics Limited, United Kingdom. Intended use of article: The article is intended to be used to frequency tune picosecond duration light pulses from an existing mode locked oscillator. These light pulses will be used to study reaction kinetics and energy transfer in photoexcited molecules. In particular, the cis-trans isomerization in linear polyene molecules will be studied by observing Raman scattering of light off the photoexcited molecule. Application received by Commissioner of Customs: December 14, 1973.

Docket Number: 74-00254-33-46040.

Applicant: U.S. Public Health Service Hospital, Bay Street and Vanderbilt Avenue, Staten Island, New York 10304.

Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in studies of biological materials consisting almost exclusively of cardiac tissue obtained from experimental animals (canine, rabbit). Experiments to be conducted include: an examination of the ultrastructural changes in canine cardiac conduction system under different physiological and pharmacological conditions. Application received by Commissioner of Customs: December 17, 1973.

Docket Number: 74-00255-33-46040.

Applicant: University of Massachusetts Medical School, 55 North Lake Avenue, Worcester, Massachusetts 01604. Article: Electron Microscope Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended Use of Article: The article is intended to be used for further research on the process of wound healing specifically, the identification of the intracellular mechanisms responsible for the "pull" in the closing of wounds. The article will also be used for research on atherosclerosis and coronary disease which concerns the study of the mechanism of degenerative changes in the coronary arteries. Application received by Commissioner of Customs: December 20, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,

Director,

Special Import Programs Division.

[FR Doc.74-4284 Filed 2-22-74;8:45 am]

#### MILLARD FILLMORE HOSPITAL, ET AL. Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 18, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00251-33-46040.

Applicant: Millard Fillmore Hospital, 3 Gates Circle, Buffalo, New York 14209.

Article: Electron Microscope, Model EM-10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study the pathogenesis of primary and secondary human renal diseases. The principal applications will be concerned with the identification of ultrastructural alterations in the subcellular fractions of visceral epithelial cells, endothelial cells, mesangial cells, and tubular epithelial cells of glomeruli. In addition, the article will be used in the training of pathology residents in the Department of Pathology at the Hospital. Application received by Commissioner of Customs: December 14, 1973.

Docket Number: 74-00253-33-46040.

Applicant: Presbyterian University of Pennsylvania Medical Center, 51 N. 39th Street, Philadelphia, Pennsylvania 19104.

Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of isolated blood vessels, heart and skeletal muscle from normal experimental subjects as

well as diseased organs. The major objective of the investigations is to determine the source of calcium used for contraction in various muscles and the cellular loci where calcium is sequestered when muscle is relaxed. The investigation of diseased blood vessels will be used to determine the sites of deposition of calcium in atherosclerosis, while similar studies on blood vessels will be directed toward determining the fundamental defect in producing high blood pressure. The article will also be used in the research training of graduate students and post-doctoral fellows. Application received by Commissioner of Customs: December 19, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,

Director,

Special Import Programs Division.

[FR Doc.74-4283 Filed 2-22-74;8:45 am]

### UNIVERSITY OF IOWA HOSPITALS

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00023-33-90000.

Applicant: University of Iowa Hospitals & Clinics, Newton Road, Iowa City, Iowa 52242. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article will be used to evaluate a diagnostic technique based on studying differential absorption coefficient of tissue densities within the skull. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial tomography. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated October 5, 1973 that the speed, resolution and accuracy of the article is pertinent to the applicant's use in collaborative studies of evaluation and in clinical trials intended to study the potential of the article to



diagnose with greater reliability than present instrumentation distinguishing tumors from infarcts. HSW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,

Director,

Special Import Programs.

[FR Doc.74-4282 Filed 2-22-74; 8:45 am]

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

### GROUND FISH FISHERIES

#### Closure of Season

On February 19, 1974, the Director, National Marine Fisheries Service, determined that United States vessels operating in regulatory area Subarea 5, West of 69°00' W. longitude had reached the quarterly catch limit for yellowtail flounder of 2,750 metric tons for the period January 1-March 31, 1974, as published in 39 FR 2022, January 16, 1974.

As authorized by 50 CFR 240.23(d), notice hereby is given that the season for taking yellowtail flounder without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate in the above area at 0001 hours local time, February 25, 1974. The restriction will remain in effect until 0001 hours local time, April 1, 1974.

Issued at Washington, D.C., and dated February 20, 1974.

JACK W. GEHRINGER,

Acting Director,

National Marine Fisheries Service.

[FR Doc.74-4281 Filed 2-22-74; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### CASTLE AND COOKE FOODS

Canned Pineapple Juice Deviating From Identity Standard Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Castle and Cooke Foods, 50 California St., San Francisco, CA 94111. This permit covers limited interstate marketing tests of canned pineapple juice that deviates from its respective standard of

identity prescribed in § 27.54 (21 CFR 27.54) in that the canned pineapple juice will be prepared from concentrated pineapple juice. The concentrate will be reconstituted with water to a uniform 13.5° Brix level. The product will be unsweetened and contain added ascorbic acid (vitamin C) in a quantity such that the total vitamin C in each six fluid ounces of the finished food will be 60 milligrams.

The principal display panel of the labels will declare the name "unsweetened pineapple juice from concentrate" and the statement "fortified with vitamin C." Further, nutrition labeling as provided for in § 1.17 in (21 CFR 1.17) shall be set out on the label.

This permit is effective for one year. The one-year period will begin on the date the new food is introduced or caused to be introduced into interstate commerce but no later than May 28, 1974.

Dated: February 15, 1974.

SAM D. FINE,

Associate Commissioner

for Compliance.

[FR Doc.74-4297 Filed 2-22-74; 8:45 am]

[DESI 5773]

## CERTAIN VAGINAL PREPARATION CONTAINING SULFANILAMIDE, AMINACRINE HYDROCHLORIDE, AND ALLANTOIN

### Drugs for Human Use; Drug Efficacy Study Implementation

In a notice (DESI 5773) published in the FEDERAL REGISTER of July 27, 1972 (37 FR 15030), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

NDA 6-530; AVC Cream containing sulfanilamide, aminacrine hydrochloride, and allantoin; Merrell-National Laboratories, Division of Richardson-Merrell Inc., 110 East Amity Road, Cincinnati, OH 45215.

The notice stated that the drug was regarded as possibly effective for Haemophilus vaginalis vaginitis, trichomoniasis, and vulvovaginal candidiasis, and lacking substantial evidence of effectiveness for cervicitis and cervical infections.

Nylmerate Jelly (NDA 5-773) was also included in the publication of July 27, 1972. It is not affected by this notice.

Data submitted by Merrell-National Laboratories pursuant to the notice, and a review of the literature, while not providing substantial evidence of effectiveness for the possibly effective indications, indicate that the drug may be useful for relief of symptoms of vulvovaginitis where isolation of the specific organism responsible is not possible. Therefore, this drug is reclassified and is regarded as less than effective (probably effective) for relief of symptoms of

vulvovaginitis where isolation of the specific organism responsible is not possible. Indications previously classified as possibly effective continue to be regarded as less than effective (possibly effective).

The Indications and Dosage and Administration sections of the labeling should be as follows:

#### INDICATIONS

Based on a review of this drug by the National Academy of Sciences-National Research Council and/or other information, FDA has classified the indications as follows:

"Probably" effective: For the relief of symptoms of vulvovaginitis where isolation of the specific organism responsible (usually *Trichomonas vaginalis*, *Candida albicans*, or *Haemophilus vaginalis*) is not possible.

Note.—When the offending organism is known, treatment with a specific agent known to be active against that microorganism is preferred.

"Possibly" effective: For the treatment of trichomoniasis, vulvovaginal candidiasis, and vaginitis due to *Haemophilus vaginalis* or other susceptible bacteria.

Final classification of the less-than-effective indications requires further investigation.

#### DOSAGE AND ADMINISTRATION

One applicatorful (about 6 g.) intravaginally once or twice daily. Improvements in symptoms should occur within a few days, but treatment should be continued through one complete menstrual cycle unless a definite diagnosis is made and specific therapy initiated.

If there is no response within a few days or if symptoms recur, the drug should be discontinued and another attempt made by appropriate laboratory methods to isolate the organism responsible (*Trichomonas vaginalis*, *Candida albicans*, *Haemophilus vaginalis*) and institute specific therapy.

Douching with a suitable solution before insertion may be recommended for hygienic purposes. A pad may be used to protect underclothing if necessary.

Any data submitted in response to this notice to support indications for which a drug is classified as other than effective must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) and described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 FR 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

All identical, related, and similar drug products, not the subject of an approved new drug application, are covered by the application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

## MEDICAL DEVICE CLASSIFICATION PANELS

### Request for Nominations for Members; Panels for Ophthalmic Devices and Devices Used in Neurology

In his message to the Congress on consumer affairs on October 30, 1969, the President requested the Secretary of Health, Education, and Welfare, to determine the scope and nature of additional legislative controls to protect the public against unreasonable risk of injury or illness from medical devices. The Secretary established a Study Group on Medical Devices for this purpose under the chairmanship of Theodore Cooper, M.D., Director of the National Heart and Lung Institute. The Study Group completed its report, entitled "Medical Devices: A Legislative Plan," in September 1970. (The report of the Study Group is available for public review at the office of the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, during regular working hours Monday through Friday, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151.)

The Cooper Committee recommended an immediate, systematic review of existing medical devices, and classification of these devices into three categories: (1) Those requiring premarketing clearance, (2) those for which standards would be appropriate, and (3) those which should be exempt from premarketing review and standards. The Secretary requested that the Commissioner of Food and Drugs immediately undertake an industry-wide inventory of existing medical devices, and their classification into the three categories listed above, pending introduction and enactment of appropriate new medical device legislation.

In 1972, an inventory of existing medical devices was developed. Information for this inventory was obtained by sending questionnaires to over 4,000 addresses in the United States. From the approximately 2,000 replies received, 1,100 manufacturers in the United States were identified as supplying medical devices. From these manufacturers a list of approximately 8,000 devices was developed.

The classification of devices which was requested by the Secretary has been initiated by dividing all devices into 14 separate categories generally based on medical specialties. These are: orthopedics; cardiovascular; dental; anesthesiology; obstetrics and gynecology; gastroenterology and urology; ear, nose, and throat; plastic and general surgery; physical medicine; neurological disease; general hospital and personal use; ophthalmology; radiology; and clinical pathology.

The Commissioner has established the first eight panels to review and classify devices that fall within their respective medical specialty areas. The Commissioner now is preparing to establish panels for ophthalmic devices and for devices used in neurology.

Notice is hereby provided for all inter-

ested persons to nominate qualified physicians, engineers, or scientists to serve on these two device classification panels. Nominations for these qualified experts are invited from individuals and from consumer, industry, and professional organizations, and should be sent to:

Dr. Carl W. Bruch, Food and Drug Administration, Office of Medical Devices (HFD-120), 5600 Fishers Lane, Rockville, MD 20852.

Nominations must state that the person nominated is aware of the nomination, is interested in becoming involved in this effort, and appears to have no conflict of interest. A complete curriculum vitae must be enclosed with each nomination. Nominees shall be qualified by training, education, and experience in the field of medical devices and have particular expert knowledge in the specialty area concerned.

The Commissioner has concluded that, in addition to qualified experts, each panel should also include one non-voting representative of the consumer interests and one non-voting representative of the regulated industry.

Accordingly, any group or organization interested in participating in the selection of an appropriate representative of the consumer interests for each panel should send such nominations to:

Mr. Alexander Grant, Food and Drug Administration, Director, Consumer Affairs (HFI-1), 5600 Fishers Lane, Rockville, MD 20852.

After receipt of such nominations, a list of the nominees for the consumer interests for each panel will be compiled and submitted to each consumer group or organization responding along with a voting sheet, which will be filed in and returned to the Food and Drug Administration. The nominee with the highest number of votes will be the consumer representative for that panel.

Similarly, any group or organization interested in participating in the selection of an appropriate representative of the regulated industry for each panel should send such nominations to Dr. Carl W. Bruch at the address given above. Separate nominations should be specified for each panel. After receipt of such nominations, a list of the nominees for the industry representative for each panel will be compiled and submitted to each industry group or organization responding. The responding parties, after deliberating among themselves, will select the industry representative. If the responding parties do not provide the name of the industry representative for each panel by a predetermined date, the Food and Drug Administration will choose the industry representative.

It will be the responsibility of the non-voting consumer and industry members of the panel to represent the consumer and industry interests in all deliberations.

To be considered, nominations of experts to serve on the two panels now being formed, and letters from consumer and industry groups and organizations

Holders of approved new drug applications are requested to submit on or before April 26, 1974, supplements for revised labeling. Such supplements should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time.

Communications forwarded in response to this notice should be identified with the reference number DESI 5773, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852.

Supplements (identify with NDA number): Office of Scientific Evaluation (HFD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (HFD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (HFD-8), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

(Secs. 502, 505, 52 Stat. 1050-53, as amended; (21 U.S.C. 352, 355)) and the Administrative Procedure Act (5 U.S.C. 554) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 12, 1974.

SAM D. FINE,

Associate Commissioner

for Compliance.

[FR Doc.74-4295 Filed 2-22-74; 8:45 am]

## GASTROINTESTINAL DRUGS ADVISORY COMMITTEE

### Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App.)), the Food and Drug Administration announces the establishment by the Secretary, Department of Health, Education, and Welfare, on January 3, 1974, of the following public advisory committee:

Designation: Gastrointestinal Drugs Advisory Committee.

Purpose: The Committee will (1) review and evaluate all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for the treatment of gastrointestinal diseases and (2) advise the Commissioner of Food and Drugs regarding current advances, changing concepts, and trends in the field of gastroenterology.

Authority for this committee will expire January 3, 1976, unless the Secretary formally determines that continuation is in the public interest.

Dated: February 13, 1974.

SAM D. FINE,

Associate Commissioner

for Compliance.

[FR Doc.74-4298 Filed 2-22-74; 8:45 am]



expressing an interest in participating in the selection of a consumer and an industry non-voting member for each panel, must be received on or before March 30, 1974.

The Commissioner is preparing and will publish in the *FEDERAL REGISTER* a description of how the panels will function. An opportunity will be provided for all interested persons to present information and views to the panels for their consideration in the classification process.

Dated: February 12, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.74-4293 Filed 2-22-74; 8:45 am]

[Docket No. FDC-D-248; NDA 12-362; DESI 7750]

#### METHYLPREDNISOLONE

##### Drugs for Human Use—Drug Efficacy Study Implementation

The Food and Drug Administration published a notice in the *FEDERAL REGISTER* of October 21, 1970 (35 FR 16424) concerning certain glucocorticoids for human use. All except one of the products were evaluated as effective, probably effective, possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications.

The following drug was evaluated as no higher than possibly effective:

Medrol Medules, containing methylprednisolone; The Upjohn Co., 7171 Portage Road, Kalamazoo, Michigan 49002 (NDA 12-362).

The basis of the lower evaluations was the fact that the labeling represented the product to have prolonged effect. It has subsequently been determined that the product is made up of pellets, all of which are coated to resist dissolution in the stomach but permit disintegration at the pH of the small intestine, rather than being designed for gradual release. Therefore, it is concluded that the product is (1) effective and less than effective (probably effective) for the indications evaluated as effective and probably effective for the conventional form of Medrol Tablets (NDA 11-153) as described in the notice of October 21, 1970, and (2) subject to the marketing conditions described in that notice for the conventional form. Other indications which were previously published as possibly effective are regarded as lacking substantial evidence of effectiveness in that no data have been submitted concerning them. Upjohn has supplemented NDA 12-362 (Medrol Medules) to provide labeling in accord with that published for Medrol Tablets (and other glucocorticoids) in the notice of October 21, 1970 and which contains no claim for sustained release or prolonged effect.

Notice of opportunity for a hearing. Notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355

(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness, referred to above, on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before March 27, 1974, the applicant(s) and any other interested person may file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before March 27, 1974, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his position. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person

warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of application(s) not supplemented to delete the claim(s) involved.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after March 27, 1974, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended (21 U.S.C. 352, 355)) and the Administrative Procedure Act (5 U.S.C. 554) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 15, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.74-2294 Filed 2-22-74; 8:45 am]

#### PULMONARY-ALLERGY AND CLINICAL IMMUNOLOGY ADVISORY COMMITTEE

##### Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; (5 U.S.C. App.)) the Food and Drug Administration

announces the renewal by the Secretary, Department of Health, Education, and Welfare, of the Pulmonary-Allergy and Clinical Immunology Advisory Committee for an additional period of 2 years beyond February 17, 1974.

Authority for this committee will expire February 17, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: February 15, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.74-4296 Filed 2-22-74; 8:45 am]

#### Health Resources Administration FEDERAL HOSPITAL COUNCIL ET AL. Notice of Meetings

The Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of March 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
Federal Hospital Council.	March 12, 9:00 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed, 9:00 to 10:00 a.m., Open, 10:00 a.m., to 5:00 p.m., Contact Russell Z. Seldel, Room 15-35, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20852. Code 301-443-2940.

**Purpose.** The Council is charged with advising on policies and regulations under Title VI of the Public Health Service Act and to provide final review of grant applications for Federal assistance in the program area administered by the Bureau of Health Services Research.

**Agenda.** The Council will review research grant applications from 9 to 10 a.m. and this portion will be closed to the public in accordance with the determination made by the Administrator, Health Resources Administration, pursuant to the provisions of Pub. L. 92-463, section 10(d). The remainder of the meeting will be open to the public for the Chief, Division of Facilities Utilization to submit his report.

Committee name	Date, time, place	Type of meeting and/or contact person
Joint Meeting of the National Advisory Health Services Council and the Federal Hospital Council.	March 12, 9:00 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Contact Russell Z. Seldel, Room 15-35, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20852. Code 301-443-2940.

**Purpose.** The Councils are charged with advising on policies and regulations un-

der Title III and Title VI of the Public Health Service Act.

**Agenda.** The Councils will be receiving reports from the Acting Director and staff members of the Bureau of Health Services Research relative to program plans and priorities. Council members will be informed of the Bureau's new organizational structure. The meeting will be open to the Public.

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Health Services Council.	March 14, 9:00 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed—Contact Russell Z. Seldel, Room 15-35, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20852. Code 301-443-2940.

**Purpose.** The Council is charged with advising on policies, needs, and requirements for research and development designed to increase effectiveness and efficiency of medical care and health services. Council is also charged with the final review of grant applications for Federal assistance in the program areas administered by the Bureau of Health Services Research.

**Agenda.** The Council will review research grant applications for Federal assistance and will be closed to the public in accordance with the determination made by the Administrator, Health Resources Administration, pursuant to the provisions of Pub. L. 92-463, Section 10(d).

Agenda items are subject to change as priorities dictate.

Those portions of the meetings so indicated, are open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members or other relevant information on the Councils, should contact the person listed above.

Dated: February 15, 1974.

KENNETH M. ENDICOTT,  
Administrator,  
Health Resources Administration.

[FR Doc.74-4327 Filed 2-22-74; 8:45 am]

#### NATIONAL ADVISORY PUBLIC HEALTH TRAINING COUNCIL Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776) the Health Resources Administration announces the approval of renewal by the Secretary, DHEW, on January 11, 1974, with concurrence by the Office of Management and Budget Committee Management Secretariat, of the following advisory committee:

**Designation.** National Advisory Public Health Training Council.

**Purpose.** Advises the Secretary and the Administrator, Health Resources Administration, on matters relating to Department programs and interests in support of training for professional public health personnel and related activities. The Council reviews grant applications for support of training

projects for innovation and curriculum development in public health education and makes recommendations to the Administrator, Health Resources Administration.

Authority for this committee will expire June 30, 1974, unless the Secretary, DHEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, formally determines that continuance is in the public interest.

Dated: February 19, 1974.

KENNETH M. ENDICOTT,  
Administrator,  
Health Resources Administration.

[FR Doc.74-4326 Filed 2-22-74; 8:45 am]

#### National Institutes of Health NATIONAL CANCER INSTITUTE Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Education Review Committee, National Cancer Institute, March 4, 1974, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 8:30 a.m. to 10:30 a.m., March 4, 1974, to discuss minutes of last meeting, announcements, program report and future meeting dates and closed to the public from 10:30 a.m. to 5:00 p.m., March 4, 1974, to review applications for contracts in the fields of education and training in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301-496-5708) will furnish summaries of the open/closed meeting and a roster of committee members.

Margaret H. Edwards, M.D., Executive Secretary, Blair Building, Room 729, National Institutes of Health, Silver Spring, Maryland 20910, (301-427-8080) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: February 15, 1974.

ROBERT S. STONE,  
Director, National Institutes  
of Health.

[FR Doc.74-4450 Filed 2-22-74; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for  
Community Planning and Development

[Docket No. D-74-266]

#### DEPUTY ASSISTANT SECRETARY AND EXECUTIVE ASSISTANT TO ASSISTANT SECRETARY

##### Delegation To Exercise Power of Authority

Delegation to exercise power of authority of the Assistant Secretary for



Community Planning and Development during any period when by reason of absence, disability, or vacancy of the Office, the Assistant Secretary is unable to act as Assistant Secretary, effective upon existence of a State of Civil Defense Emergency.

During any period when, by reason of absence, disability, or vacancy in Office, the Assistant Secretary for Community Planning and Development is unable to act as Assistant Secretary, each of the officers appointed to the following positions in the Office of the Assistant Secretary for Community Planning and Development is hereby authorized to exercise the power and authority of the Assistant Secretary, provided that no officer is authorized to exercise the power and authority of the Assistant Secretary unless other officer whose title precedes his in this delegation is unable to act by reason of absence, disability, or vacancy in office:

1. Deputy Assistant Secretary, Community Planning and Development.
2. Executive Assistant to Assistant Secretary for Community Planning and Development.

This delegation shall become effective only upon the existence of a state of civil defense emergency, as proclaimed by the President or by concurrent resolution of the Congress, as provided under section 301 of the Federal Civil Defense Act of 1950, 64 Stat. 1251, 50 U.S.C. App. 2291. (Sec. 7(d) Dept. of HUD Act, (42 U.S.C. 5535(d); 3/27/73 38 FR 6011; 3/16/71 36 FR 5004)

**Effective date.** This delegation of authority is effective February 4, 1974.

D. O. MEEKER, Jr.,  
Assistant Secretary for  
Community Planning and Development  
[FR Doc.74-4334 Filed 2-22-74; 8:45 am]

#### ATOMIC ENERGY COMMISSION ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

##### Revised Notice of Meeting

FEBRUARY 20, 1974.

This notice is a revision of the notice dated February 14, 1974, regarding the 167th ACRS meeting to be held in Washington, D.C., on March 7-9, 1974, in Room 1048, 1717 H Street NW., Washington, D.C.

The following constitute the portions of the meeting which will be open to the public:

(1) **Thursday, March 7, 1974: 9:15 AM-12:00 N: Meeting on North Anna Power Station Units 3 and 4**—The Committee will hear presentations from and hold discussions with representatives of the AEC Regulatory Staff and the Virginia Electric Power Company regarding the application for a construction permit for this facility, particularly the seismic conditions at the site.

This meeting will include closed sessions, if required, to discuss security plans for this facility and privileged information related to the reactor fuel.

(2) **Thursday, March 7, 1974: 2:15**

**PM-6:00 PM: Grand Gulf Nuclear Station Units 1 and 2**—The Committee will consider the construction permit application for this plant. This will include presentations by representatives and consultants of the AEC Regulatory Staff and the Mississippi Power and Light Company and discussions with these groups. Closed sessions will be held during this period, if required, to discuss proprietary information related to fuel element, design, fabrication and operation, including loss-of-coolant accident analysis and security plans for this facility.

(3) **Friday, March 8, 1974: 9:30 AM-11:00 AM: Meeting with AEC Regulatory Staff**—To hear presentations and discuss matters related to reactor operating experience and licensing activities, including:

**Zion Station**—Neutron flux tilt, performance of diesel-generators, and control rods.

**Oconee Nuclear Station Unit 2**—Primary coolant pump failure.

**Shippingport Nuclear Station**—Failure of turbine-generator.

**Performance of Diesel-Generators at Nuclear Plants.**

It should be noted that, in addition to the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92-463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined that it is necessary to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than February 27, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20545, and as follows:

**Grand Gulf Nuclear Station, Units 1 and 2**  
Deputy Chancery Clerk, Claiborne County Courthouse, Port Gibson, Mississippi 39150.

**North Anna Nuclear Station**  
Office of Mr. Dean Agee, Executive Secretary, Board of Supervisors, Louisa County Courthouse, Louisa, Virginia 23093.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 6, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 AM and 5:15 PM daylight saving time.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C., on or after May 10, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-4521 Filed 2-22-74; 10:02 am]

[Docket No. 50-263]

#### NORTHERN STATES POWER CO. Notice and Order Designating Time and Location of Prehearing Conference

Before the Atomic Safety and Licensing Board. In the matter of Northern States Power Company, (Monticello Nu-

clear Generating Plant), Docket No. 50-263.

Take notice that, pursuant to the order of the Atomic Safety and Licensing Board (the Board) issued on November 28, 1973, convening a second prehearing conference in this proceeding, the Board will hold a prehearing conference on March 19, 1974, at 10:00 a.m., local time, in the Pioneer Suite, The Saint Paul Hilton, 11 East Kellogg Boulevard, St. Paul, Minnesota 55101.

The purposes of the prehearing conference are to permit identification of the key issues in the proceeding, to establish a schedule for further actions in the proceeding, and to deal with such other of the matters stated in § 2.752 of the Commission's rules of practice (10 CFR 2.752) as may be appropriate.

Members of the public may attend this prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. However, members of the public who may wish to participate in the hearing by way of limited appearances will not be permitted to do so at the prehearing conference. Oral or written statements offered by way of limited appearances will be received by the Board at the time of the aforementioned evidentiary hearing.

It is ordered that the parties or their representatives shall conduct such informal conferences as may be practicable to expedite the proceeding and in particular to advance the purposes of the prehearing conference.

Issued at Washington, D.C., this 20th day of February 1974.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,  
ROBERT M. LAZO,  
Chairman.

[FR Doc.74-4335 Filed 2-22-74; 8:45 am]

[Docket No. 50-244]

#### ROCHESTER GAS AND ELECTRIC CORP. Order Regarding Rescheduling of Prehearing Conference

Following discussion with all parties to this proceeding by conference telephone call on February 15, 1974, a "Motion for Postponement of Prehearing Conference" made by Intervenor Michael Slade was granted orally by the Board. That conference had been scheduled to take place on February 20, 1974.

The prehearing conference in this matter is hereby rescheduled and will take place on March 12, 1974, at 9:30 a.m., local time, in the East Courtroom, 2nd Floor, U.S. District Court, 100 State Street, Rochester, New York.

Issued at Washington, D.C., this 19th day of February 1974.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,  
EDWARD LUTON,  
Chairman.

[FR Doc.74-4320 Filed 2-22-74; 8:45 am]

#### CIVIL AERONAUTICS BOARD

[Docket No. 26308]

#### OUT ISLAND AIRWAYS, LTD.

##### Miami-Bahamas Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1974.

By tariffs filed December 20, 1973, for January 19, 1974 effectiveness, Out Island Airways Limited (Out Island) established individual three-day inclusive-tour fares between Miami, Florida, and Freeport, Bahamas at \$32.00 round trip.<sup>1</sup> Use of this fare, which is scheduled to expire on April 20, 1974, requires purchase of a fully prepaid vacation package offered for sale to the public, which must include round-trip transportation and sleeping accommodations for the total duration of the trip. The minimum selling price of the tour per passenger would be the inclusive-tour fare plus \$46.00. Return travel must commence on the third day after the date of outgoing departure.

A complaint requesting suspension and investigation of Out Island's individual inclusive-tour fare has been filed by Eastern Air Lines, Inc. (Eastern). Eastern alleges that the proposed fare is unsupported by any economic justification and is unjust and unreasonable. In support of its complaint, Eastern states that the present round-trip economy fare between Miami and Freeport is \$48; the proposed fare of \$32, which is 30 percent below the regular fare, would cause diversion and down-grading of passengers who would otherwise move at the higher fare level and the fare cannot be economically justified and should not be permitted to become effective absent a profit impact showing that it will generate sufficient additional traffic to offset the widespread dilution anticipated. Eastern notes that its international operations in the Western Hemisphere, including Florida-Bahamas service, recorded a return of investment of only 3 percent in the 12 months ended June 30, 1973. Notwithstanding fare adjustments associated with fuel-cost escalation, Eastern is in no position to withstand dilution of its existing revenues between Florida and the Bahamas.

An answer to Eastern's complaint has been filed by Out Island. Out Island contends that the proposed fare is offered only in connection with a specific tour which requires a stay of three days and the purchase of a land package of \$46; a discount of 30 percent from regular fares is not unusually large for an inclusive-tour fare; Eastern's contention that the fare is uneconomic and disregards the revenue requirements of both carriers is completely without foundation; and there is no reason to assume that an inclusive-tour fare with a yield of approximately 12.8 cents a mile is uneconomic.

<sup>1</sup> Local Passenger Tariff No. 1, C.A.B. No. 1, 4th Revised Page 43.

Regarding Eastern's contention that it will sustain substantial diversion, Out Island alleges that Eastern is the dominant carrier in the market, providing five daily round trips with 115-seat DC-9 aircraft compared with Out Island's two round trips with 79-seat BAC 1-11 aircraft. Eastern is alleged to offer four times as many seats as Out Island, and the thought that the latter's fare will have a significant impact on Eastern's dominant market position cannot withstand scrutiny. Out Island contends that the fare at issue can meet the needs of only a small number of passengers, not only because it requires a three-day stay but also because it is offered in connection with a specified land package and specific limited hotel accommodations. Out Island points out that any impact on Eastern will be minimized by the fact that the fare is only temporary (expiring on April 20, 1974), and is meant to take care of a temporary problem pertaining to tour programs of the carrier.

After consideration of the arguments advanced by both carrier parties, the Board has decided to dismiss the complaint and let the tariffs filed by Out Island stand for the limited period through April 20, 1974, as proposed.

We agree that Eastern can be expected to suffer some diversion to the proposed lower rated fare and that Out Island has made no showing that the fare will generate new passengers. The fare at issue, however, can hardly be considered uneconomic despite the fact that it represents a 30 percent discount from the normal economy fare. The fare would produce a yield of 14.5 cents per passenger-mile in contrast to Eastern's international yield as reported in Form 41 Reports for the 12-month period ended September 30, 1973, of 5.06 cents per revenue passenger-mile.<sup>2</sup> Even considering the high costs of such a short haul (110 miles one way), the conditions on use of the fare and its short period of effectiveness should limit any significant impact on Eastern.

Upon consideration of the tariff, the complaint and answer thereto, and other relevant matters, the Board concludes that the complaint does not state facts which warrant suspension or investigation and the request will be denied and the complaint dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That the complaint of Eastern Air Lines, Inc. in Docket 26308 is dismissed.

This will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-4362 Filed 2-22-74; 8:45 am]

<sup>2</sup> On the other hand the normal economy fare produces a yield in excess of 20 cents per revenue passenger-mile.

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# COMPTROLLER GENERAL 1974 FEDERAL ELECTION EXPENDITURE LIMITATIONS

## Communications Media

Title I of the Federal Election Campaign Act of 1971 (Pub. L. 92-225) imposes a spending limitation on candidates for Federal elective office (President of the United States, Senator and Representative in, or Resident Commissioner or Delegate to, the Congress of the United States) for campaign use of communications media. Under the Act and the Regulations of the Comptroller General, 11 CFR Ch. 1, "communications media" means radio, television, cable television, magazines, newspapers, billboards, display space in any public place of a type customarily leased to commercial advertisers, and telephones when used to communicate with potential voters by general canvass methods.

Under section 104(a)(4) of the Act, the Secretary of Labor has certified to the Comptroller General and published in the FEDERAL REGISTER\* that the United States city average All Items Consumer Price Index (1967=100) increased 14.4 percent from its 1970 annual average of 116.3 to its 1973 annual average of 133.1.

Under section 104(a)(5) of the Act, the Secretary of Commerce has certified to the Comptroller General and published in the FEDERAL REGISTER\* an estimate of the voting age population (18 years and older) for calendar year 1973 for each State and congressional district, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of Guam and the Virgin Islands.

The estimate shows that no congressional district has a voting age population in excess of 500,000, except the District of Columbia and the Commonwealth of Puerto Rico. Under the statutory formula, the communications media spending limitation applicable to each congressional district for each election during 1974 (except the District of Columbia and Puerto Rico) is \$57,200, of which no more than \$34,320 may be spent for the use of broadcasting stations. The applicable limitations for the District of Columbia and the Commonwealth of Puerto Rico are shown in the attached table.

On the basis of the certifications received from the Secretary of Labor and the Secretary of Commerce, the spending limitations applicable to each Federal election during 1974 in each State and in the United States are set forth in the attached table.

The voting age population estimate for the United States does not include the estimates for Guam, Puerto Rico, and the Virgin Islands because their residents are not entitled to vote in presidential elections.

[SEAL]

ELMER B. STAATS,  
Comptroller General  
of the United States.

\* 39 FR 6571, February 20, 1974.  
\* 39 FR 6360, February 12, 1974.

February 1, 1974 CPI Increase=14.4 Federal Election Campaign Media Spending Limitations (Calendar Year 1974, PL 92-225)

State and Congressional district	Voting age population	Communication media limit	Broadcasting media limit
United States.....	141,056,000	16,205,446	9,723,268
Alabama.....	2,338,000	267,467	160,480
Alaska.....	200,000	57,200	34,320
Arizona.....	1,345,000	153,568	92,321
Arkansas.....	1,374,000	157,186	94,811
California.....	14,143,000	1,617,959	970,776
Colorado.....	1,631,000	186,584	111,952
Connecticut.....	2,101,000	240,354	146,213
Delaware.....	382,000	57,200	34,320
District of Columbia.....	529,000	60,518	36,311
Florida.....	5,427,000	620,849	372,509
Georgia.....	3,140,000	359,218	215,530
Hawaii.....	549,000	62,808	37,683
Idaho.....	501,000	57,214	34,336
Illinois.....	7,568,000	865,775	519,468
Indiana.....	3,530,000	403,632	246,299
Iowa.....	1,957,000	223,881	134,328
Kansas.....	1,570,000	179,608	107,765
Kentucky.....	2,235,000	255,694	153,410
Louisiana.....	2,359,000	274,446	164,544
Maine.....	698,000	78,822	47,298
Maryland.....	2,720,000	311,168	186,701
Massachusetts.....	4,006,000	458,296	274,972
Michigan.....	5,322,000	607,477	406,489
Minnesota.....	2,575,000	294,580	176,748
Mississippi.....	1,453,000	166,223	99,734
Missouri.....	3,251,000	371,914	223,149
Montana.....	474,000	57,200	34,320
Nebraska.....	1,042,000	119,205	71,523
Nevada.....	365,000	57,200	34,320
New Hampshire.....	531,000	60,746	34,448
New Jersey.....	5,930,000	575,432	345,255
New Mexico.....	691,000	79,450	47,430
New York.....	12,665,000	1,448,876	869,328
North Carolina.....	3,541,000	405,050	243,054
North Dakota.....	421,000	57,200	34,320
Ohio.....	7,175,000	820,820	492,492
Oklahoma.....	1,532,000	209,581	125,748
Oregon.....	1,532,000	175,261	105,156
Pennsylvania.....	8,240,000	942,656	565,594
Rhode Island.....	677,000	77,440	46,469
South Carolina.....	1,775,000	205,060	121,836
South Dakota.....	454,000	57,200	34,320
Tennessee.....	2,796,000	320,266	192,123
Texas.....	7,785,000	890,604	534,362
Utah.....	715,000	81,796	49,078
Vermont.....	309,000	57,200	34,320
Virginia.....	3,243,000	370,999	222,600
Washington.....	2,329,000	268,438	159,963
West Virginia.....	1,228,000	140,483	84,290
Wisconsin.....	3,063,000	346,975	206,185
Wyoming.....	234,000	57,200	34,320

## OUTLYING AREAS

Guam.....	52,000	57,200	34,320
Puerto Rico.....	1,651,000	188,874	113,325
Virgin Islands.....	44,000	57,200	34,320

[FR Doc.74-4354 Filed 2-22-74; 8:45 am]

# COST OF LIVING COUNCIL FOOD INDUSTRY WAGE AND SALARY COMMITTEE

## Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on Thursday, February 28, 1974. The meeting will be open to the public on a first-come, first-served basis at 10:00 a.m., in Conference Room 8202, 2025 M Street, NW., Washington, D.C.

The agenda will consist of a discussion of policy questions involving food industry wage matters, and, if circumstances

permit, of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C., on February 22, 1974.

HENRY H. PERRITT, Jr.,  
Executive Secretary,  
Cost of Living Council.

[FR Doc.74-4549 Filed 2-22-74; 12:13 pm]

# HEALTH INDUSTRY WAGE AND SALARY COMMITTEE Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Health Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on February 28, 1974. The meeting will be open to the public on a first-come, first-served basis at 10:00 a.m. in Conference Room 8009, 2025 M Street NW., Washington, D.C.

The agenda will consist of a discussion of the health industry wage cases currently pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C., on February 21, 1974.

HENRY H. PERRITT, Jr.,  
Executive Secretary,  
Cost of Living Council.

[FR Doc.74-4526 Filed 2-22-74; 10:06 am]

# ENVIRONMENTAL PROTECTION AGENCY

## GUIDELINES FOR DESIGNATION OF AIR QUALITY MAINTENANCE AREAS

### Notice of Availability

Copies of EPA "Guidelines for Designation of Air Quality Maintenance Areas" are now available for inspection in State Air Pollution Control Offices, EPA Regional Offices, and the Freedom of Information Center, EPA, 401 M Street SW, Washington, D.C. 20460.

With the assistance of these guidelines, State agencies will identify areas which they propose, after public hearings, to designate as Air Quality Maintenance Areas (AQMA's). These areas are identified as having the potential of exceeding air quality standards between 1975 and 1985. This listing is scheduled to be submitted by the State to EPA by March 18, 1974. After review by EPA, a final listing will be published in the FEDERAL REGISTER by June 18, 1974.

The Clean Air Act of 1970, section 110, requires that States include provisions in

their implementation plans for maintaining ambient air quality within national standards. The basic requirements for developing these provisions were outlined in the regulations for State Implementation Plans published in the FEDERAL REGISTER of August 14, 1971 (36 FR 15486) as 42 CFR 420 and republished on November 25, 1971 (36 FR 22369) as 40 CFR 51.

In the preamble to the June 18, 1973, FEDERAL REGISTER (38 FR 15834) EPA advised that it would provide assistance to the States in "identifying areas which may exceed a national standard within the next 10 years." Accordingly, EPA has published these guidelines for designation of AQMA's.

This is the first of three guidelines to assist the States in establishing regulations and procedures to ensure maintenance of air quality standards. The second guidelines document in the series will cover in-depth analysis of emissions and air quality, and the third will cover development of the 10 year maintenance plans. These are scheduled to be published in May and August of 1974, respectively.

Copies of the guidelines document "Guidelines for Designation of Air Quality Maintenance Areas" may be inspected at the following EPA Regional Offices:

Region I, John F. Kennedy Federal Building, Boston, MA 02203  
Region II, Federal Office Building, 26 Federal Plaza, New York, NY 10007  
Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19108  
Region IV, 1421 Peachtree Street NE., Atlanta, GA 30309  
Region V, 1 North Wacker Drive, Chicago, IL 60608  
Region VI, 1600 Patterson Street, Suite 1100, Dallas, TX 75201  
Region VII, 1735 Baltimore Street, Kansas City, MO 64108  
Region VIII, 1860 Lincoln Street, Denver, CO 80203  
Region IX, 100 California Street, San Francisco, CA 94111  
Region X, 1200 Sixth Avenue, Seattle, WA 98101

Dated: February 16, 1974.

ROGER STRELOW,  
Acting Assistant Administrator  
for Air and Water Programs.  
[FR Doc.74-4322 Filed 2-22-74; 8:45 am]

[OPP-32000/14]

# RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31882) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the ap-

plicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before April 26, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 26, 1974.

## APPLICATIONS RECEIVED

EPA File Symbol 33611-R. A R A Corporation, 2844 Cascadia Avenue, Seattle, Washington 98144. DSP-80. Active Ingredients: Polyoxyethylene Glycol 9.1%. Method of Support: Application proceeds under 2(c) of interim policy.  
EPA File Symbol 11556-UR. Chemagro Corporation, Animal Health Division, P.O. Box 2037, Shawnee Mission, Kansas 66201. Sendaran 50% Wettable Powder Flea and Tick Dip. Active Ingredients: o-isopropoxyphenyl methylcarbamate 50%. Method of Support: Application proceeds under 2(a) of interim policy.  
EPA File Symbol 1660-AI. Chemical Specialties Co., Inc., 51-55 Nassau Avenue, Brooklyn, New York 11222. Super Pro Positively Kills Roaches. Active Ingredients: Pyrethrins 0.10%; Piperonyl butoxide, technical 0.20%; N-octyl bicycloheptene dicarboximide 0.30%; O,O-diethyl O-(3,5,6-trichloro-2-pyridyl phosphorothioate) 0.50%; Petroleum distillates 95.90%. Method of Support: Application proceeds under 2(c) of interim policy.  
EPA File Symbol 5738-VEO. DuBois Chemicals, 3630 E. Kemper Road, Sharonville, Ohio 45241. QD-4. Active Ingredients: Essential Oils 7.0%; N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 2.8%; N-Alkyl (58% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 2.8%; Ethyl Alcohol 1.4%. Method of Support: Application proceeds under 2(c) of interim policy.  
EPA File Symbol 1598-EGE. FCX, Inc., P.O. Box 2418, 121 E. Davis Street, Raleigh, North Carolina 27602. 6-2 EC Cotton Insecticide. Active Ingredients: Toxaphene 53.1%; 0,0-Dimethyl 0-p-nitrophenyl phosphorothioate 17.7%; Xylene 23.7%. Method of Support: Application proceeds under 2(c) of interim policy.  
EPA Reg. No. 2269-74. Gold Kist Inc., P.O. Box 2210, Atlanta, Georgia. 10% Sevin

Dust. Active Ingredients: Carbaryl (1-Naphthyl N-Methylcarbamate) 10.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 29516-U. Hy-Yield, Incorporated, Route 1, Box 1005, Lake Worth, Florida 33460. Hy-Yield Brom-O-Gas. Active Ingredients: Methylbromide 98%; Chloropicrin 2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 29516-L. Hy-Yield, Incorporated, Route 1, Box 1005, Lake Worth, Florida 33460. Hy-Yield Terr-O-Gas 67. Active Ingredients: Methyl bromide 67%; Chloropicrin 33%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 29516-G. Hy-Yield, Incorporated, 7965 West Lantana Road, Lake Worth, Florida 33460. 67-33 Preplant Soil Fungicide. Active Ingredients: Methyl bromide 67%; Chloropicrin 33%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 29516-E. Hy-Yield Incorporated, 7965 West Lantana Road, Lake Worth, Florida 33460. 98-2. Active Ingredients: Methyl bromide 98%; Chloropicrin 2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2491-GEU. Koss, Inc., 4500 13th Court, Kenosha, Wisconsin 53140. Grants Garden Shop Lawn Food with Crabgrass Control 20-6-6. Active Ingredients: (N-butyl-N-ethyl-a,a-trifluoro-2,6-dinitro-p-toluidine) 0.86%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33618-R. Nationwide Research Corporation, 3916 Swarthmore Road, Durham, North Carolina 27707. MIL-X. Active Ingredients: (Calcium Hypochlorite) 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9779-ERU. Riverside Chemical Company, P.O. Box 18902, Memphis, Tennessee 38116. Riverside BHC 1. Active Ingredients: Gamma isomer of benzene hexachloride 11.8%; Other isomers of benzene hexachloride and related compounds 17.0%; Aromatic Petroleum Solvent 68.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1193-TG. 707 Company, 1530 Stillwell Avenue, Bronx, New York 10461. 707 Landlord's Formula-II Insect Spray. Active Ingredients: N-Octyl Bicycloheptene Dicarboximide 0.20%; d-trans-chrysanthemum monocarboxylic acid ester of d-2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one and other isomers 0.04%; Petroleum distillates 99.76%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1193-TU. 707 Company, 1530 Stillwell Avenue, Bronx, New York 10461. 707 Roach and Ant Spray Residual Formula-II. Active Ingredients: 0,0-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl phosphorothioate) 0.50%; Piperonyl Butoxide, Technical [equivalent to 0.10% (Butylcarbityl) (6-propylpiperonyl) ether and 0.026% related compounds] 0.125%; N-Octyl bicycloheptene dicarboximide 0.20%; Petroleum distillates 98.965%; d-trans-chrysanthemum monocarboxylic acid ester of d-2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one 0.06%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1193-TL. 707 Company, 1530 Stillwell Avenue, Bronx, New York 10461. 707 Landlord's Formula-III Roach and Ant Spray. Active Ingredients: 0,0-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl phosphorothioate) 0.5%; N-Octyl bicycloheptene



dicarboximide 0.175%; Petroleum distillates 98.615%; d-trans-chrysanthemum monocarboxylic acid ester of d-2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one 0.3248%; other isomers 0.00252%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1193-TA. 707 Company, 1530 Stillwell Avenue, Bronx, New York 10461. 707 Residual Formula-4 Roach Bomb. Active Ingredients: 0, 0-diethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl phosphorothioate) 0.5%; N-Octyl bicycloheptene dicarboximide 0.2%; Piperonyl butoxide, Technical [equivalent to 0.1% (Butylcarbityl) (6-propylpiperonyl) ether and 0.025% related compounds] 0.125%; Petroleum distillates 98.11%; d-trans-chrysanthemum monocarboxylic acid ester of d-2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one 0.0033%; other isomers 0.0047%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 478-ERL-G. Stauffer Chemical Company, 1200 South 47th Street, Richmond, California 94804. FYERFLUP G+. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 3.0%; N-Alkyl (65% C12, 33% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 3.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-EG. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. Parathion 2-Dust. Active Ingredients: Parathion (0, 0-diethyl 0-p-nitrophenyl phosphorothioate) 2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-EU. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. Parathion-Sulfur 2-80 Dust. Active Ingredients: Parathion (0, 0-diethyl 0-p-nitrophenyl phosphorothioate) 2.0%; Sulfur 80.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-EL. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. Parathion 6-3E. Active Ingredients: Parathion (0, 0-diethyl 0-p-nitrophenyl phosphorothioate) 66.8%; 0, 0-diethyl 0-p-nitrophenyl phosphorothioate 28.4%; Xylene-Bisacryl Aromatic Solvent 7.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-EA. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. Parathion 8-E. Active Ingredients: Parathion (0, 0-diethyl 0-p-nitrophenyl phosphorothioate) 63%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-ET. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. D+2<sup>TM</sup> Insecticide. Active Ingredients: Chlorpyrifos [0, 0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 12.70%; 2,2-dichlorovinyl dimethyl phosphate 2.95% Related Compounds 0.22%; Aromatic Petroleum Derivative Solvent 86.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-EI. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. Dursban 4E Insecticide. Active Ingredients: Chlorpyrifos [0, 0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 43%; Aromatic petroleum derivative solvent 23%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-EO. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. D/G-4. Active In-

gredients: Chlorpyrifos [0, 0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 45.0%; Aromatic petroleum derivative solvent 53.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-GN. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. Aldrin 2% Granular Insecticide. Active Ingredients: Aldrin 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9781-GR. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. Phosdrin 4-E. Active Ingredients: Alpa Isomer of 2-carbo-methoxy-1-methylvinyl dimethyl phosphate 28.3%; Related Compounds 18.8%; Petroleum Hydrocarbons 47.9%. Method of Support: Application proceeds under 2(c) of interim policy.

#### REPUBLICATED ITEMS

EPA File Symbol 906-UE. Capitol Chemical Company, 5455 Butler Road, Washington, D.C. 20016. Capitol DDVP Concentrate. Correction—Method of Support: Application proceeds under 2(a) rather than 2(c) of interim policy as published in the FEDERAL REGISTER of January 25, 1974 (39 FR 3310).

Dated: February 15, 1974.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc. 74-4270 Filed 2-22-74; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19940-19941; File No. BPCT 4612, 4673]

#### COMMERCIAL RADIO INSTITUTE INC. AND WESTERN PENNSYLVANIA CHRISTIAN BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regards applications of Commercial Radio Institute, Inc., Docket No. 19940, File No. BPCT-4612, Pittsburgh, Pennsylvania; Western Pennsylvania Christian Broadcasting Company, Docket No. 19941, File No. BPCT-4673, Pittsburgh, Pennsylvania; for construction permit for new television broadcast station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that each seeks authority to operate on the same channel, channel 22, in Pittsburgh, Pennsylvania. The applications are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference.

2. As amended, the data submitted in the application of Commercial Radio Institute, Inc. hereafter "CRI", shows an estimated cost of construction and one year's operation of \$682,207. This estimate may be itemized as follows:

Down payment on equipment.....	\$91,744
13 monthly payments on equipment to Gates and CCA.....	83,449
15 monthly payments on equipment to RCA and Ravco.....	41,889
13 monthly interest payments to Gates (at 6 percent).....	3,574

15 monthly interest payments to RCA (at 6 percent) and Ravco (at 5 1/2 percent).....	7,377
Equipment not covered by manufacturer's letter of credit.....	33,294
Interest on bank loan at 12.75 percent (3 percent above prime).....	38,250
Miscellaneous, including legal and engineering expense, installation and other expense.....	78,350
Working capital requirement.....	261,500
Grant fee.....	22,500

Total..... 682,207

Payment to CCA includes interest.

3. In addition to the above costs, it appears that CRI may not have made adequate provision in its working capital budget for wages and salaries for employees at the proposed station. CRI states that it plans to hire 24 full-time workers, and 17 part-time employees. The 24 full-time positions include 7 members of the sales staff, who, it appears, will be paid largely, if not entirely, on a commission basis and can be dismissed from consideration for the time being. Operating on the assumption that each two part-time positions are the equivalent of one full-time position, the application thus proposes a total of 25 1/2 full-time equivalent non-sales positions, broken down as follows:

Officials and managers.....	4
Professionals.....	2 1/2
Technicians.....	11 1/2
Office and clerical.....	7 1/2

4. For wages and salaries, the applicant has provided (for non-sales people) \$110,000. CRI, Inc., says this figure is a "direct reflection" of the experience of its subsidiary, Chesapeake Television, Inc., as licensee of WBFF-TV, channel 45, Baltimore, Maryland. Nevertheless, this proposal, providing as it does only \$4,313.72 per full-time position, seems inadequate for qualified employees in a major metropolitan area. It seems logical that CRI may have experienced certain economies in its Baltimore operation as a result of its other interests, namely WFMM(FM) and its broadcasting school, which will not be available to it in Pittsburgh. The apparent inadequacy of CRI's estimate for wage and salary expenses is pointed up by the comparable provision of the other applicant, Western Pennsylvania Christian Broadcasting Company, of \$101,000 for 14 full-time and two part-time positions, or \$6,733 per full-time equivalent position.

Therefore, in view of the other financial issues against CRI, an issue will also be specified to determine whether the applicant has accurately estimated its expenses for wages and salaries, and if not, what the expenses will be.

5. To meet its anticipated expenses, CRI relies in part on a \$300,000 loan from the Union Trust Company of Maryland. A letter from the bank states that "the loan(s) will be secured by accepta-

\* Data from the annual financial reports submitted by Pittsburgh television stations WDVA-TV, WIDQ-TV, and WTAE-TV also reveals per-person personnel expenses substantially in excess of those proposed by CRI.

ble collateral including corporate assets purchased with \$300,000 worth of equity funds provided by Commercial Radio Institute, Inc., prior to the bank advance." These terms pose two particular problems with respect to this application. It is unclear how CRI intends to satisfy the requirement of a security agreement on equipment purchased on an installment basis from the manufacturer. Second, because of the uncertain status of the other integral element of CRI's financing plan (see discussion below), it is also not clear whether CRI will be able to make a \$300,000 investment in corporate assets.

6. Another condition of the proposed bank loan is that it be guaranteed by the principal officers of CRI and their wives. CRI has submitted the statements of its president, Julian S. Smith, and his wife, and its vice president and secretary-treasurer, Frederick H. Himes (a bachelor), signifying their willingness to guarantee the loan. However, the application discloses another vice president of CRI, William R. Hoos. The Commission does not know whether the bank requires the guarantees of Hoos and his spouse, or whether the guarantees are available. For all of these reasons, therefore, an issue will be specified to inquire into the availability of the bank loan.

7. The second major element in CRI's financial plan is the pending sale of its Baltimore FM station, WFMM, to Nationwide Communications, Inc., for "approximately" one million dollars, \$750,000 of which will be a cash payment at closing. After the broker's commission and capital gain taxes, CRI expects to realize approximately \$815,000 from the transaction. The applicant has included \$725,000 from the sale in its financial plan for the Pittsburgh operation, but the Board of Directors of CRI has agreed to make available from the sale whatever sums are necessary to construct and operate the new station.

8. Nevertheless, the sale contract is necessarily conditional, subject to Commission approval of the assignment application. Until such approval is given, it cannot be "assumed" that funds from the sale will be available. Therefore, an issue will be specified to inquire into the availability of funds to CRI from the sale of WFMM(FM).

9. No certification has been received from the Federal Aviation Administration that the proposal of Western Pennsylvania Christian Broadcasting Company, would not, if granted, constitute a hazard to air navigation. Therefore, an appropriate issue will be specified and the FAA made a party to this proceeding.

10. With the exception of the matters discussed above, both applicants are otherwise qualified to construct, own and operate a new television broadcast station. Because the applications are mutually exclusive, the Commission is of the opinion they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Therefore, it is ordered, That, pursuant to section 309(e) of the Communica-

tions Act of 1934, as amended, the above-captioned applications of Commercial Radio Institute, Inc., and Western Pennsylvania Christian Broadcasting Company, are designated for hearing in a consolidated proceeding, at a time and place to be specified, upon the following issues:

(1) To determine, with respect to the application of Commercial Radio Institute, Inc.:

(a) Whether the applicant has accurately estimated wage and salary expenses during the first year of operation.

(b) In light of the evidence on the above issue, the estimated cost of constructing and operating the station for one year.

(c) Whether funds from a bank loan by Union Trust Company of Maryland will be available to the applicant.

(d) Whether funds from the proposal sale of station WFMM(FM), Baltimore, Maryland, to Nationwide Communications, Inc., will be available to the applicant.

(e) In the light of the evidence on the above issues (a), (b), (c), and (d), whether the applicant is financially qualified to construct and operate the proposed station for one year without revenues.

(2) To determine, with respect to the application of Western Pennsylvania Christian Broadcasting Company, whether its transmitter site and antenna height, as proposed, would constitute a hazard to air navigation.

(3) To determine, on a comparative basis, which of the above-captioned applications, if granted, would better serve the public interest.

(4) To determine, in the light of the evidence on issues (1), (2), and (3) above, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the Federal Aviation Administration is made a party to this proceeding.

It is further ordered, That, pursuant to the United States-Canada Television Agreement, the grant of either of the above applications shall be conditioned upon approval by the Office of Telecommunications of the Canadian Government.

Adopted: February 13, 1974.

Released: February 15, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 74-4349 Filed 2-22-74; 8:45 am]

#### FEDERAL ENERGY OFFICE EMERGENCY ADVISORY COMMITTEE FOR NATURAL GAS SUBCOMMITTEE ON LP- GAS SUPPLY AND DEMAND

##### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Transportation and Storage Task Group of the Subcommittee on LP-Gas Supply and Demand of the Emergency Advisory Committee for Natural Gas will hold its first meeting at 9:30 a.m. on Wednesday, February 27, 1974, in the Oil Center Building, 1437 South Boulder Avenue, Tulsa, Oklahoma.

The group was established to provide the Administrator, FEO, with direct and timely access to the technical knowledge possessed by a range of highly qualified businessmen engaged in the movement and distribution of LP-Gas supplies.

The agenda for the meeting is as follows:

1. General purpose and objectives of the Group
2. Pipeline distribution networks and their capability to deliver domestic as well as imported LP-Gas.
3. Tank cars and tank trucks—availability and future requirements
4. Shipping requirements for handling imports—terminal facilities—adequacy and future needs
5. Storage requirements—above and below ground—reporting requirements
6. Other business

This meeting is open to the public, however, space and facilities are limited.

The Chairman of the group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Further information concerning this meeting may be obtained from Lucio D'Andrea, Office of Policy, Planning, and Regulation, Federal Energy Office, Washington, D.C. 20508, Area Code 202/634-6092. Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Issued in Washington, D.C., on February 22, 1974.

WILLIAM N. WALKER,  
General Counsel.

[FR Doc. 74-4548 Filed 2-22-74; 12:08 pm]

#### PETROLEUM INDUSTRY ADVISORY COMMITTEE

##### Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that there will be a meeting of the Petroleum Industry Advisory Committee (Crude Producers; Refiners). The Committee is composed of representatives of major oil producers, refiners from all areas of the United States. The meeting will be held in Washington, D.C., in the Main Interior Auditorium, 18th and C Streets NW., from 2:00 p.m. to 4:00 p.m. on Thursday, February 28, 1974.

The purpose of the meeting is to hear views and questions of the industry sector on compliance to the Mandatory Fuel



Allocation Regulations. The agenda is as follows:

- I. Problems in Implementation.
- II. Recommended remedies to problems in Implementation.
- III. Data Reporting.
- IV. Problems in compliance.
- V. Recommended remedies to problems in compliance.

The meeting is open to the public. Further information may be obtained from Mr. Dell V. Perry, Assistant Director, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C., telephone: (202) 343-6951. A transcript of the meeting will be made.

Dated February 22, 1974.

WILLIAM N. WALKER,  
General Counsel.

[FR Doc.74-4547 Filed 2-22-74; 12:06 pm]

#### RETAIL DEALERS GROUP Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Retail Dealers Group, established under the authority of section 212(f) of Economic Stabilization Act, as amended; Executive Order 11748; section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 47, will meet on Monday, February 25, 1974, at 10:00 a.m. in the Cost of Living Council Auditorium, 2nd floor, 2000 M Street NW., Washington, D.C.

The Group was established to advise the Administrator, FEO, with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the retail sale of gasoline and diesel fuel. The agenda for the meeting is as follows:

#### I. OLD BUSINESS

- A. Member Reports and Recommendations.
1. Pricing Adjustments.
2. Reduced Allocation.
3. Preferential Treatment: Minimal/maxi-mum sales.
4. Hours of Operation.

#### II. NEW BUSINESS

- A. Discussion of rules and regulations.

The meeting is open to the public; however, space and facilities are limited. The Chairman of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Further information concerning this meeting may be obtained from Dino G. Pappas, Office of Policy, Planning and Regulations, Federal Energy Office, Washington, D.C. 20508, Area Code 202-254-7696. Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Issued in Washington, D.C., on February 21, 1974.

WILLIAM N. WALKER,  
General Counsel.

[FR Doc.74-4546 Filed 2-22-74; 12:06 pm]

#### FEDERAL MARITIME COMMISSION GULF FLORIDA TERMINAL CO. AND ELLER & CO., INC.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 18, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

##### Notice of Agreement filed by:

Arthur E. Erb, President  
Eller & Company, Inc.  
701 S.E. 24th Street  
Fort Lauderdale, Florida 33316

Agreement No. T-2886, between Gulf Florida Terminal Company (Gulf) and Eller and Company, Inc. (Eller), provides for the 13-month lease (with renewal options for two additional 24-month terms) to Eller of certain marine terminal property at the Port of Tampa, Florida, for use as an ocean terminal facility. In addition, Eller is granted the right of first refusal on space in Gulf's cold storage facility. As compensation, Eller will pay Gulf a fixed monthly rental. Gulf, with the exception of those operations performed by Maritime Reefer Service, is restricted from engaging in the stevedoring, terminal or ship agency business in the State of Florida.

By order of the Federal Maritime Commission.

Dated: February 19, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4552 Filed 2-22-74; 8:45 am]

[Docket No. 73-79]

#### HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA, INC. ET AL.

##### Order To Show Cause

In the matter of Household Goods Forwarders Association of America, Inc. et al. v. American Export Lines, Inc., Sea-Land Service, Inc., United States Lines, Inc.

The Household Goods Forwarders Association of America, Inc. (HHGFAA) has petitioned for an order directing American Export Lines, Inc., Sea-Land Service, Inc. and United States Lines, Inc. to show cause why the Commission should not find their ocean tariff rates applicable to military household goods shipments in steamship-furnished containers, moving between U.S. North Atlantic ports and ports in the Bordeaux/Hamburg range, to be unjustly discriminatory in violation of section 17 of the Shipping Act, 1916, and why the Commission should not order that such unlawful discrimination be promptly removed.

The tariff matter complained of is set forth in the following publications on file with this Commission:

American Export Lines—Tariff FMC No. 95  
Sea-Land Service—Tariff FMC No. 48  
United States Lines—Tariff FMC No. 38  
Military Sealift Command—Tariff covering RFP No. 800.

HHGFAA charges that each of the above-named water carriers hold themselves out to transport military household goods shipments, inter alia, between the U.S. North Atlantic ports and ports in the Bordeaux/Hamburg range, both for the account of the Military Sealift Command and for the account of its individual member NVO's; that the rates assessed its members by American Export Lines is \$1,160 per 40-foot steamship container and \$580 per 20-foot steamship container. Sea-Land Service assesses member carriers \$1,160 for a 40-foot container, \$1,037.50 for a 35-foot container; United States Lines charges \$1,290.00 for 40-foot containers, \$645.00 for 20-foot containers. The rate charged the Military Sealift Command by American Export Lines for transporting identical shipments is \$12.48 per 40 cubic foot, or a charge of \$1,069.94 for the 40-foot container and \$494.04 for the 20-foot container; the rate charged the Military Sealift Command by Sea-Land is \$1,010.39 for the 40-foot container and \$727.33 for the 35-foot container; and United States Lines' rate assessed the Military Sealift Command is \$942.83 for the high cube 40-foot container, a charge of \$885.38 for the standard 40-foot container and a charge of \$434.89 for the 20-foot container.<sup>1</sup>

HHGFAA contends that although the rates assessed the Military Sealift Command on military households goods shipments in steamship-furnished contain-

<sup>1</sup> Adjusted to reflect bunker surcharges.

ers is the Cargo N.O.S. rate published in the RFP 800 Tariff, rather than a specific commodity rate, this does not justify the assessment of a charge which would otherwise be discriminatory. HHGFAA further contends that the ocean movement performed by the water carriers in connection with the matter complained of is substantially similar, insofar as commodity, value, nature of packing, method of shipment, type of service and points of service are concerned, the only difference being the rates assessed and identity of the person tendering the shipment to the carrier.

It appears that the assessment by the carriers here named of different rates on military household goods shipments in steamship-furnished containers may be unjustly discriminatory in violation of section 17 of the Shipping Act, 1916. It further appears that no substantial dispute of facts exists.

WHEREFORE, IT IS ORDERED, That pursuant to sections 17 and 22 of the Shipping Act, 1916 (46 U.S.C. 816 and 821), American Export Lines, Inc., Sea-Land Service, Inc. and United States Lines, Inc. be named as respondents in this proceeding and that each be ordered to show cause why its assessment of rates as between military household goods carried in containers for the Military Sealift Command and similar goods carried for household goods forwarders on through government bills of lading in the same type containers moving between U.S. North Atlantic ports and ports in the Bordeaux/Hamburg range should not be found to be unjustly discriminatory in violation of section 17 of the Shipping Act, 1916, and why said unlawful discrimination should not be promptly removed.

IT IS FURTHER ORDERED, That the Household Goods Forwarders Association of America, Inc., be designated as petitioner herein and that all other persons having an interest in this proceeding and desiring to participate herein should file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 C.F.R. 502.72), no later than the close of business March 1, 1974.

IT IS FURTHER ORDERED, That, there appearing to be no material issues of fact in dispute, this proceeding shall be limited to the submission of affidavits of fact and memoranda of law, replies, and oral argument, if deemed necessary by the Commission. Should any party feel that an evidentiary hearing is necessary, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing should be filed on or before March 15, 1974. Affidavits of fact and memoranda of law shall be filed by the above-named respondent carriers before March 15, 1974; reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel, petitioner herein, and intervenors, if

any, no later than the close of business April 4, 1974. Time and Date of oral argument, if requested and/or deemed necessary by the Commission, will be announced at a later date.

IT IS FURTHER ORDERED, That a notice of this order shall be published in the FEDERAL REGISTER and that a copy thereof be served upon petitioner, respondents, and upon the Commanding Officer, Military Sealift Command.

IT IS FURTHER ORDERED, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

AND, IT IS FURTHER ORDERED, That all future notices issued by or on behalf of the Commission in this proceeding shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4353 Filed 2-22-74; 8:45 am]

#### TRANSOCEAN GATEWAY CORP. AND UNITED STATES LINES, INC.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 18, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

##### Notice of Agreement Filed by:

Stuart B. Breidbart  
Corporate Counsel  
United States Lines, Inc.  
One Broadway  
New York, New York 10004

Agreement No. T-2902, between Transocean Gateway Corporation (TOG) and United States Lines, Inc. (USL), provides for the assignment to USL of TOG's leasehold interest in the four container cranes currently located at the Howland Hook Terminal, Staten Island, New York. Should the cranes' owner, PepsiCo Leasing Corporation not consent to the assignment, TOG will provide USL or the Howland Hook Marine Terminal Corporation (a USL/American Export Lines, Inc. joint venture) full crane services at cost. Compensation to TOG for the assignment of its leasehold interest is ten dollars. Should PepsiCo Leasing Corporation desire to sell the cranes to USL, the agreement provides for TOG's consent to such sale.

By Order of the Federal Maritime Commission.

Dated: February 19, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4351 Filed 2-22-74; 8:45 am]

#### FEDERAL POWER COMMISSION

[Dockets Nos. R-469; etc.]

#### CONSERVATION OF NATURAL RESOURCES

##### Order Denying Petition

FEBRUARY 15, 1974.

In the matter of utilization and conservation of natural resources—Natural Gas Act (General Motors Corporation and the Brick Institute of America, Petitioners) United Gas Pipe Line Company, Panhandle Eastern Pipe Line Company, Southern Natural Gas Company, Docket No. RP71-29 and RP71-120, Docket No. RP71-119 Docket No. RP72-74, and RP74-6.

On January 22, 1974, General Motors Corporation and the Brick Institute of America (Petitioners) filed a joint petition requesting the Commission to promulgate on an expedited basis a rule governing the allocation of natural gas supplies by interstate pipeline companies during emergency periods of short supplies of alternate fuels. Specifically, Petitioners request the Commission (1) to issue a notice of proposed rulemaking proposing the adoption of a rule to encompass their proposed emergency natural gas allocation plan and requiring the incorporation of that plan in the tariffs of all jurisdictional pipeline companies; (2) to issue an interim emergency rule requiring all jurisdictional pipeline companies to file interim tariff sheets immediately implementing the emergency allocation plan pending completion of the rulemaking proceeding; and (3) to expedite consideration of this petition and any administrative proceedings in connection with it.

In support of their request, Petitioners assert that the present short fall of alternate fuels has created an emergency situation that requires an immediate im-

<sup>1</sup> Similar petitions were filed in all of the above-captioned proceedings.



Allocation Regulations. The agenda is as follows:

- I. Problems in Implementation.
- II. Recommended remedies to problems in Implementation.
- III. Data Reporting.
- IV. Problems in Compliance.
- V. Recommended remedies to problems in compliance.

The meeting is open to the public. Further information may be obtained from Mr. Dell V. Perry, Assistant Director, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C., telephone: (202) 343-6951. A transcript of the meeting will be made.

Dated February 22, 1974.

WILLIAM N. WALKER,  
General Counsel.

[FR Doc.74-4547 Filed 2-22-74; 12:08 pm]

#### RETAIL DEALERS GROUP Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Retail Dealers Group, established under the authority of section 212(f) of Economic Stabilization Act, as amended; Executive Order 11748; section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 47, will meet on Monday, February 25, 1974, at 10:00 a.m. in the Cost of Living Council Auditorium, 2nd floor, 2000 M Street NW, Washington, D.C.

The Group was established to advise the Administrator, FEO, with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the retail sale of gasoline and diesel fuel. The agenda for the meeting is as follows:

##### I. OLD BUSINESS

- A. Member Reports and Recommendations.
1. Pricing Adjustments.
2. Reduced Allocation.
3. Preferential Treatment; Minimal/maximum sales.
4. Hours of Operation.

##### II. NEW BUSINESS

- A. Discussion of rules and regulations.

The meeting is open to the public; however, space and facilities are limited. The Chairman of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Further information concerning this meeting may be obtained from Dino G. Pappas, Office of Policy, Planning and Regulations, Federal Energy Office, Washington, D.C. 20508, Area Code 202-254-7696. Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Issued in Washington, D.C., on February 21, 1974.

WILLIAM N. WALKER,  
General Counsel.

[FR Doc.74-4546 Filed 2-22-74; 12:08 pm]

#### FEDERAL MARITIME COMMISSION GULF FLORIDA TERMINAL CO. AND ELLER & CO., INC.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 18, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

##### Notice of Agreement filed by:

Arthur E. Erb, President  
Eller & Company, Inc.  
701 S.E. 24th Street  
Fort Lauderdale, Florida 33316

Agreement No. T-2886, between Gulf Florida Terminal Company (Gulf) and Eller and Company, Inc. (Eller), provides for the 13-month lease (with renewal options for two additional 24-month terms) to Eller of certain marine terminal property at the Port of Tampa, Florida, for use as an ocean terminal facility. In addition, Eller is granted the right of first refusal on space in Gulf's cold storage facility. As compensation, Eller will pay Gulf a fixed monthly rental. Gulf, with the exception of those operations performed by Maritime Reefer Service, is restricted from engaging in the stevedoring, terminal or ship's agency business in the State of Florida.

By order of the Federal Maritime Commission.

Dated: February 19, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4352 Filed 2-22-74; 8:45 am]

[Docket No. 73-79]

#### HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA, INC. ET AL.

##### Order To Show Cause

In the matter of Household Goods Forwarders Association of America, Inc. et al. v. American Export Lines, Inc., Sea-Land Service, Inc., United States Lines, Inc.

The Household Goods Forwarders Association of America, Inc. (HHGFAA) has petitioned for an order directing American Export Lines, Inc., Sea-Land Service, Inc. and United States Lines, Inc. to show cause why the Commission should not find their ocean tariff rates applicable to military household goods shipments in steamship-furnished containers, moving between U.S. North Atlantic ports and ports in the Bordeaux/Hamburg range, to be unjustly discriminatory in violation of section 17 of the Shipping Act, 1916, and why the Commission should not order that such unlawful discrimination be promptly removed.

The tariff matter complained of is set forth in the following publications on file with this Commission:

American Export Lines—Tariff FMC No. 95  
Sea-Land Service—Tariff FMC No. 48  
United States Lines—Tariff FMC No. 38  
Military Sealift Command—Tariff covering RFP No. 800.

HHGFAA charges that each of the above-named water carriers hold themselves out to transport military household goods shipments, inter alia, between the U.S. North Atlantic ports and ports in the Bordeaux/Hamburg range, both for the account of the Military Sealift Command and for the account of its individual member NVO's; that the rates assessed its members by American Export Lines is \$1,160 per 40-foot steamship container and \$580 per 20-foot steamship container. Sea-Land Service assesses member carriers \$1,160 for a 40-foot container, \$1,037.50 for a 35-foot container; United States Lines charges \$1,290.00 for 40-foot containers, \$645.00 for 20-foot containers.<sup>1</sup> The rate charged the Military Sealift Command by American Export Lines for transporting identical shipments is \$12.48 per 40 cubic foot, or a charge of \$1,069.94 for the 40-foot container and \$494.04 for the 20-foot container; the rate charged the Military Sealift Command by Sea-Land is \$1,010.39 for the 40-foot container and \$727.33 for the 35-foot container; and United States Lines' rate assessed the Military Sealift Command is \$942.83 for the high cube 40-foot container, a charge of \$885.38 for the standard 40-foot container and a charge of \$434.89 for the 20-foot container.<sup>1</sup>

HHGFAA contends that although the rates assessed the Military Sealift Command on military households goods shipments in steamship-furnished contain-

<sup>1</sup> Adjusted to reflect bunker surcharges.

ers is the Cargo N.O.S. rate published in the RFP 800 Tariff, rather than a specific commodity rate, this does not justify the assessment of a charge which would otherwise be discriminatory. HHGFAA further contends that the ocean movement performed by the water carriers in connection with the matter complained of is substantially similar, insofar as commodity, value, nature of packing, method of shipment, type of service and points of service are concerned, the only difference being the rates assessed and identity of the person tendering the shipment to the carrier.

It appears that the assessment by the carriers here named of different rates on military household goods shipments in steamship-furnished containers may be unjustly discriminatory in violation of section 17 of the Shipping Act, 1916. It further appears that no substantial dispute of facts exists.

THEREFORE, IT IS ORDERED, That pursuant to sections 17 and 22 of the Shipping Act, 1916 (46 U.S.C. 816 and 821), American Export Lines, Inc., Sea-Land Service, Inc. and United States Lines, Inc. be named as respondents in this proceeding and that each be ordered to show cause why its assessment of rates as between military household goods carried in containers for the Military Sealift Command and similar goods carried for household goods forwarders on through government bills of lading in the same type containers moving between U.S. North Atlantic ports and ports in the Bordeaux/Hamburg range should not be found to be unjustly discriminatory in violation of section 17 of the Shipping Act, 1916, and why said unlawful discrimination should not be promptly removed.

IT IS FURTHER ORDERED, That the Household Goods Forwarders Association of America, Inc., be designated as petitioner herein and that all other persons having an interest in this proceeding and desiring to participate herein should file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 C.F.R. 502.72), no later than the close of business March 1, 1974.

IT IS FURTHER ORDERED, That, there appearing to be no material issues of fact in dispute, this proceeding shall be limited to the submission of affidavits of fact and memoranda of law, replies, and oral argument, if deemed necessary by the Commission. Should any party feel that an evidentiary hearing is necessary, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing should be filed on or before March 15, 1974. Affidavits of fact and memoranda of law shall be filed by the above-named respondent carriers before March 15, 1974; reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel, petitioner herein, and intervenors, if

any, no later than the close of business April 4, 1974. Time and Date of oral argument, if requested and/or deemed necessary by the Commission, will be announced at a later date.

IT IS FURTHER ORDERED, That a notice of this order shall be published in the Federal Register and that a copy thereof be served upon petitioner, respondents, and upon the Commanding Officer, Military Sealift Command.

IT IS FURTHER ORDERED, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

AND, IT IS FURTHER ORDERED, That all future notices issued by or on behalf of the Commission in this proceeding shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4353 Filed 2-22-74; 8:45 am]

#### TRANSOCEAN GATEWAY CORP. AND UNITED STATES LINES, INC.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 18, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

##### Notice of Agreement Filed by:

Stuart R. Breidbart  
Corporate Counsel  
United States Lines, Inc.  
One Broadway  
New York, New York 10004

Agreement No. T-2902, between Transocean Gateway Corporation (TOG) and United States Lines, Inc. (USL), provides for the assignment to USL of TOG's leasehold interest in the four container cranes currently located at the Howland Hook Terminal, Staten Island, New York. Should the cranes' owner, Pepsico Leasing Corporation not consent to the assignment, TOG will provide USL or the Howland Hook Marine Terminal Corporation (a USL/American Export Lines, Inc. joint venture) full crane services at cost. Compensation to TOG for the assignment of its leasehold interest is ten dollars. Should Pepsico Leasing Corporation desire to sell the cranes to USL, the agreement provides for TOG's consent to such sale.

By Order of the Federal Maritime Commission.

Dated: February 19, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4351 Filed 2-22-74; 8:45 am]

#### FEDERAL POWER COMMISSION

[Dockets Nos. R-460; etc.]

#### CONSERVATION OF NATURAL RESOURCES

##### Order Denying Petition

FEBRUARY 15, 1974.

In the matter of utilization and conservation of natural resources—Natural Gas Act (General Motors Corporation and the Brick Institute of America, Petitioners) United Gas Pipe Line Company, Panhandle Eastern Pipe Line Company, Southern Natural Gas Company, Docket No. RP71-29 and RP71-120, Docket No. RP71-119 Docket No. RP72-74, and RP74-6.

On January 22, 1974, General Motors Corporation and the Brick Institute of America (Petitioners) filed a joint petition requesting the Commission to promulgate on an expedited basis a rule governing the allocation of natural gas supplies by interstate pipeline companies during emergency periods of short supplies of alternate fuels. Specifically, Petitioners request the Commission (1) to issue a notice of proposed rulemaking proposing the adoption of a rule to encompass their proposed emergency natural gas allocation plan and requiring the incorporation of that plan in the tariffs of all jurisdictional pipeline companies; (2) to issue an interim emergency rule requiring all jurisdictional pipeline companies to file interim tariff sheets immediately implementing the emergency allocation plan pending completion of the rulemaking proceeding; and (3) to expedite consideration of this petition and any administrative proceedings in connection with it.<sup>1</sup>

In support of their request, Petitioners assert that the present short fall of alternative fuels has created an emergency situation that requires an immediate im-

<sup>1</sup> Similar petitions were filed in all of the above-captioned proceedings.



plementation of their proposed emergency allocation plan. They assert that the present curtailment policies promulgated by the Commission are not suited to the problem of allocating natural gas supplies during the short-term emergency period and that their plan should be invoked during that emergency period.

The plan proposed by Petitioners presents curtailment concepts which, absent an evidentiary record, do not permit us to ascertain the impact on the systems of the pipelines and of the customers served. However, we take note that Petitioners have stated that their plan has been presented in a number of curtailment proceedings that are presently in hearing and, when concluded, will be before us for determination. We shall therefore deny Petitioners request without prejudice to a determination of said issue at the time it comes before us through the vehicle of an evidentiary record in a pipeline curtailment proceeding. Petitioners are free of course to seek whatever expedited procedures they deem necessary for the compilation of such evidence by submission of appropriate motions to the Presiding Law Judges in the respective proceeding hereinbefore mentioned. In the interim, petitioners may seek relief from curtailment for specific plants under the procedures promulgated by the Commission for emergency or extraordinary relief.

*The Commission orders.* The petitions filed by Petitioners on January 22, 1974, in Docket Nos. R-469, RP71-29 and RP71-120, RP71-119, RP72-74 and RP74-6 are hereby denied without prejudice.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Acting Secretary.

[FR Doc.74-4311 Filed 2-22-74; 8:45 am]

[Docket No. E-7704 etc.]

**ELECTRIC AND WATER PLANT BOARD,  
FRANKFORT, KENTUCKY**

**Order Consolidating Proceedings for  
Purposes of Hearing and Decision**

FEBRUARY 15, 1974.

In the matter of: the Electric and Water Plant Board of the City of Frankfort, Kentucky v. Kentucky Utilities Co., Public Service Co. of Indiana, Indianapolis Power and Light Co., Kentucky Utilities Co.

The Electric and Water Plant Board of the City of Frankfort, Kentucky (hereafter Frankfort), complainant in Docket No. E-7704 and intervenor in Docket Nos. E-7669, E-7937 and E-8053, filed a motion with the Federal Power Commission requesting an order consolidating the proceedings in Docket No. E-7704 with those in the previously consolidated Docket Nos. E-7669, et al.

The proceedings in Docket Nos. E-7669, E-7937 and E-8053 involve Frankfort's challenge to the legality of several provisions of the Kentucky-Indiana Pool Planning and Operating Agreement

(hereafter KIP Pool). The KIP Pool Agreement was initially filed with the Commission on August 2, 1971 in Docket No. E-7669. Frankfort sought and was granted intervention in that Docket and each successive filing which dealt with the KIP Pool Agreement.<sup>1</sup> In these proceedings Frankfort has alleged

that the KIP Pool contains unlawfully restrictive provisions which operate to prevent Frankfort from doing business on a bulk power supply basis with any KIP Pool member, and that these restrictions are part of a broad interstate scheme to prevent Frankfort and others similarly situated from providing for their own bulk power supply through joint ventures, interconnections and coordination with other utilities, and to disable consumer-owned systems in Kentucky and Indiana from expanding bulk power supply operations in competition with the investor-owned members of the KIP Pool.

See Motion of Frankfort, Kentucky to Consolidate Proceedings, filed November 20, 1973 in Docket No. E-7704, pg. 3. On July 31, 1973, the Commission ordered that Frankfort's allegations in each case dealing with the KIP Pool Agreement should be treated as complaints under section 306 of the Federal Power Act (16 U.S.C. 825e) and consolidated these three filings for hearing and decision for the stated reason that the antitrust allegations of Frankfort in each case present common issues of law and fact.

On the other hand, Docket No. E-7704 is a complaint proceeding which arose out of Frankfort's protest in Docket No. E-7677, involving an application of Kentucky Utilities Company (hereafter KU), a party to the proceedings in the consolidated Docket Nos. E-7669 et al., for authority to issue short-term promissory notes under section 204 of the Federal Power Act. In pleadings filed in that complaint proceeding, Frankfort has again alleged that KU has been and continues to engage in activities violative of the antitrust laws and of the Federal Power Act. Specifically, Frankfort alleges

that KU, by its own action and by concert of action, agreement and understanding, has unlawfully prevented Frankfort from qualifying for and becoming a member of the Kentucky-Indiana Pool . . . and from doing business as an electric utility with KIP Pool participants and "non-participants" other than KU, and from doing business with KU on any basis other than as a full-requirements customer. (emphasis added).

See Motion of Frankfort, Kentucky, supra, at pg. 2. It is clear that Frankfort has not limited its antitrust allegations to KU in Docket No. E-7704; rather Frankfort charges that the capital to be derived from KU's proposed security issuance would be used to further anti-competitive conduct by several persons

<sup>1</sup> Docket Nos. E-7937 and E-8053 represent amendments to the KIP Pool Agreement which were filed with the Commission and noticed according to the Commission's Regulations. Frankfort intervened in each making essentially the same allegations in all.

affiliated with KU under the KIP Pool Agreement and other arrangements.

It is significant that the Commission has chosen to address the allegations made by Frankfort as complaints under section 306 of the Act. In both the consolidated Dockets (E-7669, et al.) and Docket No. E-7704 consideration of the anticompetitive allegations under section 306 of the Act will facilitate a complete and comprehensive investigation of the corporate and competitive conditions which prevail in the service areas of the utilities involved in the instant proceedings before the Commission. It is the Commission's opinion that treating the allegations under section 306 of the Act frees the Commission Staff and the Presiding Officer in each of the Dockets proposed to be consolidated to cipher a total overview of the impact that the KIP Pool Agreement and the KU security authorization respectively would have upon the complainant, Frankfort. Under Section 306 the Commission is under the "duty . . . to investigate the matters complained of in such manner and by such means as it shall find proper." See Federal Power Act § 306, 16 U.S.C. 825e. Section 306 clearly grants far ranging discretion to the Commission in determining the methods and means which it shall employ to accomplish its duty to investigate matters constituting a complaint. Consolidated consideration is surely one appropriate method of investigating various complaints especially where the matters complained of are general patterns of behavior exhibited by a group of utilities and which are alleged to arise from a single proposed transaction and its consequences.

Section 306 of the Act, however, grants only procedural authority to facilitate investigation of complaints. There are no substantive standards incorporated into section 306; therefore, to evaluate the findings of an investigation under section 306 the Commission must necessarily refer to the standards provided under the definitive regulatory provisions of the Federal Power Act (e.g., section 204 in the case of Docket No. E-7704 and Section 202 in the case of Docket Nos. E-7669, et al.). Under this analysis, then, the propriety of consolidated consideration of the complaints made by Frankfort in these cases is supported further by reference to Gulf States Utilities Co. v. FPC, 411 U.S. 747 (1973). In that case the Supreme Court emphasized the scope of the public interest standard under all regulatory provisions of the Federal Power Act. Evaluation of the anticompetitive allegations of Frankfort in light of the general public interest standard incorporated in the Act is the ultimate goal mandated by Gulf States and the general standard is not more restrictive under any substantively regulatory provision than another.

[T]he Commission's broad authority to consider anticompetitive and other conduct touching the "public interest" under the other sections of the Act emphasizes the breadth of its authority under the public in-

terest standard generally and as embodied in [specific provisions].

411 U.S. at 758. Therefore, applying the substantive public interest standard of section 204 (in the case of Docket No. E-7704) and of section 202 (in the case of Docket Nos. E-7669, et al.) to the findings of an investigation of Frankfort's allegations under section 306 of the Act will provide for a more comprehensive appraisal of the competitive impact of the Commission's proposed authorizations.

Section 1.20(b) of the Commission's rules of practice and procedure, 18 CFR § 1.02(b), governs consolidation for purposes of hearing and decision. Section 1.20(b) states that the Commission may upon its own motion or that of a party or staff counsel, "order proceedings involving a common question of law or fact to be consolidated for hearing of any or all the matters in issue in such proceedings." It is significant that § 1.02(b) does not employ the identity of parties in various proceedings as a limiting consideration in consolidation. It is clear from Frankfort's pleadings in each docket that it proposes to consolidate for hearing and decision that there are common questions of law and fact regarding the anticompetitive behavior of each, and every Respondent herein. Whether the issues raised in Docket No. E-7704 go beyond those raised in the other Dockets (E-7669, et al.) is irrelevant to the question of whether consolidation of the various Dockets is appropriate and in the public interest. Identical issues are not a prerequisite to consolidation; only a common question of law or fact is necessary to legitimize consolidation under the Commission's rules.

Furthermore, the fact that all respondents are not involved in the issuance of a security under section 204 of the Act is irrelevant. Because the anticompetitive impact of various configurations of corporate behavior either individually or in concert, would come within the purview of the Commission under the general public interest standard, a multiplicity of parties will not cloud the resolution of the allegations made by Frankfort against each and all of the parties. Consolidation of these proceedings will not prejudice any party to any of the pending dockets.

The Commission in the exercise of its discretion must take into account the limited resources at its disposal and be vigilant to opportune situations which might allow consolidated consideration of common issues between the same parties or those with substantially similar portions. We feel that the prerequisites for such consideration are presented in the instant case. Therefore, in the interest of expediting the current proceedings in the various dockets pending before us, we believe that a unitary consideration of the antitrust allegations of Frankfort, discussed herein, would be appropriate and in the public interest.

We are aware that the parties in each of the proceedings herein consolidated may have additional testimony or evidence that would be material and rele-

vant to the issues to be considered in the consolidated hearing. Therefore, the submittal dates for filing of initial direct testimony will be rescheduled, as indicated below.

The Commission finds:

(1) The proceedings in Docket No. E-7704 and those in Docket Nos. E-7669, E-7937 and E-8053 present common issues of law and fact.

(2) It is appropriate and in the public interest that Docket No. E-7704 be consolidated for purposes of hearing and decision with the previously consolidated proceedings in Docket Nos. E-7669, E-7937 and E-8053.

The Commission orders:

(A) All matters in issue in Docket No. E-7704 will be heard and decided in conjunction with those issues and matters for decision presented in Docket Nos. E-7669, E-7937 and E-8053.

(B) Testimony in regard to this consolidated proceeding shall be submitted as follows: Testimony of all parties shall be filed on or before March 12, 1974. All other procedural dates previously established in the Dockets hereby consolidated shall be reset by order of the Presiding Administrative Law Judge.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4307 Filed 2-22-74; 8:45 am]

[Docket No. RP72-6]

**EL PASO NATURAL GAS CO.  
Order Vacating Order in Part**

FEBRUARY 19, 1974.

On January 4, 1974, the Community Public Service Company (Community) of Fort Worth, Texas, filed a petition for extraordinary relief from the impact of the interim curtailment plan in effect on the Southern Division system of El Paso Natural Gas Company (El Paso) in Docket No. RP72-6. Community requested exemption from curtailment for its electric generating plant at Lordsburg, New Mexico.

On January 15, 1974, the Commission granted temporary emergency relief pending formal hearing solely to the extent necessary to avoid the shedding of firm electric load.

On January 18, 1974, General Motors Corporation (General Motors) filed a protest of Community's petition for extraordinary relief and a petition to intervene in the above docketed proceeding. General Motors protested Community's petition pending a showing by Community that service to its residential and commercial customers cannot be curtailed. General Motors further claimed that Community should be required to establish the effects upon such customers of reduction in firm electric service.

On January 18, 1974, Community telegraphed a motion to vacate the hearing set by the Commission's order of January 15, 1974. Additionally, on January 28, 1974, Community filed a supple-

mental motion to vacate said hearing. In support of its motions, Community alleges that further relief is not anticipated and that, therefore, a hearing is unnecessary. Community further states that it will make appropriate arrangements with El Paso to reduce Community's usage in order to offset the volumes of gas used during the emergency of January 3, 4, and 5 and will report such arrangements to the Commission. Community finally states that it has been authorized by General Motors to state that General Motors does not object to the vacating of the hearing on the condition that Community return the gas used during the emergency through a reduction in deliveries.

In view of the fact that further relief will not be necessary and that the relief granted under our temporary authorization of January 15, 1974, has been terminated, we believe that the motion to vacate the order to the extent it provides for a hearing is necessary and proper in the public interest.

The Commission finds:

(1) It is desirable and in the public interest that the order providing for a hearing in this matter issued January 15, 1974, be vacated.

The Commission orders:

(A) The order of January 15, 1974, to the extent it provided for a hearing in this matter is hereby vacated.

(B) Community will reduce its deliveries of natural gas from El Paso's system for use at Community's Lordsburg facilities in the amount of the volumes used during the emergency of January 3, 4, and 5, within 90 days of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4313 Filed 2-22-74; 8:45 am]

[Docket No. C174-341]

**FOREST OIL CORP.**

**Order Granting Interventions, Setting  
Hearing Date and Prescribing Procedure**

FEBRUARY 19, 1974.

On December 6, 1973, Forest Oil Corporation (Forest) filed in Docket No. C174-341 an application requesting issuance of a limited term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's Regulations thereunder, for the sale of gas to Columbia Gas Transmission Corporation (Columbia Gas) from Blocks 256 and 267, Vermilion Area, Offshore Louisiana (Federal Domain).

Specifically, Forest proposes to sell to Columbia Gas approximately 186,000 Mcf of gas per month at 45 cents per Mcf. The term of the contract is for one year. The proposed price of 45 cents per Mcf is in excess of the area base rate of 28 cents per Mcf established by Commission Opinion No. 598.

Forest commenced an emergency sale to Columbia Gas from the subject acreage on November 2, 1973, pursuant



to Order Nos. 491 and 491-B at a rate of 45 cents.

The Public Service Commission of the State of New York (PSCNY) filed a notice of intervention in the above-referenced docket on January 14, 1974. PSCNY requests a formal hearing on the matter stating that no showing has been or can be made justifying a short-term sale for one year at 45 cents from off-shore Federal Domain area subject to the Commission's plenary authority. PSCNY further states that since there is no possibility of the gas being diverted to the intrastate market if the sale is not certificated as sought, there is no justification for certification at the proposed price. Columbia Gas filed a late petition to intervene in support of Forest's application on January 17, 1974.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, it is necessary that this application be set for public hearing to decide the issues raised herein. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

We take further note, however, that the Commission in a number of recent orders has already held that an emergency exists on Columbia Gas' system. See Forest Oil Corporation, --- FPC ---, Docket No. C173-489 et al., issued March 23, 1973. We, therefore, conclude that there is an emergency on Columbia Gas' system which could warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

**The Commission finds:**

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) The intervention of PSCNY and Columbia Gas in this proceeding may be in the public interest.

**The Commission orders:**

(A) The above-named parties are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of said intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on March 27, 1974, at 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(C) On or before March 13, 1974, Forest and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their position.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—see delegation of authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure in this order.

By the Commission.

[SEAL] KENNETH F. PLUMS,  
Secretary.  
[FR Doc.74-4309 Filed 2-22-74; 8:45 am]

[Dockets Nos. C174-262 and C174-263]

**HONDO PRODUCTION CO. AND SAN ORA PRODUCTION CO.**

**Order Consolidating Proceedings, Granting Interventions and Denying Applications**  
FEBRUARY 19, 1974.

On August 18, 1973, Hondo Production Company (Hondo) and San Ora Production Company (San Ora) filed applications requesting authorization to abandon their sales<sup>1</sup> of gas made to Kerr-McGee Corporation (Kerr-McGee) from wells situated on the Barnard Lease in the Panhandle Field, Carson County, Texas R.R. District No. 10 (Hugoton-Anadarko Area), under percentage-type contracts dated August 1 and October 10, 1961, respectively. Kerr-McGee gathers the gas, processes it in their Pampa Plant, and resells the residue gas to Northern Natural Gas Company (Northern)<sup>2</sup> at the applicable area rate plus an allowance for off-lease gathering. Hondo and San Ora are presently receiving 18.0 cents per Mcf<sup>3</sup> for the gas delivered to Kerr-McGee.

<sup>1</sup> Hondo and San Ora have small producer certificates in Docket Nos. C873-106 and C873-107, respectively.

<sup>2</sup> Kerr-McGee's sale, authorized in Docket No. G-2758, commenced pursuant to a contract dated April 15, 1964, and currently is subject to contract dated March 21, 1973, which contracts are on file as part of Kerr-McGee Corporation (Operator) FPC Gas Rate Schedule No. 2.

<sup>3</sup> This 18 cents is 75 percent of Kerr-McGee's resale price of 21.5 cents plus 2.5 cents gathering allowance. Kerr-McGee also receives a slight upward Btu adjustment, 0.215 cents (1010 Btu gas).

On August 1, 1973, Hondo and San Ora advised Kerr-McGee of their intentions to terminate their sales contracts pursuant to the provisions thereof,<sup>4</sup> in order that they may sell the subject gas to Natural Gas Pipeline Company of America (Natural).

On November 23, 1973, Northern filed petitions to intervene in opposition to the proposed abandonments. In support of its petitions to intervene in opposition, Northern states that it has an existing gas supply emergency on its system and that its gas supply deficiency is intensifying. Northern adds that its ability to meet its market requirements is predicated upon maximizing pipeline operations from all sources, including underground storage, and that it presently has no excess deliverability on its system, with the real possibility existing that contract demand requirements cannot be met under sustained peak conditions. Thus, Northern contends that any reduction in available gas by reason of abandonment, as in the instant proceedings, will aggravate an already existing emergency.

On November 26, 1973, Kerr-McGee filed petitions to intervene in opposition to the proposed abandonments. In its petitions, Kerr-McGee states that the granting of the subject applications will cause an immediate loss to the Pampa Plant of 1,154 Mcf per day<sup>5</sup> resulting in a substantial reduction in its economic life. Kerr-McGee adds that such loss would impair the economic viability of the plant, causing its premature shut-down, and that premature closing of the plant and its gathering system, together with the resulting discontinuance of service to some 229 producing wells, would manifestly disserve the public interest.

For the above stated reasons, Northern requests, in its petition, that the Commission either deny the applications of both Hondo and San Ora outright, or, absent outright denial, that the matter be set for hearing. Kerr-McGee requests formal hearing on the subject applications.

Neither Hondo nor San Ora state any reason for abandonment except that they intend to sell the subject gas to Natural and have been negotiating to that effect. Kerr-McGee alleges in its petition that Hondo and San Ora have advised Kerr-McGee that, if granted abandonment authorization, they will sell the gas to Natural for 55 cents per Mcf.

In view of the fact that neither Hondo nor San Ora have come forth with pleadings setting forth grounds for the granting of abandonments under the statutory requirements of section 7(b) of

<sup>4</sup> Pursuant to amendments dated December 7, 1964, the contracts were to be effective until August 1, 1966, and for a period of 5 years after said date and from year to year thereafter until cancelled by either party thereafter.

<sup>5</sup> This constitutes approximately 13 percent of the Pampa Plant supply dedicated to Northern by Kerr-McGee.

the Natural Gas Act we shall deny the instant applications.

**The Commission finds:**

(1) Docket Nos. C174-262 and C174-263 should be consolidated for hearing and decision as they involve common questions of law and fact.

(2) The interventions of Northern and Kerr-McGee in this proceeding may be in the public interest.

(3) Good cause exists to deny both Hondo's and San Ora's applications for abandonment under section 7(b) of the Natural Gas Act.

**The Commission orders:**

(A) The applications listed at the head of this order are hereby consolidated for hearing and decision.

(B) Northern and Kerr-McGee are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of said intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions to intervene; and *provided, further,* That the admissions of said intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) For the reasons hereinbefore stated, the applications of Hondo and San Ora are hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMS,  
Secretary.  
[FR Doc.74-4308 Filed 2-22-74; 8:45 am]

[Docket No. E-8494]

**MINNESOTA POWER AND LIGHT CO.**

**Order Accepting for Filing and Suspending Proposed Rate Increase, Permitting Intervention and Establishing Procedures**  
FEBRUARY 15, 1974.

On November 16, 1973, Minnesota Power and Light Company (MP&L) tendered for filing proposed changes in its rates and charges to twenty-one wholesale customers.<sup>1</sup> The proposed changes would increase annual revenues from jurisdictional sales by \$3,607,683 based on the twelve-month period ending January 15, 1974. MP&L also tendered a contract for wholesale service to Superior Water Light and Power Company (SWL&P), superseding the present MP&L Rate Schedule FPC No. 7. MP&L requested an effective date of January 15, 1974, for its filings.

By letter dated December 6, 1973, the Secretary of the Commission informed MP&L that its initial filing was deficient with respect to § 35.13(b) (4) (iii) of the Commission's regulations and that no filing date could be assigned until the necessary material was supplied. The data in completion of the filing was sub-

<sup>1</sup> See Appendix A.

mitted by MP&L on January 18, 1974. At the same time, MP&L requested waiver of the notice requirements of the Commission's regulations, so that November 16, 1974, the date of the original tender might be assigned as the filing date.

In support of the proposed rate increase MP&L states the proposed rates are designed and necessary to improve the rate of return earned from its wholesale customers. MP&L also states that its contract with the Itasca-Mantrap Electric Co-operative limits any rate increase to 15 percent of the existing rate. Therefore, as to this customer MP&L does not propose to effectuate the entire rate increase, but only that amount equivalent to a 15 percent increase.

Notice of the initial tender was issued on November 30, 1973, providing for all comments and petitions to intervene to be filed on or before December 20, 1973.

The Village of Proctor filed a protest to the proposed rates on December 19, 1973. The Public Service Commission of Wisconsin filed a Notice of Intervention. On December 21, 1973, the Village of Altin, et al.,<sup>2</sup> (Petitioners) filed an untimely protest and petition to intervene.

Petitioners claim the filing should be rejected since, as evidenced by the Secretary's letter of December 6, 1973, it does not conform to the Commission's regulations. In the alternative, Petitioners request suspension of the rate increase for the full five month term because of the size of the increase and the possibility of restrictive clauses in the proposed terms and conditions of service.

As indicated above, MP&L has cured the deficiency in its filing and therefore grounds for its rejection no longer exist. Our review of MP&L's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for the full statutory period and establish hearing procedures to determine the justness and reasonableness of MP&L's filing.

As to MP&L's request for waiver of the notice requirements of the Commission's regulations, we believe good cause exists to assign January 18, 1974, the date MP&L cured the deficiency in its original tender, as the filing date for MP&L's proposed changes.

**The Commission finds:**

(1) The proposed changes in rates and charges, tendered by MP&L on November 16, 1973, should be accepted for filing as of January 18, 1974, as hereinafter ordered.

(2) The proposed change in rates and charges may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful under section 205 of the Federal Power Act and should be suspended for the full statutory term.

(3) Good cause exists to permit the intervention of the above-named intervenors.

<sup>2</sup> See Appendix B.

(4) Good cause does not exist to grant waiver of § 35.13 of the Commission's regulations.

(5) The motion to reject the filing should be denied for the reasons stated above.

**The Commission orders:**

(A) Pending a hearing and a decision thereon, MP&L's proposed changes in its rates and charges, tendered on November 16, 1974, are accepted for filing as of January 18, 1974, and suspended for the full statutory term, the use thereof deferred until July 18, 1974, or until such time as they are made effective in the manner provided in the Federal Power Act.

(B) Pursuant to authority of the Federal Power Act, particularly sections 205 and 206 of the Commission's rules and regulations (18 CFR, Chapter I), a pre-hearing conference shall be held pursuant to § 1.18 of the Commission's rules of practice and procedure on July 9, 1974, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. A hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges in company's FPC Rate Schedule, as proposed to be amended herein shall be held commencing on July 16, 1974.

(C) On or before May 31, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before June 14, 1974. Any rebuttal evidence by company shall be served on or before June 25, 1974.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) The parties designated above and in Appendix B are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) MP&L's motion for waiver of the notice requirements of § 35.13 of the Commission's regulations is denied.

(G) Petitioner's motion to reject the filing is denied.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMS,  
Secretary.



## APPENDIX A

Rate Schedule No. 90—applicable to full requirements municipal customers and privately owned wholesale customers.

Rate Schedule No. 90 with a rider—applicable to partial requirements municipal customers.

Rate Schedule No. 91—applicable to rural electric cooperative customers.

## APPENDIX B

City of Binahik.  
City of Brainerd.  
Village of Buhl.  
City of Ely.  
City of Gilbert.  
Village of Grand Rapids.  
Village of Hibbing.  
Village of Keewatin.  
Village of McKinley.  
Village of Mountain Iron.  
Village of Naskawauk.  
Village of Pierz.  
Village of Proctor.  
City of Staples.  
City of Two Harbors.  
City of Virginia.  
Stuntz Cooperative Light & Power Association.

[FR Doc.74-4306 Filed 2-22-74;8:45 am]

[Docket No. E-8547]

## MISSOURI EDISON CO.

## Order Suspending Proposed Changes in Rates and Setting Matter for Hearing

FEBRUARY 15, 1974.

On December 12, 1973, Missouri Edison Company (Edison) tendered for filing a proposed rate increase for the City of Clarksville. (City), its only wholesale customer. Edison states that the amount of the increase over the presently effective rate is \$3.337 (5.09 percent) for the 12-month period ending September 30, 1973. The filing was completed by receipt of requested information on January 18, 1974, which date has been assigned the filing date in this proceeding. Edison proposed an effective date of December 14, 1973.

The present agreement between Edison and City provides for all-requirement service at two 2.4 KV substations. For billing purposes, Edison combines the KW amounts and the KWh usage at both substations. The terms and conditions of the present agreement would remain the same under the proposed rate except for the elimination of a tax adjustment clause. The proposed agreement is for a term of 10 years after the date of approval of the contract.

The proposed increase was notice on February 1, 1974, with protests and petitions to intervene due on or before February 15, 1974. No petitions or protests have been filed.

Our review of the filing indicates that the proposed rate may result in excess revenues and that the proposed increases have not been shown to be just and reasonable and may be unjust, unreasonable or otherwise discriminatory or preferential or otherwise unlawful. We

<sup>1</sup> Proposed rate schedule designation: Missouri Edison Company Rate Schedule FPC No. 2 (Supersedes Rate Schedule FPC No. 1).

shall therefore, set the matter for hearing, and order that the rates be suspended for one day.

*The Commission finds.* (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Edison's revised rate schedule proposed in this docket, and that the tendered rate schedule be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

*The Commission orders.* (A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter 1), a prehearing conference shall be held pursuant to § 1.18 of the Commission's rules of practice and procedure on June 25, 1974, at 10:00 A.M., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. A hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges in Edison's FPC Rate Schedule, as proposed to be amended herein shall be held commencing on July 16, 1974.

(B) On or before May 14, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any rebuttal evidence by Edison shall be served on or before June 4, 1974.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(D) Pending hearing and final decision in this proceeding, Edison's revised rate schedule tendered on January 18, 1974, is hereby suspended and the use thereof deferred until February 19, 1974.

(E) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4339 Filed 2-22-74;8:45 am]

## NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

## Agenda and Notice of Meeting

Meeting to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., 9:30 a.m., February 27, 1974, Room 5200.

1. Meeting called to order by FPC Staff Representative.

2. Objectives and purposes of meeting.

A. Review of the following sections of the Chairman's draft of the final report:

a. Section II.

b. Section IV-G.

c. Section V.

B. Review Recommendations.

C. New Business.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4312 Filed 2-22-74;8:45 am]

## NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE AND ITS TASK FORCE ON FUTURE FINANCIAL REQUIREMENTS

## Order Designating Additional Coordinating Representative

FEBRUARY 19, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee, and by order issued December 7, 1972, established the Technical Advisory Committee on Finance Task Force on Future Financial Requirements.

2. Coordinating Representative. An additional coordinating representative to the Technical Advisory Committee on Finance and the Task Force on Future Financial Requirements, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Robert G. Uhler, Acting Chief, Division of Economic Studies, Federal Power Commission.

Mr. Uhler replaces Dr. John W. Wilson.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4314 Filed 2-22-74;8:45 am]

## NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

## Order Designating Additional Member

FEBRUARY 19, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the Technical Advisory Committee on Power Supply.

2. *Membership.* An additional member of the Technical Advisory Committee on Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

C. King Mallory, III, Deputy Assistant Secretary—Energy and Minerals, Department of the Interior.

Mr. Mallory replaces Mr. James R. Smith.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4316 Filed 2-22-74;8:45 am]

## NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY AND THE TASK FORCE ON FORECAST REVIEW

## Order Designating Additional Member

FEBRUARY 19, 1974.

The Federal Power Commission, by orders issued September 28, 1972, and December 19, 1972, established the Technical Advisory Committee on Power Supply and the Technical Advisory Committee on Power Supply Task Force—Forecast Review.

2. *Membership.* An additional member of the Technical Advisory Committee on Power Supply and the Task Force, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

James R. Burdeshaw, Director, Power Marketing, Tennessee Valley Authority.

Mr. Burdeshaw replaces Mr. Paul S. Button.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4315 Filed 2-22-74;8:45 am]

[Docket No. E-8242]

## PUBLIC SERVICE COMPANY OF OKLAHOMA

## Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

FEBRUARY 14, 1974.

On January 28, 1974, a motion was filed by Staff Counsel to further extend the procedural dates fixed by notice issued January 23, 1974. The motion states that all parties except the Oklahoma Consumer Protection Agency had been contacted and had no objection to the motion.

Upon consideration notice is hereby given that the procedural dates are further modified as follows:

Service of Evidence by Staff, March 8, 1974.  
Service of Evidence by Intervenor, March 26, 1974.

Service of Rebuttal Evidence, April 15, 1974.  
Prehearing Conference, April 22, 1974 (10:00 a.m. e.d.t.).

Hearing, April 23, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4340 Filed 2-22-74;8:45 am]

[Docket No. E-8178]

## SOUTHERN CALIFORNIA EDISON CO.

## Order Denying Rehearing

FEBRUARY 19, 1974.

On January 23, 1974, Anza Electric Cooperative, Inc. (Anza) filed with the Commission a petition for Rehearing of the Commission's Order of January 3, 1974. Anza seeks rehearing of that order insofar as it reversed the Commission's order of August 29, 1973, which provided that the rate increase proposed in this docket may become effective as to Anza only after a Commission order approving the increase in whole or in part. Anza states that since the matter has been argued to the Commission previously, Anza doubts whether any further petition for rehearing is necessary or consistent with Commission practice, but in view of the language of section 313(a) of the Federal Power Act, the matter is unclear and the instant filing is being made as a protective matter. Anza requests that the Commission, on rehearing, modify its order of January 3, 1974, and reinstate the provisions of its order of August 29, 1973, as modified by its letter order of December 6, 1973, specifying that Edison's rate increase as to Anza be collected only for the period subsequent to December 8, 1973.

We believe that our order of January 3, 1974, fully disposed of the issues upon which the instant application is apparently based, and we shall therefore deny Anza's petition.

*The Commission finds.* The petition for rehearing of Anza raises no facts or points of law which would provide an appropriate basis for modification of the Commission's order of January 3, 1974.

*The Commission orders.* (A) The petition for rehearing of Anza, filed on January 23, 1974, is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4310 Filed 2-22-74;8:45 am]

[Docket No. RP74-6]

## SOUTHERN NATURAL GAS CO.

## Notice Deferring Procedural Dates

FEBRUARY 15, 1974.

On February 16, 1974, Commission Staff filed a letter motion for an extension of the procedural dates fixed by a Commission order of December 21, 1973 in the matter of Columbia Nitrogen Company and Nipro, Inc. to April 1, 1974 for the convening of formal hearings and March 19, 1974 for the filing of evidence. Such request was said to be justified by the conflicting obligations of the assigned Presiding Administrative Law

Judge. Staff asserts that all parties concur in its motion.

Upon consideration, notice is hereby given that the Commission's Order of December 21, 1973 is hereby amended to read: In ordering paragraph (A) February 28, 1974 is changed to April 1, 1974; and ordering paragraph (C) is changed to March 19, 1974 from February 19, 1974. Except as amended, this order remains otherwise in full effect.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4342 Filed 2-22-74;8:45 am]

[Docket No. RP66-12]

## TEXAS GAS TRANSMISSION CORP.

## Notice of Refund

FEBRUARY 15, 1974.

Take notice that Texas Gas Transmission Corporation (Texas Gas) on February 5, 1974, filed with the Commission a report indicating that it made available to its customers a refund for the period January 1, 1961 through December 31, 1964. This refund is purportedly a flow-through of amounts received by Texas Gas from Texas Eastern Transmission Corporation in Docket No. RP66-12.

Texas Gas states that the refund computation is made in accordance with Article V of the Terms and Conditions of Settlement in Docket No. G-18886 and Articles IV, VI and VIII of the Statement of Proposed Settlement in Docket No. RP61-15.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1974. Parties who have previously filed petitions to intervene need not file new protests or petitions relating only to this notice. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4344 Filed 2-22-74;8:45 am]

[Docket No. RP74-39-5]

## TEXAS EASTERN TRANSMISSION CORP. Notice of Postponement of Hearing

FEBRUARY 15, 1974.

On February 13, 1974, the Town of Smyrna, Tennessee, filed a motion for a postponement of the hearing in the above-designated proceeding from February 19, 1974, to February 26, 1974. The motion states that counsel for Texas Eastern Transmission Corporation, United Cities Gas Company, and Com-



mission Staff have agreed to the postponement.

Upon consideration, notice is hereby given that the hearing is postponed to February 26, 1974 at 9:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 N. Capitol St. NE., Washington, D.C. 20426.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4345 Filed 2-22-74;8:45 am]

[Docket No. E-8158]

#### WISCONSIN POWER & LIGHT CO.

#### Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

FEBRUARY 14, 1974.

On January 29, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by notice issued December 13, 1973 in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of evidence by Staff, March 29, 1974.  
Service of Intervenor Evidence, April 15, 1974.

Service of Company Rebuttal, May 3, 1974.  
Prehearing Conference, May 14, 1974 (10:00 a.m. e.d.t.).

Hearing, May 15, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-4341 Filed 2-22-74;8:45 am]

#### NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

##### PUBLIC MEETING

Notice is hereby given, pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463) that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on March 6, 1974 at the Los Angeles Marriott Hotel, 5855 West Century Boulevard, Los Angeles, California from 7:00 p.m. through March 10, 1974 at noon.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting is called to discuss the draft of the annual report for 1974 and to participate in the California Association of Compensatory Education meeting.

Because of limited space for the meeting of March 6 through 10, all persons wishing to attend should call for reservations at Area Code 202/382-6945 by March 1, 1974.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Na-

#### NOTICES

tional Advisory Council on the Education of Disadvantaged Children, located at 425 13th Street, NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on February 20, 1974.

ROBERTA LOVENHEIM,  
Executive Director.

[FR Doc.74-4338 Filed 2-22-74;8:45 am]

#### NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR RESEARCH MANAGEMENT IMPROVEMENT

##### Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Research Management Improvement to be held at 8:30 a.m. on March 4 and 5, 1974, in Room 642 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information concerning this Panel, contact Ms. Jean T. DeBell, Program Director, Research Management Improvement Program, Room 706, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,  
Assistant Director  
for Administration.

FEBRUARY 14, 1974

[FR Doc.74-4325 Filed 2-22-74;8:45 am]

#### OFFICE OF MANAGEMENT AND BUDGET

##### CLEARANCE OF REPORTS

##### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 20, 1974. (44 USC 3509) The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

##### NEW FORMS

##### DEPARTMENT OF AGRICULTURE

Soil Conservation Service: Conservation Plan of Operations—RECP Program: Forms SCS-CONS-11; SCS-CONS-12; Occasional; Lowry; Farm Owners/Operator.

##### DEPARTMENT OF COMMERCE

Bureau of East-West Trade: Ferrous Scrap "Ship-Breaking"—Reporting Requirement: Form EAR 377.4A(d); Monthly; Caywood; Business firms.

##### FEDERAL ENERGY ADMINISTRATION

Request for Data on Coal Conversion: Form; Single time; Lowry; Electric utilities.

##### REVISIONS

##### DEPARTMENT OF COMMERCE

Bureau of the Census:  
Current Sales and Credit Report—Multi-unit Firm: Form BUS 67P; Annual; Weiner; Retail business firm which operate 11 or more retail estab.  
Current Sales and Credit Report: Form BUS 50P; Annual; Weiner; Retail business firm which operate 10 or less retail establishments.  
Current Service Trade Report: Form BUS 80P; Annual; Weiner; Service business firm.

##### DEPARTMENT OF COMMERCE

Bureau of the Census: Current Service Trade Report: Form BUS 80P; Annual; Weiner; Service business firm.

##### EXTENSIONS

##### DEPARTMENT OF COMMERCE

Economic Development Administration:  
Application for Assistance from the Economic Development Administration to Finance Public Works Impact Projects: Form ED 101-PWIP; Occasional; Evinger (x).

Application for Assistance from the Economic Development Administration to Finance Public Works and Development Facilities: Form ED 101; Occasional; Evinger (x).

##### DEPARTMENT OF STATE

Preliminary Questionnaire to Determine Immigrant Status: Form FS 497; Occasional; Evinger (x).

Biographic Data for Visa Purposes: Form DSP 70; Occasional; Evinger (x).

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc.74-4396 Filed 2-22-74;8:45 am]

##### TARIFF COMMISSION

##### DEE VEE FOOTWEAR INC.

#### Investigation Concerning Workers' Petition for Determination

On the basis of a petition filed under section 301(a) (2) of the Trade Expansion Act of 1962, on behalf of the former workers of Dee Vee Footwear, Inc., Bridgeport, Connecticut, the United States Tariff Commission, on February 14, 1974, instituted an investigation under section 301(c) (2) of the Act to determine whether, as a result in major

part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.32, 700.43, 700.45 and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such requests is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: February 19, 1974.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.74-4318 Filed 2-22-74;8:45 am]

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management

#### OUTER CONTINENTAL SHELF OFF LOUISIANA

##### Oil and Gas Lease Sale #33

##### Bid Submission Procedures

1. Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; (43 U.S.C. Sec. 1331-1343)) and the regulations issued thereunder (43 CFR Part 3300), sealed bids mailed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, The Plaza Tower, Suite 3200, 1001 Howard Avenue, New Orleans, Louisiana 70113 must be received by 9:30 a.m., c.s.t. on March 28, 1974, for the lease of oil and gas in tracts described in paragraph 12 herein, in areas of the Outer Continental Shelf (OCS) adjacent to the State of Louisiana. Bids delivered in person to the Manager will be received at his office at the above address through 4:15 p.m., c.s.t., March 27, 1974; on March 28, 1974, bids may be delivered in person to the Manager only at the Tulane Room, Braniff Place, 1500 Canal Street, New Orleans, Louisiana 70112 between 8:30 a.m., c.s.t. and 9:30 a.m., c.s.t. Bids received by the Manager after 9:30 a.m., on that date will be returned to the bidders unopened. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager by 9:30 a.m., March 28, 1974. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR 3302.1, 3302.4, and 3302.5.

#### NOTICES

##### FORM OF BID

2. A separate bid in a separate envelope must be submitted for each tract. The envelope should be labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., March 28, 1974." A suggested form of bid is set out in paragraph 15. Bidders must submit with each bid one-fifth of the amount bid in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. Oil payment, overriding royalty, logarithmic or sliding scale bids may not be submitted. No bid for less than a full tract as listed in paragraph 12 will be considered. Bidders are warned against violation of Section 1860 in Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

3. Each bidder must have submitted by 9:30 a.m., c.s.t., March 28, 1974, the certification required by 41 CFR 60-1.7 (b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375, on Form 1140-8 (November 1973) and Form 1140-7 (December 1971).

4. Tracts being offered for lease may be located on the following official leasing maps:

(1) Louisiana Outer Continental Shelf Official Leasing Maps—Set of 26. These maps may be purchased for \$15.00 per set.

(2) Official Leasing Maps Garden Banks NG-16-2; New Orleans NH-15-12; New Orleans South No. 1 NG-15-3; and Mobile South No. 2 NH-16-10. These four maps are included in a set of five maps which may be purchased for \$10.00 per set.

These maps and copies of the Compliance Report Certification Form 1140-8 (November 1973) and copies of the Affirmative Action Program Representation Form 1140-7 (December 1971) may be obtained from the Manager, New Orleans Outer Continental Shelf Office at the above address.

##### BID OPENING

5. Bids will be opened on March 28, 1974, at 10:00 a.m., c.s.t., in the Tulane Room, Braniff Place at the above address. The opening of bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, March 28, 1974, that bid will be returned unopened to the bidder as soon thereafter as possible.

6. Any cash, checks, drafts, or money orders submitted with the bids may be deposited in an unearned escrow account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

##### ACCEPTANCE OR REJECTION OF BIDS

7. No bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless: (1) The

bidder has complied with all requirements of this notice; (2) his bid is the highest valid cash bonus bid for that tract; (3) and the amount of the bonus bid has been determined to be adequate by the United States. No bid will be considered for acceptance unless it offers a cash bonus in the amount of \$25 or more per acre or fraction thereof. The United States reserves the right to reject any bid submitted, including, but not by way of limitation, the right to reject any bid for inadequacy even though the bonus bid is in the amount of \$25 or more per acre or fraction thereof.

##### LEASE TERMS

8. Leases issued as a result of this sale will be on Form 3300-1 (February 1971), as modified, in accordance with paragraphs 9 and 10, and containing the rental and royalty provisions of paragraph 11 of this notice. Attention is directed to the Equal Opportunity Clause in section 3(h) and the Certification of Nonsegregated Facilities Clause in section 3(i) of the lease. Copies of the lease form, without the stipulations to be included according to the terms of paragraphs 9 and 10 and the rental and royalty provisions included in paragraph 11 of this notice are available from the Manager, New Orleans Outer Continental Shelf Office.

9. All leases issued as a result of this lease sale will contain the following stipulations:

(1) The lessee agrees that, prior to any drilling activity or the construction or placement of any structures for exploration or development (including, but not limited to, well drilling and pipeline and platform placement), it will conduct sufficient geophysical studies to ascertain the possible existence of any sites, structures, or objects of historical or archaeological significance and if the supervisor determines there are indications of the presence of such significant features, it will utilize the services of recognized professional underwater archaeologists to study and, if necessary, survey the immediate area of the OCS to be affected by such activity, construction, or placement of structures in order to discover any site, structure, or object of historical, architectural, or archaeological significance (all of which such sites, structures, or objects are hereafter in this stipulation included in the term "cultural resource"). Upon completion of such study or survey, and before drilling, construction or placement of structures for exploration or development begins, the archaeological study or survey report shall be forwarded to the Manager, New Orleans OCS Office, Bureau of Land Management, and to the Supervisor. Should the archaeological report indicate that no cultural resource exists or is likely to exist in the immediate area to be affected by exploration or development activity, such activity may proceed. Should the archaeological report indicate that a cultural resource does exist, the Manager shall consult the National Park Service concerning its disposition. Where possible, and subject to the Supervisor's approval, exploration and development activity shall be conducted with every reasonable effort to avoid the disturbance of cultural resources so identified. Where disturbance is unavoidable, the lessee shall utilize the services of recognized underwater



archaeologists to arrange for the salvage recovery of data and materials before exploration or development commences. While such archaeological study or survey and salvage procedures should result in the identification of all cultural resources prior to drilling, construction, or placement of structures, it is agreed that, if any cultural resource should be accidentally discovered after the completion of the archaeological study or survey and salvage, the operator in charge of any activity related to OCS oil and gas exploration or development, including, but not limited to, well drilling and pipeline and platform placement, shall immediately report such findings to the Manager, New Orleans OCS Office, Bureau of Land Management and to the Supervisor and shall make every reasonable effort to preserve and protect the cultural resource from damage. The Manager shall consult the National Park Service concerning the disposition of the cultural resource discovered, including, if appropriate, salvage recovery of data and materials by archaeologists.

(2) The lessee shall have the pollution containment and removal equipment available as required by OCS Order No. 7, of August 28, 1969, as may be amended. After notification by the Operator to the Supervisor of a significant oil spill as defined by OCS Order No. 7, or an oil spill of any size or quantity which cannot be immediately controlled, the operator shall immediately deploy the appropriate equipment to the site of the oil spill, unless, because of weather and attendant safety of personnel, the Supervisor shall modify this requirement.

(3) Structures for drilling or production, including pipelines, shall be kept to the minimum necessary for proper exploration, development, and production and, to the greatest extent consistent therewith, shall be placed so as not to interfere with other significant uses of the Outer Continental Shelf, including commercial fishing. To this end, no structure for drilling or production, including pipelines, may be placed on the Outer Continental Shelf until the Supervisor has found that the structure is necessary for the proper exploration, development, and production of the leased area and that no reasonable alternative placement would cause less interference with other significant uses of the Outer Continental Shelf including commercial fishing. The lessee's exploratory and development plans, filed under 30 CFR 250.34, shall identify the anticipated placement and grouping of necessary structures, including pipelines, showing how such placement and grouping will have the minimum practicable effect on other significant uses of the Outer Continental Shelf, including commercial fishing.

10. In addition, leases issued as a result of this lease sale, for tracts 33-94 and 33-95, will contain the following stipulation for protection of the biotic community on and around the feature known as "18 Fathom Lump."

No drilling permits will be issued by the Area Supervisor, Geological Survey, until he has found that the lessee's exploratory and development plans filed under 30 CFR 250.34 are adequate to insure that exploration and production operations on the leased area will have no significant adverse effect on the biotic community of 18 Fathom Lump. To aid him in his findings he shall request a report on these potential effects from the Manager, New Orleans OCS Office, Bureau of Land Management, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Atlanta, Georgia.

11. Leases will provide for a royalty rate of one-sixth and yearly rental or minimum royalty of \$3 per acre or fraction thereof. The successful bidder will be re-

quired to pay the remainder of the bid and the first year's rental of \$3 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3304.1 prior to the issuance of each lease.

## TRACT DESCRIPTION

12. The tracts offered for bid are as follows:

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1  
(Approved June 8, 1964; Revised July 22, 1964; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-1	28	S 1/2 S 1/2 E 1/2 S 1/2 E 1/2	4375
33-2	41	N 1/2 E 1/2	2500
33-3	61	N 1/2 E 1/2	2500
33-4	104	All	5000
33-5	143	S 1/2 E 1/2	2500
33-6	170	E 1/2	2500
33-7	182	N 1/2	2500
33-8	265	All	5000
33-9	286	All	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1A  
(Approved Nov. 15, 1955; Revised Jan. 30, 1957; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-10	436	All	5000
33-11	437	All	5000
33-12	442	All	5000
33-13	449	All	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1B  
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-14	446	All	5000
33-15	447	All	5000
33-16	448	All	5000
33-17	451	All	5000
33-18	463	All	5000
33-19	464	All	5000
33-20	465	All	5000
33-21	472	All	5000
33-22	473	All	5000
33-23	477	All	5000
33-24	478	All	5000
33-25	494	All	5000
33-26	507	N 1/2	2500
33-27	524	All	5000
33-28	525	All	5000
33-29	537	All	5000
33-30	538	All	5000
33-31	540	All	5000
33-32	541	All	5000
33-33	551	All	5000
33-34	552	All	5000
33-35	612	All	2338.38
33-36	616	All	5000
33-37	617	All	5000
33-38	622	All	5000
33-39	623	All	5000
33-40	630	All	5000
33-41	631	All	5000
33-42	653	All	3722.39
33-43	654	All	2618.30

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2  
(Approved June 8, 1964; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-44	38	All	2562.81
33-45	39	All	5000
33-46	54	All	5000
33-47	55	All	2508.70

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2A  
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)  
East Cameron Area—South Addition

Tract No.	Block	Description	Acreage
33-48	346	All	5000
33-49	347	All	5000
33-50	355	All	5000
33-51	356	All	5000
33-52	357	All	5000
33-53	358	All	5000
33-54	359	All	5000
33-55	360	All	2500
33-56	361	All	3096.24
33-57	362	All	3043.14
33-58	363	All	2500
33-59	364	All	5000
33-60	365	All	5000
33-61	366	All	5000
33-62	367	All	5000
33-63	368	All	5000
33-64	373	All	5000
33-65	374	All	5000
33-66	375	All	2500
33-67	379	All	2967.03

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3B  
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-68	331	All	5000
33-69	332	All	5000
33-70	345	All	5000
33-71	362	All	5000
33-72	372	All	5000
33-73	374	All	5000
33-74	375	All	5000
33-75	376	All	5000
33-76	378	All	4020.43
33-77	379	All	5000
33-78	380	All	5000
33-79	383	All	5000
33-80	389	All	3658.56
33-81	394	All	2500
33-82	392	All	5000
33-83	393	All	5000
33-84	394	All	5000
33-85	395	All	5000
33-86	396	All	5000
33-87	398	All	5000
33-88	400	All	2968.24
33-89	401	All	5000
33-90	403	All	5000
33-91	404	All	5000
33-92	405	All	5000
33-93	408	All	5000
33-94	409	All	2500
33-95	410	All	3714.66
33-96	411	All	5000
33-97	412	All	5000
33-98	413	All	3912.14

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3C  
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-99	128	All	5000
33-100	136	All	2500
33-101	137	All	5000
33-102	145	All	5000
33-103	146	All	5000
33-104	148	All	5000
33-105	149	All	2500
33-106	155	All	5000
33-107	156	All	5000
33-108	169	All	2500
33-109	181	All	2500
33-110	182	All	3473.79
33-111	193	All	5000
33-112	194	All	5000
33-113	195	All	5000
33-114	199	All	3652.09
33-115	201	All	5000
33-116	202	All	5000
33-117	203	All	5000
33-118	204	All	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3D  
(Approved Apr. 16, 1973; Revised Jan. 18, 1972)  
South Marsh Island Area—North Addition

Tract No.	Block	Description	Acreage
33-119	243	(1)	4351.96
33-120	244	All	5000
33-121	251	All	5000
33-122	252	(1)	4997.06
33-123	255	All	5000
33-124	260	All	5000
33-125	261	All	3214.48

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4  
(Approved June 8, 1964; Revised July 22, 1964; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-126	57	All	5000
33-127	59	All	5000
33-128	60	All	5000
33-129	65	E 1/2	2500
33-130	79	All	5000
33-131	80	All	5000
33-132	87	N 1/2	2500
33-133	156	All	5000
33-134	177	All	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4A  
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-135	201	S 1/2	2500
33-136	312	All	5000
33-137	313	All	5000
33-138	320	All	5000
33-139	321	All	5000
33-140	324	All	5000
33-141	325	All	5000
33-142	332	All	5000
33-143	334	All	5000
33-144	337	E 1/2	2500
33-145	345	All	5000
33-146	346	All	5000
33-147	367	All	5000
33-148	374	All	5000
33-149	375	All	5000
33-150	390	All	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5  
(Approved June 8, 1964; Revised Apr. 28, 1966; Revised July 22, 1966)

Tract No.	Block	Description	Acreage
33-151	115	All	4967.78
33-152	148	W 1/2	2500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6  
(Approved June 8, 1964; Revised July 22, 1964; Revised Dec. 9, 1964; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-153	26	S 1/2	2500
33-154	29	All	5000
33-155	30	All	5000
33-156	31	All	5000
33-157	36	All	5000
33-158	37	All	5000
33-159	38	All	5000
33-160	182	All	2148.46
33-161	183	All	2148.46

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7  
(Approved June 8, 1964; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-162	33	All	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7A  
(Approved Sept. 8, 1960; Revised Mar. 7, 1961; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-163	33	All	5000
33-164	96	All	5000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8  
(Approved June 8, 1964; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-165	78	S 1/2	2500
33-166	86	N 1/2	2500
33-167	87	N 1/2	2500
33-168	109	(1)	3500.85

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 9  
(Approved June 8, 1964; Revised July 22, 1964; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-169	17	(1)	1388.04
33-170	57 and South Pass	(1)	3007.52
33-171	58 and South Pass	(1)	2362.33
33-172	59	(1)	2564.19

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10  
(Approved June 8, 1964; Revised July 22, 1964; Revised Apr. 28, 1966)

Tract No.	Block	Description	Acreage
33-173	147	N 1/2	2280.40

OFFICIAL LEASING MAP, GARDEN BANKS, NG-15-2  
(Approved Feb. 15, 1973)

Tract No.	Block	Description	Acreage
33-174	N634 E101	All	5760
33-175	N634 E102	All	5760
33-176	N634 E108	All	5760
33-177	N645 E102	All	5760
33-178	N635 E102	All	5760
33-179	N635 E103	All	5760
33-180	N636 E101	All	5760
33-181	N636 E102	All	5760
33-182	N636 E108	All	5760
33-183	N639 E116	All	5760
33-184	N639 E117	All	5760
33-185	N639 E118	All	5760
33-186	N639 E120	All	5760
33-187	N639 E121	All	5760
33-188	N640 E111	All	5760
33-189	N640 E116	All	3645.30
33-190	N640 E117	All	2964.28
33-191	N640 E118	All	5333.75
33-192	N640 E120	All	5608.89
33-193	N649 E121	All	3472.91
33-194	N640 E123	All	4308.51
33-195	N640 E124	All	4299.25
33-196	N640 E125	All	4369.83
33-197	N641 E111	All	1298.25
33-198	N641 E112	All	1836.77
33-199	N641 E113	All	2188.06
33-200	N641 E118	All	2188.71
33-201	N641 E120	All	2534.10

OFFICIAL LEASING MAP, NEW ORLEANS SOUTH NO. 1, NG-15-3 (APPROVED FEB. 15, 1973)

Tract No.	Block	Description	Acreage
33-202	N641 E 131	All	5744.12
33-203	N641 E 132	All	5760

OFFICIAL LEASING MAP, NEW ORLEANS, NH-15-12  
(APPROVED FEB. 15, 1973)



## OIL AND GAS Bd

The following bid is submitted for an oil and gas lease on the land of the Outer Continental Shelf specified below:

Tract No.	Total Amount Bid	Amount Per Acre	Amount Submitted With Bid
Signature (Please type signer's name under signature)			
(Company)			

N. O. Misc. No. ----- Percent -----

Approved: February 22, 1974.

JACK HORTON,  
Assistant Secretary of the Interior.

[FR Doc.74-4525 Filed 2-22-74;9:58 am]

## Office of Hearings and Appeals

[Docket No. M 74-45]

## GAY COAL, INC.

## Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Gay Coal Inc. has filed a petition to modify the application of 30 CFR 75.500(b) to its Grays Gap No. 2 Mine and the No. 5 Mine, both located near Oliver Springs, Tennessee.

30 CFR 75.500(b) reads as follows:

(b) All handheld electric drills, blower and exhaust fans, electric pumps, and such other low horsepower electric face equipment as the Secretary may designate on or before May 30, 1970, which are taken into or used in by the last open crosscut of any coal mine shall be permissible;

Such section requires that electric water pumps in use in face areas and return aircourses be permissible. Petitioner's water pump are not permissible, but Petitioner believes that its pumps are as electrically safe as some permissible units.

Petitioner requests that it be allowed to continue using its pumps in the above-listed mines

Petitioner states in support of its petition that the mines are operating in a coal bed near the top of a mountain at an elevation of 2,300 feet, well above the water table. The mine openings are usually relocated about once a year, and they seldom penetrate the coal bed to a depth of more than 2,000 feet. Methane has never been detected at the mines and there are no extensive gob areas. Only one unit of equipment is operated on a single split of air.

Petitioner states that submergible water pumps have been used in the local mining area for the past ten years without any adverse effects. Such pumps are totally enclosed electrically and they are capable of operating entirely under water. The switchboxes and power connection points serving the pumps are located in intake air. For that reason, Petitioner believes that it is virtually impossible for the pumps to be a fire hazard.

Petitioner believes that the use of its pumps will not diminish the safety of the miners in any way.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 27, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director,

Office of Hearings and Appeals.

FEBRUARY 13, 1974.

[FR Doc.74-4333 Filed 2-22-74;8:45 am]

[Docket No. M 74-46]

## OLIVER SPRINGS MINING CO., INC.

## Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), the Oliver Springs Mining Co., Inc. has filed a petition to modify the application of 30 CFR 75.500(b) to its No. 3, No. 5, and No. 6 Mines, all located near Oliver Springs, Tennessee.

30 CFR 75.500(b) reads as follows:

(b) All handheld electric drills, blower and exhaust fans, electric pumps, and such other low horsepower electric face equipment as the Secretary may designate on or before May 30, 1970, which are taken into or used in by the last open crosscut of any coal mine shall be permissible;

Such section requires that electric water pumps in use in face areas and return aircourses be permissible. Petitioner's water pumps are not permissible, but Petitioner believes that its pumps are as electrically safe as some permissible units.

Petitioner requests that it be allowed to continue using its pumps in the above-listed mines.

Petitioner states in support of its petition that the mines are operating in a coal bed near the top of a mountain at an elevation of 2,300 feet, well above

the water table. The mine openings are usually relocated about once a year, and they seldom penetrate the coal bed to a depth of more than 2,000 feet. Methane has never been detected at the mines and there are no extensive gob areas. Only one unit of equipment is operated on a single split of air.

Petitioner states that submergible water pumps have been used in the local mining area for the past ten years without any adverse effects. Such pumps are totally enclosed electrically and they are capable of operating entirely under water. The switchboxes and power connection points serving the pumps are located in intake air. For that reason, Petitioner believes that it is virtually impossible for the pumps to be a fire hazard.

Petitioner believes that the use of its pumps will not diminish the safety of the miners in any way.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 27, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director,

Office of Hearings and Appeals.

FEBRUARY 13, 1974.

[FR Doc.74-4332 Filed 2-22-74;8:45 am]

## Office of the Secretary

[DES 74-11]

## PROPOSED LAKE WOODRUFF WILDERNESS AREA, FLORIDA

## Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed Lake Woodruff Wilderness Area, located in Florida, and invites written comments on or before April 11, 1974.

The proposal recommends that 1,106 acres of island habitat in the Lake Woodruff National Wildlife Refuge, located in Volusia and Lake Counties in east central Florida be designated as wilderness within the National Wilderness Preservation System.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife  
17 Executive Drive, NE,  
Atlanta, Georgia 30329

Headquarters  
Lake Woodruff National Wildlife Refuge  
Box 488  
DeLeon Springs, Florida 32028

Bureau of Sport Fisheries and Wildlife  
Office of Environmental Coordination  
Department of the Interior  
Room 2246  
16th and "C" Streets, NW,  
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: February 15, 1974.

WILLIAM A. VOGELY,  
Acting Deputy Assistant Secretary,  
Program Development  
and Budget.

[FR Doc.74-4331 Filed 2-22-74;8:45 am]

## DEPARTMENT OF AGRICULTURE

## Forest Service

## LIMESTONE MINING, PLAN OF OPERATION

## Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Limestone Mining—Plan of Operation under a limestone mineral lease, on the Withlacoochee State Forest, in Citrus County, Florida, USDA-FS-RS-DES (Adm.)-74-5.

This environmental statement concerns the proposed plan of operations for Mining Limestone deposits, under Mineral Lease to Florida Rock Industries, Inc., on a portion of the Withlacoochee State Forest whereon the minerals are owned by the United States and administered by the National Forests in Florida.

This draft environmental statement was transmitted to CEQ on February 14, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agriculture Bldg., Room 3230  
12th St. & Independence Ave., SW,  
Washington, D.C. 20250

USDA, Forest Service  
1720 Peachtree Road, NW, Room 804  
Atlanta, Georgia 30309

A limited number of single copies are available upon request to B. Frank Finison, Forest Supervisor, National Forests in Florida, P.O. Box 1050, Tallahassee, Florida 32302; or to John M. Bethea, Director, Division of Forestry, Collins Building, Tallahassee, Florida 32304.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved by which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, B. Frank Finison, National Forests in Florida, Box 1050, Tallahassee, Florida. Comments must be received by April 15, 1974 in order to be considered in the preparation of the final environmental statement.

DAVID E. KETCHAM,  
Deputy Regional Forester.

FEBRUARY 15, 1974.

[FR Doc.74-4287 Filed 2-22-74;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 452]

## ASSIGNMENT OF HEARINGS

FEBRUARY 20, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 108937 (Sub-No. 39), Murphy Motor Freight Lines, Inc., now being assigned hearing May 6, 1974 (2 weeks), at St. Paul, Minn., in a hearing room to be later designated.

MC-112422 Sub 5, Sam Vam Galder, Inc., now being assigned hearing May 1, 1974 (1 day), at Madison, Wis., in a hearing room to be later designated.

MC 118288 Sub-33, Stephen F. Frost, now being assigned for hearing May 6, 1974 (1 week), at Helena, Montana, in a hearing room to be later designated.

MC 12811 Sub 1, Lincoln Tour & Travel Agency, Inc., now being assigned hearing May 6, 1974 (3 days), at Lincoln, Nebr., in a hearing room to be later designated.

MC-C-8242, General Leaseways, Inc., Burk Distributing Co., Inc., Levi Distributing, Inc., Keith V. Knight, dba Knight Distributing Co., and Joseph G. Bowers—Investigation of Operations—now being assigned hearing May 1, 1974 (1 day), at Des Moines, Iowa, in a hearing room to be later designated.

MC 108119 Sub-37, E. L. Murphy Trucking Company, and MC 113855 Sub-288, International Transport, Inc., are continued to April 2, 1974, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 135537 Sub 8, Metro Heavy Hauling, Inc., now assigned March 11, 1974, at Olympia, Wash., will be held on the 6th Floor, Highway Licenses Bldg., 12th and Washington Streets.

MC-C-8277, Cedar Rapids Steel Transportation, Inc.—Investigation and Revocation of Certificates—now assigned March 25, 1974, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 14th and Dodge.

MC 124211 Sub 121, Hilt Truck Line, Inc., now assigned March 27, 1974, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 14th and Dodge.

I&S M-27472, General Increase, January 1974. Between Central & Southern States, now assigned March 18, 1974, at Washington, D.C., is postponed to April 16, 1974, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC-FC-74226, Taylor Freight System, Inc., Transferee—Dependable Container Service, Inc., Transferor and MC-FC-74488, Jetex Freight Systems, Inc., Transferee—James H. Russell, Transferor now assigned March 4, 1974, at Washington, D.C., is postponed to April 9, 1974, at the Office of the Interstate Commerce Commission, Washington, D.C.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4360 Filed 2-22-74;8:45 am]

## FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 20, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 12, 1974.

FSA No. 42805—Returned Shipments of Beet or Cane Sugar to St. Charles, Illinois. Filed by Southwestern Freight Bureau, Agent (No. B-464), for interested rail carriers. Rates on sugar, beet or cane, dry, returned, in carloads, as described in the application, from Bayport, Houston, and Sugar Land, Texas, to St. Charles, Illinois.

Grounds for relief—Rate relationship and returned shipments.

Tariff—Supplement 87 to Southwestern Freight Bureau, Agent, tariff 72-H, I.C.C. No. 4886. Rates are published to become effective on March 18, 1974.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4361 Filed 2-22-74;8:45 am]

[Notice 29]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission



pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 18, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in the petitions with particularity.

No. MC-FC-74973. By Order of February 19, 1974, the Motor Carrier Board approved the transfer to Dedham Parcel Service, Inc., Hyde Park, Mass., of Certificate of Registration No. MC-99420 (Sub No. 1) evidencing a right to engage in interstate or foreign commerce, issued to Barbara J. Pearson, dba Pearson's Express, Quincy, Mass., in the transportation of various specified commodities, solely within the State of Massachusetts—Frank J. Weiner, Attorney, 15 Court Square, Boston, Mass. 02108.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4358 Filed 2-22-74; 8:45 am]

[Notice 27]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 19, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 C.F.R. 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the

Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 25798 (Sub-No. 255 TA), filed January 31, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Belvidere, Ill., to points in Arkansas, Louisiana, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: Green Giant Company, Le Sueur, Minn. SEND PROTESTS TO: District Supervisor Joseph B. Telchert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 29120 (Sub-No. 174 TA), filed February 7, 1974. Applicant: ALL-AMERICAN, INC., 900 West Delaware St., P.O. Box 769, Sioux Falls, S. Dak. 57104. Applicant's representative: Michael J. Ogborn (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bentonite clay, foundry molding sand treating compounds*, in bags, and *water impedance boards*, from the plantsite of the Barold Division, National Lead Co. at or near Colony, Wyo., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, and Tennessee, for 180 days. SUPPORTING SHIPPER: Barold Division, N L Industries, Inc., P.O. Box 1675, Houston, Tex. 77001 (J. J. Doyle, Manager, Physical Distribution). SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 48423 (Sub-No. 2 TA) (Amendment) filed January 7, 1974, published in the FEDERAL REGISTER issue of January 24, 1974, and republished as amended this issue. Applicant: G. E. BELMORE, doing business as MOTOR TRANSIT COMPANY, 5822 N. Interstate Avenue, Portland, Ore. 97217. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Ore. 97214. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Structural iron and steel*, between Portland, Ore., and points along the International Boundary line between the United States and Canada located in Washington, Idaho, and Montana; and (2) *nails*, from points along the International Boundary line between the United States and Canada located in Washington, and Idaho, to Portland, Ore.

Note.—The purpose of this republication is to indicate applicant's amend request for authority. SUPPORTING SHIPPER: Woodbury & Company, 5851 N. Lagoon, Swan Island, Portland, Ore. 97217. SEND PROTESTS

TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Court House, 520 SW. Morrison, Portland, Ore. 97204.

No. MC 82063 (Sub-No. 48 TA), filed February 7, 1974. Applicant: KLIPSCH HAULING CO., a Corporation, 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from the plantsite and storage facilities of Atlas Powder Co., Division of I.C.I. of America, Inc., at or near Atlas (Jasper County), Mo., to the University of California, Los Alamos Scientific Laboratory, Los Alamos, N. Mex., for 180 days. SUPPORTING SHIPPER: Thompson-Hayward Chemical Company, 5200 Speaker Road, Kansas City, Kans. 66110. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 104589 (Sub-No. 27TA), filed February 8, 1974. Applicant: J. L. LAW-HON TRUCKING, INC., P.O. Box 1384, Bradenton, Fla. 33505. Applicant's representative: David C. Venable, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by wholesale floor covering and appliance distributors*, from points in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas to points in Florida and that part of Georgia on and south of U.S. Highway 50, under a continuing contract with Cain & Bultman, Inc., for 180 days. SUPPORTING SHIPPER: Cain & Bultman, Inc., 60 Copeland Street, Jacksonville, Fla. 32203. SEND PROTESTS TO: District Supervisor Joseph B. Telchert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 106674 (Sub-No. 125 TA), filed February 7, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Dublin and Jordan, Ind., to points in Illinois, Kentucky, Michigan, and Ohio and from Breese, Ill., to points in Indiana and Kentucky, for 180 days. SUPPORTING SHIPPER: Agrico Chemical Company, P.O. Box 3168, Tulsa, Okla. 74101. SEND PROTESTS TO: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107403 (Sub-No. 882 TA), filed February 8, 1974. Applicant: MATLACK,

INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Silicate of soda*, dry, in bulk, in hopper-type vehicles, from Cincinnati, Ohio, to Muscatine, Iowa, for 180 days. SUPPORTING SHIPPER: Diamond Shamrock Chemical Co., 1100 Superior Avenue, Cleveland, Ohio 44114, Attn.: E. E. Bracken, Jr., Manager, Truck Transportation. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 113362 (Sub-No. 267 TA), filed February 8, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, Box 562, Austin, Minn. 55912. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages, from Falling Rock, W. Va., to points in Iowa, for 180 days. SUPPORTING SHIPPER: Pennziol Company, P.O. Box 808, Oil City, Pa. 16301. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 114301 (Sub-No. 81 TA), filed February 8, 1974. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Waste oils*, in bulk, from points in New York, New Jersey, Pennsylvania, Delaware, and the District of Columbia, to Elkton, Md.; and (2) *recycled oils*, in bulk, from Elkton, Md., to points in New York, New Jersey, Pennsylvania, Delaware, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Ernest Roth, President Chemcom International, Inc., P.O. Box 748, Bryn Mawr, Pa. 19010. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 114848 (Sub-No. 55TA), filed February 7, 1974. Applicant: WHARTON TRANSPORT CORPORATION, P.O. Box 13068, Riverside Station, 1498 Channel Avenue, Memphis, Tenn. 38108. Applicant's representative: Terry T. Wharton, P.O. Box 13068, Riverside Branch, Memphis, Tenn. 38113. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Soybean flakes, grits, and meal*, in bulk, in pneumatic hopper type equipment, from Bloomington, Ill., to Memphis, Tenn., for 180 days. SUPPORTING SHIPPER: Ralston Purina Company, Checkerboard Square, St. Louis, Mo. 63188. SEND PROTESTS TO: Floyd A.

Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 114896 (Sub-No. 12 TA), filed February 7, 1974. Applicant: PUROLATOR SECURITY, INC., 1341 W. Mockingbird Lane, Suite 1101E, Mockingbird Towers, Dallas, Tex. 75202. Applicant's representative: William E. Fullingim (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Gasoline coupons*, between all points in the Continental United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: General Services Administration, Building 4, Crystal Mall, Washington, D.C. 20406. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 115092 (Sub-No. 29 TA), filed February 6, 1974. Applicant: WEISS TRUCKING, INC., P.O. Box 0, Vernal, Utah 84078. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Clay, foundry molding sand treating compounds and water impedance boards*, in packages in truckload lots, from Belle Fourche, S. Dak., to Page, Ariz., and points in Maricopa and Pima Counties, Ariz., Edwards Air Force Base, California, and Alameda, Contra Costa, Los Angeles, Orange, San Diego, San Francisco, and San Mateo Counties, Calif., for 180 days. SUPPORTING SHIPPER: American Colloid Company, 5100 Suffolk Court, Skokie, Ill. 60076 (Robert N. Garity, Supervisor/Coordinator—Rates & Service). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 115162 (Sub-No. 286 TA), filed February 7, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fireplaces, fireplaces and chimney combined, and fireplace units and accessories*, from points in Colbert, Limestone, and Madison Counties, Ala., to points in Emmett County, Mich., for 180 days. SUPPORTING SHIPPER: Irish Embers Fireplace Shop, 1855 Bayview Drive, Petoskey, Mich. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 115162 (Sub-No. 287 TA), filed February 7, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's rep-

resentative: Robert E. Tate (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite of Temple Industries, Inc., at or near Thomson, Ga., to points in Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Alabama, and Mississippi, for 180 days. SUPPORTING SHIPPER: Temple Industries, Inc., Particleboard Division, Diboll, Tex. 75941. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 116254 (Sub-No. 141 TA), filed February 7, 1974. Applicant: CHEM-HAULERS, INC., P.O. Drawer M, Sheffield, Ala. 35660. Applicant's representative: Douglas O. Logue (same address as above). Authority sought to operate as a common carrier, by motor vehicle, irregular routes, transporting: *Liquid aluminum sulfate*, in bulk, in tank vehicles, from Counce, Tenn., to points in Alabama north of a line starting at the Mississippi-Alabama border on Route 78, along Route 78 to Hamilton, Ala., thence along Route 278 to the Alabama-Georgia border, for 180 days. SUPPORTING SHIPPER: Stauffer Chemical Company, Westport, Conn. 06880. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 116273 (Sub-No. 169 TA), filed February 6, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Milwaukee and Sheboygan, Wis., to Detroit, Rawnswood, and Romeo, Mich., for 120 days. SUPPORTING SHIPPER: Eugene R. Parrelle, President, Power Enterprises of Wisconsin, Inc., 3801 Monarch Drive, Racine, Wis. SEND PROTESTS TO: Mr. Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 124078 (Sub-No. 577 TA), filed February 5, 1974. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement dust*, in bulk, from Nazareth, Pa., to points in New York (except Flushing and Staten Island), for 180 days. SUPPORTING SHIPPER: CEMDUST, Box 154, Waldwick, N.J. 07463 (Robert E. Layton, Partner). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Oper-



ations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125035 (Sub-No. 30 TA), filed February 5, 1974. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Office: 1266 Stuart St. NW., Massillon, Ohio 44646. Applicant's representative: James E. Davis, 611 West Market Street, Akron, Ohio 44303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pizza and ingredients therefor*, from and to Massillon, Ohio, on the one hand, and, on the other, Cummins and Tifton, Ga.: Chicago, Ill.: Fort Wayne, Ind.: Pee Wee Valley, Ky.: Flint, Grand Rapids, and Livonia, Mich.: Minneapolis, Minn.: Marion and Rochester, N.Y.: Bell Vernon, Erie, and Washington, Pa.: Knoxville, Tenn.: Dallas, Tex.: Salt Lake City, Utah; Richmond, Va.: Spokane, Wash.: and Charleston, Huntington, Ronceverte, and Wayne, W. Va., for 180 days.

NOTE.—Applicant states that it does intend to tack with its authority. SUPPORTING SHIPPER: Baltino Foods, Inc., 1301 Oberlin St., Massillon, Ohio 44646. SEND PROTESTS TO: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 125996 (Sub-No. 45 TA), filed February 8, 1974. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facilities of Monsanto Company at or near Muscatine, Iowa, to points in Massachusetts, North Carolina, South Carolina, and Virginia, for 180 days. SUPPORTING SHIPPER: Monsanto Company, Richard E. Schrick, Senior Transportation Analyst, 800 N. Lindberg, St. Louis, Mo. 63166. SEND PROTESTS TO: District Supervisor Carroll Russell, Suite 620, Union Pacific Plaza, 110 N. 14th Street, Omaha, Nebr. 68102.

No. MC 126276 (Sub-No. 86 TA), filed February 5, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Accessories for containers, containers, container ends, and materials, equipment, and supplies* used in the manufacture, sales, and distribution of containers (except commodities in bulk), from Albany, N.Y., to Columbus, Ohio, for 180 days. SUPPORTING SHIPPER: Thomas Riall, Manager, Distribution and Traffic, Continental Can Company, Inc., 1200 Route 46, Clifton, N.J. 07013. SEND PROTESTS TO: Mr. Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley

Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 127505 (Sub-No. 64TA), filed February 5, 1974. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass* (except that which because of size or weight requires special equipment or handling), from Floreffe, Pa., to Truesdale, Mo., for 180 days. SUPPORTING SHIPPER: Robert L. Smith, Traffic Manager, C-E Glass, a Division of Combustion Eng., Inc., 825 Hylton Road, Pennsauken, N.J. SEND PROTESTS TO: Mr. William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 127541 (Sub-No. 2TA), filed February 7, 1974. Applicant: GARITH R. ANDERSON, 5747 Glenwood Ave. North, Golden Valley, Minn. 55427. Applicant's representative: Gary J. Meyer, 3735 N. Highway 52, Robbinsdale, Minn. 55422. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glazed concrete blocks*, for Zenith Glazed Products Company (with boom for unloading provided by carrier) on contract for carriage to customer in Schaumburg, Ill., from Maple Grove Village, Minn., to Schaumburg, Ill., for 180 days.

NOTE.—Applicant states that it does intend to tack with its authority. SUPPORTING SHIPPER: Zenith Glazed Products, Inc., Hwy. 152 S. Zachary Lane, Osseo, Minn. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 128664 (Sub-No. 5TA), filed February 6, 1974. Applicant: KARDUX TRANSFER, INC., 1907 Roby Avenue, Box 754, Muscatine, Iowa 52761. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, and pet food*, except in bulk, from the plantsite of Doane Products Company at or near Muscatine, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Nebraska, Ohio, South Dakota, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Doane Products Company, P.O. Box 879, Joplin, Mo. 64801. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 129063 (Sub-No. 6TA), filed February 5, 1974. Applicant: JIMMY T. WOOD, P.O. Box 294, Ripley, Tenn. 38063. Applicant's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore* in dump vehicles, from Memphis, Tenn., to the plantsite of Reynolds Metal Co., at or near Bauxite, Ark., for 180 days. SUPPORTING SHIPPER: Reynolds Metals Company, P.O. Box 128, Malvern, Ark. 72104. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 135082 (Sub-No. 4 TA), filed February 5, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE, Albuquerque, N. Mex. 87107. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk in tank vehicles), from the plant sites, warehouses and storage facilities of McKesson Chemical Company at or near Phoenix (Glendale) and Tucson, Ariz., to points in New Mexico with *return shipments of such chemicals*, except in bulk in tank vehicles, and *empty containers* from points in New Mexico to said plant sites and facilities, for 180 days. SUPPORTING SHIPPER: McKesson Chemical Company, P.O. Box 14799, Phoenix, Ariz. 85031. SEND PROTESTS TO: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Ave. SW., Albuquerque, N. Mex. 87101.

No. MC 138375 (Sub-No. 12 TA), filed February 6, 1974. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street (P.O. Box 398), Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic braid*, from Maryville, Mo., to Trenton, N.J., for 180 days. SUPPORTING SHIPPER: Electrolux, Division of Consolidated Foods, 51 Forest Avenue, Old Greenwich, Conn. 06870. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138741 (Sub-No. 7TA), filed February 8, 1974. Applicant: E. K. MOTOR SERVICE, INC., 2005 N. Broadway, Joliet, Ill. 60435. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and construction materials and supplies* (except commodities in bulk), from the plant site and warehouse facilities of the Celotex Corporation at or near Wilmington, Ill., to points in Wisconsin, for 180 days. SUPPORTING

SHIPPER: Mr. Charles W. Jarvis, Supervisor Truck Transportation, The Celotex Corporation, 1500 N. Dale Mabry, Tampa, Fla. 33607. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138743 (Sub-No. 4TA), filed February 7, 1974. Applicant: SNOWBALL, LTD., P.O. Box 361, Morton, Ill. 61550. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, cement containing asbestos fiber, and accessories* for the installation thereof, from the plantsite and storage facilities of Certain-Teed Products Corp. at Hillsboro, Tex., to points in Arkansas, Colorado, Louisiana, and Oklahoma, for 180 days. SUPPORTING SHIPPER: Thomas F. McGrath, General Traffic Manager, Certain-Teed Products Corp., Pipe & Plastics Group, Valley Forge, Pa. 19481. SEND PROTESTS TO: Mr. Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 139292 (Sub-No. 2 TA), filed February 6, 1974. Applicant: SATURN EXPRESS, INC., 7860 F Street, Omaha, Nebr. 68127. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Mid-America Meats, Inc., Omaha, Nebr. to West Point, Miss., and Bessemer and Birmingham, Ala., for 180 days. SUPPORTING SHIPPER: Mid-America Meats, Inc., James D. Nespor, Vice President, Omaha, Nebr. SEND PROTESTS TO: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 139489 TA, filed February 5, 1974. Applicant: GASTON H. BREAZEALE, doing business as BREEZEWAY TRANSPORT, 6110 Hillsdale Avenue, Omaha, Nebr. 68117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Semi-trailers*, new and used, from Oklahoma City, Okla., to Grand Island, Nebr., and Council Bluffs, Iowa, and from Sioux City, Iowa, to Oklahoma City, Okla., and from Camden, Ark., to Council Bluffs, Iowa, for 180 days. SUPPORTING SHIPPERS: American Semi-Trailer Sales, W. Wray Wehrman, Owner, Box 309, Grand Island, Nebr. 68801; Mid-America Trailer Sales, Inc., Charles

Smiley, Vice President, P.O. Box 25546, Oklahoma City, Okla. 73125; and American Semi-Trailers of Iowa, Gaston H. Breazeale, Partner, 1705 W. South Omaha Bridge Road, Council Bluffs, Iowa 51501. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, 110 N. 14th Street, Omaha, Nebr. 68102.

By the Commission.  
[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4356 Filed 2-22-74; 8:45 am]

[Notice 28]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 21, 1974.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 112520 (Sub-No. 281 TA), filed February 11, 1974. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, New Quincy Rd., Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Clayville, Ga., to Palatka, Fla., for 180 days. SUPPORTING SHIPPER: Hudson Pulp & Paper Corp., P.O. Box 919, Palatka, Fla. 32977. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 113908 (Sub-No. 301 TA), filed February 8, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105

East Dale Street, P.O. Box 3180, Glenstone Station, Springfield, Mo. 65894. Applicants' representative: B. B. Whitehead (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Neutral and distilled spirits and alcohol*, in bulk, from Owensboro, Ky., to Chicago, Ill., for 180 days. SUPPORTING SHIPPER: Fleischmann Distilling Corp., Subsidiary of Standard Brands, Inc., Owensboro, Ky. 42301. SEND PROTESTS TO: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115311 (Sub-No. 161 TA), filed February 12, 1974. Applicant: J&M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle-board*, from the plantsite of Temple Industries, Inc., at or near Thomson, Ga., to points in Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Alabama, and Mississippi, for 180 days. SUPPORTING SHIPPER: Diboll Particleboard Division, Temple Industries, Inc., Diboll, Tex. 75941. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree St. NW., Room 309, Atlanta, Ga. 30309.

No. MC 116446 (Sub-No. 4 TA), filed February 11, 1974. Applicant: HAROLD SCHUGEL, doing business as SCHUGEL MILLING SUPPLIES, 301 North Water Street, New Ulm, Minn. 56073. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rye middlings and Rye red dog*, from New Ulm, Minn., to Cedar Rapids, Iowa, for 180 days. SUPPORTING SHIPPER: International Multifoods Corporation, 1200 Multifoods Bldg., Minneapolis, Minn. 55402. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118922 (Sub-No. 11 TA), filed January 28, 1974. Applicant: CARTER TRUCKING CO., INC., P.O. Box 225, Locust Grove, Ga. 30248. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE, Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lawn mowers, snow throwers, tillers and compost-shredder grinders and parts for each and raw materials and supplies* (except commodities in bulk) used in the manufacture and distribution of the above commodities, between the plantsites of McDonough Power Equipment,



Inc., at Ft. Worth, Tex., and McDonough, Ga.; (2) *lawn mowers, snow throwers, tillers and compost-shredder grinders and parts* for each, from the plantsite of McDonough Power Equipment, Inc., Fort Worth, Tex., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin; and (3) *raw materials and supplies* (except commodities in bulk) used in the manufacture of lawn mowers, snow throwers, tillers and compost-shredder grinders, from the destination states named in (2) above to the plantsite of McDonough Power Equipment, Inc., Fort Worth, Tex., for 180 days.

**NOTE.**—Applicant presently holds authority to transport the above named commodities, parts and supplies therefore, between the plantsite of McDonough Power Equipment, Inc., at McDonough, Ga., and points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except points in Maine, New Hampshire, Vermont, Rhode Island, and the District of Columbia).

**SUPPORTING SHIPPER:** McDonough Power Equipment, Inc., Macon Road, McDonough, Ga. 30253. **SEND PROTESTS TO:** William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 125996 (Sub-No. 46 TA), filed February 12, 1974. Applicant: **ROAD TUNNER TRUCKING, INC.**, P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Arnold L. Burke, 127 No. Dearborn, Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemical* other than in bulk, from the plantsite and warehouse facilities of Monsanto Company at or near Memphis, Tenn., to points in Colorado, South Dakota, North Dakota, Idaho, Montana, Oregon, and Washington, for 180 days. **SUPPORTING SHIPPER:** Monsanto Company, Richard E. Schrick, Senior Transportation Analyst, 800 N. Lindbergh, St. Louis, Mo. 63166. **SEND PROTESTS TO:** District Supervisor, Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, 110 N. 14 St., Omaha, Nebr. 68102.

No. MC 126489 (Sub-No. 22 TA), filed February 8, 1974. Applicant: **GASTON FEED TRANSPORTS, INC.**, P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereal binders, sealing compounds, corn flour, industrial flour, industrial starches and processed grain products* (except animal and poultry feed and feed ingredients and edible flour) from the plantsite and/or storage facilities of McPherson Custom Products, Inc., at or near McPherson,

Kans., to points in Minnesota, Iowa, Colorado, Nebraska, Wyoming, North Dakota, South Dakota, and Montana, for 180 days. **SUPPORTING SHIPPER:** McPherson Custom Products, Inc., 503 West Grant, McPherson, Kans. **SEND PROTESTS TO:** M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 129537 (Sub-No. 11 TA), filed February 12, 1974. Applicant: **REEVES TRANSPORTATION COMPANY**, Route 5, Dews Pond Road, Calhoun, Ga. 30701. Applicant's representative: John C. Vogt, Jr., 523 E. Madison St., Tampa, Fla. 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and rugs*, from points in Floyd, Bartow, Chattooga, Gordon, Whitfield, Murray, Catoosa, Walker, Troup, and Muscogee Counties, Ga., to points in Duval, Nassau, St. Johns, and Flagler Counties, Fla., for 180 days.

**NOTE.**—Applicant does not intend to tack but however applicant intends to interline with shipments to other points in Florida which applicant does not have authority to serve at Jackson. **SUPPORTED BY:** There are approximately 28 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. **SEND PROTESTS TO:** William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 309, Atlanta, Ga. 30309.

No. MC 134561 (Sub-No. 1 TA), filed February 11, 1974. Applicant: **CORLISS E. THORNHILL, SR.**, doing business as **THORNHILL ENTERPRISES**, 23 Corliss Hill Rd., Haverhill, Mass. 01830. Applicant's representative: Herbert Finbury, 55 Ginty Boulevard, Haverhill, Mass. 01830. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, chemicals, lasts, leather, and paper products* used in the manufacturing of shoes, between points in Hillsboro, Rockingham, and Strafford Counties, N.H., on the one hand, and, on the other, points in Essex and Middlesex Counties, Mass., for 180 days. **SUPPORTED BY:** There are approximately 7 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. **SEND PROTESTS TO:** District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 135364 (Sub-No. 12 TA), filed February 11, 1974. Applicant: **MORWALL TRUCKING, INC.**, rural delivery No. 3, Box 76-C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Corrugated cartons, newsprint, four-wheel dollies, walkboards, shipping wardrobes, furniture pads, appliance trucks, aluminum beams, and other interior van equipment used in moving household goods*, from Moosic, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia; (2) *newsprint*, from Oshkosh, Wis.; Atlanta, Ga.; St. Louis and Kansas City, Mo.; to Moosic, Pa.; and (3) *furniture pads*, from Petersburg, Va., Tunica and Jackson, Miss., to Moosic, Pa., for 150 days. **SUPPORTING SHIPPER:** Allied Van Lines, Inc., 25th Avenue and Roosevelt Road, Broadview, Ill. 60153. **SEND PROTESTS TO:** Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 138299 (Sub-No. 2 TA), filed February 11, 1974. Applicant: **TRAILS TRUCKING, INC.**, 719 Union Street, Montebello, Calif. 90640. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Portland, Oreg., to points in California, for 180 days. **SUPPORTING SHIPPER:** Nabisco, Inc., 425 Park Avenue, New York, N.Y. 10022. **SEND PROTESTS TO:** District Supervisor Phillip Yellowitz, Interstate Commerce Commission, Bureau of Operations, 300 N. Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 139493 (Sub-No. 1 TA), filed February 8, 1974. Applicant: **LESCO TRANSPORTATION COMPANY, INC.**, 1140 One Main Place, Dallas, Tex. 75250. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield pipe*, from the plantsite and warehouse facilities of Lone Star Steel Company, at Lone Star, Tex., to points in Louisiana, New Mexico, and Oklahoma, for 180 days. **SUPPORTING SHIPPER:** Lone Star Steel Company, 2200 West Mockingbird Lane, Dallas, Tex. 75235. **SEND PROTESTS TO:** Transportation Specialist Gerald T. Holland, Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 139499 (Sub-No. 1 TA), filed February 7, 1974. Applicant: **U.S. TRANSPORT, INC.**, P.O. Box 6, Bakersfield, Calif. 93303. Applicant's representative: Michael J. Stecher, 140 Montgomery St., San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel shelving and bins, unassembled pallet racks, storage racks, screw cases, storage cabinets and related items manu-*

factured by Frick-Gallagher Manufacturing Co., from Wellston, Ohio, to points in Arizona, California, Colorado, Oregon, Utah, and Washington, for 180 days. **SUPPORTING SHIPPER:** Frick-Gallagher Manufacturing Co., Wellston, Ohio. **SEND PROTESTS TO:** Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-4357 Filed 2-22-74; 8:45 am]

[Notice 30]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 20, 1974.

Application filed for temporary authority under section 210(a)(b) in con-

nection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74990. By application filed February 11, 1974, **MILLER'S MOVING AND STORAGE, INC.**, 403 Cocoa Ave., Hershey, PA 17033, seeks temporary authority to lease the operating rights of **RICHARD A. MILLER**, doing business as **MILLER'S MOVING AND STORAGE**, 201 N. Chestnut St., Palmyra, PA 17078, under section 210a(b). The transfer to **MILLER'S MOVING AND STORAGE, INC.**, of the operating rights of **RICHARD A. MILLER**, doing business as **MILLER'S MOVING AND STORAGE**, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-4359 Filed 2-22-74; 8:45 am]



Title 32—National Defense  
CHAPTER VI—DEPARTMENT OF THE NAVY

PART 700—UNITED STATES NAVY  
REGULATIONS

Subpart I—The Senior Officer Present

§ 700.901 The Senior Officer Present.

Unless some other officer has been so designated by competent authority, the "senior officer present" is the senior line officer of the Navy on active duty, eligible for command at sea, who is present and in command of any part of the Department of the Navy in the locality or within an area prescribed by competent authority, except where personnel of both the Navy and the Marine Corps are present on shore and the officer of the Marine Corps who is in command is senior to the senior line officer of the Navy. In such cases, the officer of the Marine Corps shall be the senior officer present on shore.

§ 700.902 Eligibility for Command at Sea.

The term "eligible for command at sea" shall be construed to apply to all male officers of the line of the Navy, including Naval Reserve, on active duty, except those designated for the performance of engineering, aeronautical engineering or special duties, and except those limited duty officers who are not authorized to perform all deck duties afloat.

§ 700.903 Authority and Responsibility.

At all times and places not excluded in these regulations, or in orders from competent authority, the senior officer present shall assume command and direct the movements and efforts of all persons in the Department of the Navy present, when, in his judgment, the exercise of authority for the purpose of cooperation or otherwise is necessary. He shall exercise his authority in a manner consistent with the full operational command vested in the commanders of unified or specified commands.

§ 700.904 Authority of Senior Officer of the Marine Corps Present.

The authority and responsibility of the senior officer present are also conferred upon the senior commanding officer of the Marine Corps present with respect to those units of the Marine Corps, including Navy personnel attached, which are in the locality and not under the authority of the senior officer present.

§ 700.905 Commands Diverted by the Senior Officer Present.

The senior officer present shall not divert a command from an operation or duty assigned by another authority unless the public interest demands. When orders issued by the senior officer present conflict with an operation or duty assigned to a command, the commanding officer of such command shall disclose his orders to the senior officer present, to the extent permitted by the instructions contained therein, in order that the senior officer present may give them due consideration. The senior officer present shall inform a common senior promptly when

he has diverted any command from a previously assigned operation or duty and shall release such command when its assistance is no longer required.

§ 700.906 Authority Within Commands.

In the exercise of his authority, the senior officer present normally shall not concern himself with the administrative matters within commands other than his own, except to the extent necessary to secure such uniformity and coordination of effort as may be required.

§ 700.907 Distinctions Ashore.

The responsibilities, authorities, and distinctions of commanders, officers in command, and others of the shore establishment are as stated by superiors or other competent authorities, and are not necessarily dependent upon relative seniority among the individuals concerned.

§ 700.908 To Make Known His Identity as Senior Officer Present.

When doubt may exist or when circumstances require, the senior officer present shall inform all commanding officers concerned in the locality or prescribed geographical area that he is the senior officer present.

§ 700.909 Reports and Calls by Juniors.

All commanding officers shall keep themselves informed of the identity of the senior officer present. The senior commander of each unit present shall inform the senior officer present of the orders under which he is acting to the extent permitted therein and of the condition of his command. When circumstances permit, he shall call upon the senior officer present.

§ 700.910 Concert of Action With Other Armed Forces.

When in the vicinity of other armed forces of the United States or of an ally of the United States, the senior officer present shall maintain, to the extent possible, a complete concert of action with the commander of these forces. He shall cooperate with the commander of such forces in the preparation and execution of plans for such joint action as may be necessary.

§ 700.911 Relations With Diplomatic and Consular Representatives.

The senior officer present, insofar as possible, shall preserve close relations with the diplomatic and consular representatives of the United States. He shall consider recommendations, requests or other communications from such representatives. While due weight should be given to the opinions and advice of such representatives, the senior officer present is solely and entirely responsible for his official acts.

§ 700.912 Communication With Foreign Officials.

(a) As a general rule, when in foreign countries, the senior officer present shall communicate with foreign civil, diplomatic, or consular officials through the local United States diplomatic or consular representatives.

(b) In the absence of a diplomatic or consular representative of the United

States, the senior officer present in a foreign country has authority to:

(1) Communicate or remonstrate with foreign civil authorities as may be necessary.

(2) Urge upon citizens of the United States the necessity of abstaining from participation in political controversies or violations of the laws of neutrality.

§ 700.913 Coordination Procedures Established by a Unified or Specified Command.

In areas where the commander of a unified or specified command has established procedures for coordination of military matters affecting United States and host country relationships, the senior officer present shall adhere to such procedures.

§ 700.914 Violations of International Law and Treaties.

On occasions when injury to the United States or to citizens thereof is committed or threatened in violation of the principles of international law or in violation of rights existing under a treaty or other international agreement, the senior officer present shall consult with the diplomatic or consular representatives of the United States, if possible, and he shall take such action as is demanded by the gravity of the situation. In time of peace, action involving the use of force may be taken only in consonance with the provisions of the succeeding article of these regulations. The responsibility for any application of force rests wholly upon the senior officer present. He shall report immediately all the facts to the Secretary of the Navy.

§ 700.915 Use of Force Against Another State.

(a) The use of force in time of peace by United States naval personnel against another nation or against anyone within the territories thereof is illegal except as an act of self-defense. The right of self-defense may arise in order to counter either the use of force or an immediate threat of the use of force.

(b) The conditions calling for the application of the right of self-defense cannot be precisely defined beforehand, but must be left to the sound judgment of responsible naval personnel who are to perform their duties in this respect with all possible care and forbearance. The right of self-defense must be exercised only as a last resort, and then only to the extent which is absolutely necessary to accomplish the end required.

(c) Force must never be used with a view to inflicting punishment for acts already committed.

§ 700.916 Territorial Integrity of Foreign Nations.

The senior officer present shall respect the territorial integrity of foreign nations. Unless permission has been obtained from foreign authorities:

(a) No armed force for exercise, target practice, funeral escort, or other purposes shall be landed.

(b) No persons shall be allowed to visit the shore, except as necessary to conduct official business.

(c) No men shall be landed to capture deserters.

(d) No target practice with guns, torpedoes, rockets, guided missiles, or other weapons shall be conducted within foreign territorial waters or at any point from which projectiles, torpedoes, or missiles may enter therein.

§ 700.917 Dealings With Foreigners.

The senior officer present shall uphold the prestige of the United States. He shall impress upon officers and men that, when in foreign ports, it is their duty to avoid all possible cause of offense to the authorities and inhabitants; that due deference must be shown by them to local laws, customs, ceremonies, and regulations; that moderation and courtesy should be displayed in all dealings with foreigners; and that a feeling of good will and mutual respect should be cultivated.

§ 700.918 Readiness and Safety of Forces.

(a) The senior officer present shall prescribe the conditions of readiness of all the forces present and under his authority.

(b) To the extent which the situation demands, the senior officer present shall be prepared for action and shall guard against surprise attack. With the means at his disposal, he shall put into effect such measures as are necessary to minimize the possibility of the undetected approach of hostile air, surface, or sub-surface forces.

(c) The senior officer present is responsible for the safety of the units in company and, at sea, shall direct the course to be steered and the disposition to be employed. Nothing in this article will be construed as abrogating the authority of the commander of a task force or task command.

§ 700.919 Information Furnished to Subordinates.

Before engaging in any operation in time of war, if practicable, the senior officer present shall supply the commanding officers present with his operation plan and battle plan and shall communicate to the principal subordinates present such information as will assist them if called upon to assume command.

§ 700.920 Protection of Commerce of the United States.

Acting in conformity with the international law and treaty obligations, the senior officer present shall protect, insofar as lies within his power, all commercial craft of the United States in their lawful occupations; and he shall advance the commercial interests of this country.

§ 700.921 Leave and Liberty.

Subject to such orders as he may have received from competent authority, the senior officer present shall regulate leave and liberty.

§ 700.922 Shore Patrol.

(a) When liberty is granted to any considerable number of persons, except

in an area that can absorb them without danger of disturbance or disorder, the senior officer present shall cause to be established, temporarily or permanently, in charge of an officer, a sufficient patrol of officers, petty officers, and noncommissioned officers to maintain order and suppress any unseemly conduct on the part of any person on liberty. The senior patrol officer shall communicate with the chief of police or other local officials and make such arrangements as may be practicable to aid the patrol in carrying out its duties properly. Such duties may include providing assistance to military personnel in relations with civil courts and police, arranging for release of service personnel from civil authorities to the parent command, and providing other services that favorably influence discipline and morale.

(b) A patrol shall not be landed in any foreign port without first obtaining the consent of the proper local officials. Tact must be used in requesting permission; and, unless it is given willingly and cordially, the patrol shall not be landed. If consent cannot be obtained, the size of liberty parties shall be held to such limits as may be necessary to render disturbances unlikely.

(c) Officers and men on patrol duty in a foreign country normally should not be armed. In the United States, officers and men may be armed as prescribed by the senior officer present.

(d) No officer or man who is a member of the shore patrol or beach guard, or is assigned in support thereof, shall partake of or indulge in any form of intoxicating beverage or other form of intoxicant while on duty, on post, or at other times prescribed by the senior patrol officer. The senior patrol officer shall ensure that the provisions of this paragraph are strictly observed and shall report promptly in writing to the senior officer present all violations of these provisions that may come to his notice. All officers and men of the patrol shall report to the senior patrol officer all violations of the provisions of this paragraph on the part of those under them.

§ 700.923 Precautions for Health.

The senior officer present shall take precautions to preserve the health of the persons under his authority. He shall obtain information regarding the healthfulness of the area and medical facilities available therein and shall adopt such measures as are required by the situation.

§ 700.924 Medical or Dental Aid to Persons Not in the Naval Service.

The senior officer present may require the officers of the Medical Corps and Dental Corps under his authority to render emergency professional aid to persons not in the naval service when such aid is necessary and demanded by the laws of humanity or the principles of international courtesy.

§ 700.925 Assistance to Persons, Ships and Aircraft in Distress.

(a) Insofar as he can do so without serious danger to his ship or crew, the

commanding officer or the senior officer present as appropriate shall:

(1) Proceed with all possible speed to the rescue of persons in distress if informed of their need for assistance, insofar as such action may reasonably be expected of him.

(2) Render assistance to any person found at sea in danger of being lost.

(3) Afford all reasonable assistance to distressed ships and aircraft.

(4) Render assistance to the other ship, after a collision, to her crew and passengers and, where possible, inform the other ship of his identity.

(b) Actions taken pursuant to this article shall be promptly reported to the Chief of Naval Operations and other appropriate superiors.

(c) The accounting for rendering assistance and repairs pursuant to this article shall be as prescribed by the Comptroller of the Navy.

§ 700.926 Admiralty Claims.

Admiralty claims for or against the United States involving Navy ships and craft shall be processed and disposed of in accordance with the procedures set forth in the Manual of the Judge Advocate General of the Navy.

§ 700.927 Repairs to Merchant Vessels.

(a) There is no authority to effect repairs to a merchant vessel in collision with a Navy ship or craft except:

(1) When specifically approved by Congress.

(2) When, in the opinion of the senior officer present, the exigencies of war or of national defense so require.

(3) When, in the opinion of the senior officer present, repairs are necessary to save life or to prevent the merchant vessel from sinking.

(b) A report of repairs effected under authority of this article, including labor and material costs and a certification by the senior officer present as to why such repairs were undertaken, will be included in the senior officer present's report or forwarding endorsement to the Chief of Naval Operations and other appropriate superiors.

§ 700.928 Detail of Subordinate To Perform Administrative Duties.

When no officer has been detailed by other competent authority to perform administrative duties, the senior officer present may detail a subordinate officer to carry out the routine administrative duties of the senior officer present, but in no way shall such detail relieve the senior officer present of his responsibilities.

§ 700.929 The Senior Officer Present Afloat.

Unless some other officer has been so designated by competent authority, the "senior officer present afloat" is the senior line officer of the Navy, on active service, eligible for command at sea, who is present and with primary duty as commander of any unit or force of the Operating Forces of the Navy in the locality or within an area prescribed by



competent authority, whether afloat or based ashore, except such units as may be assigned to shore commands by competent authority.

**§ 700.930 Relations Between the Senior Officer Present and the Senior Officer Present Afloat.**

(a) When the senior officer present afloat is not the senior officer present, all matters affecting the units under the authority of the senior officer present afloat shall normally be referred to him by the senior officer present for appropriate action.

(b) When an officer of the Marine Corps is the senior officer present on shore, and senior to the senior officer present afloat, the latter shall refer all matters, except those directly connected with units under his authority, to the former for appropriate action.

**§ 700.931 General Duties of the Senior Officer Present Afloat.**

As the common superior of commanders of all Navy units of the Operating Forces of the Navy in a locality, except such units as may be assigned to shore commands by competent authority, the senior officer present afloat is responsible for matters which affect these naval commands collectively. In the exercise of his authority, he normally shall not concern himself with the administrative matters within commands other than his own, except to the extent necessary to secure uniformity and coordination of effort as may be required. In case of emergency or enemy attack, subject to the orders of the senior officer present, he shall assume command of all Navy units of the Operating Forces of the Navy present.

**§ 700.932 Relations With Commanders Ashore.**

When within the prescribed limits of authority of the commandant of a naval district or the commander of a naval shore activity, the senior officer present afloat and all other commanders of Navy units of the Operating Forces of the Navy present shall conform to the standing orders of such authority in all matters of common interest. Even though senior to the commandant or commander, the senior officer present afloat shall make no changes in local orders, plans, and arrangements, except as necessary to carry out his duties or for other causes which unquestionably demand a change, and then only after consultation with the commandant or commander, if practicable.

**§ 700.933 Juniors To Obtain Permission From the Senior Officer Present.**  
A junior in command shall when meeting a senior at sea or in port, obtain permission by signal or otherwise to continue on duty assigned, to anchor or get underway, or to perform any evolution or other act of importance.

**§ 700.934 Authority To Alter Organization.**

The senior officer present afloat may organize the forces present under his command into such task organizations as he may deem desirable, but in so doing, he shall preserve their existing tactical organization insofar as practicable.

**§ 700.935 Exercise of Power of Consul.**

When upon the high seas or in any foreign port where there is no resident consul of the United States, the senior officer present afloat has the authority to exercise all powers of a consul in relation to mariners of the United States.

**§ 700.936 File of the Senior Officer Present Afloat.**

(a) While in port, the senior officer present afloat shall require that a file of all orders issued by him or other competent authority which are applicable to the naval forces present be maintained. This file shall be transferred to the succeeding senior officer present afloat.

(b) Whenever circumstances warrant and for any continuity purposes, the senior officer present afloat may detail a subordinate officer to carry out routine administrative duties and maintain a SOPA (Administration) file. In event a subordinate officer is not available or it is not appropriate for such detailing, the senior officer present afloat may arrange for the detail of an officer for the task.

**§ 700.937 Medical, Dental, Communication, and Other Guard.**

When two or more ships are in the vicinity of each other while liberty is being granted, the senior officer present afloat shall designate the daily order in which each ship having a medical officer shall take the medical guard unless facilities or services are available ashore or other adequate provision has been made. Similar provisions shall be made with respect to the establishment of a dental guard, communication guard, shore patrol, or any other guard as may be necessary in support of his responsibility.

**§ 700.938 Responsibilities of Subordinates.**

The regulations contained in this chapter shall not be construed to relieve commanders junior to the senior officer present, or the senior officer present afloat from their individual responsibilities in relation to their commands.

**§ 700.939 Boarding Calls.**

(a) When he considers it appropriate, the senior officer present shall send an officer to board and report on ships and craft displaying United States colors found in or arriving at foreign ports.

(b) The following information normally shall be obtained by boarding officers:

- (1) Name, nationality, owner, and type of craft.
- (2) Number and names of persons in crew.

(3) Tonnage and cargo.

(4) Place from and time out of port.

(5) Probable date of departure and destination.

(6) Unusual events during passage, general route taken, and weather conditions encountered.

(c) Under ordinary circumstances the boarding officer can offer assistance in United States postal matters and provide medical and technical advice.

**§ 700.940 Granting of Asylum and Temporary Refuge.**

(a) If an official of the Department of the Navy is requested to provide asylum or temporary refuge, the following procedures shall apply:

(1) On the high seas or in territories under exclusive United States jurisdiction (including territorial seas, territories and possessions):

(i) At his request, an applicant for asylum will be received on board any naval aircraft or water-borne craft or naval station.

(ii) Under no circumstances shall the person seeking asylum be surrendered to foreign jurisdiction or control, unless at the direction of the Secretary of the Navy or higher authority. Persons seeking asylum should be afforded every reasonable care and protection permitted by the circumstances.

(2) In territories under foreign jurisdiction (including territorial seas, territories, and possessions):

(i) Temporary refuge shall be granted for humanitarian reasons on board a naval aircraft or water-borne craft or naval station only in extreme or exceptional circumstances wherein the life or safety of a person is put in danger, such as pursuit by a mob. When temporary refuge is granted, such protection shall be terminated only when directed by the Secretary of the Navy or higher authority.

(ii) While temporary refuge can be granted in the circumstances set forth above, permanent asylum will not be granted.

(iii) Requests for asylum shall be referred to the U.S. Embassy, if any, in the foreign jurisdiction. Individuals requesting asylum shall be afforded temporary refuge only in the circumstances outlined in subparagraph (1).

(3) The Chief of Naval Operations or Commandant of the Marine Corps, as appropriate, will be informed by the most expeditious means of all action taken pursuant to a. and b. above as well as the attendant circumstances. The appropriate U.S. Embassy or consular post will be similarly informed of actions taken pursuant to subparagraph 1.b.(3) of this article. The Chief of Naval Operations or Commandant of the Marine Corps will cause the Secretary of the Navy and Department of State to be notified without delay.

(b) Personnel of the Department of the Navy shall neither directly nor indirectly invite persons to seek asylum or temporary refuge.

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PART II



## **DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

■

**MARINE MAMMALS**

**Protection**

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**Title 50—Wildlife and Fisheries**  
**CHAPTER I—BUREAU OF SPORTS FISH-**  
**ERIES AND WILDLIFE, FISH AND WILD-**  
**LIFE SERVICE, DEPARTMENT OF THE**  
**INTERIOR**

**PART 18—MARINE MAMMALS**

Regulations were published in the *FEDERAL REGISTER* of December 21, 1972 (37 FR 28173-28177) to implement the Marine Mammal Protection Act of 1972 (86 Stat. 1027). Although these were final rules, comments, suggestions and objections were invited for a sixty-day period until February 21, 1973. These comments, suggestions and objections resulted in the proposed rulemaking which was published in the *FEDERAL REGISTER* of August 16, 1973 (38 FR 22143). Comments were invited to November 1, 1973.

These regulations must be read together with the regulations published on August 15, 1973, 38 FR 22015 and January 4, 1974, 39 FR 1157. Those regulations provide procedures for all permit applications, for civil penalty proceedings, for the entry of wildlife through designated ports, and for other aspects of clearance. All of these regulations form Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations. The regulations, when read together, provide a comprehensive system of rules regarding wildlife under the jurisdiction of the Bureau of Sport Fisheries and Wildlife.

The deletions, additions and minor changes in this final rulemaking (i) reflect comments received, (ii) correct certain technical errors and omissions and (iii) provide clarity and uniformity.

The regulations of the Department of Commerce and Interior are virtually identical in format and substance.

The following changes have been made:

1. Section 18.14—Provides a method for establishing that a marine mammal was taken prior to December 21, 1972. The Act and these regulations do not apply to such marine mammals.

2. Section 18.23—This section now allows non-native agents to deal in marine mammal products as middlemen, where the product is being transferred between natives.

3. Section 18.26—There were several comments regarding the inclusion of the collection of marine mammal parts, such as walrus ivory or whalebone, in the definition of "taking," thereby prohibiting such collection without a permit. The definition of taking has not been modified, but a new provision is added to allow such collection if the items are registered with an agent.

4. Section 18.32—This section provided methods of applying for economic hardship permits. Since the economic hardship exemption provision expired on October 21, 1973, as provided for in the Act, this section has been deleted.

5. Section 18.33 and 18.34—Renumbered as §§ 18.32 and 18.33 to conform with the deletion of the Undue Economic Hardship § 18.32.

In addition to the changes discussed above, it has been determined to pro-

pose a list of items which qualify as "authentic native articles of handicrafts and clothing." However, since this would involve new material, which was not covered by the proposed rulemaking of August 16, 1973, it will be published as a proposal in the *FEDERAL REGISTER* in the immediate future, with opportunity for public comment.

The changes in these regulations suggested by the original notice of proposed rulemaking (38 FR 22143) and the changes adopted in this rulemaking involve primarily relaxations of various restrictions. Considering the long period during which the public has had actual notice of these changes, and considering the importance of making these rules effective as soon as possible for public convenience, it has been determined that there is good cause to make this rulemaking effective upon publication pursuant to 5 U.S.C. 553.

**Effective date:** These regulations become effective on February 15, 1974.

**Date:** February 15, 1974.

LYNN A. GREENWALT,  
 Director, Bureau of Sport  
 Fisheries and Wildlife.

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**AUTHORITY:** Marine Mammal Protection Act of 1972, 86 Stat. 1027 (16 U.S.C. 1361-1407).

**Subpart A—Introduction**

**§ 18.1 Purpose of regulations.**

The regulations contained in this part implement the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), which among other things, restricts the taking, possession, transportation, sell-

ing, offering for sale, and importing of marine mammals.

**§ 18.2 Scope of regulations.**

(a) This Part 18 applies solely to marine mammals and marine mammal products as defined in § 18.3. For regulations under the Act with respect to cetaceans (whales and porpoises), pinnipedia, other than walrus (seals and sea lions), see 50 CFR Part 216.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife. (See also Part 13 of this subchapter.)

**§ 18.3 Definitions.**

In addition to definitions contained in the Act and in Part 10 of this subchapter, and unless the context otherwise requires, in this Part 18:

"Act" means the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361-1407; Pub. L. 92-522.

"Alaskan Native" means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. section 1603(b) (85 Stat. 588)) as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.

"Authentic native articles of handicrafts and clothing" means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to § 18.23(c) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups, such as cooperatives, is permitted so long as no large scale mass production results.

"Commercial fishing operation" means the lawful harvesting of fish from the marine environment for profit as part of an on-going business enterprise. Such term shall not include sport fishing activities whether or not carried out by charter boat or otherwise, and whether or not the fish so caught are subsequently sold.

"Endangered species" means a species of marine mammal listed as "endangered" pursuant to the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93-205 (See Part 17 of this subchapter).

"Incidental catch" means the taking of a marine mammal (a) because it is directly interfering with commercial fishing operations, or (b) as a consequence of the steps used to secure the fish in connection with commercial fishing operations: *Provided, however*, That a marine mammal so taken must immediately be returned to the sea with a minimum of injury; and *Provided, further*, That the taking of a marine mammal which otherwise meets the requirements of this definition shall not be considered as incidental catch of that mammal if it is used subsequently to assist in commercial fishing operations.

"Marine mammal" means specimens of the following species, whether alive or dead, and any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

Scientific name	Common name
<i>Ursus maritimus</i> .....	Polar Bear
<i>Enhydra lutris</i> .....	Sea Otter
<i>Odobenus rosmarus</i> .....	Walrus
<i>Dugong dugong</i> .....	Dugong
<i>Trichechus manatus</i> .....	West African manatee
<i>Trichechus inunguis</i> .....	West Indian manatee
<i>Trichechus senegalensis</i> ..	Amazonian manatee

**NOTE:** Common names given may be at variance with local usage, they are not required to be provided by the Act, and they have no legal significance.

"Native village or town" means any community, association, tribe, band, clan, or group.

"Pregnant" means pregnant near term.

"Subsistence" means the use by Alaskan Natives of marine mammals taken by Alaskan Natives for food, clothing, shelter, heating, transportation, and other uses necessary to maintain the life of the taker or for those who depend upon the taker to provide them with such subsistence.

"Take" means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal.

"Threatened species" means a species of marine mammal listed as "threatened" pursuant to the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93-205.

"Wasteful manner" means any taking or method of taking which is likely to result in the killing or injuring of marine mammals beyond those needed for subsistence purposes or for the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.

**§ 18.4 Other laws and regulations.**

(a) (See 50 CFR 10.3 in regards to other Federal laws and regulations).

(b) Section 109 of the Act provides that on or after December 21, 1972, no State may adopt any law or regulation, or enforce any existing law or regulation, which relates to the taking of marine mammals or which in effect nullifies an exemption or exception created by the Act, unless such laws or regulations have been previously reviewed by the Secretary and determined by him to be consistent with the provisions of the Act and the regulations in this part. In no event, however, will the Secretary approve any State laws or regulations which:

(1) Purport to authorize a State to issue permits in situations which would require a Federal permit under the Act, unless and until appropriate Federal regulations have been issued under section 103 of the Act, and where appropriate, the Secretary has waived the moratorium on such taking or importation under section 101(a) (3) of the Act; or

(2) Purport to authorize a State to issue permits for scientific research or for public display (except that a State may, under authority of a general scientific research permit granted by the Secretary to it, assign individual scientific research permits to State employees or representatives of State universities or other State agencies, subject to the provisions of the general permit); or

(c) Any State may obtain a review and determination of its existing laws and regulations from the Secretary by submitting a written request to that effect to the Director accompanied by the following documents, unless otherwise specified by the Director:

(1) A complete set of laws and regulations to be reviewed, certified as complete, true and correct, by the appropriate State official;

(2) A scientific description by species and population stock of the marine mammals to be subjected to such laws and regulations;

(3) A description of the organization, staffing and funding for the administration and enforcement of the laws and regulations to be reviewed;

(4) A description, where such laws and regulations provide for discretionary authority on the part of State officials to issue permits, of the procedures to be used in granting or withholding such permits and otherwise enforcing such laws; and

(5) Such other materials and information as the Secretary may request or which the State may deem necessary or advisable to demonstrate the compatibility of such laws and regulations with the policy and purposes of the Act and the rules and regulations issued thereunder.

(d) In making a determination with respect to any State laws and regulations, the Secretary shall take into account:

(1) Whether such laws and regulations are consistent with the purpose and policies of the Act and the rules and regulations issued thereunder;

(2) The extent to which such laws and regulations are consistent with, or constitute an integrated management or protection program with, the laws and regulations of other jurisdictions whose activities may affect the same species or stocks or marine mammals; and

(3) The existence of or preparations for an overall State program regarding the protection and management of marine mammals to which the laws and regulations under review relate.

(e) To assist States in preparing laws and regulations relating to marine mammals, the Secretary will also, at the written request of any State, make a preliminary review of any such proposed laws or regulations. Such review will be strictly advisory in nature and shall not be binding upon the Secretary. Upon adoption of previously reviewed laws and regulations, the same shall be subject to a complete review for a final determination pursuant to these regulations. To be considered for preliminary review, all legislative and regulatory proposals must be forwarded to the Director and certified by the appropriate State official. In addition, they shall be accompanied to the extent available with the same materials required under paragraph (c) above, unless otherwise provided by the Secretary.

All determinations by the Secretary (other than as a result of preliminary reviews of proposed laws and regulations) shall be final.

(f) The implementation and enforcement of all State laws and regulations previously approved by the Secretary pursuant to this section shall be subject to continuous monitoring and review by the Secretary pursuant to such rules and regulations as he may adopt. Any modifications, amendments, deletions or additions to laws or regulations previously approved shall be deemed to be new laws and regulations for the purposes of these regulations and shall require review and approval by the Secretary before their adoption.

(g) Notwithstanding the foregoing, nothing herein shall prevent (1) the tak-

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ing of a marine mammal by a State or local government official pursuant to § 18.22 of the regulations in this part, or (2) the adoption or enforcement of any law or regulation relating to any marine mammal taken or imported prior to the effective date of the Act.

#### Subpart B—Prohibitions

##### § 18.11 Prohibited taking.

Except as otherwise provided in Subparts C and D of this Part 18, it is unlawful for:

(a) Any person, vessel, or conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas, or

(b) Any person, vessel, or conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States.

##### § 18.12 Prohibited importation.

(a) Except as otherwise provided in Subparts C and D of this Part 18, it is unlawful for any person to import any marine mammal or marine mammal product into the United States.

(b) Regardless of whether an importation is otherwise authorized pursuant to Subparts C and D of this Part 18, it is unlawful for any person to import into the United States any:

(1) Marine mammal: (i) Taken in violation of the Act, or (ii) Taken in another country in violation of the laws of that country;

(2) Any marine mammal product if: (i) The importation into the United States of the marine mammal from which such product is made would be unlawful under subparagraph (1) of this paragraph, or (ii) The sale in commerce of such product in the country of origin of the product is illegal.

(c) Except in accordance with an exception referred to in Subpart C and §§ 18.31 and 18.32 of this Part 18, it is unlawful to import into the United States any:

(1) Marine mammal which was pregnant at the time of taking,

(2) Marine mammal which was nursing at the time of taking, or less than 8 months old, whichever occurs later,

(3) Specimen of an endangered or threatened species of marine mammals,

(4) Specimen taken from a depleted species or stock of marine mammals, or

(5) Marine mammal taken in an inhumane manner.

(d) It is unlawful to import into the United States any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner proscribed by the Secretary of Commerce for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

§ 18.13 Prohibited uses, possession, transportation, and sales.

Except as otherwise provided in the Act or these regulations, it is unlawful for:

(a) Any person to use any port, harbor, or other place under the jurisdiction

of the United States for any purpose in any way connected with a prohibited taking or any unlawful importation of any marine mammal or marine mammal products;

(b) Any person subject to the jurisdiction of the United States to possess any marine mammal taken in violation of the Act or these regulations, or to transport, sell, or offer for sale any such marine mammal or any marine mammal product made from any such mammal; or

(c) Any person subject to the jurisdiction of the United States to use in a commercial fishery, any means or method of fishing in contravention of regulations and limitations issued by the Secretary of Commerce for that fishery to achieve the purposes of this Act.

##### § 18.14 Marine mammals taken before the Act.

(a) Section 102(e) of the Act provides in effect that the Act shall not apply to any marine mammal taken prior to December 21, 1972, or to any marine mammal product consisting of, or composed in whole or in part of, any marine mammal taken before such date. Such status may be established by submitting to the Director prior to, or at the time of importation, an affidavit containing the following:

(1) The Affiant's name and address;

(2) Identification of the Affiant;

(3) A description of the marine mammals or marine mammal products which the Affiant desires to import;

(4) A statement by the Affiant that to the best of his knowledge and belief, the marine mammals involved in the application were taken prior to December 21, 1972;

(5) A statement by the Affiant in the following language:

The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to permit the importation of \_\_\_\_\_ under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

(b) Either one of two exhibits shall be attached to such affidavit, and will contain either:

(1) Records or other available evidence showing that the product consists of or is composed in whole or in part of marine mammals taken prior to December 21, 1972. Such records or other evidentiary material must include information on how, when, where, and by whom the animals were taken, what processing has taken place since taking, and the date and location of such processing; or

(2) A statement from a government agency of the country of origin exercising jurisdiction over marine mammals that any and all such mammals from which the products sought to be imported were derived were taken prior to December 21, 1972.

(c) Bureau agents, or Customs officers, may refuse to clear marine mammals or marine mammal products for importation into the United States, pursuant to § 14.53 of this Subchapter, until the importer can demonstrate, by production of the affidavit referred in above or otherwise, that section 102(e) of the Act applies to all affected items.

(d) This section has no application to any marine mammal or marine mammal product intended to be imported pursuant to §§ 18.21, 18.31 or 18.32 of this part.

#### Subpart C—General Exceptions

##### § 18.21 Actions permitted by international treaty, convention, or agreement.

The Act and these regulations shall not apply to the extent that they are inconsistent with the provisions of any international treaty, convention or agreement, or any statute implementing the same, relating to the taking or importation of marine mammals or marine mammal products, which was existent and in force prior to December 21, 1972, and to which the United States was a party. Specifically, the regulations in Subpart B of this part and the provisions of the Act shall not apply to activities carried out pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals signed in Washington on February 9, 1957, and the Fur Seal Act of 1966, 16 U.S.C. 1151-1187, as, in each case, from time to time amended.

##### § 18.22 Taking by State or local government officials.

(a) A State or local government official or employee may take a marine mammal in the course of his duties as an official or employee and no permit shall be required, if such taking:

(1) Is accomplished in a humane manner;

(2) Is for the protection or welfare of such mammal or from the protection of the public health or welfare; and

(3) Includes steps designed to insure return of such mammal, if not killed in the course of such taking, to its natural habitat. In addition, any such official or employee may, incidental to such taking, possess and transport, but not sell or offer for sale, such mammal and use any port, harbor or other place under the jurisdiction of the United States. All steps reasonably practicable under the circumstances shall be taken by any such employee or official to prevent injury or death to the marine mammal as the result of such taking.

(b) Each taking permitted under this section should be included in a written report, to be submitted to the Director every six months, beginning December 31, 1973. Unless otherwise permitted by the Director, the report shall contain a description of:

(1) The animal involved;

(2) The circumstances requiring the taking;

(3) The method of taking;

(4) The name and official position of the State official or employee involved;

(5) The disposition of the animal, including in cases where the animal has been retained in captivity, a description of the place and means of confinement and the measures taken for its maintenance and care; and

(8) Such other information as the Director may require.

The reports shall be mailed to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240.

##### § 18.23 Native exceptions.

(a) *Taking.* Notwithstanding the prohibitions of Subpart B of this Part 18, but subject to the restrictions contained in this section, any Indian, Aleut, or Eskimo who resides on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, if such taking is:

(1) By Alaskan Natives who reside in Alaska and such taking is for subsistence, or

(2) For purposes of creating and selling authentic native articles of handicraft and clothing, and

(3) In each case, not accomplished in a wasteful manner.

(b) *Restrictions.* (1) No marine mammal taken for subsistence may be sold or otherwise transferred to any person other than an Alaskan Native or delivered, carried, transported, or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Alaskan Native directly or through a registered agent to a tannery registered under subsection (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Alaskan Native; or

(ii) It is sold or transferred to a registered agent in Alaska for resale or transfer to an Alaskan Native; or

(iii) It is an edible portion and it is sold in an Alaskan native village or town.

(2) No marine mammal taken for purposes of creating and selling authentic native articles of handicraft and clothing may be sold or otherwise transferred to any person other than an Indian, Aleut or Eskimo, or delivered, carried, transported or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Indian, Aleut or Eskimo directly or through a registered agent to a tannery registered under subsection (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Indian, Aleut or Eskimo; or

(ii) It is sold or transferred to a registered agent for resale or transfer to an Indian, Aleut, or Eskimo; or

(iii) It has been first transformed into an authentic native article of handicraft or clothing; or

(iv) It is an edible portion and it is sold (A) in an Alaskan native village or town or (B) to an Alaskan Native for his consumption.

(c) Any tannery, or person who wishes to act as an agent, within the jurisdiction of the United States may apply to the Director for registration as a tan-

nery or an agent which may possess and process marine mammal products for Indians, Aleuts, or Eskimos. The application shall include the following information:

(i) The name and address of the applicant;

(ii) A description of the applicant's procedures for receiving, storing, processing, and shipping materials;

(iii) A proposal for a system of book-keeping and/or inventory segregation by which the applicant could maintain accurate records of marine mammals received from Indians, Aleuts, or Eskimos, pursuant to this section;

(iv) Such other information as the Director may request;

(v) A certification in the following language:

I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining the benefit of an exception under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001.

(vi) The signature of the applicant.

The sufficiency of the application shall be determined by the Director, and in that connection, he may waive any requirement for information, or require any elaboration or further information deemed necessary. The registration of a tannery or other agent shall be subject to the conditions as the Director prescribes, which may include, but are not limited to provisions regarding records, inventory segregation, reports, and inspection. The Director may charge a reasonable fee for such applications, including an appropriate apportionment of overhead and administrative expenses of the Department of Interior.

(d) Notwithstanding the preceding provisions of this section, whenever, under the Act, the Secretary determines any species or stock of marine mammals to be depleted, he may prescribe regulations pursuant to section 103 of the Act upon the taking of such marine mammals by any Indian, Aleut, or Eskimo and, after promulgation of such regulations, all takings of such marine mammals by such person shall conform to such regulations.

##### § 18.24 Taking incidental to commercial fishing operations.

Persons may take marine mammals incidental to commercial fishing operations until October 21, 1974: *Provided*, That such taking is by means of equipment and techniques prescribed in regulations issued by the Secretary of Commerce. However, any marine mammal taken as an incidental catch may not be retained. It shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate.

##### § 18.25 Exempted marine mammals or marine mammal products.

(a) The provisions of the Act and these regulations shall not apply:

(1) To any marine mammal taken before December 21, 1972, or

(2) To any marine mammal product if the marine mammal portion of such product consists solely of a marine mammal taken before such date.

(b) The prohibitions contained in § 18.12(c) paragraphs (3) and (4) shall not apply to marine mammals or marine mammal products imported into the United States before the date on which notice is published in the *FEDERAL REGISTER* of the proposed rulemaking with respect to the designation of the species of stock concerned as depleted or endangered.

(c) Section 18.12(b) shall not apply to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

##### § 18.26 Collection of certain dead marine mammal parts.

(a) Any bones, teeth or ivory of any dead marine mammal may be collected from a beach or from land within ¼ of a mile of the ocean. The term "ocean" includes bays and estuaries.

(b) Marine mammal parts so collected may be retained if registered within 30 days with an agent of the National Marine Fisheries Service, or an agent of the Bureau of Sport Fisheries and Wildlife.

(c) Registration shall include (1) the name of the owner, (2) a description of the article to be registered and (3) the date and location of collection.

(d) Title to any marine mammal parts collected under this section is not transferable, unless consented to in writing by the agent referred to in paragraph (b) of this section.

#### Subpart D—Special Exceptions

##### § 18.31 Scientific research permits and public display permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the taking and importation of marine mammals for scientific research purposes or for public display.

(a) *Application procedure.* Applications for permits to take and import marine mammals for scientific research purposes or for public display shall be submitted to the Director. Each such application must contain the general information and certification required by § 13.12(a) of this Subchapter plus the following additional information:

(1) A statement of the purpose, date, location and manner of the taking or importation;

(2) A description of the marine mammal or the marine mammal products to be taken or imported, including the species or subspecies involved; the popu-



lation stock, when known, the number of specimens or products (or the weight thereof, where appropriate); and the anticipated age, size, sex, and condition (i.e., whether pregnant or nursing) of the animals involved;

(3) If the marine mammal is to be taken and transported alive, a complete description of the manner of transportation, care and maintenance, including the type, size, and construction of the container or artificial environment; arrangements for feeding and sanitation; a statement of the applicant's qualifications and previous experience in caring for and handling captive marine mammals and a like statement as to the qualifications of any common carrier or agent to be employed to transport the animal; and a written certification of a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animals and that in his opinion they are adequate to provide for the well-being of the animal;

(4) If the application is for a scientific research permit, a detailed description of the scientific research project or program in which the marine mammal or marine mammal product is to be used including a copy of the research proposal relating to such program or project and the names and addresses of the sponsor or cooperating institution and the scientists involved;

(5) If the application is for a scientific research permit, and if the marine mammal proposed to be taken or imported is listed as an endangered or threatened species or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant; and

(6) If the application is for a public display permit, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit for such display, and whether and to what extent the display is connected with educational or scientific programs. There shall also be included a complete description of the enterprise seeking the display permit and its educational, and scientific qualifications, if any.

(b) *Review by Marine Mammal Commission.* Upon receipt of an application the Director shall forward the application to the Marine Mammal Commission together with a request for the recommendations of the Commission and the Committee of Scientific Advisors on Marine Mammals. In order to comply with the time limits provided in these regulations, the Director shall request that such recommendation be submitted within 30 days of receipt of the application by the Commission. If the Commission or the Committee, as the case may

be, does not respond within 30 days from the receipt of such application by the Commission, the Director shall advise the Commission in writing that failure to respond within 45 days from original receipt of the application (or such longer time as the Director may establish) shall be considered as a recommendation from the Commission and the Committee that the permit be issued. The Director may also consult with any other person, institution or agency concerning the application.

(c) *Issuance criteria.* Permits applied for under this section shall be issued, suspended, modified and revoked pursuant to regulations contained in § 18.33. In determining whether to issue a scientific research permit, the Director shall consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; and whether the granting of the permit is required to further a bona fide and necessary or desirable scientific purpose, taking into account the benefits anticipated to be derived from the scientific research contemplated and the effect of the proposed taking or importation on the population stock and the marine ecosystem. In determining whether to issue a public display permit, the Director shall consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; whether a substantial public benefit will be gained from the display contemplated, taking into account the manner of the display and the anticipated audience on the one hand, and the effect of the proposed taking or importation on the population stocks of the marine mammal in question and the marine ecosystem on the other; and the applicant's qualifications for the proper care and maintenance of the marine mammal or the marine mammal product, and the adequacy of his facilities.

(d) *Additional Permit Conditions.* In addition to the general conditions set forth in part 13 of this subchapter B, permits issued under this section shall be subject to the following conditions:

(1) Any permit issued under these regulations must be in the possession of the person to whom it is issued (or an agent of such person) during:

(i) The time of the authorized taking or importation;

(ii) The period of any transit of such person or agent which is incidental to such taking or importation; and

(iii) Any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

(2) A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(e) *Tenure of Permits.* The tenure of permits for scientific research or public display shall be designated on the face of the permit.

§ 18.32 *Waiver of the Moratorium [Reserved].*

§ 18.33 *Procedures for issuance of permits and modification, suspension or revocation thereof.*

(a) Whenever application for a permit is received by the director which the director deems sufficient, he shall, as soon as practicable, publish a notice thereof in the FEDERAL REGISTER. Such notice shall set forth a summary of the information contained in such application. Any interested party may, within 30 days after the date of publication of such notice, submit to the director his written data or views with respect to the taking or importation proposed in such application and may request a hearing in connection with the action to be taken thereon.

(b) If the request for a hearing is made within the 30 day period referred to in paragraph (a) of this section, or if the director determines that a hearing would otherwise be advisable, the director may, within 60 days after the date of publication of the notice referred to in paragraph (a) of this section, afford to such requesting party or parties an opportunity for a hearing. Such hearing shall also be open to participation by any interested members of the public. Notice of the date, time, and place of such hearing shall be published in the FEDERAL REGISTER not less than 15 days in advance of such hearing. Any interested person may appear in person or through representatives at the hearing and may submit any relevant material, data, views, comments, arguments, or exhibits. A summary record of the hearing shall be kept.

(c) As soon as practicable but not later than 30 days after the close of the hearing (or if no hearing is held, as soon as practicable after the end of the 30 days succeeding publication of the notice referred to in paragraph (a) of this section the director shall issue or deny issuance of the permit. Notice of the decision of the director shall be published in the FEDERAL REGISTER within 10 days after the date of such issuance or denial. Such notice shall include the date of the issuance or denial and indicate where copies of the permit, if issued, may be obtained.

(d) Any permit shall be subject to modification, suspension, or revocation by the director in whole or in part in accordance with these regulations and the terms of such permits. The permittee shall be given written notice by registered mail, return receipt requested, of any proposed modification, suspension, or revocation. Such notice shall specify:

(1) The action proposed to be taken along with a summary of the reasons therefor;

(2) In accordance with 5 U.S.C. 558, the steps which the permittee may take to demonstrate or achieve compliance with all lawful requirements; and

(3) That the permittee is entitled to a hearing thereon, if a written request for such a hearing is received by the Director

within 10 days after receipt of the aforesaid notice or such other later date as may be specified in the notice to the permittee. The time and place of the hearing, if requested by the permittee, shall be determined by the director and a written notice thereof given to the permittee by registered mail, return receipt requested, not less than 15 days prior to the date of hearing specified. The director may, in his discretion, allow participation at the hearing by interested

members of the public. The permittee and other parties participating may submit all relevant material, data, views, comments, arguments, and exhibits at the hearing. A summary record shall be kept of any such hearing.

(e) The Director shall make a decision regarding the proposed modification, suspension, or revocation, as soon as practicable after the close of the hearing, or if no hearing is held, as soon as practicable after the close of the 10

day period during which a hearing could have been requested. Notice of the modification, suspension, or revocation shall be published in the FEDERAL REGISTER within 10 days from the date of the Director's decision. In no event shall the proposed action take effect until notice of the Director's decision is published in the FEDERAL REGISTER.

Subpart E—Depleted Species of Stocks  
[Reserved]

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## **ENVIRONMENTAL PROTECTION AGENCY**

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### **AIR PROGRAMS, APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

Review of Indirect Sources

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**Title 40—Protection of Environment**  
**CHAPTER I—ENVIRONMENTAL**  
**PROTECTION AGENCY**  
**SUBCHAPTER C—AIR PROGRAMS**  
**PART 52—APPROVAL AND PROMULGA-**  
**TION OF IMPLEMENTATION PLANS**  
**Review of Indirect Sources**

On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency published his initial approvals and disapprovals of state implementation plans submitted pursuant to section 110 of the Clean Air Act, as amended in 1970. Shortly thereafter, Natural Resources Defense Council, Inc. (NRDC) and various other petitioners challenged the Administrator's approvals in the United States Court of Appeals for the District of Columbia Circuit on several grounds, including the contention that the plans approved were not adequate to insure maintenance of the ambient air quality standards once such standards were attained.

As to this issue, the Court ruled in *NRDC v. EPA*, 475 F.2d 968 (D.C. Cir. 1973), that the record before the court was insufficient to ascertain whether the Administrator had made a state-by-state determination as to plans' adequacy regarding maintenance. Accordingly, the Court ordered the Administrator to review the maintenance provisions of all approved state implementation plans and to disapprove those plans which (1) did not contain measures necessary to assure maintenance of the primary standards after the statutory attainment date, and (2) did not analyze maintenance in a manner consistent with the Administrator's regulations.

Upon further review, the Administrator determined that no state plan contained all of the measures necessary to assure maintenance of the standards and that no plan had adequately analyzed the impact of growth on air quality maintenance for any significant period of time into the future. Accordingly, on March 8, 1973 (38 FR 6279), the Administrator disapproved all state plans with respect to maintenance of standards.

In the notice of disapproval, the Administrator noted that several mechanisms already available under the Act and in regulations would serve to mitigate the impact of overall community growth on air quality maintenance. For instance, maintenance was partially insured by the then-existing provisions of 40 CFR 51.18, which required each state plan to have adequate procedures to review, and where necessary prevent, the construction or modification of any stationary source of air pollution at a location where emissions from that source would result in interference with the attainment or maintenance of a national standard. Emission performance standards for new major stationary sources promulgated under section 111 of the Act and emission standards for motor vehicles promulgated under section 202 of the Act will also serve to mitigate the impact

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of growth. Moreover, a valuable tool to ensure maintenance exists in the requirements in section 110 of the Act that pollutants in the ambient air be continually monitored and that the Administrator shall call for the revision of inadequate state implementation plans whenever monitoring or other information indicates this to be necessary.

The Administrator determined, however, that such measures alone would not be adequate to ensure maintenance, particularly for pollutants emitted largely by motor vehicles in the context of increased use resulting from general urban and commercial development. Accordingly, the Administrator determined that the new source review procedures noted in the preceding paragraph should be expanded to cover not only stationary sources but also "complex" or "indirect" sources of air pollution—facilities which do not themselves emit pollutants, but which attract increased motor vehicle activity and thereby may cause violations of an implementation plan's transportation control strategy or may prevent or interfere with the attainment or maintenance of an ambient air quality standard.

Thus, all state implementation plans were disapproved on March 8, 1973, because of their failure to sufficiently assess and provide for maintenance of standards, and specifically for their failure to provide for the above-mentioned "complex" or "indirect" source review. In a separate action on March 8 (38 FR 6290), the Administrator issued an advance notice of proposed rulemaking stating his intention to modify his regulations for preparation of state implementation plans contained in 40 CFR Part 51 in order to give further guidance to the states in the preparation of approvable indirect source review measures. In a timetable approved by the D.C. Circuit Court, the Administrator then proposed such new guidelines on April 18, 1973 (38 FR 9599), and promulgated final guidelines on June 18, 1973 (38 FR 15834).

Specifically, these "guidelines" involved amendments to 40 CFR 51.11 and 51.18. Section 51.11 was amended so that a state implementation plan could not be fully approvable unless the state had legal authority to conduct "indirect" source review as well as "direct" (stationary) source review. Section 51.18 was amended to specify in detail the substantive and procedural matters which must be dealt with by states in developing approvable indirect source measures.

The Administrator noted in the April 18 preamble that even such a source-by-source review might not be adequate to assure area-wide maintenance: "The purpose of the review and determination procedures required under 40 CFR 51.18 [new stationary and indirect source review] is primarily to insure that the national standards will not be violated in the vicinity of a major new facility." The Administrator recognized that in the long run, greater attention to the overall impact of growth on regional air quality would be needed to fill

in gaps left by a source-by-source review scheme.

In the June 18, 1973, final promulgation of the guidance regulations amending 40 CFR Part 51, the Administrator determined, in response to public comments, that a comprehensive growth analysis should be specifically required of the states in order to make the maintenance provisions of implementation plans fully acceptable. It was the Administrator's conclusion that indirect source review, while "a necessary addition" to an overall strategy for assuring maintenance, could be considered only an additional tactic in such strategy, "because source-by-source analysis is not an adequate means of evaluating, on a regional scale, the air quality impact of growth and development." Furthermore, for pollutants such as hydrocarbons and nitric oxide, which affect air quality through complex atmospheric reactions resulting in the formation of photochemical oxidants and nitrogen dioxide, analytical tools that can be used with confidence to predict the air quality impact of a single source are not now available.

Accordingly, the Administrator promulgated additional regulations amending 40 CFR 51.12. States must comply with these regulations before their implementation plans can be regarded as fully approved with respect to air quality maintenance. Generally such regulations require states to identify by March 18, 1974, those areas that may exceed any national standards within the next ten years; to develop and submit to the Administrator by June 18, 1975, an analysis of the impact of projected growth on air quality in such regions; and to adopt such measures as may be necessary to assure that growth and development will be compatible with maintenance of the national standards. Only when such plans are finally approved can the Administrator consider the maintenance portions of state plans complete. Thus, indirect source review procedures are a necessary but insufficient element in a comprehensive strategy for air quality maintenance.

Further, in accordance with the order of the D.C. Circuit Court, the Administrator allowed States until August 15, 1973, to submit indirect source review procedures for approval. For those states which submitted nothing or whose plans could not be approved, the Administrator proposed on October 30, 1973 (38 FR 29993), Federal regulations for review of indirect sources. Since the public did not have adequate opportunity to comment on the seven plans that had been received by that date, no state indirect source procedures could be approved.

The Administrator is further required by the Court's order, as most recently modified on February 13, 1974, to promulgate final regulations no later than February 15, 1974. This rulemaking is, therefore, being carried out pursuant to the schedule approved by the D.C. Circuit Court in order to provide indirect source review procedures as one element in an overall strategy for maintenance which all state implementation plans are

required to contain. State plans shall remain disapproved as to maintenance pending final submission and approval of the growth analyses and other necessary measures noted above.

Based on a preliminary review of the seven plans which had been submitted by October 30, 1973, three (Alabama, Florida, and Guam) appeared approvable and, thus, no proposal was made for those three States on October 30. The Alabama and Florida plans were proposed for public comment in the October 26, 1973, *FEDERAL REGISTER* (38 FR 24607-08) and the Guam plan as proposed on January 9, 1974 (39 FR 1454). In each case, the Administrator has reviewed the plan submissions to ascertain whether adequate legal authority exists, as required by 40 CFR 51.11, whether a public hearing was held, as required by 40 CFR 51.4, and whether the plan meets the detailed requirements for indirect source review contained in 40 CFR 51.18. The Administrator has also reviewed the written comments submitted in response to the proposals. Criticism of the submissions focused upon the size criteria for determining which indirect sources would be subject to review, the effective dates, and the failure to specifically address the issue of nondeterioration. Similar comments were submitted with respect to the Administrator's October 30 proposal and are discussed in subsequent paragraphs of this preamble.

The Florida and Guam plans for indirect source review are fully approved below. The Alabama plan for indirect source review has been determined to be approvable in all respects except that the necessary public comment procedures were not included in regulatory form. The Administrator is, therefore, promulgating a corrective regulation for Alabama relating solely to public comment procedures. Since these procedures are clearly required by 40 CFR 51.18 and the regulation merely gives legally enforceable form to the procedures spelled out by the State in its submission, the Administrator finds good cause for promulgating such a correction without having proposed it.

To date, EPA has received 14 officially submitted state plans for review of indirect sources. Five (Connecticut, Kentucky, New Hampshire, Vermont and Virginia) have been or will shortly be proposed for public comment on their approvability and remain disapproved until the Administrator completes his evaluation. Seven of the state plans (Alabama, Idaho, Maine, New York, North Carolina, Oregon, and Washington) contain deficiencies which are specifically identified below. The Administrator is aware that several of these states are working to correct the deficiencies; if changes are submitted and found approvable, the regulations promulgated for these states will be revoked. Only the Florida and Guam indirect source review procedures can be fully approved at this time.

*Modification to the Proposed Regulations Made in Response to Public Comments.* Many individual citizens, environ-

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mental groups, corporations, commercial associations, and governmental agencies participated in the rulemaking process by submitting written comments or testifying at public hearings held on the October 30, 1973, proposed regulations. While it would be impossible to respond to every point, a number of the major comments are discussed below. Many of the alleged deficiencies in the basic approach of the proposed regulations as reflected in public comments were based upon an inadequate understanding of the purpose of these regulations. They are intended to provide one element in an overall strategy of air quality maintenance, including new stationary source review, new source performance standards, the Federal motor vehicle control program, and the comprehensive growth plans which the states must develop. As explained earlier, the Administrator has determined that a source-by-source review approach, while necessary to assure maintenance, must be accompanied by more inclusive long term growth analyses.

Many of the comments focused critically upon the size criteria for determining which indirect sources would be subject to the review process. One comment frequently made was that the sizes set forth (1,000 parking spaces, 20,000 vehicles per day for highways, etc.) were too large and that much smaller sources should be reviewed in order to assure maintenance. The Administrator has determined that the facilities to be reviewed should be limited to those most likely to cause air quality problems. In administering the Act, the Administrator must choose workable tactics considering sound and rational allocation of resources. In the Administrator's judgment, the relatively minimal benefits to be gained by reviewing smaller sources would be greatly outweighed by the resulting detrimental diversion of manpower and resources needed to implement other important aspects of the Act. Accordingly, it has been determined that air quality problems associated with an aggregation of smaller sources can be dealt with more effectively and efficiently through the comprehensive growth plans to be submitted by June 1975 than through source-by-source reviews under these indirect source regulations.

Several comments were also received from State agencies generally urging consideration of smaller size categories. As emphasized in the October 30 proposal, the size of an indirect source subject to these regulations has been determined in a nationwide context and cannot reflect special local conditions, such as a desire to include other environmental or social considerations in the review. The Administrator supports and encourages the enactment of more restrictive indirect source provisions and regulations by states where the needs, conditions, and/or public desire so indicate.

Other comments criticized the basic approach of reviewing facilities based upon strict size criteria such as size of associated parking areas. These com-

ments made the point that size alone is not the determinative factor as to whether a particular facility will cause air quality problems; and that much more relevant factors concern trip inducement, the design of parking areas, the "tenant-mix" of shopping complexes, and others. Several of those who commented also construed the proposed regulations to mean that the principal purpose is to regulate the size of the associated parking lot. It should be emphasized that parking lot size is used only as a convenient, easily defined parameter which serves as a "triggering mechanism" for determining whether a source is subject to review. When a source is being reviewed under the regulations, factors relating directly to air quality impact will be utilized in making the final determination.

Several comments were received criticizing the use of a trip inducement test as being too indefinite a standard to use for determining whether a facility is subject to review. These comments pointed out that in many cases, a developer could not determine with confidence whether his facility is subject to review, since the trip inducement criterion requires that he estimate, several years into the future, how many vehicle trips his facility would induce during peak traffic conditions. Although many developers assess trip inducement as an integral part of their market analysis, a developer should not be placed in legal jeopardy should the actual trips induced upon completion exceed his initial calculations. The Administrator has concluded that a "trip inducement" review test would cause much uncertainty as well as substantial enforcement problems. Thus, the trip inducement standard is not included in the regulations promulgated below, with parking facility size being the only indicator of the need for review of sources other than highways and airports.

Some commentators criticized the regulations for not specifically addressing the problems of "non-deterioration." The agency proposed separate regulations for non-deterioration on July 16, 1973 (38 FR 18986). Due to the large number of comments received and the importance of this issue in relation to air quality, land use policies, and the country's economy, the Agency has not yet completed its rulemaking on non-deterioration. Because several basic approaches are still being considered, an attempt to reflect non-deterioration considerations in the indirect source regulations would be premature. However, it is EPA's intent that indirect source and significant deterioration regulations will be consistent with one another. Specific relationships will be addressed in regulation to be promulgated on significant deterioration.

Public comments also criticized the use of the distinction between "designated" and "non-designated" areas for determining the size of facilities which would be subject to review, on grounds that such distinction would violate the Act's intent that no significant deterioration of air quality be permitted in any area



of the country, in that the division would purport to treat clean areas more leniently than dirty areas. As already stated, attempts to design these regulations to coincide with a "non-deterioration" policy would be premature. Moreover, the criterion for review in these regulations is whether the facility would interfere with attainment or maintenance of the national standards. Because of generally lower "background" levels in non-urban areas and in keeping with the purpose of these regulations, which is to review sources most likely to cause significant air quality problems, it is the Administrator's judgment that it is not necessary to review the same size source in non-urban areas as in urban areas.

In the regulations promulgated below, the use of "designated areas" for determining which areas of the country shall be subject to more restrictive source exemption provisions has been dropped and the Standard Metropolitan Statistical Area boundaries have been retained for this purpose. This is done to eliminate the confusion that could result if an area were designated as an air quality maintenance area (AQMA) for one pollutant but not for another. This should result in more areas of the country being subject to the lower cut-off limits than under the AQMA approach. In appropriate circumstances, the Administrator will consider requests by the States to use area designations other than SMSA's for determining the geographic applicability of the more restrictive exemption provisions.

With respect to highways, it is the Administrator's judgment that air quality problems would rarely be caused outside of urbanized areas. Highways generally connect one or more urbanized areas somewhere along their length and the regulation is written so as to focus the review on the most critical points along the highway, where the traffic volume and "background" concentrations are the greatest.

Many comments which criticized the size cutoffs for review as being too large argued that the regulations would encourage the development of many small facilities to escape indirect source review, thereby encouraging "urban sprawl" with resulting environmentally detrimental effects. It was urged by some that the Administrator should encourage rather than discourage some large developments such as regional shopping centers which, because they offer a consumer "one-stop" shopping for a large variety of goods and services, might actually result in a net decrease in area-wide vehicle miles of travel.

The Administrator certainly does not intend and does not believe that the encouragement of small, strip-type developments will be the effect of these regulations. First, it should be stressed that the primary purpose of the regulations is to ensure that proposed projects are designed and located in a manner consistent with air quality requirements. If the proposed project would interfere with a national standard, changes in the de-

sign, or extension of mass transit, should be considered. Only if a project cannot be made compatible with air quality requirements would it be necessary to prevent its construction. Furthermore, as long as there are economic incentives favoring development of large projects, the Administrator does not believe that developers of larger projects will change their scope of operations solely for fear of indirect source review. As is discussed below, developers will be encouraged to submit their plans for indirect source review at the earliest stage in the development process that the required information becomes available. Thus, applicants should be able to obtain guidance and a final determination from the reviewing agency at a point where total projected investment and expenditures for the source will be quite low, and will usually be able to make necessary design modifications so that a large indirect source can receive formal approval.

Some comments criticized the regulations for requiring analysis of only carbon monoxide effects for most sources and requiring photochemical oxidant, hydrocarbon, and nitrogen dioxide analysis only for highways and airports. Others stated that the highway cutoff numbers were too low to conduct adequate area-wide oxidant analysis for all highways subject to review. As stated in the preamble to the October 30, 1973, proposed indirect source regulations, it is the Administrator's judgment that adequate analytical techniques do not exist at this time to predict with confidence the effects of a single source on area-wide oxidant levels, except for extremely large sources which have an obvious area-wide impact on emission levels such as airports and large highways.

In the Administrator's judgment, using presently available analytical techniques, the impact on area-wide emission levels of hydrocarbon and nitrogen oxides resulting from all highway projects subject to review may not be sufficient to provide the basis for denial of an application. Therefore, the analysis with respect to photochemical oxidants and nitrogen dioxide for highways has been modified in regulations promulgated below. Only highways with an anticipated average annual daily traffic (AADT) volume of 50,000 or more vehicles per day, or modifications resulting in an increase of 25,000 vehicles per day, would be reviewed for their impact on photochemical oxidants or nitrogen dioxide. The regulation also provides that where a specific highway section is part of a roadway network which has been analyzed and found fully acceptable by EPA with respect to maintenance of the national standards for photochemical oxidants and nitrogen dioxide, then an oxidant or nitrogen dioxide analysis is not required for individual segments of such EPA-approved roadway network. The mechanism for EPA air quality analysis of proposed area-wide urban transportation plans and programs is established by the Federal

Highway Administration (23 CFR Part 770), which provides that area-wide transportation plans be reviewed annually by the appropriate EPA Regional Administrator to determine their consistency with the approved implementation plan. This process is scheduled to be implemented by April 1, 1974.

Many comments criticized the June 13, 1974, effective date contemplated by the October 30, 1973, proposal as being an unjustified deferral. Others, however, argued that a longer time would be more appropriate. As explained in the preamble to the proposal, the deferral was considered necessary to allow state and local reviewing agencies adequate opportunity to make preparations for implementing the procedures prescribed by the regulations. (As will be explained below, while the regulation being promulgated today is written in terms of the "Administrator" performing the review, it is hoped that before the effective date, the Administrator will have delegated his reviewing authority to many state and/or local agencies or that the states will have submitted approvable procedures of their own.)

In light of recent firm Congressional guidance contained in amendments to the Clean Air Act included in the conference committee's version of the Energy Emergency Act (S. 2589), and in the report prepared by the Committee to accompany such amendments,<sup>1</sup> the Administrator has concluded that it is the intent of Congress that these regulations, with respect to parking facilities, not be applicable to indirect sources which have started construction prior to January 1, 1975. While the Congressional guidance does not apply to airports and highways, it is the Administrator's judgment that, for compelling administrative reasons and because of the need to improve the Agency's data base, reviews of airports and highways should also apply only to facilities which have started construction on or after January 1, 1975. The Administrator believes that such across-the-board deferred applicability is consistent with the analysis of growth presently contained in the implementation plans. Most implementation plans generally analyzed and allowed for growth at least until 1975, thereby making the implementation of these maintenance regulations most appropriate for the period after 1975.

The Administrator recognizes that many projects may presently be in the planning stages, but will not start actual construction until after January 1, 1975. If the Agency does not begin to implement the review procedures prior to

<sup>1</sup> For further details as to the development of these amendments and the Administrator's response thereto, see 39 FR 1848, January 15, 1974. It should be noted that the January 15 notice announcing the deferral of the effective date of the indirect source review procedures does not affect the schedule established on June 18, 1973 (38 FR 15834), for designation of air quality maintenance areas and the analysis and development of control strategies for such areas.

January 1, 1975, developers of such projects would be in the difficult position of either continuing to commit money and effort to a project which might later require redesign or relocation, or suspending further work pending approval in 1975. To avoid such problems, the Administrator will begin to implement the review procedures on July 1, 1974, for any project which will commence construction after January 1, 1975, on a voluntary basis for those developers wishing to seek review. This approach is consistent with the recent Congressional guidance without producing inequitable delays or uncertainties for developers.

The deferral of the date for implementation of the review procedures until July 1, 1974, will allow the agency time within which to develop and publish general technical and design guidelines for distribution to applicants who will be seeking review under the regulations. Such guidelines will provide needed assistance to applicants in preparing the material required to be submitted by the regulation and in designing the traffic-related aspects of their sources so as to have the least possible adverse effect on air quality and the greatest possible chance for approval. The deferral will also allow greater opportunity for states to develop their own indirect source review procedures. Especially because these regulations inherently involve issues of land use, the Administrator feels that review should be carried out whenever possible at the state and local levels where land use decisions have traditionally been made.

Many comments were received regarding the approach to exempting projects at some stage in the development short of the commencement of actual construction. The proposed regulation provided that an applicant who had entered into a "general construction contract" prior to the effective date would not be subject to review.

Some comments criticized this approach as being open to loopholes in that applicants who had spent very little time or money on development and who did not plan to do so until well after the effective date could escape review by entering into a contract. The proposal was also criticized on the grounds that much costly physical work could have already begun on a site in preparation for a specific project design, and yet because the "general construction contract" for the actual superstructure had not yet been executed on the effective date, the project would be subjected to the uncertainties of review.

In reevaluating this issue based upon the public comments, the Administrator has determined that the "general construction contract" concept should be dropped as being too susceptible to abuse by those seeking to avoid review. At the same time, the Administrator has decided to define the phrase "commence construction" in the regulation to clarify the stage a project would have to reach on the effective date in order to be exempt from review. Under the clarifying language, where actual physical on-site

construction or other physical site preparation work as part of a continuous program for the completion of a specific indirect source has commenced before January 1, 1975, an indirect source will not be subject to review.

The Administrator considers this to be the most rational and equitable approach. To draw the line at a later stage in construction could be quite economically disruptive, while to draw the line at an earlier stage could exempt many projects from review which could still be modified in concept and design in order to comply with this regulation.

Public comments were received urging that any indirect source otherwise subject to review under the regulation, which is constructed pursuant to an urban renewal or redevelopment plan, be exempted from review so long as a redevelopment agency had begun to carry out the project. Under this approach, a major indirect source for which construction will not commence for several years would escape review even though such source could adversely impact air quality if it is not designed properly.

The Administrator recognizes that urban renewal and redevelopment projects can, if properly planned, have a very positive effect on area-wide air quality and on the overall quality of the environment. However, it would not be consistent with the purpose of the Act or these regulations to allow any major indirect source subject to these regulations and which commences construction on or after January 1, 1975, to be exempt from review. As has been noted, the basic focus of the review process in these regulations is to ensure that localized violations of the carbon monoxide standards will not be created in the vicinity of a specific indirect source. It is the Administrator's desire to protect the health of individuals living and working in urban renewal areas to the same degree as all other individuals.

Moreover, the Administrator feels that any disruptive effect on urban renewal projects caused by these regulations should be minimal. Indirect sources for which on-site grading or construction work is begun before January 1, 1975, will not be subject to review. For those sources that will be reviewed, it should again be stressed that the primary emphasis of these regulations is to ensure that facilities will be designed properly in accordance with air quality considerations. It should be necessary to deny an approval only in unusual situations where it is impossible to construct a facility with design or other traffic-related conditions imposed so as to meet the tests for review.

One comment questioned whether EPA has legal authority to promulgate requirements for review of indirect sources. The Administrator feels strongly that such authority is conferred by section 110(a)(2)(B) of the Act, which requires that implementation plans include "such other measures as may be necessary to ensure attainment and maintenance of such primary and sec-

ondary standards, including, but not limited to, land use and transportation controls". Moreover, section 301(a) of the Act provides that "The Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this Act." As has been explained earlier in this preamble, the Administrator has determined that review of the air quality impact of indirect sources and the prevention of their construction or modification at such locations where air quality violations could be created and perpetuated is a necessary element in an overall strategy to assure maintenance of national ambient standards as mandated by the Act.

Another issue which has been raised is that while these regulations purport to limit the parking lot size of many facilities, local ordinances may require a certain ratio of parking spaces to square feet of commercial space before certain types of facilities may receive local building permits. The Administrator feels that problems arising from this situation will be minimal. First, the regulations should not in most cases operate to limit the sizes of parking facilities, but merely assure that traffic-related aspects of an indirect source are properly designed in accordance with air quality considerations. Second, to the extent that accommodations must be made under the regulations, such as arranging for the extension of mass transit to a facility and diminishing the number of planned parking spaces, developers may be able to obtain variances from local requirements would otherwise prevent the construction and that the purpose of the local parking requirements will be served by the provision for additional mass transit.

It should be understood that the fact that these regulations impose one more step in the approval process and may further restrict an owner's freedom of action relating to parking facilities does not make the regulations improper in view of their necessity under the Act to help assure maintenance of health standards.

Another issue which has created some confusion and has been raised in public comments revolves around previous statements made in earlier preambles that these regulations relate to the attainment, as well as the maintenance, of the national standards. The primary purpose of the regulations is to serve as an element in an overall strategy for maintenance. The regulations are not technically part of any control strategy to attain the standards in those areas in which the ambient air standards are now being exceeded. Nevertheless, they will serve a useful corollary purpose of assisting in the attainment of the standards in such areas.

Several questions were raised concerning the applicability of the proposed regulation in relation to housing developments and airport roadways and parking lots. The regulation is not intended to apply to single family housing developments; however, apartment house



developments meeting the "associated parking area" criterion would be subject to review. In the Administrator's judgment, a single family tract development does not produce sufficient emission density to yield meaningful results for an air quality impact analysis of an individual development. This is not to say that low density development is more desirable than high density development; however, it is the Administrator's judgment that such low density development is more appropriately and effectively analyzed and dealt with in the comprehensive growth plans related to air quality maintenance.

With respect to airport roadways and parking facilities, the Administrator feels that it is appropriate to review such facilities for their localized impact on carbon monoxide concentrations as well as to review their impact when conducting general airport review for area-wide impact on carbon monoxide, photochemical oxidants, and nitrogen dioxide concentrations.

There was some concern expressed over the possible misinterpretation of the wording "or combination thereof" included in the definition of indirect source, since it might be construed that several different developments would be considered a single indirect source. This wording has been omitted from the regulation promulgated below, since it is unnecessary and has caused needless confusion. This deletion will not in any way change the intended scope of these regulations.

Several comments criticized the basic approach of the regulations as requiring approval decisions to be based solely on air quality considerations, ignoring social and economic considerations. Economic and social considerations have not been ignored in developing these regulations. As has already been explained, the Administrator has taken the question of economic disruption into consideration in determining the stage of development a project must reach in order to be exempt from review on the effective date. Also, it should be stressed that the purpose of the regulations is not to preclude development except in those rare cases in which no accommodation with air quality maintenance can be reached. Furthermore, these regulations are one of the measures necessary to assure maintenance of the primary standards for auto-related pollutants. These primary standards are set to protect the public health, certainly an overriding social concern.

It is true that a final determination as to a specific source's approvability under the regulation must be based solely on air quality factors. To do otherwise would exceed the scope and purpose of these regulations promulgated pursuant to the Clean Air Act. It should be emphasized, however, that the determination made pursuant to these regulations is only one necessary step among many other land-use measures already generally established (i.e., zoning approval, site plan approval, demolition and building permit approval, sewer tap-in ap-

proval, etc.) in order to assure that a specific facility will be designed and located in a manner not inconsistent with the public health, safety, and welfare. It is hoped that indirect source review will eventually be incorporated into comprehensive State and local land use planning processes so that social, economic, and air quality factors can be considered in an integrated manner.

Many comments were received regarding the procedural aspects of information submitted with application, public comments, and agency determinations. In response to comments, the regulation has made clear that the reviewing agency may require for submission only that information reasonably related to an air quality analysis, and that the time for public comment will not begin to run until all information has been submitted. Also, in response to comments, the regulations now provide that the period within which decisions must be made may be lengthened to allow for more time to make often complex and difficult technical decisions based upon possible voluminous material and public comments.

Several other comments relating to the procedures are inappropriate for consideration at this time since the procedures basically follow the requirements of the Administrator's own regulations appearing in 40 CFR 51.18 which were finally promulgated after proposal and a public comment period on June 18, 1973.

Developers are encouraged to apply for review under these regulations as early in the development process as the information required to be submitted can be prepared. Thus, applicants will be able to ascertain whether their plans will be acceptable under the regulations well before substantial sums are expended in relation to total project cost. The Administrator also encourages developers to seek review of entire large scale projects, such as redevelopment projects, industrial parks, or planned communities, even though only certain elements of such projects might be subject to review under this regulation. Approval of the project as a whole will allow the developer to proceed with certainty that the entire project can be completed as planned.

The language concerning modifications to design and conditions for approval has been modified in response to public comments to make clear that the reviewing agency is under no affirmative duty to devise alternatives which will make an otherwise disapprovable project approvable, but is merely given the discretion to do so or to consider alterations suggested by applicants. The conditions which might be imposed on a permit have been clarified to ensure that they must relate to air quality, and that they may be imposed only if the facility could not meet approval in the form proposed by the application.

Several comments suggested that the relationships of the indirect source regulations to "management of parking supply" regulations promulgated by the

agency as part of several regional transportation control plans be explained so as to avoid confusion among applicants and reviewing agencies as to which regulation would be applicable to a particular facility. In this regard, it should be pointed out that in the preamble to the proposed indirect source regulations, it was stated that in areas where transportation control plans are required, review of smaller indirect sources would be justified.

In regard to the "management of parking supply regulations" the Administrator has recently deferred the effective date for review until January 1, 1975, in all areas where such regulation was promulgated for the reasons set forth in the preamble to such action printed at 39 FR 1848, January 15, 1974. As explained in that preamble, the agency will be reexamining such regulations in the next few months and will be making other studies relating to transportation control plans in general.

In view of the fact that the indirect source regulations will be applicable only to facilities commencing construction on or after January 1, 1975, and that several aspects of transportation controls are actively under consideration, the Administrator has determined that it would be inappropriate to tailor the indirect source regulations in regard to transportation plan considerations at this time. The Administrator will clear up any confusion relating to "parking management" regulations well before January 1, 1975. At this time, it should be assumed that the review for smaller sources in the transportation control plans will remain unchanged.

*Delegation of Review Responsibility to State and Local Agencies.* The proposed regulation has been changed to specify that the "Administrator" or an agency designated by him, is designated as the reviewing authority. In the preamble to the proposed regulations, it was noted that a state or local agency could be designated to carry out the review under EPA's promulgated regulations on the basis of an EPA regulation [40 CFR 52.02(d)] which provides that provisions of an approved or promulgated implementation plan may be enforceable by states and local agencies in accordance with their assigned responsibilities under the plan. It was also stated that where states were unwilling to carry out the review under EPA regulations, the EPA would assume this responsibility.

Several states have thus far indicated their willingness to carry out such review, others have indicated that they would not, and many have not indicated their position with certainty on this issue. In view of the deferred effective date for these regulations, the Administrator considers it most appropriate at this time to delay designating state or local agencies to carry out review until a more complete nationwide consultation with state and local agencies can be made to ascertain precisely which agencies should be delegated the authority to conduct review. The Administrator continues to encourage state and local agencies to seek such

delegation through the appropriate EPA regional offices.

In this regard, the Administrator emphasizes that the Clean Air Act places primary responsibility for the prevention and control of air pollution on the states and local governments. Accordingly, two broad options are available to states in designating an agency to exercise the review authority required under these regulations. One option is to place responsibility for review of indirect sources in a state-level agency; the other option is to assign responsibility to appropriate units of local government.

Because of the impact which projects to be reviewed under these regulations may have on land use and urban growth and development, the Administrator encourages the states to delegate substantial authority under these regulations to appropriate local governmental units. Such delegation ought to be subject to appropriate conditions (such as effective and coordinated review on the appropriate regional scale, citizen involvement, ultimate control by general purpose local government, etc.) Alternatively, the Administrator encourages the states to allow local general purpose governments, subject to similar conditions, to request designation of a local governmental agency as the reviewing authority. If a state chooses to exercise review authority at the state level, the Administrator encourages states to provide for consultation with affected local governmental units in conducting such reviews. Although the Administrator feels that delegation of review powers to State authorities, with their subsequent subdelegation to local authorities, is the most rational means of delegating responsibility in accordance with the framework of the Act, the Administrator reserves the right to delegate such review powers directly to local governmental units in appropriate cases, where localities are willing to accept such responsibility and States are not. It is also possible to delegate review under this regulation directly to State or local administrative agencies. However, such delegation will not be done without the consent of the elected officials having jurisdiction over such agencies. Whenever a state or local agency requests delegation of these review procedures, the Administrator will consider appropriate administrative or procedural modifications to the regulation, consistent with the Act and 40 CFR Part 51, to facilitate such assumption of responsibility.

The Administrator also is aware of the concern some have voiced that the review authority may be assigned to an agency whose authority is restricted to air pollution control. Accordingly, the regulations require that, where the designated agency does not have continuing responsibilities for land use planning and decision making, the reviewing agency shall consult with the appropriate state and local agency or agencies prior to making certain determinations. In turn, if the designated review agency is not an air pollution control agency, the regulations require that the review agency

shall consult with the appropriate state and local air pollution control agencies prior to making its determination. While the Administrator urges States and/or localities to accept the responsibility to conduct review under these regulations as the Administrator's agent, it should be stressed that the Administrator even more strongly encourages States to develop their own indirect source review procedures in accordance with the requirement of 40 CFR 51.18. Through this process the States can more fully tailor regulations to their own special needs, and the Act's emphasis on State and local control of air pollution will be more fully served.

*Additional Changes to Proposed Regulation.* The final regulations clarify the information which must be submitted by the applicant. Generally, the applicant is not required to analyze the air quality impact of his facility; this function will be performed by the reviewing Agency based on data submitted by the applicant. Since developers normally do not have the expertise to perform such an analysis, this change will ensure that such calculations are properly made, and that the air quality estimates will be made at receptor locations considered important by the reviewing agency. It should be emphasized at this point that much of the data required of the applicant may be available in an Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321) or similar state legislation. It is not the intent of this regulation to duplicate the information-gathering requirements of NEPA. Where an EIS has been prepared, it should be submitted as part of the application and only the required information not contained in the EIS need be submitted separately.

The final regulation has been modified to clarify the findings the reviewing agency must make before an application can be approved. For facilities other than airports and highways, the reviewing agency is authorized in appropriate cases to make the judgment concerning interference with attainment or maintenance of the national standards on the basis of whether the construction or modification will result in traffic flow characteristics which have been determined by the Administrator not to cause violations of the national standards for carbon monoxide. This provision does not modify the reviewing agency's responsibility to make the determination that the ambient air quality standards will be attained and maintained; it simply provides another tool to be used in appropriate situations for making such a determination. In cases where the Administrator finds that the use of the traffic flow characteristics would not be compatible with the tests for review under the regulation, he is required to consider a diffusion model in making his final determination. In cases where the developer does not believe that the traffic flow characteristics prescribed by the Administrator's guidelines are necessary in order to ensure attainment and maintenance

of the national standards for carbon monoxide, the developer may submit with his application the results of a diffusion model to support his contention. Prior to the effective date of these regulations, the Administrator will publish guidelines setting forth the traffic flow characteristics which must be attained for various types of facilities in order to prevent localized violations of the carbon monoxide standards. These guidelines will be used by the Administrator (and designated agencies) in carrying out the review under the regulations and should be used by developers in planning their facilities so as to maximize their chances for approval. This guidance will also include information on sound design practices (e.g., parking lot design, means for ensuring adequate gate capacity, methods for reducing the levels of service on roadways and intersections significantly affected by the indirect source) and other measures, such as mass transit options, which may be used to attain the appropriate traffic flow characteristics.

The above approach is intended in appropriate cases to translate the required air quality determination into specific performance criteria with which developers are much more familiar. This approach minimizes the controversial land use implications of these regulations by emphasizing the control of adverse traffic conditions which cause highly localized carbon monoxide concentrations. Thus, even though the national standards for carbon monoxide may presently be exceeded at some locations in a region, most facilities subject to this regulation which are designed to produce the requisite traffic flow characteristics should still be allowed to construct. This is due to a combination of three factors:

1. Generally, present air quality data reflect the most highly polluted downtown areas. Much new construction occurs on the outskirts of the urban area where carbon monoxide concentrations are relatively low. Construction that does occur in downtown areas is usually served or can be served by mass transit so that the induced traffic will be minimal.
2. The Federal Motor Vehicle Control program will continue to reduce automobile emissions. By the date a facility that commences construction on or after January 1, 1975, is completed, ambient air quality levels of carbon monoxide should be significantly lower than they are presently.
3. To the extent that air quality levels at the site of a proposed indirect source are expected to continue to threaten the national standards, this condition may be due to existing adverse local traffic conditions which may be corrected. If such a situation is corrected, a facility may be allowed to construct if the owner can demonstrate that the additional induced traffic will not cause the local traffic flow to return to its initial condition.

The final regulations do not require an air quality impact analysis for indirect sources with associated parking areas beyond the first year after the source is fully operational. It is the Administrator's judgment that increased carbon monoxide emissions due to growth of mobile source activity associated with a specific indirect source (other than a

delegation through the appropriate EPA regional offices.

In this regard, the Administrator emphasizes that the Clean Air Act places primary responsibility for the prevention and control of air pollution on the states and local governments. Accordingly, two broad options are available to states in designating an agency to exercise the review authority required under these regulations. One option is to place responsibility for review of indirect sources in a state-level agency; the other option is to assign responsibility to appropriate units of local government.

Because of the impact which projects to be reviewed under these regulations may have on land use and urban growth and development, the Administrator encourages the states to delegate substantial authority under these regulations to appropriate local governmental units. Such delegation ought to be subject to appropriate conditions (such as effective and coordinated review on the appropriate regional scale, citizen involvement, ultimate control by general purpose local government, etc.) Alternatively, the Administrator encourages the states to allow local general purpose governments, subject to similar conditions, to request designation of a local governmental agency as the reviewing authority. If a state chooses to exercise review authority at the state level, the Administrator encourages states to provide for consultation with affected local governmental units in conducting such reviews. Although the Administrator feels that delegation of review powers to State authorities, with their subsequent subdelegation to local authorities, is the most rational means of delegating responsibility in accordance with the framework of the Act, the Administrator reserves the right to delegate such review powers directly to local governmental units in appropriate cases, where localities are willing to accept such responsibility and States are not. It is also possible to delegate review under this regulation directly to State or local administrative agencies. However, such delegation will not be done without the consent of the elected officials having jurisdiction over such agencies. Whenever a state or local agency requests delegation of these review procedures, the Administrator will consider appropriate administrative or procedural modifications to the regulation, consistent with the Act and 40 CFR Part 51, to facilitate such assumption of responsibility.

The Administrator also is aware of the concern some have voiced that the review authority may be assigned to an agency whose authority is restricted to air pollution control. Accordingly, the regulations require that, where the designated agency does not have continuing responsibilities for land use planning and decision making, the reviewing agency shall consult with the appropriate state and local agency or agencies prior to making certain determinations. In turn, if the designated review agency is not an air pollution control agency, the regulations require that the review agency shall consult with the appropriate state and local air pollution control agencies prior to making its determination. While the Administrator urges States and/or localities to accept the responsibility to conduct review under these regulations as the Administrator's agent, it should be stressed that the Administrator even more strongly encourages States to develop their own indirect source review procedures in accordance with the requirement of 40 CFR 51.18. Through this process the States can more fully tailor regulations to their own special needs, and the Act's emphasis on State and local control of air pollution will be more fully served.

*Additional Changes to Proposed Regulation.* The final regulations clarify the information which must be submitted by the applicant. Generally, the applicant is not required to analyze the air quality impact of his facility; this function will be performed by the reviewing Agency based on data submitted by the applicant. Since developers normally do not have the expertise to perform such an analysis, this change will ensure that such calculations are properly made, and that the air quality estimates will be made at receptor locations considered important by the reviewing agency. It should be emphasized at this point that much of the data required of the applicant may be available in an Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321) or similar state legislation. It is not the intent of this regulation to duplicate the information-gathering requirements of NEPA. Where an EIS has been prepared, it should be submitted as part of the application and only the required information not contained in the EIS need be submitted separately.

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highway or airport) would be more than offset by the Federal motor vehicle control program. Moreover, to be consistent with the basic approach of these regulations, the Administrator feels that potential problems from increased traffic in the vicinity of a parking-related source which may be caused by overall community growth should be dealt with in the maintenance plans to be developed by the States. The ten-year analysis of airports and highways is still required, since the growth of mobile source activity associated with these sources may be sufficient to offset the effect of the Federal motor vehicle and aircraft control programs. For example, the analysis for airports must include not only the growth associated directly with the airport, but other commercial and industrial development occurring within three miles of the airport.

The final regulation clarifies the circumstances under which the reviewing agency may condition permits and eliminates the responsibility for the post-construction air quality monitoring by the applicant. If needed, such monitoring should be conducted by the reviewing agency. The conditions placed on a permit are limited to those measures which are necessary to ensure that air quality standards are attained and maintained.

A new paragraph (10) has been added to encourage the reviewing agency to specify the extent to which a facility could be further modified without being subject to review. This provision was added to deal with a situation in which the reviewing agency determines that even a fairly minor modification, which would not otherwise be subject to review under the regulation, could cause a violation of the national standards.

A new paragraph (12) has been added invalidating an approval to construct if the construction is not commenced within 18 months (subject to extension where justified) after receipt of approval. This is to ensure that changed conditions in the vicinity of the proposed facility would not invalidate the air quality impact calculations on which the original approval was based.

New provisions have been added to clarify responsibilities for review of Federal facilities in cases where the Administrator delegates the authority to State or local agencies to implement the indirect source review procedures. Recent court decisions and Presidential Executive Order 11752 (38 FR 34793, December 19, 1973) cast doubt on the authority of States to subject Federal facilities to permit controls. It is, therefore, necessary for the Administrator to retain responsibility for review of all Federal facilities subject to this regulation in order to carry out the provisions of Section 118 of the Act, which makes clear that Federal facilities must be subject to air pollution controls to the same extent as non-Federal facilities. (It should be noted, however, that the court decisions and Executive Order 11752 do not limit the application of State and local substantive standards and emission limitations to Federal facilities.)

Since these regulations will not be implemented until July 1, 1974, for sources commencing construction on or after January 1, 1975, the Administrator feels that it would be appropriate to allow additional written comments to be submitted in response to the promulgated regulations. All comments postmarked not later than April 1, 1974, will be considered, and where appropriate, revisions may be made to the regulations. Comments should be submitted in triplicate to the appropriate EPA Regional Office and labeled as "indirect source comments" on the envelope. Those who submitted written comments in response to the October 30 proposed regulations are encouraged to incorporate relevant portions of such previously submitted comments by reference into their new comments wherever the same point is being made.

The Administrator again strongly encourages States to utilize the time allowed by the deferred effective date to develop and submit their own indirect source review procedures, since the Clean Air Act emphasizes that States and local governments are to have the primary responsibility for the control of air pollution and because decisions involving local land use are traditionally more appropriate for State and local consideration.

As discussed above, the effective date of these regulations will be July 1, 1974, and they will be applicable to indirect sources commencing construction on or after January 1, 1975.

(Sections 110(a)(2)(B), 110(c), and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)(2)(B), 1857c-5(c), and 1857(a)))

Dated: February 14, 1974.

RUSSELL E. TRAIN,  
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

§ 52.0 [Revoked]

1. In § 52.01, paragraph (f) is revoked.
2. Section 52.22 is revised to read as follows:

§ 52.22 Maintenance of national standards.

(a) Subsequent to January 31, 1973, the Administrator reviewed again State implementation plan provisions for insuring the maintenance of the national standards. The review indicates that State plans generally do not contain regulations or procedures which adequately address this problem. Accordingly, all State plans are disapproved with respect to maintenance because such plans do not meet the requirements of § 51.12(g) of this chapter. The disapproval applies to all States listed in Subparts B through DDD of this part. Nothing in this section shall invalidate or otherwise affect the obligations of States, emission sources, or other persons with respect to all portions of plans approved or promulgated under this part. As required by § 51.12(g) of this chapter, growth plans providing for maintenance of the na-

tional standards must be submitted by each State to the Administrator no later than June 18, 1975.

(b) *Regulation for review of new or modified indirect sources.* (1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in § 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

- (a) Highways and roads.
- (b) Parking facilities.
- (c) Retail, commercial and industrial facilities.
- (d) Recreation, amusement, sports and entertainment facilities.
- (e) Airports.
- (f) Office and Government buildings.
- (g) Apartment and condominium buildings.
- (h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The term "area wide air quality analysis" means a macro-scale analysis utilizing the proportional modeling techniques specified in § 51.14(c) of this chapter.

(vi) The phrase "to commence construction" means to engage in a continuous program of construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vii) The phrase "to commence modification" means to engage in a continuous program of modification, including site clearance, grading, dredging, or land filling in preparation for a specific modification of the indirect source.

(viii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program, as set forth in 23 CFR 770.201 (38 FR 31677).

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such area as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical

Areas," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In a SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway section with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway section which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, all such increments occurring since the effective date of this regulation, or since the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321), or any similar state or local laws or regulations. If not included in such environmental impact statement, the following information shall also be provided:

(i) For all indirect sources subject to this paragraph, other than highway sections:

(a) The name and address of the applicant.

(b) A map showing the location of the site of the indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source;

(f) An estimate, as of the date of the application, of the average daily traffic volumes, peaking characteristics, and levels of service at controlled intersections identified pursuant to paragraph (b)(3)(i)(e) of this section located within one-fourth mile of all boundaries of the site;

(g) An estimate of the average daily vehicle trips, and the peaking characteristics of such trips, required to move people to and from the source during the first year after the date all aspects of the indirect source are completed and open for business or fully operational;

(h) An estimate of the maximum number of vehicle trips that would occur within one-hour and eight-hour periods during the first year after the date all aspects of the indirect source are completed and open for business or fully operational.

(i) An estimate of the average daily traffic volumes, peaking characteristics, and levels of service that would occur at the intersections identified pursuant to paragraph (b)(3)(i)(e) of this section during the first year after the date all aspects of the indirect source are completed and open for business or fully operational.

(j) Availability of existing and projected mass transit to service the site.

(k) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth, and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential, and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under paragraphs (b)(3)(i)(a) through (k) of this section.

(iii) For highway sections:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time period expected within 10 years of date of expected completion; and

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions; and

(c) A map showing the location of the highway section, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway section and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway sections subject to photochemical oxidant and nitrogen dioxide analysis pursuant to paragraph (b)(3)(i)(k) of this section, the air quality monitoring requirements of paragraph (b)(3)(i)(k) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway sections and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Delay the attainment of the national standards for carbon monoxide in any region beyond the date specified for any such region in Part 52 of this chapter; or

(c) Cause a violation of the national standards for carbon monoxide in any region where the attainment date specified for any such region in Part 52 of this chapter will have passed at the time of completion of the indirect source.

(ii) The Administrator shall make the determination pursuant to paragraphs (b)(4)(i)(b) and (c) of this section by considering whether the construction or modification will result in traffic flow characteristics which have been determined by the Environmental Protection Agency not to cause violations of the national standards for carbon monoxide. Such traffic flow characteristics shall be published by the Environmental Protection Agency and may include, but will not be limited to, consideration of the following:

(a) Minimizing vehicle running time within parking lots through the use of sound parking lot design.

(b) Ensuring adequate gate capacity by providing for the proper number and location of entrances and exits and optimum signalization for such.

(c) Limiting traffic volume so as not to exceed the carrying capacity on road-



ways significantly affected by the indirect source.

(d) Limiting the level of service at controlled intersections significantly affected by the indirect source: *Provided*, That in those individual cases in which the Administrator finds that making the determination pursuant to paragraphs (b) (4) (i) (b) and (c) of this section on the basis of traffic flow characteristics would not be consistent with the requirements of said subdivisions, an appropriate atmospheric diffusion model shall be used to evaluate the concentration of carbon monoxide at reasonable receptor or exposure sites which are significantly affected by the mobile source activity expected to be attracted by the indirect source. In addition, the applicant may submit with his application the results of an appropriate diffusion model, if in his opinion, the traffic flow characteristics specified by the Administrator's guidelines are not necessary to meet the tests of paragraphs (b) (4) (i) (b) and (c) of this section. Any available modeling results, along with the traffic flow characteristics of the indirect source, shall be considered by the Administrator in making the determination pursuant to paragraphs (b) (4) (i) (b) and (c) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Delay the attainment of the national standards for carbon monoxide, photochemical oxidants, and nitrogen dioxide in any region beyond the date specified for any such region in Part 52 of this chapter; or

(c) Cause a violation of the national standards for carbon monoxide, photochemical oxidants, and nitrogen dioxide in any region where the attainment date specified for any such region in part 52 of this chapter will have passed at the time of completion of the indirect source.

(ii) The determination pursuant to paragraphs (b) (5) (i) (b) and (c) of this section shall be made as follows:

(a) All emissions from stationary and mobile sources at the airport, along with emissions from the development of other new indirect sources expected to occur within three miles of the perimeter of the airport, shall be added together in order to determine the aggregate impact on air quality for the ten-year period following the expected date of completion.

(b) An area-wide air quality analysis, or other modeling technique approved by the Administrator, shall be used to determine the expected ambient concentrations of carbon monoxide, photochemical oxidants, and nitrogen dioxide following construction or modification.

(c) For highway sections and parking facilities specified under paragraph (b) (5) (2) of this section which are associated with airports, the applicable procedures specified in paragraphs (b) (4) (ii) and (6) (ii) of this section shall be used.

(6) (i) For highway sections subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Delay the attainment of the national standards specified for analysis pursuant to paragraph (b) (6) (ii) of this section in any region beyond the date specified for any such region in Part 52; or

(c) Cause a violation of the national standards specified for analysis pursuant to paragraph (b) (6) (ii) of this section in any region where the attainment date specified for any such region in Part 52 will have passed at the time of completion of the indirect source.

(ii) The determination pursuant to paragraphs (b) (6) (i) (b) and (c) of this section shall be made as follows:

(a) For all highway sections subject to this paragraph, an appropriate atmospheric diffusion model shall be used to evaluate the concentration of carbon monoxide resulting from the expected maximum traffic volume of the highway section. Such evaluation shall be made at reasonable receptor or exposure sites in the vicinity of such road for the ten-year period following the expected date of completion.

(b) For any new highway section with an anticipated average annual daily traffic volume of 50,000 or more vehicles per day within ten years of construction, or any modification to a highway section which will increase average annual daily traffic volume by 25,000 vehicles per day or more within ten years after modification, the expected concentrations of carbon monoxide, photochemical oxidants, and nitrogen dioxide shall be estimated for the ten-year period following completion of construction or modification using an area-wide air quality analysis or other modeling technique approved by the Administrator. Such area-wide air quality analysis shall not be required for a highway section which is a part of a transportation plan and program prepared pursuant to the urban transportation planning process established under 23 U.S.C. 134, to the extent such plan and program has been determined by the appropriate Regional Administrator of the Environmental Protection Agency to be consistent with the approved state implementation plan, in connection with the procedures described in 23 CFR Part 770, Subpart B (Air Quality Guidelines).

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites" shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 30 days after receipt of an application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which the required information is received by the Administrator.

(ii) Within 30 days after receipt of an application, the Administrator shall:

(a) Make preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: state and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth in paragraphs (b) (4) (i), (5) (i), or (6) (i) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth in paragraphs (b) (4) (i), (5) (i), or (6) (i) of this section. Such conditions may include, but not be limited to:

(i) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(ii) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by specifying the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct and operate an indirect source in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under Section 304 of the Act. Subsequent modification to an indirect source approved by the Administrator may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) or (10) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 18 months after receipt of such approval. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable state implementation plan.

or such other period as agreed to by the applicant and the Administrator.

(9) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth in paragraphs (b) (4) (i), (5) (i), or (6) (i) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth in paragraphs (b) (4) (i), (5) (i), or (6) (i) of this section. Such conditions may include, but not be limited to:

(i) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(ii) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by specifying the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct and operate an indirect source in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under Section 304 of the Act. Subsequent modification to an indirect source approved by the Administrator may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) or (10) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 18 months after receipt of such approval. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable state implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(iv) A copy of the notice required pursuant to this subparagraph shall be sent to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: state and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(v) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vii) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

#### Subpart B—Alabama

3. Section 52.50 is amended by revising paragraph (c) as follows:

§ 52.50 Identification of plan.

(c) Supplemental information was submitted on:

(1) March 21, April 18, and April 28, 1972, by the Alabama Air Pollution Control Commission, and

(2) April 24 and September 26, 1973.

4. Section 52.53 is revised to read as follows:

§ 52.53 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Alabama's plan for the attainment and maintenance of the national standards.

5. Subpart B is amended by adding a new § 52.56, as follows:

§ 52.56 Review of new sources and modifications.

(a) The requirements of § 51.18(h) of this chapter are not met since the State's procedures for providing for public comment are not legally enforceable.

(b) *Regulation providing for public comment.* (1) Prior to approval or disapproval of the construction or modification of an indirect source, the Director shall:

(i) Make a preliminary determination whether the indirect source should be approved, approved with conditions or disapproved;

(ii) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Director's preliminary determination, and a copy or summary of other

materials, if any, considered by the Director in making his preliminary determination; and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for public comment on the information submitted by the owner or operator and the Director's preliminary determination on the approvability of the indirect source.

(2) A copy of the notice required pursuant to this paragraph shall be sent to the Administrator through the appropriate regional office; to all other State and local air pollution control agencies having jurisdiction in the region where the indirect source will be located; and to any other agency in the region having responsibility for implementing the procedures required under Chapter 10 of the Alabama rules and regulations.

(3) Public comments submitted in writing in 30 days of the date such information is made available shall be considered by the Director in making his final decision on the application.

#### Subpart C—Alaska

6. Section 52.74 is amended by adding paragraph (b), as follows:

§ 52.74 Legal authority.

(b) The requirements of § 51.11(a) (4) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

7. Subpart C is amended by adding a new § 52.78 as follows:

§ 52.78 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the State of Alaska failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Alaska.

#### Subpart D—Arizona

8. Section 52.129 is amended by adding paragraphs (e) and (f), as follows:

§ 52.129 Review of new sources and modifications.

(e) The requirements of § 51.18 of this chapter are not met since the State of Arizona failed to submit a plan for review of new or modified indirect sources.

(f) *Regulations for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Arizona.



**Subpart E—Arkansas**

9. In Subpart E, Section 52.177 is added as follows:

§ 52.177 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for the review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Arkansas.

**Subpart F—California**

10. Section 52.233 is amended by adding paragraphs (h) and (i), as follows:

§ 52.233 Review of new sources and modifications.

(h) The requirements of § 51.18 of this chapter are not met since the State of California failed to submit a plan for review of new or modified indirect sources.

(i) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of California.

**Subpart G—Colorado**

11. In Subpart G, § 52.340 is added as follows:

§ 52.340 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for the review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Colorado.

**Subpart H—Connecticut**

12. In § 52.370, paragraph (c) is revised to read as follows:

§ 52.370 Identification of plan.

(c) Supplemental information was submitted on March 21, April 6, and August 10, 1972, and January 9, 1973, by the Connecticut Department of Environmental Protection.

13. Section 52.373 is revised to read as follows:

§ 52.373 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Connecticut's plan for the attainment and maintenance of the national standards.

14. Subpart H is amended by adding a new § 52.375 as follows:

§ 52.375 Review of new sources and modifications.

(a) Because of the late submission of Connecticut's plan for review of new or modified indirect sources, the public has not had adequate opportunity to comment on its approvability. Therefore, the Administrator disapproves this portion of the plan pending completion of the public comment period and the Administrator's final evaluation of the plan.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Connecticut.

**Subpart I—Delaware**

15. Section 52.422 is revised to read as follows:

§ 52.422 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Delaware's plan for attainment and maintenance of the national standards.

16. Subpart I is amended by adding § 52.426 as follows:

§ 52.426 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Delaware.

**Subpart J—District of Columbia**

17. Subpart J is amended by adding § 52.478 as follows:

§ 52.478 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the District failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the District of Columbia.

**Subpart K—Florida**

18. In § 52.520 paragraph (c) is revised to read as follows:

§ 52.520 Identification of plan.

(c) Supplemental information was submitted on April 10 and May 5, 1972, and on June 1, August 6 and September 25, 1973, by the State of Florida Department of Pollution Control.

**Subpart L—Georgia**

19. Section 52.572 is revised to read as follows:

§ 52.572 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Georgia's plan for the attainment and maintenance of the national standards.

20. Subpart L is amended by adding § 52.574, as follows:

§ 52.574 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the State failed to submit a plan for the review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Georgia.

**Subpart M—Hawaii**

21. In § 52.623, the first sentence is revised to read as follows:

§ 52.623 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Hawaii's plan for the attainment and maintenance of the National standards.

22. Subpart M is amended by adding a new § 52.629, as follows:

§ 52.629 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the State of Hawaii failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Hawaii.

**Subpart N—Idaho**

23. In § 52.670, paragraph (c) is revised to read as follows:

§ 52.670 Identification of plan.

(c) Supplemental information was submitted on:

(1) February 23, April 12, and May 26, 1972, by the Idaho Air Pollution Control Commission, and

(2) March 2, May 5, and June 9, 1972, and February 15, July 23, and October 16, 1973.

24. Subpart N is amended by adding a new § 52.679, as follows:

§ 52.679 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the plan does not set forth legally enforceable procedures for preventing construction or modification of an indirect source if such construction or modification will result in a violation of applicable portions of the control strategy or will interfere with attainment or maintenance of a national standard.

**Subpart R—Kansas**

29. Section 52.874 is amended by adding paragraph (c), as follows:

§ 52.874 Legal authority.

(c) The requirements of § 51.11(a) (4) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

30. Subpart R is amended by adding a new § 52.878, as follows:

§ 52.878 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Kansas.

**Subpart S—Kentucky**

31. In § 52.920, paragraph (c) is revised to read as follows:

§ 52.920 Identification of plan.

(c) Supplemental information was submitted on:

(1) March 6 and May 3, 1972, by the Kentucky Air Pollution Control Office, and

(2) March 17 and June 7, 1972, and December 5, 1973.

32. Subpart S is amended by adding § 52.928, as follows:

§ 52.928 Review of new sources and modifications.

(a) Because of the late submission of Kentucky's plan for review of new or modified indirect sources, the public has not had adequate opportunity to comment on its approvability. Therefore, the Administrator disapproves this portion of the plan pending completion of the public comment period and the Administrator's final evaluation.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Kentucky.

**Subpart T—Louisiana**

33. Section 52.976 is amended by adding paragraphs (c) and (d), as follows:

§ 52.976 Review of new sources and modifications.

(c) The requirements of § 51.18 of this chapter are not met because the State

failed to submit a plan for the review of new or modified indirect sources.

(d) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Louisiana.

**Subpart U—Maine**

34. In Section 52.1020, paragraph (c) is revised to read as follows:

§ 52.1020 Identification of plan.

(c) Supplemental information was submitted on July 28, 1972, and September 25, 1973, by the Environmental Improvement Commission, State of Maine.

35. Section 52.1022 is revised to read as follows:

§ 52.1022 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Maine's plan for attainment and maintenance of the national standards.

36. Subpart U is amended by adding a new § 52.1026, as follows:

§ 52.1026 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the plan does not provide legally enforceable procedures that adequately prevent construction or modification of sources which would indirectly interfere with the attainment or maintenance of national ambient air quality standards.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Maine.

**Subpart V—Maryland**

37. Subpart V is amended by adding § 52.1076 as follows:

§ 52.1076 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Maryland.

**Subpart W—Massachusetts**

38. Subpart W is amended by adding a new § 52.1124 as follows:

§ 52.1124 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.



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(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Massachusetts.

## Subpart X—Michigan

39. Section 52.1176 is amended by adding paragraphs (c) and (d) as follows:

§ 52.1176 Review of new sources and modifications.

(c) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(d) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Michigan.

## Subpart Y—Minnesota

40. Subpart Y is amended by adding § 52.1225 as follows:

§ 52.1225 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Minnesota.

## Subpart Z—Mississippi

41. Section 52.1272 is revised to read as follows:

§ 52.1272 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Mississippi's plan for attainment and maintenance of the national standards.

42. Subpart Z is amended by adding new §§ 52.1275 and 52.1276, as follows:

§ 52.1275 Legal authority.

(a) The requirements of § 51.11(a) (4) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

§ 52.1276 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Mississippi.

## Subpart AA—Missouri

43. Section 52.1325 is amended by adding paragraph (c), as follows:

§ 52.1325 Legal authority.

(c) The provisions of § 51.11(a) (4) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

44. Subpart AA is amended by adding a new § 52.1328, as follows:

§ 52.1328 Review of new sources or modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Missouri.

## Subpart BB—Montana

45. In Subpart BB, § 52.1374 is added as follows:

§ 52.1374 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for the review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Montana.

## Subpart CC—Nebraska

46. Section 52.1428 is amended by adding paragraphs (f) and (g), as follows:

§ 52.1428 Review of new sources and modifications.

(f) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(g) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Nebraska.

## Subpart DD—Nevada

47. Section 52.1478 is amended by adding paragraphs (c) and (d), as follows:

§ 52.1478 Review of new sources and modifications.

(c) The requirements of § 51.18 of this chapter are not met since the State of Nevada failed to submit a plan for review of new or modified indirect sources.

(d) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Nevada.

## Subpart EE—New Hampshire

48. In § 52.1520, paragraph (c) is revised to read as follows:

§ 52.1520 Identification of plan.

(c) Supplemental information was submitted on February 23, March 23, and August 8, 1972, and on February 14, April 3, May 17, and December 13, 1973, by the New Hampshire Air Pollution Control Agency.

49. Subpart EE is amended by adding a new § 52.1525, as follows:

§ 52.1525 Review of new sources and modifications.

(a) Because of the late submission of New Hampshire's plan for review of new or modified indirect sources, the public has not had adequate opportunity to comment on its approvability. Therefore, the Administrator disapproves this portion of the plan pending completion of the public comment period and the Administrator's evaluation of the plan.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of New Hampshire.

## Subpart FF—New Jersey

50. In Subpart FF, § 52.1578 is added as follows:

§ 52.1578 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for the review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of New Jersey.

## Subpart GG—New Mexico

51. In Subpart GG, § 52.1628 is added as follows:

§ 52.1628 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for the review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of New Mexico.

## Subpart HH—New York

52. In § 52.1670, paragraph (c) (2) is revised to read as follows:

§ 52.1670 Identification of plan.

(c) \*\*\*

(2) April 17, 19 and 30, May 2, 16 and 21, June 11, and August 15, 1973.

53. In Subpart HH, § 52.1680 is added as follows:

§ 52.1680 Review of new sources and modifications.

(a) Part 201.4(b) of Subchapter A, Chapter III, Title 6 of New York State's Official Compilation of Codes, Rules and Regulations is disapproved because it allows issuance of provisional permit to construct if undue hardship or delay would be caused in meeting the requirements of Parts 201.2 and 201.3.

(b) The requirements of § 51.18 (c) (1), (c) (2), (h) (1), and (h) (2) (iii) of this chapter are not met because the plan does not provide legally enforceable procedures for the submission of information to determine whether construction or modification of an indirect source will result in a violation of applicable portions of the control strategy or will interfere with the attainment or maintenance of a national standard, and it does not provide for public notice of or comment on the analysis by the Department of Environmental Conservation of the effect of construction or modification on ambient air quality.

(c) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of New York.

## Subpart II—North Carolina

54. Section 52.1770 is amended by revising paragraph (c) as follows:

§ 52.1770 Identification of plan.

(c) Supplemental information was submitted on May 5 and 9, 1972, and on February 13, 14, March 2, April 24, and October 5, 1973, by the Air Quality Division of the North Carolina Department of Natural and Economic Resources.

55. Subpart II is amended by adding a new § 52.1775, as follows:

§ 52.1775 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the plan does not provide legally enforceable procedures that adequately prevent construction or modification of sources which would indirectly interfere with the attainment or maintenance of national ambient air quality standards.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of North Carolina.

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## Subpart JJ—North Dakota

56. Section 52.1822 is revised to read as follows:

§ 52.1822 Approval status.

With the exceptions set forth in this subpart, the Administrator approves the North Dakota plan for the attainment and maintenance of the national standards.

57. In Subpart JJ, § 52.1824 is added as follows:

§ 52.1824 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for the review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of North Dakota.

## Subpart KK—Ohio

58. Section 52.1873 is revised to read as follows:

§ 52.1873 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Ohio's plan for attainment and maintenance of the national standards.

59. Subpart KK is amended by adding § 52.1879 as follows:

§ 52.1879 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Ohio.

## Subpart LL—Oklahoma

60. Section 52.1922 is revised to read as follows:

§ 52.1922 Approval status.

With the exceptions set forth in this subpart, the Administrator approves the Oklahoma plan for the attainment and maintenance of the national standards.

61. In Subpart LL, Section 52.1924 is added as follows:

§ 52.1924 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for the review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Oklahoma.

## Subpart MM—Oregon

62. In § 52.1970, paragraph (c) is revised to read as follows:

§ 52.1970 Identification of plan.

(c) Supplemental information was submitted on:

(1) May 3 and October 26, 1972, and April 13, and September 21, 1973, and (2) August 10, 1972, and February 9, May 30, June 8, 22, and 25, July 17, and August 3, 20, and 27, 1973, by the Department of Environmental Quality.

63. Subpart MM is amended by adding a new § 52.1982, as follows:

§ 52.1982 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the plan does not set forth legally enforceable procedures for preventing construction or modification of an indirect source if such construction or modification will result in a violation of applicable portions of the control strategy or will interfere with attainment or maintenance of a national standard.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Oregon.

## Subpart NN—Pennsylvania

64. Subpart NN is amended by adding § 52.2055 as follows:

§ 52.2055 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Pennsylvania.

## Subpart OO—Rhode Island

65. Section 52.2074 is amended by adding paragraph (c), as follows:

§ 52.2074 Legal authority.

(c) The requirements of § 51.11(a) (4) of this chapter are not met since statutory authority to prevent construction, modification or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

66. Subpart OO is amended by adding a new § 52.2081, as follows:

§ 52.2081 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the

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State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Rhode Island.

#### Subpart PP—South Carolina

67. Section 52.2124 is amended by adding paragraph (d) as follows:

§ 52.2124 Legal authority.

(d) The requirements of § 51.11(a) (4) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

68. Subpart PP is amended by adding a new § 52.2125, as follows:

§ 52.2125 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of South Carolina.

#### Subpart QQ—South Dakota

69. In Subpart QQ, Section 52.2175 is added as follows:

§ 52.2175 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for the review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of South Dakota.

#### Subpart RR—Tennessee

70. Section 52.2224 is amended by adding paragraph (b) as follows:

§ 52.2224 Legal authority.

(b) The requirements of § 51.11(a) (4) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

71. Subpart RR is amended by adding § 52.2228, as follows:

§ 52.2228 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Tennessee.

#### Subpart SS—Texas

72. In Subpart SS, § 52.2299 is added as follows:

§ 52.2299 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for the review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Texas.

#### Subpart TT—Utah

73. In Subpart TT, Section 52.2328 is added as follows:

§ 52.2328 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for the review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Utah.

#### Subpart UU—Vermont

74. In § 52.2370, paragraph (c) is revised to read as follows:

§ 52.2370 Identification of plan.

(c) Supplemental information was submitted on February 3 and May 19, 1972, and November 30, 1973, by the Vermont Agency of Environmental Conservation.

75. Subpart VV is amended by adding a new § 52.2377, as follows:

§ 52.2377 Review of new sources and modifications.

(a) Because of the late submission of Vermont's plan for review of new or modified indirect sources, the public has not had adequate opportunity to comment on its approvability. Therefore, the Administrator disapproves this portion of the plan pending completion of the public comment period and the Administrator's evaluation of the plan.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a

part of the applicable implementation plan for the State of Vermont.

#### Subpart VV—Virginia

76. In § 52.2420, paragraph (c) (2) is revised to read as follows:

§ 52.2420 Identification of plan.

(c) . . . . .

(2) April 11, May 30, July 9, July 11, and December 6, 1973.

77. Subpart VV is amended by adding § 52.2448 as follows:

§ 52.2448 Review of new sources and modifications.

(a) Because of the late submission of Virginia's plan for review of new or modified indirect sources, the public has not had adequate opportunity to comment on its approvability. Therefore, the Administrator disapproves this portion of the plan pending completion of the public comment period and the Administrator's evaluation of the plan.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Virginia.

#### Subpart WW—Washington

78. In § 52.2470, paragraph (c) is revised to read as follows:

§ 52.2470 Identification of plan.

(c) Supplemental information was submitted on:

(1) January 28, May 5, July 19, and September 11, 1972, and February 15, April 13, and October 11, 1973, and

(2) December 12, 1972 and July 31, 1973, by the State of Washington Department of Ecology.

79. Subpart WW is amended by adding a new § 52.2495, as follows:

§ 52.2495 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since the plan does not include legally enforceable procedures for preventing construction or modification of an indirect source if such construction or modification will result in a violation of applicable portions of the control strategy.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Washington.

#### Subpart XX—West Virginia

80. Subpart XX is amended by adding § 52.2525 as follows:

§ 52.2525 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of West Virginia.

#### Subpart YY—Wisconsin

81. Subpart YY is amended by adding § 52.2579 as follows:

§ 52.2579 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Wisconsin.

#### Subpart ZZ—Wyoming

82. Section 52.2625 is amended by adding paragraphs (c) and (d), as follows:

§ 52.2625 Review of new sources and modifications.

(c) The requirements of § 51.18 of this chapter are not met because the State

failed to submit a plan for the review of new or modified indirect sources.

(d) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Wyoming.

#### Subpart AAA—Guam

83. Section 52.2670 is amended by adding paragraph (c) as follows:

§ 52.2670 Identification of plan.

(c) Supplemental information was submitted on August 14, 1973.

#### Subpart BBB—Puerto Rico

84. Section 52.2722 is revised to read as follows:

§ 52.2722 Approval status.

With the exceptions set forth in this subpart, the Administrator approves the Puerto Rico plan for the attainment and maintenance of the national standards.

85. In Subpart BBB, Section 52.2724 is added as follows:

§ 52.2724 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met because the State

failed to submit a plan for the review of new or modified indirect sources.

(b) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the Territory of Puerto Rico.

#### Subpart CCC—U.S. Virgin Islands

86. Section 52.2775 is amended by adding paragraphs (c) and (d), as follows:

§ 52.2775 Review of new sources and modifications.

(c) The requirements of § 51.18 of this chapter are not met because the State failed to submit a plan for the review of new or modified indirect sources.

(d) *Regulation for review of new or modified indirect sources.* The provisions of § 52.22(b) of this chapter are hereby incorporated by reference and made a part of the applicable implementation plan for the U.S. Virgin Islands.

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PART IV



## **DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**Food and Drug Administration**

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**HYPOALLERGENIC COSMETICS**

**Proposed Definition**

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DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

HYPOALLERGENIC COSMETICS

Proposed Definition

Cosmetics designated as "non-allergenic" appeared in the market place in the 1930's when it became known that cosmetic products were producing allergic reactions in some users. The term "non-allergenic" was soon abandoned as misleading because it implied complete absence of allergenic potential (e.g., Trade Correspondence No. 10, August 2, 1939, on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852), and was replaced with the designation "hypoallergenic".

The dictionary defines "hypo" to mean "under", "beneath", "down", "less than normal", or "the lowest position in a series of compounds." The term "hypoallergenic" as used for cosmetics therefore was meant to denote that hypoallergenic products caused fewer reactions than the conventional products. The manufacturers of hypoallergenic cosmetics expected to reduce the number of reactions in individuals with sensitive skin by omitting from cosmetic products certain ingredients which were known to cause reactions, or by using ingredients believed to be of higher purity than those ordinarily used in other products.

Use of the term "hypoallergenic" expanded considerably over the years, while the difference between "hypoallergenic" cosmetics and those not so labeled became less distinct with advancing knowledge in dermatology and cosmetic science. Reactions to cosmetic products have become rarer than they once were because problem ingredients are more readily recognized through new dermatological testing procedures and can be more easily avoided in cosmetic formulations because of the availability of many substitutes of similar chemical and physical properties.

The term "hypoallergenic" as it is used today by the cosmetic industry does not have a uniform and well-defined meaning. Many manufacturers simply omit known problem ingredients or perfumes from their product formulations. Some manufacturers perform patch testing with the finished product in various sizes of panels of individuals and according to various testing procedures and label their product "hypoallergenic" depending upon the results. Some manufacturers use the term "hypoallergenic" on the basis of a low rate of true allergic reactions and others on the basis of all adverse reactions encountered during such testing or reported by users after the product has been marketed.

The average consumer lacks sufficient medical knowledge to distinguish between a reaction that results from allergenicity (sensitization), irritation, or some combination of these. The term

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"hypoallergenic" is applied by industry to cover a wide variety of concepts. Thus, it is apparent that there is substantial uncertainty and confusion about the meaning of the term "hypoallergenic," and that a significant number of persons believe that it means that a product will result in fewer adverse reactions of all types, without distinguishing among them. This is particularly important in view of the tendency for self-diagnosis and self-medication, and the prevalent view that anything is worth a try in solving personal health problems, found in the study of health practices and opinions conducted for the Food and Drug Administration. Since it is a standard principle that support must be available for all reasonable interpretations of an ambiguous or uncertain term, the Commissioner interprets "hypoallergenic" as referring to fewer total reactions. The Commissioner requests the submission of any data or information that shows that consumers do not, or are unlikely to, interpret the term "hypoallergenic" to refer to all types of adverse reactions, and that consumers understand the difference and are able to distinguish between allergic (sensitization) and irritation reactions.

There is no general agreement of the degree of reduction in the frequency of adverse reactions which must be achieved before a product may be properly labeled "hypoallergenic", or on the nature of the testing needed to establish the validity of such a claim. Those manufacturers of "hypoallergenic" cosmetics who do carry out clinical testing differ greatly in the number of subjects they consider appropriate for such tests, and none is known to include in the testing a competitive reference product. Neither the degree of reduction in the frequency of reactions between the reference product and the test product nor the number of clinical subjects used in such tests may be sufficient to be representative of the total population and hence have statistical significance.

For some manufacturers, the ingredient information and testing service they offer to physicians on their "hypoallergenic" products represents the most important distinguishing characteristic of these products. These services permit a dermatologist more readily to identify a problem ingredient, and whether or not the product is less likely to produce reactions than competing products.

The Committee on Cutaneous Health and Cosmetics of the American Medical Association has stated in a recent communication (letter of June 1, 1973, on public display in the office of the Hearing Clerk) that the term "hypoallergenic" as applied to cosmetics has outlived its usefulness, is misleading, and should be dropped from the labeling of cosmetic products.

Whatever distinction between "hypoallergenic" and conventional products may once have existed appears to have become markedly obscured. The Commissioner acknowledges, however, that there may well be instances when a "hypoallergenic" claim as it is conceived

by the consumer today is valid. In view of the lack of adequate quantitative data on the extent to which reactions are reduced in frequency by cosmetics labeled as "hypoallergenic," and because of the inconsistencies in the meaning of this term as presently used, the Commissioner concludes that it would be in the best interest of consumers to propose a definition for the term "hypoallergenic" which can be used in product labeling in a meaningful and uniform way. Since the term "hypoallergenic" means to the consumer that the product causes fewer adverse reactions than other, similar-use type products, the Commissioner proposes that this criterion be adopted as the basis for a definition of the term.

Other terminology, such as "allergy tested", "lower rate of reactions", "safer for sensitive skin", or phrases containing such words as "allergy", "irritation", or "sensitivity" in their text denote substantially the same claim as the term "hypoallergenic" or imply complete absence of allergenic potential. If any terminology used connotes a hypoallergenic claim, the requirements imposed upon use of the term "hypoallergenic" must also be applied to these similar terms or phrases. Terms and phrases implying that the cosmetic is nonallergenic or free from reactions or completely safe are deemed to be false or misleading and render the product misbranded. The Commissioner does not propose to ban true statements that such products have been medically tested and shown to be hypoallergenic.

Claims of hypoallergenicity made for one or more individual ingredients, even if substantiated individually for these ingredients, is deemed misleading unless the product itself is proven to be hypoallergenic pursuant to the proposed regulation. The characteristics of specific ingredients do not necessarily determine the characteristics of the end product.

There is currently no uniformly accepted scientific reference standard against which the reactions resulting from diverse cosmetic product formulations and usages can be assessed. This product diversity dictates that each cosmetic usage must have its own standard. Thus, the only practical standard is comparison of a product with other competitive similar usage products under the product categories specified in 21 CFR 172.5(c). It is therefore proposed that a claim of hypoallergenicity for a product shall be considered justified on the basis of a statistically significant reduction in total adverse reactions when compared with competitive products.

A manufacturer or distributor who makes any claim with respect to the attributes of his product as compared with competitive products is required by law to have adequate scientific substantiation for that claim at any point in time. The Commissioner recognizes, however, that rigid application of this requirement would preclude the marketing of hypoallergenic cosmetics because of the large amount of continual testing that would be required. Accordingly, the Commissioner is proposing to waive this require-

ment under the following conditions. A claim of hypoallergenicity, once justified by the type of scientific testing established by the proposal, will be deemed to be valid for a period of five years from the date of submission of the results of the testing to the Food and Drug Administration, if there is no subsequent change in the formula of the product, if the product is tested against the reference product or products specified in the proposal, if all records of any tests, results and evaluations, irrespective of their outcome, comparing the test product with competitive products with regard to frequency of adverse reactions are submitted to the Food and Drug Administration for public display, and if no data submitted at any time to the Food and Drug Administration from other sources demonstrates that such claim is not reasonably applicable. By obtaining such results and placing them on public display, the Food and Drug Administration will be encouraging such testing by all interested persons and fostering the development of cosmetics with the lowest possible potential for adverse reactions. Any product which fails to meet any of these conditions will be subject to the existing legal requirement that its hypoallergenic claim must be proved against all existing formulas of competitive products in the marketplace at every point in time.

In order properly to infer that a product will be less likely to cause adverse reactions in the general population of users than one or more reference products, it is essential that the reference product(s) represent a significant portion of users. Where a small number of products in a given usage category have market predominance, the sales leaders will represent a significant portion of users and the comparison will be with one of such sales leaders. The proposed regulation also provides for testing against each of any number of similar-use products representing a combined market share of at least 10 percent of the similar-usage cosmetic market, which also represents a significant portion of users. In those cases where more than one reference product is required to achieve the 10 percent figure, multiple comparisons will be necessary.

By permitting these two alternatives for selection of reference product(s), it is anticipated that no cosmetic manufacturer will have undue difficulty in deciding on reasonable reference products. Readily available market research data will facilitate the selection of an appropriate reference product(s).

The adverse reaction potential, or lack thereof, of an ingredient or product can be readily determined through the use of one of a number of well-established dermatological testing methods. Examples of recognized testing procedures that have been found useful for the determination of irritation and sensitization in man have been described in *Cosmetics, Science and Technology*, Interscience Publications, Inc., New York, NY, 1957, chapter 49 "Sensitivity Testing," and A. M. Kligman, "The Ident-

tification of Contact Allergens by Human Assay," *Journal of Investigative Dermatology* 47: 369-409 (1966), copies of which are on public display in the office of the Hearing Clerk. The designation of a single permitted dermatological test protocol for comparison testing is not considered necessary. The selection of an appropriate testing procedure will therefore be at the discretion of the investigator. Any recognized procedure will be acceptable for the purpose of justifying a "hypoallergenic" claim as long as the product to be labeled "hypoallergenic" and the reference product are tested in exactly the same manner.

Since comparison testing is utilized, any shortcomings in the test method will be balanced between the test and reference product. However, the test procedure must be adequate to avoid significant bias in effects. Comparison testing may involve either two comparable human subject test groups or, if medically and statistically sound under the circumstances, a single human subject test group subjected to both the test and reference product (paired testing).

Paired testing requires fewer individuals to detect the same response difference statistically, and hence is more economical, but also requires a more elaborate data collection effort. The choice of technique is therefore left to the manufacturer.

Cosmetic industry experience indicates that the frequency of adverse reactions to most cosmetic products is relatively small for the general population of users. Thus, if comparison tests were made utilizing only normal subjects, an impractically large number of subjects would be required for detection of a statistically significant difference in the relative frequencies of reactions. It is therefore appropriate to provide for the use of test subjects with prior histories of reactions. For such individuals, the relative frequency of reactions would be expected to be greater than that for normal subjects, particularly if they are selected on the basis of a history of reactions to similar-use products. Hence, the number of subjects required to demonstrate a statistically significant difference in reactions would be expected to be smaller. Such a choice of test subjects is logical since hypoallergenic products are primarily intended for use by such individuals.

The Commissioner believes that, as with all research on human subjects, it is essential that informed consent be obtained prior to a subject's participation in a study testing for reactions to cosmetics and that the study protocol or plan be reviewed and approved by a local review committee established to supervise testing on human subjects. Because these requirements are applicable to all human testing conducted on products subject to the jurisdiction of the Food and Drug Administration, the Commissioner has concluded that this matter should be handled on a comprehensive basis rather than including these requirements in this and other specific regulations which relate to a limited type of testing or product.

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Although comparison testing will likely be carried out on subjects with an expected higher-than-normal relative frequency of reactions, the required number of subjects cannot be precisely predicted in advance. The number of subjects required to demonstrate a statistically significant difference in response rates depends on the true response rates for the particular product usage. A uniform requirement on the number of test subjects could lead to results which would not be statistically significant. In order to maintain a common baseline for what constitutes a statistically significant difference, it is proposed that a probability level for statistical significance of 95 percent will be required, i.e., the relative frequency of response observed for the test product must be sufficiently less than for the reference product so as to statistically reject the hypothesis of no difference in relative frequencies at the 5 percent level of significance.

In the course of defining what constitutes a significant difference in comparative testing, consideration was given to both the numerical difference in responses as well as the difference with regard to the degree of severity of an adverse reaction. Since the latter is strongly influenced by subjective judgment, and readings may vary considerably from one investigator or test to the next, and since a rate of reaction in a test application is not necessarily indicative of the magnitude of a reaction under conditions of use of the product, it is proposed that, for the purpose of these studies, severity of an adverse reaction should not be given statistical consideration and that any response be defined as meaning exclusively the numerical response.

The definition of the term "response" is further complicated by the fact that, in the case of multiple product applications in the course of comparative testing, i.e., repeated insult patch testing, reactions may occur only once during testing, may occur only occasionally in a sequence of applications, or may occur at various stages of testing and then persist during the remainder of the test series. Since statistical treatment of such variables would place an undue burden on the evaluation process and not provide significant support to the determination of the difference in responses under actual conditions of use of the product(s), it is further proposed that, for the purpose of these studies, no statistical consideration be given to the time and number of occurrences of adverse reactions in the case of repeated insult testing. A response is therefore counted as one if it occurs at any time in the course of repeated insult testing.

Most firms distributing cosmetics labeled as "hypoallergenic" usually market a number of different products with this label designation. For this reason, and because of the complexity of the dermatological testing procedures necessary to determine the irritation potential, and more so the allergenicity of a cosmetic product, the Commissioner proposes to permit such firms to continue use of a "hypoallergenic" claim for a pe-

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riod of two years before this regulation becomes fully effective. This time period will be sufficient to conduct test studies sufficient to prove or disprove the "hypoallergenic" claim. Any claim disproved during that period must, of course, promptly be discontinued.

Qualitative and quantitative changes in a formulation, including changes in the purity or composition of the cosmetic ingredients which were used at the time of testing, or any other changes in the manufacture and packaging of the cosmetic which would be likely to affect the product's composition or stability, will invalidate a "hypoallergenic" claim supported by testing. The changed formulation must then again meet all of the applicable requirements of the regulation.

If a "hypoallergenic" claim is initially supported by testing, and is then disproved by subsequent testing, a recall of the product from the market will not be required. In some instances, e.g., where a second manufacturer conducts a test and obtains data that conflicts with the "hypoallergenic" cosmetic manufacturer's test, it may or may not be necessary to conduct additional testing in order to determine the validity of the claim. The Food and Drug Administration will determine, upon review of any data which question the validity of a "hypoallergenic" claim, whether additional testing is required to resolve the issue. If additional testing is determined to be necessary, the manufacturer of the "hypoallergenic" product will be provided 30 days to make a commitment to undertake such testing. If such an undertaking is made, the manufacturer will then have 150 days to complete the testing and to submit the results. Any dispute with respect to the proper interpretation of such tests shall be resolved in writing by the Commissioner.

1. Because of the complexities involved in establishing a workable definition of "hypoallergenic" cosmetics, the Commissioner wishes to have the comments of all interested persons regarding the definition herein proposed. In order to encourage fuller discussion and comment, he is publishing the views on this subject as submitted recently to the FDA by the Cosmetic, Toiletary and Fragrance Association (CTFA) and by Almay Corporation, notwithstanding the fact that they are not in the form of specific regulatory proposals. A copy of their communications is on public display in the office of the Hearing Clerk.

a. CTFA states as follows:

The development and marketing of cosmetic products which are designed, formulated, tested, marketed, manufactured and monitored for the purpose of minimizing the incidence for allergic response to the product in (a) individuals with a history of allergic reaction and (b) to the normal population, serves an important public interest.

Members of the public who suffer from a history of allergic reactions have a valid and important interest in being able to identify those cosmetic products for which special steps are taken to reduce the incidence of allergic reaction.

Similarly, members of the public generally who wish to minimize the incidence of an allergic reaction should be permitted to do so. It is therefore in the public interest to encourage the development and marketing of such special products and to identify those products to consumers.

Of course, manufacturers and distributors of cosmetic products have a built-in incentive to reduce the potential for allergic reactions to any cosmetic products. But there is no demonstrated need nor is it practicable for the minimizing of allergic reactions to be an overriding consideration in all aspects of production and marketing of every cosmetic product. In particular, it is neither reasonable nor necessary for every cosmetic product to be designed for highly allergic persons, at least when such persons are protected by identification of those cosmetic products which are especially designed to minimize allergic reactions.

To protect consumers with a history of allergic reactions and to offer a choice to other members of the public, it is desirable to establish a definition of "hypoallergenic" and similar terms as applied to cosmetic products. CTFA proposes adoption of the following definition, which covers all aspects of the delivery of such cosmetic products to the public—manufacturing, formulation, testing, marketing and monitoring.

This definition of "hypoallergenic" goes beyond defining the obligations of the manufacturer and/or distributor with respect to the product involved. It provides for the establishment of an expert panel of scientists, composed of members of industry and academia, to determine appropriate predictive skin testing methods for hypoallergenic products. CTFA anticipates that such a panel could be appointed and could develop appropriate standards and testing procedures within a few months after adoption of the proposed definition. Development of such standards and tests would assure that efforts made by manufacturers and/or distributors to develop hypoallergenic products for consumers who need or desire them would be judged by objective, scientifically determined standards and tests.

A product labeled hypoallergenic or one using terms having similar meaning is one designed, formulated, tested, manufactured, marketed and monitored for the purpose of minimizing:

1. The incidence of allergic response in individuals with a history of allergic reactions.
2. The risk of allergic induction to the normal population.

To accomplish this, the product is formulated using ingredients with a low allergic inducing capability. Prior to marketing, the product is subjected to predictive skin testing to determine its degree of allergic potential. Such tests must demonstrate the product's low allergic potential.

A constant monitoring of consumer product experience must take place. It is incumbent upon the manufacturer and/or distributor, as appropriate, to encourage consumer and physician cooperation in this monitoring effort.

An expert panel of scientists, composed of members of industry and academia, will be convened under CTFA auspices to determine appropriate methods for predictive skin testing of hypoallergenic products.

b. Almay Corporation objects to any requirement that "hypoallergenic" cosmetics be tested for their allergenicity against standard marketed cosmetics for which no such claim is made. The company states that such an approach is impractical and unenforceable. A manu-

facturer would be unable to determine whether competing products had changed their formula or whether the competing products against which its own products were tested are even a representative batch of the competitive product. A competing product which was in fact "hypoallergenic" might choose not to make that claim, thus denying the use of the claim for any cosmetic in that product category. Almay expresses concern that a requirement of comparative testing could, because of these problems, deprive the consumer of a ready means for differentiating between a product that is hypoallergenic and one that is not. The company agrees that a Standard for hypoallergenic cosmetics is desirable but opposes comparative testing. The company suggests the following alternative approach:

A product labeled hypoallergenic or one using terms having similar meaning is one designed, formulated, marketed and monitored for the purpose of minimizing:

1. The incidence of allergic response in individuals with a history of allergic reactions.
2. The risk of allergic induction to the normal population.

In addition, because the consumer does not have a technical, precise understanding of the term hypoallergenic as applied to cosmetics, a product so labeled must demonstrate a minimum irritancy commensurate with the product function.

To fulfill the requirement of the above definition the following types of studies must be performed:

1. *Allergic contact dermatitis test.* The first category of tests is to determine the potential to cause allergic contact dermatitis. This is a dermatitis occurring in certain individuals who develop an immunologically mediated response to contact with some chemical substances.

The standard method for predicting a propensity of a substance to produce allergic contact dermatitis is one or another variant of the classic Draize test.

The standard assay involves the use of approximately 200 subjects who are exposed for approximately 24-48 hours to a patch test made with an occlusive patch. A new patch is applied three times weekly, for a total of ten applications, which is followed in turn by a rest period, with a final challenge patch test.

The limitations involved with the use of such an assay can be significantly minimized if the person under whose supervision the tests are being run has an overall view of the entire hypoallergenic cosmetic formulation. This will decrease the likelihood of a false negative response. In other words, if such a person has before him the existing data on the ingredients in a hypoallergenic cosmetic and if he is experienced in the conduct of this test, it should be permissible to feel confident that he has avoided the likelihood of false negative responses.

2. *Photoallergic contact dermatitis test.* This dermatitis refers to an allergic contact dermatitis condition that is usually dependent on or relates to exposure to ultra-violet rays. A method for evaluating this potential for causing dermatitis is to add ultra-violet light to a

standard predictive test for allergic contact dermatitis. This is usually performed on 25 subjects.

3. *Assay for potential irritancy.* Irritancy, as far as it relates to the problem at hand, may be defined as the ability of a particular substance to produce a dermatitis by contact unrelated to the presence of an immunologic mechanism. An appropriate assay to determine the low irritancy potential for each hypoallergenic cosmetic must be performed. There are many proven and acceptable tests which can be employed to determine irritancy.

Such an assay must take into account the function and recommended uses of the product.

4. *Phototoxicity test.* Phototoxicity may be defined as a non-antibody mediated dermatitis due to the exposure of an individual to a particular substance and, in addition, to ultra-violet light.

The method for demonstrating the presence or absence of potential phototoxicity is to apply the test substance to the skin and then to irradiate the skin with nonerythrogenic rays. This test may conveniently and reliably be performed on a variety of animals, although the test procedures can also be performed on man. If the test is performed on man, it is necessary to remove part of the stratum corneum in order to obtain a positive result. In either event, whether animals or humans are used, only a small number (5 to 8) are required and the assay is so straightforward and reliable that it should remove the possibility of phototoxicity occurring with a given hypoallergenic cosmetic.

5. *Use test.* Finally, it is incumbent upon the manufacturer to perform an appropriate use test as well as conducting a continuing literature review.

The use of the above procedures, if properly completed by the qualified experts, will develop reliable data by which it can be determined whether a particular cosmetic might be less likely to cause the most prevalent dermatitis conditions present among the consuming public.

2. The Commissioner also wishes to invite the views of interested persons on the following recommendation made by the Bureau of Consumer Protection of the Federal Trade Commission (FTC) in a letter commenting on a draft of the proposed regulation. The letter is on public display in the office of the Hearing Clerk.

Although the reformulation of a product making a hypoallergenic claim will, under subparagraph (3) (ii), require evidence that the new formulation also is hypoallergenic, the rule is silent on the effects of reformulation of the reference product(s). Reformulation of the reference product to reduce its allergy-causing potential could, of course, remove the basis for a hypoallergenic product's claim. I suggest that subparagraph 3 (ii) of the rule be expanded to require that a manufacturer making the hypoallergenic test its product against a reformulated reference within a reasonably brief time (e.g., 6 months) after it learns of the reformulation. Whether a manufacturer may reasonably be

required to monitor reference product reformulations, whether the self-interest of reference product manufacturers will impel them to give notice of reformulation, and whether such notice should be given to FDA involve matters of technical and economic judgment which FDA is in the best position to exercise. I have therefore suggested no specific language for the amended subparagraph 3 (ii).

Subparagraph 6 of the rule, as presently drafted, treats such absolute terms as "safe for sensitive skin" or "medically proven" as equivalent to "hypoallergenic." Such terms, however, may imply absolute safety—which implication cannot be supported merely by a showing that the product is less allergenic. Since these terms may imply a "complete absence of allergenic potential" (Preamble) they should be considered equivalent to claims of "nonallergenic," and render the product misbranded.

Terms such as "dermatologically tested" or "allergy tested" may be literally true for a product that conforms with the requirement of the rule. Nevertheless, such terms may, depending upon how they are made, also imply a greater degree of safety than a manufacturer has documented. While I agree that, at a minimum, such terms must be supported by evidence conforming with the rule, I do not believe that they should be insulated, as the present draft would now insulate them, from the misbranding provisions of the Federal Food, Drug, and Cosmetic Act. The preamble should so state and subparagraph 6 should be amended to read:

"Terms and phrases such as 'dermatologically tested,' 'allergy tested,' and similar or related claims subject a cosmetic to all the requirements of this paragraph. Such terms and phrases may nevertheless render a product misbranded if, in the manner in which they are made, they have the capacity or tendency to imply that the product is 'nonallergenic.' Terms and phrases such as 'medically proven' or 'safe for sensitive skin' cannot be justified by a showing that the product is 'hypoallergenic' and may render the product misbranded."

As you know, FTC case law holds that an unqualified claim of superiority, such as "less allergenic," is likely to be understood by consumers as a comparison to "most" other products or to competitive products "generally." *Liggett & Myers Tobacco Co.*, 55 F.T.C. 354 (1958). Yet the rule, as presently drafted, would permit an unqualified "less allergenic" claim to be made, based on a showing that the product is less allergenic than 10 percent or less of competing products. Such claims are thus potentially deceptive or misleading under section 5 and section 12 of the FTC Act. To avoid such potential deception, I believe that products making a hypoallergenic claim should be required to define, in labeling, their hypoallergenic claim by specifically stating that the product is "less likely to cause allergic reactions than some competing products."

I recognize that manufacturers of many products may have been using similar types of misleading "dangling comparatives" for years without active challenge. But merely because an abuse is widespread does not mean that it should be ignored when it arises in a specific area that has been singled out for FDA regulation. In such circumstances failure to require a label disclosure that adequately qualifies the claim may be construed as implicit approval of the practice.

Moreover, while hypoallergenic cosmetics may be promoted to the public generally, hypoallergenic products are, as the preamble recognizes, "primarily intended" for the relatively small group of consumers who have suffered allergic reactions in the past. It is

my understanding that allergic reactions are reactions to specific ingredients, not to products as a whole. For consumers who have had such reactions, the hypoallergenic designation is not a substitute for the advice of a competent physician. I recognize that persons may be allergic to a variety of products, not limited to cosmetics, and that a case may be made for requiring label warnings on all products that may be used by allergic consumers. Hypoallergenic raise the issue quite squarely, however, because they are promoted specifically to an allergic audience. I believe a label statement, suggesting that consumers with prior allergic reactions to cosmetics consult their physician, be included. The label statement would read:

"Less likely to cause allergic reactions than some competing products. If you have a history of allergic reactions to cosmetics, your physician can recommend cosmetics most suitable for you."

The reference set forth earlier in the preamble together with the following additional supportive data and background information have been assembled and are on display in the office of the Hearing Clerk:

1. List of complaints on hypoallergenic cosmetics received by the Food and Drug Administration during the period 1969 through 1973.

2. Summaries of complaints on hypoallergenic cosmetics received by the Food and Drug Administration during the year 1973.

3. Two letters on hypoallergenic cosmetics received from consumers by the Food and Drug Administration.

4. Two letters on hypoallergenic cosmetics received from industry by the Food and Drug Administration.

5. Final Report on A Study of Health Practices and Operations, contract no. FDA 66-193 (June 1972).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 602(a), 701(a), 52 Stat. 1041, 1054 as amended, and 1055; (21 U.S.C. 321(n), 362(a), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend § 1.201 of Chapter I of Title 21 of the Code of Federal Regulations by adding thereto a new paragraph (c) to read as follows:

§ 1.201 Cosmetic; labeling; misbranding.

(c) A cosmetic may be designated in its labeling by words that state or imply that the product or any ingredient thereof is "hypoallergenic" if it has been shown by scientific studies that the relative frequency of adverse reactions in human subjects from the test product is significantly less than the relative frequency of such reactions from each reference product(s).

(1) For the purpose of these studies, the term "adverse reactions" means any epidermal reaction, of undefined degree of severity, occurring on a subject during the course of a study involving one or multiple dermal applications of the test material.

(2) The studies shall be carried out on human subjects. Such subjects may be chosen from individuals who have a history of adverse reactions. If separate

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groups of subjects are used for the test product and the reference product, the subjects shall be assigned at random to each group.

(3) The studies shall be conducted in accordance with recognized dermatological testing procedures adequate to determine adverse reactions. In order to support a claim of hypoallergenicity, the relative frequency of response observed for the test product shall be sufficiently less than that for the reference product so as to statistically reject the hypothesis of no difference in relative frequencies at the 5 percent level of significance.

(4) A claim of hypoallergenicity which has been justified by the requirements of this paragraph shall be valid for a period of five years from the date of the completion of the required testing if each of the following conditions is met:

(i) The reference product(s) is:

(a) Any one of the similar-use competitive products in the same cosmetic product category with the highest three rankings as determined by the most recent annual unit sales volume; or

(b) Each of any number of similar-use competitive products in the same cosmetic product category representing a combined market share of at least 10 percent of the similar usage cosmetic market.

(ii) There is no change in the formula of the product for which the claim is made. Any change in the formula of a product for which such a claim is made requires that the reformulated product again meet all of the requirements of this paragraph.

(iii) All records of any tests, results, and evaluations conducted pursuant to the provisions of this paragraph, irrespective of the results, are submitted to the Food and Drug Administration prior to commercial distribution of a new product or, in the case of products currently in commercial distribution in accordance with subparagraph (6) (i) of this paragraph, as soon as completed. The submission shall be accompanied by a statement, signed by the person responsible for the submission, that to the best of his knowledge and belief it includes all of the tests, results, and evaluations comparing the product to other products with reference to frequency of adverse reactions (except for other data previously submitted). All such information shall promptly be placed on public display in the office of the Hearing Clerk.

(iv) No data submitted at any time to the Food and Drug Administration by the manufacturer or any other interested person demonstrates that such claim is not reasonably applicable.

(5) No cosmetic shall be shipped in interstate commerce with a claim of hypoallergenicity after a determination that such a claim is not supported. A recall of already-marketed products shall not be required solely because of a determination that a claim of hypoallergenicity is not supported.

(6) If any test conducted by the manufacturer of a product for which a claim of hypoallergenicity is made or by any other interested person raises questions about the validity of such claim, the Commissioner shall determine if additional testing is necessary to resolve the issue and shall so advise the manufacturer of the product in writing.

(i) If the Commissioner determines that additional testing is necessary, the manufacturer of the product shall be provided 30 days within which to submit a commitment to the Commissioner, in writing, to conduct such additional testing. If the manufacturer makes such a commitment, the test shall be conducted and the results shall be submitted to the Commissioner within an additional 150 days unless the Commissioner grants an extension for good cause shown.

(ii) The Commissioner shall resolve any issues with respect to the adequacy of testing to prove or disprove a claim of hypoallergenicity. A copy of such determination shall be provided to interested persons and shall be placed on public display in the office of the Hearing Clerk.

(7) Any cosmetic product which is designated in labeling as hypoallergenic or for which claims are made that one or more ingredients are hypoallergenic or for which hypoallergenicity is implied through the use of other terms shall comply with the requirements of this paragraph as follows:

(i) If it is in commercial distribution on the date of publication of this paragraph, such claims shall be justified as required by this paragraph, no later than two years after the date of publication.

(ii) If it is not in commercial distribution on the date of publication of this regulation, such claims shall be justified as required by this section before such claims are made.

(iii) If such claims have not been justified in accordance with the requirements of this paragraph or if records of test studies have not been made available as required by this paragraph such claims may not be made.

(4) No data submitted to the Food and Drug Administration may be construed to represent approval or endorsement by the Food and Drug Administration. Any product bearing labeling that states or implies that such test data has been submitted to the Food and Drug Administration or that the Food and Drug Administration has approved or endorsed the tests or the product shall be deemed to be misbranded.

(5) Terms and phrases such as "allergy tested", "lower rate of reactions", "safer for sensitive skin", and similar or related claims containing such words as "allergy", "irritation", or "sensitivity" in their text convey the same meaning as "hypoallergenic" and are subject to all the requirements of this paragraph. Terms or phrases which imply complete absence of adverse reaction potential or complete safety are false or misleading and render a product misbranded.

Interested persons may, on or before April 26, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 19, 1974.

A. M. SCHMIDT,  
Commissioner of Food and Drugs.

[FR Doc.74-4305 Filed 2-22-74; 8:45 am]



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## **PART I**



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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

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## Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

### Title 6—Economic Stabilization CHAPTER I—COST OF LIVING COUNCIL PART 150—PHASE IV PRICE REGULATIONS

#### PART 152—PHASE IV PAY REGULATIONS Furniture and Fixtures—Price and Pay Exemptions

The purpose of this amendment is to exempt the sale of furniture and fixtures by firms engaged in manufacturing furniture for households, offices, public buildings, public and private conveyances, and office and store fixtures from the Phase IV price regulations and to add a parallel exemption under the Phase IV pay regulations.

In accordance with the Council's objective to remove controls selectively where conditions permit, the Council has decided to exempt the sale of furniture and fixtures by establishments engaged in manufacturing furniture and fixtures as listed in the 1972 SIC Manual under Major Group 25. The exemption extends to the manufacturer's sale of such items as wood, upholstered and metal furniture for the home, including mattresses and bedsprings and TV cabinets; wood and metal office furniture, and office and store fixtures such as shelving and lockers; and chairs, benches and other seating for schools, churches, automobiles, aircraft and ships.

In developing the list of items the sale of which is exempt under these amendments, the Council relied on the SIC Manual system. Only the sales by manufacturers of the specific items listed in Major Group 25 of the 1972 SIC Manual are exempt. Other items which may be generically similar but are not listed do not come within the scope of these amendments.

The furniture and fixture industry has shown relative price stability over the past few years, despite rising material costs. The industry is highly competitive, composed largely of small firms. About 80% of the firms in this industry are already exempt under the small business exemption, and firms with annual sales of \$100 million or more account for only 20% of the industry's sales. The Council has obtained commitments from major firms in the furniture and fixtures industry for price restraint in exchange for price exemption at this time. These factors should moderate future price increases.

Under §§ 150.11(e) and 150.161(b), a firm with revenues from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless

it derived both less than \$50 million in annual sales and revenues from the sale or lease of nonexempt items and 90% or more of its annual sales and revenues from the sale of exempt items or exempt sales.

As with all exemptions from Phase IV controls, firms subject to this amendment remain subject to review for compliance with appropriate regulations in effect prior to this exemption. A firm affected by this amendment will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by this exemption alleged to be in violation of stabilization rules in effect prior to this exemption is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds and possible penalty of \$2,500 for each stabilization violation.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the furniture manufacturing industry. The exemption is set forth in new § 152.40p. "Establishment in the furniture manufacturing industry" is defined as any establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group 25, which includes Industry No. 2511 (wood household furniture, except upholstered); 2512 (wood household furniture, upholstered); 2514 (metal household furniture); 2515 (mattresses and bedsprings); 2517 (wood television, radio, phonograph, and sewing machine cabinets); 2519 (household furniture, not elsewhere classified); 2521 (wood office furniture); 2522 (metal office furniture); 2531 (public building and related furniture); 2541 (wood partitions, shelving, lockers, and office and store fixtures); 2542 (metal partitions, shelving, lockers, and office and store fixtures); 2591 (drapery hardware and window blinds and shades); and 2599 (furniture and fixtures, not elsewhere classified). The exemption is inapplicable to any such employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the furniture manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees per-

forming such duties outside the industry and are not related to the pay adjustments of other employees that are within the exemption. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25% or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the furniture manufacturing industry or in support of such operation. In cases of uncertainty of application, inquiries concerning the scope of coverage of the wage exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

The Council retains the authority to reestablish price and wage controls over the industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule-making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective February 22, 1974.

Issued in Washington, D.C., on February 22, 1974.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

1. In 6 CFR Part 150, § 150.54 is amended to add a new paragraph (pp) to read as follows:



# § 150.54 Certain price adjustments.

(pp) *Furniture and Fixtures.* The prices which manufacturers of the following items charge for those items are exempt: furniture and other items listed in the SIC Manual, 1972 edition, under Major Group 25.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.40p to read as follows:

## § 152.40p Furniture manufacturing industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the furniture manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the furniture manufacturing industry.* For purposes of this section, "Establishment in the furniture manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group 25 (Furniture and Fixtures) and primarily engaged in the manufacture of the products listed within such major group.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the furniture manufacturing industry or in support of such operation only if such employee is employed at an establishment in the furniture manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of Section 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the furniture manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the furniture manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the furniture manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the furniture manufacturing industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable

## RULES AND REGULATIONS

to pay adjustments with respect to work performed on and after February 22, 1974.

[FR Doc.74-4583 Filed 2-22-74; 2:48 pm]

## Title 10—Energy CHAPTER I—ATOMIC ENERGY COMMISSION

### PART 14—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT Miscellaneous Amendments

This part is amended to update the list of AEC offices to which claims under the Federal Tort Claims Act involving employees of the AEC are to be submitted (§ 14.2) and the officials having authority to settle such claims (§ 14.6).

Pursuant to Section 2672 of Title 28, United States Code, Sections 552 and 553 of Title 5, United States Code, and Part 14 of Chapter 1 of Title 28, Code of Federal Regulations, the following amendments to Part 14 of Chapter 1 of Title 10, Code of Federal Regulations are published as a document subject to codification to be effective on February 26, 1974.

1. Section 14.2(b) is amended to read as follows:

§ 14.2 Administrative claims; when presented; appropriate AEC office.

(b) A claimant shall mail or deliver his claim to the office of employment of the Commission employee or employees whose negligent or wrongful act or omission is alleged to have caused the loss or injury complained of. Where such office of employment is Atomic Energy Commission Headquarters, or is not known and not reasonably ascertainable, claimant shall file his claim with the Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545. In all other cases claimant shall address his claim to the manager of the appropriate office at the address indicated below, U.S. Atomic Energy Commission, Attention, Office of the Chief Counsel:

Amarillo Area Office, P.O. Box 1086, Amarillo, Texas 79105  
Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico 87115  
Brookhaven Area Office Bldg. 464, Upton, New York 11973  
Burlington Area Office, P.O. Box 561, Burlington, Iowa 52601  
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439  
Dayton Area Office, P.O. Box 66, Miamisburg, Ohio 45342  
Grand Junction Office, P.O. Box 2567, Grand Junction, Colorado 81501  
Idaho Operations Office, P.O. Box 2108, Idaho Falls, Idaho 83401  
Kansas City Area Office, P.O. Box 202, Kansas City, Missouri 64141  
Los Alamos Area Office, Los Alamos, New Mexico 87544  
Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114  
New Brunswick Area Office, Jersey Avenue, P.O. Box 150 New Brunswick, New Jersey 08903  
Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830  
Pinellas Area Office, P.O. Box 11500, St. Petersburg, Florida 33733

Pittsburgh Naval Reactors Office, P.O. Box 109, West Mifflin, Pennsylvania 15123  
Richland Operations Office, P.O. 550, Richland, Washington 98352  
Rocky Flats Area Office, P.O. Box 928, Golden, Colorado 80401  
San Francisco Operations Office, 1333 Broadway, Oakland, California 94612  
Savannah River Operations Office, P.O. Box A, Aiken, South Carolina 29801  
Schenectady Naval Reactors Office, P.O. Box 1069, Schenectady, New York 12301

2. Section 14.6 is amended to read as follows:

14.6 Authority to adjust, determine compromise, and settle.

The authority to consider, ascertain, adjust, determine, compromise, and settle claims under the provisions of 28 U.S.C. 2672, as provided herein, is delegated to the General Manager, and under his direction and without power of redelegation, to the following Commission officers for their respective offices: The Deputy General Manager and the Assistant Manager and Deputy Manager, Chicago Operations Office, Richland Operations Office, Savannah River Operations Office, Nevada Operations Office; the Manager, Grand Junction Office, Pittsburgh Naval Reactors Office, Schenectady Naval Reactors Office.

Dated at Germantown, Maryland, this 20th day of February, 1974.

PAUL C. BENDER,  
Secretary of the Commission.

[FR Doc.74-4487 Filed 2-25-74; 8:45 am]

TITLE 10 CONTINUES ON PAGE 7429

## Title 12—Banks and Banking CHAPTER V—FEDERAL HOME LOAN BANK BOARD

### SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 74-138]

## PART 561—DEFINITIONS

Scheduled Items; Correction

FEBRUARY 20, 1974.

The Federal Home Loan Bank Board hereby corrects Resolution No. 73-2029, captioned "Amendments Relating to Scheduled Items", which amended Part 561 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 561) published in the FEDERAL REGISTER of January 2, 1974, at 39 FR 6 (FR Doc. 73-27302), as set forth below:

1. By changing the parenthetical phrase "(as of the time such loan contract last became eligible for this exceptional treatment)" in paragraph (d) (1) (v) of § 561.15 to read "(as of the time such loan or contract last became eligible for this exceptional treatment)".

2. By changing the phrase "improved by a structure or structure designed primarily for residential use" in paragraph (d) (1) of § 561.15 to read "improved by a structure or structures designed primarily for residential use".

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,  
Assistant Secretary.

[FR Doc.74-4502 Filed 2-25-74; 8:45 am]

## RULES AND REGULATIONS

## Title 49—Transportation CHAPTER X—INTERSTATE COMMERCE COMMISSION SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS [No. 32155 (Sub-No. 3)]

### PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

#### Classification of Revenue and Expense Accounts

The purpose of this notice is to provide the public with the new Uniform System of Accounts for Motor Carriers of Property (49 CFR 1207), effective January 1, 1974. During 1973 two major revisions were approved by the Commission and published in the FEDERAL REGISTER (pages 12335 through 12395 on May 11, 1973, and pages 32451 through 32494 on November 26, 1973). However, until now the complete accounting system, including both revisions, has not been presented to the public in one printing.

On March 21, 1973, in response to a petition from the American Trucking Association, Inc., the Commission decided in Docket No. 32155 (Sub-No. 2), *Motor Carrier Accounts—Property*, to adopt a major revision to the account classification structure. In its Order the Commission stated that the revised accounts were adopted to provide a more reliable information system for rate making purposes while also satisfying the needs of carrier management. Then on October 12, 1973, in Docket No. 32155 (Sub-No. 3), *Motor Carrier Accounts—Household Goods*, the Commission decided to include special operating accounts for household goods carriers in the motor carrier of property accounting system. Industry representatives had petitioned for such adoption in order to recognize, within the accounting system, the importance of accessorial services and agent relationships to the moving industry.

Both of the above revisions brought increased sophistication in cost accounting to the motor carrier accounts. The incorporation of two separate sets of operating accounts, each using a matrix format, provides a unique measurement device. Such diversity will more clearly distinguish the underlying cost elements involved in motor carrier transportation services. This increased quality of data will allow the Commission to more comprehensively consider issues raised during rate making proceedings.

The following text is the complete Uniform System of Accounts for Motor Carriers of Property, effective January 1, 1974.

Accordingly, Part 1207 is republished to read as set forth below:

#### DEFINITIONS INSTRUCTIONS

1. Classification of carriers.
2. Records.
3. Accounting period.
4. Charges to be just and reasonable.
5. Interpretations of prescribed accounting.

6. Item lists.
7. Opening entries.
8. Extraordinary and prior period items.
9. Unaudited items.
10. Clearing accounts.
11. Distribution of pay and expenses of employees.
12. Maintenance, cost—chargeable to other activities.
13. Current assets.
14. Current liabilities—writing off.
15. Contingent assets and liabilities.
16. Capital stock.
17. Equipment and long-term obligations.
18. Book cost of securities owned.
19. Carrier operating property.
20. Acquisition of a distinct operating unit.
21. Retirement of property.
22. Insurance.
23. Depreciation and amortization.
24. Taxes and licenses.
25. Joint facilities.
26. Valuation accounts and accumulated depreciation and amortization.
27. Distribution of expenses to activities: general-commodity carriers.
28. Distribution of expenses to activities: other than general-commodity carriers.
29. Payroll related expense.
30. Amortization of other intangible property.
31. Income taxes.
32. Expenses by equipment type.
33. Owner-operator expenses.
34. Transactions with affiliates.

#### Chart of Accounts

- Balance Sheet Account Explanations
- Revenue Account Explanations
- Operating Expense Account Explanations
- Chart of Operating Accounts for Carriers of Household Goods
- Revenue and Expense Account Explanations for Household Goods Operations
- Other Income and Expense Account Explanations

#### CONVERSION TABLES

- I. Class I motor carriers.
  - II. Class II motor carriers.
  - III. Class I motor carriers of household goods.
  - IV. Class II motor carriers of household goods.
- AUTHORITY: 49 Stat. 546, as amended, 563, as amended, and 564, as amended; 49 U.S.C. 304, 320, and 322.

#### DEFINITIONS

When used in this system of accounts:

1. "Accounts," means the accounts prescribed in this system of accounts.

2. "Activity," applies to the cost groupings to which operating expense accounts shall be distributed. These activities are identified in the individual expense account numbers by the unit position of the account number. The activities are defined as follows:

SECTION A—Activities applicable to other than household goods carriers—

(0) "Control": The control accounts contain the explanation for the content of the group of detail accounts for each natural class. They may include the total of the expenses in the natural class which have been distributed to the various activities.

(1) "Line-haul": This activity refers to the physical transportation of traffic

between intercity terminals or areas en route. It includes such items as:

(a) All mileage or hourly costs incurred by drivers and helpers, while engaged in this activity, excluding costs incurred while performing pickup and delivery or peddle service.

(b) Expenses incurred in the operation and maintenance of all vehicles classified as "line-haul." (See instruction 27.)

(c) Operating taxes and license expense, depreciation expense, and equipment rents and purchased transportation expense incurred in connection with line-haul vehicles.

(2) "Pickup and delivery": This activity refers to the physical operations for assembly or distribution from terminals, either in picking up freight from shippers and connecting carriers or delivering freight to consignees and connecting carriers. It includes such items as:

(a) All costs incurred from the time the vehicle leaves the carrier's terminal to pick up or deliver freight, until it returns to the terminal.

(b) Expenses incurred in peddle trips. Peddle trips are trips operated out of a local area, consisting of a municipality and its commercial zone, the purpose of which is to pick up or deliver freight.

(c) Expenses incurred by drivers and helpers, while engaged in this activity.

(d) Expenses incurred in the operation and maintenance of all vehicles classified as "Pickup and Delivery." (See instruction 27.)

(e) Operating taxes and license expense, depreciation expense, and equipment rents and purchased transportation expense incurred in connection with pickup and delivery vehicles.

(3) "Billing and collecting": This activity refers to the rating, billing, manifesting, collecting, and settlement of revenue of freight shipments. It includes such items as:

(a) Salaries and wages of employees engaged in this activity at the terminal or central offices.

(b) Salaries and wages of employees engaged in revenue accounting, and collecting freight bills.

(c) Payments to outside organizations for manifesting rating or collecting freight bills.

(d) Costs of renting equipment such as accounting machines used in billing, collecting, or accounting for the revenue earned.

(4) "Platform": This activity refers to the handling of freight at the carrier's terminal platform. It includes such items as:

(a) Salaries and wages of employees while working on the carrier's platform, or while assisting in the loading or unloading of vehicles at the terminal platform.

(b) Expenses directly related to platform duties of the carrier's operation.

(5) "Terminal": This activity refers to the operation of the carrier's terminal. It includes such items as:

(a) Salaries and wages of employees within the terminal, the cost of which is not provided elsewhere.



(b) Costs of operating and maintaining service vehicles used in terminal operations.

(c) Depreciation expense of terminal facilities.

(d) Operating supplies.

(6) "Maintenance": This activity refers to the repairing and servicing of vehicles and shop and garage equipment used in motor carrier operations. It includes such items as:

(a) Costs incurred in maintaining revenue and service vehicles not charged to another activity, such as line-haul or pickup and delivery.

(b) Depreciation expense of vehicles used in maintaining other vehicles, such as tow trucks, as well as depreciation expense of maintenance buildings.

(7) "Traffic and Sales": This activity refers to the promotion and solicitation of traffic. It includes such items as:

(a) Salaries and wages of employees engaged in the solicitation of traffic, and the preparation of tariffs and schedules.

(b) Costs of advertising, sales commissions and fees, and other costs of preparing the tariffs and schedules.

(8) "Insurance and Safety": This activity refers to the administering of insurance (other than employee benefit programs), approval and payment of freight claims, and directing the safety program. It includes such items as:

(a) Salaries and wages of employees engaged in administering the insurance, claims, and safety programs for the carrier.

(b) Premiums and costs of self-insurance covering liability, and other insurance.

(c) Expenses incidental to operating an insurance department.

(9) "General and Administrative": This activity refers to overall administrative functions performed which relate to the carrier's entire transportation system. It includes such items as:

(a) Salaries of general officers administering overall operations of the company.

(b) Salaries and wages in administrative departments such as general accounting.

(c) Costs of materials and supplies used by administrative departments.

(d) All other costs, or portions of costs which are not directly chargeable to another activity, or which cannot be allocated to another activity on a reasonable basis.

Sec. B—Activities applicable to household goods carriers—(0) "Control": The control accounts contain the explanation for the content of the group of detail accounts for each category of revenue or expenses. They may include the total of the revenue or expense items for each class which have been distributed to the various activities.

(1) "Interstate moving": This carrier activity refers to the loading, unloading, and physical transportation of household goods between intercity locations or areas en route. The hauling service and all related accessorial moving services are under the jurisdiction of and regulated

by the Interstate Commerce Commission. This activity includes such items as:

(a) All transportation revenue earned by the carrier from the movement of property in interstate service, excluding such revenue earned from the movement of loaded overseas containers of household goods.

(b) All mileage or hourly costs incurred by drivers and helpers while engaged in interstate hauling services.

(c) Expenses incurred in the operation and maintenance of all vehicles classified as "interstate." (See instruction 28B.)

(d) Operating taxes and license expense, depreciation expense, equipment rents, and purchased transportation expense incurred in connection with vehicles or agents engaged in interstate moving services, excluding only purchased transportation costs incurred in the movement of overseas containers of household goods.

(2) "Intrastate moving": This carrier activity refers to the loading, unloading, and physical transportation of household goods between intercity locations or areas en route. The hauling service and all related accessorial moving services are under the jurisdiction of and regulated by an appropriate State regulatory agency. This activity includes such items as:

(a) All transportation revenue earned by the carrier from the movement of property in intrastate service.

(b) All mileage or hourly costs incurred by drivers and helpers while engaged in intrastate hauling services.

(c) Expenses incurred in the operation and maintenance of all vehicles classified as "intrastate." (See instruction 28B.)

(d) Operating taxes and license expense, depreciation expense, equipment rents, and purchased transportation expense incurred in connection with vehicles or agents engaged in intrastate moving services.

(3) "Local moving": This carrier activity refers to the loading, unloading, and physical transportation of household goods within the city or town including contiguous suburban areas. This activity includes such items as:

(a) All transportation revenue earned by the carrier from the movement of property within his local zone.

(b) All mileage or hourly costs incurred by drivers and helpers while engaged in local hauling services.

(c) Expenses incurred in the operation and maintenance of all vehicles classified as "local." (See instruction 28B.)

(d) Operating taxes and license expense, depreciation expense, equipment rents, and purchased transportation expense incurred in connection with vehicles engaged in local moving services.

(4) "Indirect operating—carrier only": This carrier activity refers to the general expenses incurred necessary for the repairing and servicing of vehicles and any other shop and garage equipment used in motor carrier operations; the promotion and solicitation of traffic; the

administering of insurance (other than employee benefit programs); the approval and payment of claims; the conducting of driver safety programs; the cost of operating the carrier's legal and permits department; and all other indirect operating costs, such as the carrier's dispatch department, necessary for providing local and long distance carrier services, but which cannot be specifically identified with any one shipment or trip. This activity includes such items as:

(a) Salaries of company employees who are engaged in any of the above carrier support or transportation service functions either full or part time.

(b) Hourly wages paid to mechanics and other employees while engaged in repairing equipment which cannot be specifically identified with either the local or long distance moving activities, but necessary for the performance of such transportation activities.

(c) Hourly wages paid to janitors, guards, and watchmen whose services cannot be specifically identified, but represent a reasonable pro rata charge to all transportation service functions.

(d) Fuel, lubricants, repair parts, and supplies applicable to carrier equipment which cannot be specifically identified with either the local or long distance moving activities, but necessary for the performance of such transportation activities.

(e) Materials, parts, and supplies which are common to all carrier activities and cannot be directly identified with any one of those activities.

(f) Fuel used for heating and representing a reasonable pro rata charge to the above transportation service functions.

(g) Outside services for repairs and other services which cannot be identified with any one of the carrier activities but necessary for the performance of transportation service functions.

(h) Electric power, gas, and water consumed in operations of the company, representing a reasonable pro rata charge to the above transportation service functions.

(i) Depreciation of equipment which cannot be specifically identified with any one of the carrier activities, but necessary for the performance of the above transportation service functions.

(j) Amounts paid for the rent of buildings or equipment which cannot be identified with a particular carrier income producing department, and representing a reasonable pro rata charge to carrier support or transportation service functions.

(5) "General and administrative—carrier only": This carrier activity refers to the administrative functions performed which relate to the carrier's transportation activity. It includes such items as:

(a) Salaries of general officers administering the overall operation of carrier activities.

(b) Salaries and wages paid for staffing carrier administrative departments such as rating, billing, manifest-

ing, collecting, general accounting, and revenue accounting.

(c) Costs of renting equipment such as accounting machines used in billing, collecting, or accounting for the revenue earned.

(d) Costs of materials and supplies used by carrier administrative departments.

(e) All other costs, or portions of costs which are not directly chargeable to another carrier operating activity on a reasonable basis.

(6) "Packing and crating": This non-carrier operating activity refers to those vehicle and miscellaneous overhead costs directly associated with providing at the request of the carrier's customer preliminary packing, special crating, and unpacking services for domestic shipments of household goods. It includes such items as:

(a) Special packing and crating revenue earned, including all such revenue earned from the intercity shipment of household goods.

(b) Salaries of company employees engaged either full or part time in administering the above-described accessorial moving services.

(c) Expenses incurred in the operation and maintenance of all vehicles classified as "packing and crating." (See instruction 28B.)

(d) Insurance and license costs, depreciation expense, and equipment rents incurred in connection with vehicles engaged in preliminary packing services.

(e) Packing materials and crating supplies.

(f) Expenses paid while engaged in this activity and any other costs directly related to providing these accessorial services.

(7) "Warehousing": This noncarrier operating activity refers to warehouse handling and storage services provided by carriers and furniture warehousemen to commercial and permanent storage customers or intercity shippers of household goods. This activity includes such items as:

(a) All storage and warehouse handling revenue earned, including all such revenue earned from the intercity shipper of household goods.

(b) Salaries of company employees engaged either full or part time in administering the above warehousing services.

(c) All hourly costs incurred by warehousemen while engaged in warehouse handling and storage services, including all such warehouse handling charges necessary for providing storage in transit transit service on intercity moves.

(d) Depreciation and rent charges for warehouse facilities and equipment.

(e) Costs of operating and maintaining service vehicles used in storage operations.

(f) Operating supplies.

(g) Insurances and real estate taxes covering warehouse facilities.

(h) All other costs or portions of costs necessary for providing storage services.

(8) "Overseas import and export": This noncarrier operating activity refers to providing all transportation and transportation related services necessary for

the movement of household goods and personal property between points in the Continental United States (except Alaska and Hawaii), having a prior or subsequent movement from or to an overseas point (other than Canada or Mexico).

This activity includes such items as:

(a) All revenue earned by the carrier for packing and stowing of goods in specially built containers at the shipper's residence (or at the port), carriage by motor vehicle to or from the port of departure or entry, and any additional charges assessed the shipper for stevedoring, obtaining customs clearance, preparation of shipping documents, and other special services performed on behalf of the shipper.

(b) All hourly costs incurred for packing or unpacking overseas containers of household goods.

(c) Purchased transportation costs incurred in the movement of loaded overseas containers.

(d) Salaries of company employees engaged either full or part time in administering the above import and export services.

(e) Operating supplies and overseas containerization materials.

(f) Depreciation and rental charges for equipment used in overseas operations.

(g) All other costs, or portions of costs necessary for providing overseas import and export service.

(9) "Indirect operating, noncarrier": This noncarrier activity shall include the revenues earned and expenses incurred by the carrier as a result of business activities that are not connected with its motor carrier operations, the investment in which is carried in Account 1261—Property Used in Other Than Carrier Operations (classes I and II). It includes such items as:

(a) Salary and wage costs of administrative personnel responsible for various portions of noncarrier activities, and such costs are not directly chargeable to any other noncarrier operating activity.

(b) Sales costs applicable to all non-carrier operations.

(c) Cost of materials and supplies used by noncarrier sales and administrative departments.

(d) All other costs which cannot be specifically identified with any other noncarrier operating activity, but necessary for the performance of such non-carrier services.

3. "Actually issued," as applied to securities, means those which have been sold to bona fide purchasers for a valuable consideration (including those issued in exchange for other securities or other property) so that the purchasers obtained them free from control by the issuing carrier; also securities issued as dividends on stock, and those which have been issued in accordance with contractual requirements direct to trustees of sinking and other funds.

4. "Actually outstanding," as applied to securities issued or assumed by the carrier, means those which have been actually issued and are neither retired

nor held by or for the carrier: *Provided, however*, That securities held by trustees of special funds shall be considered as actually outstanding.

5. "Addition," means structures, facilities, or equipment added to those in service, or the extension or enlargement of existing property, and not taking the place of anything previously existing.

6. "Amortization," means the gradual extinguishment of an amount in an account by prorating such amount over either a fixed period dependent on the requirements of regulatory bodies, the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

7. (a) "Affiliated companies," means persons (see definition 30) that directly, or indirectly through one or more intermediaries, control or are controlled by, or are under common control with the accounting carrier.

(b) "Control" (including the terms "controlling," "controlled by," and "under common control"), as used herein, means the possession directly or indirectly, of the power to direct or cause the direction of the management and policies of a person (see definition 30), whether through the ownership of voting securities, by contract or otherwise. If in any instance the existence of control is or may be open to reasonable doubt, the carrier shall report to the Commission all of the material facts pertinent to the possible existence of control.

8. "Book cost," means the amount at which property is recorded on the books of the carrier without the deduction of related depreciation and amortization.

9. "Carrier or motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle, subject to the Interstate Commerce Act.

10. "Carrier operating property," means the property which is used (see definition 38) by the carrier in the conduct of its motor carrier operations or leased to others for such operations, and which has an expectation of life in service of more than 1 year from date of installation. This includes land, structures, equipment, and facilities necessary for such operations and service incidental thereto.

11. "Company," means any individual, firm, copartnership, corporation, association, or joint-stock association; and includes any trustee, receiver, assignee, or personal representative thereof. (See definition 30.)

12. "Commission or the Commission," means the Interstate Commerce Commission.

13. "Contingent assets," means a possible source of value to the carrier dependent upon the fulfillment of conditions regarded as uncertain.

14. "Contingent liabilities," means items which may under certain conditions become obligations of the carrier but which are neither direct nor assumed liabilities at the date of the balance sheet.

15. "Cost of removal," means the cost of demolishing, dismantling, tearing



down, or otherwise removing operating property, including the cost of transportation and handling incidental thereto.

16. "Current assets," means cash as well as those assets that are readily convertible into cash or are held for current use in operations or construction; current claims against others, payment of which is reasonably assured; and other amounts accruing to the carrier which are subject to settlement within 1 year from the date of the current financial statements or upon demand.

17. "Current liabilities," means those obligations the amount of which is definitely determined or closely estimated which are either matured or become due within 1 year from date of the current financial statements or assumption or upon demand.

18. "Date of retirement," as applied to operating property, means the date at which such property is permanently withdrawn from service.

19. "Debt expense," means all expense in connection with the issuance and sale of evidences of long-term debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other evidences of debt; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters; brokers, and salesmen for marketing evidences of debt; fees and expenses of listing on exchanges; and other like costs.

20. "Delayed items," means items relating to transactions which occurred before the current calendar year. It includes adjustments of errors in the income, operating revenue, and operating expense accounts of prior years. (See instruction 8.)

21. "Depreciation and depreciation methods," as applied to depreciable property, means the loss in service value (see definition 36) not restored by current maintenance, incurred in connection with the consumption or prospective retirement of property in the course of service from causes against which the carrier is not protected by insurance, which are known to be in current operations. Among the causes to be given consideration are wear and tear, decay, action of the elements, obsolescence, inadequacy, changes in demand, and requirements of public authority.

(a) Depreciation, except as set out in paragraph (b) below, shall be accounted for by means of the straight line method under which the service value (see definition 36) of property is debited to depreciation and amortization expenses or other appropriate accounts through periodic charges which should be equal, as nearly as possible, during its service life.

(b) Depreciation of vehicles may be accounted for by means of the mileage method under which the service value is charged to depreciation expenses at a fixed-rate per mile run.

22. "Discount," as applied to securities issued or assumed by the carrier, means the excess of the par or face value of the

securities, plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from the sale.

23. "Distinct operating unit," means all or any portion of a route or routes covered by a certificate of convenience and necessity or a permit, including motor vehicles and other physical property owned and used in the operation thereof.

24. "Joint facility," means any owned or leased carrier operating property occupied or operated jointly by the carrier and one or more other carriers by motor, rail, water, air, etc., under an arrangement whereby the costs are borne by the parties to the joint agreement. Portions of a structure or other property used exclusively by each of two or more carriers are not joint facilities.

25. "Long-term obligations," means obligations having a life of more than 1 year from date of creation or assumption, all unmatured bonds and receivers' or trustees' certificates, and demand obligations which by mutual agreement will not be paid within 1 year from date of the current financial statements.

26. "Methods of depreciation" (see definition 21).

27. "Minor items," as applied to carrier operating property (see definition 10), means the associated parts or elements of which units of property (see definition 37) are composed.

28. "Net book costs," when applied to property, means the book cost (see definition 8) less related depreciation and amortization.

29. "Nominally issued," as applied to securities issued or assumed by the carrier, means those which have been signed, certified, or otherwise executed and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the carrier, but which have not been sold or issued directly to trustees of sinking funds in accordance with contractual requirements.

30. "Person," when not otherwise indicated in the context, means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or any other organization, or any receiver or trustee (see definitions 7 and 11).

31. "Premium," as applied to securities issued or assumed by the carrier, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no-par stocks) or face values plus interest or dividends accrued at the date of sale (see note A under account 2631).

32. "Property retired," as applied to operating property, means property which has been removed, sold, abandoned, destroyed, or which for any cause has been permanently withdrawn from service.

33. "Replacing or replacement," when not otherwise indicated in the context, means the acquisition, construction, or installation of property in place of property of like purpose retired, together with the removal of the property retired.

34. "Salvage value," means the amount received for property retired, less any expenses (including commissions) incurred in connection with the sale or in preparing the property for sale, or, if retained, the amount at which the material recovered is chargeable to Account 1151—Material and Supplies, or other appropriate account.

35. "Service life," means the period between the date when carrier operating property (see definition 10) is placed in service and the date of its retirement. (See definition 32).

36. "Service value," means the difference between the book cost (see definition 8) and the salvage value (see definition 34) of carrier operating property.

37. "Unit of property," for the purpose of this system of accounts, means any item of carrier property which when retired, with or without replacements by sale, abandonment, disposal, or replacement, is accounted for by crediting the book cost (see definition 8) thereof to the operating property account in which it is included, as provided in instruction 21.

38. "Used," as applied to operating property, means actually and necessarily in current service or ready for and reasonably required to be currently held for future services.

#### CLASS I AND CLASS II MOTOR CARRIERS INSTRUCTIONS

##### 1. Classification of Carriers.

(a) For purposes of accounting and reporting regulations, except those regulations pertaining to accounting and reporting for revenue and expense items, common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

*Class I:* Carriers having average annual gross carrier operating revenues (including interstate and intrastate) of \$3 million or more from property motor carrier operations.

*Class II:* Carriers having average annual gross carrier operating revenues (including interstate and intrastate) of \$500,000 but less than \$3 million from property motor carrier operations.

*Class III:* Carriers having average annual gross carrier operating revenues (including interstate and intrastate) of less than \$500,000 from property motor carrier operations.

(b) (1) For purposes of accounting and reporting regulations pertaining to revenue and expense items, the revenues of common and contract carriers of property subject to the Interstate Commerce Act are categorized as follows:

Revenues from household goods operations.  
Revenues from other than household goods operations.

Each category of revenue is then classified in accordance with dollar revenue limits prescribed in the three classes in (a). When a carrier has both household goods revenues and other than household goods revenues, each category will be classified to determine the accounting and reporting regulations which pertain to that category.

(2) If a carrier, grouped as Class I or Class II carrier in accordance with paragraph (a), has operations in both categories, and one of the categories is classified as Class III in (b) (1), such revenues and expenses will be accounted and reported for in accordance with the regulations pertaining to the Class I or Class II category.

(3) If a carrier, grouped as Class II in accordance with paragraph (a), has operations in both categories and both categories are grouped as Class III in accordance with paragraph (b) (1), such revenues and expenses will be accounted and reported for in accordance with the regulations pertaining to the category with the largest average annual gross carrier operating revenues.

(4) The class to which any carrier belongs shall be determined by the average of its annual gross carrier operating revenues derived from motor carrier operations as a property carrier for the past three consecutive years.

(5) The class to which any category of carrier revenues and expenses belongs shall be determined by the average of its annual gross carrier operating revenues derived from that category of motor carrier operations (household goods operations and other than household goods operations) for the past three consecutive years.

(6) If, at the end of any calendar year, the average of a carrier's annual gross carrier operating revenues from all motor carrier operations, from household goods operations, or from other than household goods operations, for the last three consecutive years is greater than the maximum or less than the minimum of the class in which the carrier, or the revenue category, has been previously grouped, it shall automatically be grouped in the higher or lower class in which it falls because of such increased or decreased average annual gross carrier operating revenues, and it shall notify the Commission of the change in its status. Any carrier which begins new operations (by obtaining operating authority not previously processed), extends its existing authority (by obtaining additional operating rights, or is regulated by a classification method not previously employed) will be classified in accordance with a reasonable estimate of its prospective annual gross operating revenues.

(c) Any carrier may, at its option, adopt the methods of a group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the Commission.

##### 2. Records.

(a) All of the accounts prescribed in this system of accounts shall be kept when applicable and entries recorded by the double entry method. Each account in the general or subsidiary ledgers shall reflect the prescribed account number. Account titles shall clearly indicate the type of items included therein if the exact titles prescribed herein are not used.

(b) Each carrier shall keep its general accounting books, and all other books, records, and memoranda which support

in any way the entries to such accounting books, and analyses of general ledger account balances, readily accessible so that it can furnish at any time full information as to any account. Moreover, the month, day, year, and posting reference shall be shown for each entry in the general ledger and subsidiary records and the entries shall be supported with detailed information that will provide a ready analysis and verification of the facts recorded therein. All expenditures including the expense accounts of officers and employees shall be definitely supported by vouchers, payrolls, receipted bills, canceled checks, receipts for petty cash payments, or other evidences of the expenditures incurred.

(c) The books referred to herein include not only books of accounts in a limited technical sense but all other records such as minute books, stock books, reports, correspondence, memoranda, etc., which will be useful in developing the history of or facts regarding any transaction.

(d) Carriers shall not destroy any books, records, memoranda, etc., which support entries to their accounts unless the destruction thereof is specifically provided for in the regulations to govern the destruction of records of class I and class II motor carriers. (Part 1226 of this chapter.)

(e) Subdivisions of any account in this system of accounts may be kept, provided that such subdivisions do not impair the integrity of the accounts prescribed. The Commission reserves the right to order any carrier to subdivide any account in this system of accounts. The title of each such subdivision shall clearly indicate the account of which it is a part. Each subdivision of a prescribed account may be identified by a suffix to the prescribed account number. When an account is subdivided in the general ledger, an account need not be maintained for the total of the subdivisions. When such subdivisions are carried in subsidiary ledgers, however, the general ledger shall contain the controlling accounts therefor so that a complete general ledger trial balance may be obtained.

(f) Carriers classified as household goods carriers shall also comply with the following requirements.

(1) As evidence of the financial condition of agents required in § 1056.19(b) of this chapter. Required Filings Relating to Agency Agreements, the authorized carrier shall acquire from each of its agents (i) an income statement, including a detailed schedule of operating revenues and expenses, for the calendar year preceding the effective date of the agency agreement and (ii) a balance sheet as of the last day of said year. The required financial statements shall be prepared in accordance with the prescribed schedules for such statements in the annual report form filed with the Commission by the authorized carrier.

(2) Annually thereafter, for each year an agency agreement is in effect, the authorized carrier shall acquire the required statements from each of its agents no later than the time for the filing of the authorized carrier's annual

report with the Commission. The agents' annual financial statements shall be retained by the authorized carrier in a separate file as part of its required records for a period of 3 years.

##### 3. Accounting period.

(a) Each carrier shall keep its books on the basis of either (1) an accounting year of 12 months ending on the 31st day of December in each year, or (2) an accounting year of thirteen 4-week periods ending at the close of one of the last 7 days of each calendar year.

(b) A carrier electing to adopt an accounting year of thirteen 4-week periods shall file with the Commission a statement showing the day on which its accounting year will close. A subsequent change in the accounting period may not be made except by authority of the Commission.

(c) To avoid repetition, wherever "calendar year" appears in this system of accounts it is intended to include "or an accounting year of thirteen 4-week periods" and wherever "month" appears it is intended to include "or 4-week period."

(d) For each month all transactions applicable thereto, as nearly as can be ascertained (see instruction 9), including full accruals, shall be entered in the books of original entry (cash book, purchase journal, etc.), and posted to the general ledger. A trial balance of the general ledger accounts shall be prepared at the close of each month setting out the account number, title, and amount of each ledger account. (Mechanical, electronic or automatic data processing printout documentation producing the equivalent of manually prepared trial balances shall identify balances by account numbers.) At the end of the calendar year, the revenue, expense, and other income accounts shall be closed into retained earnings or the noncorporate capital accounts; and the balance sheet account balances shall be brought forward to the general ledger for the succeeding year.

(e) The final entries for any month shall be made in the general ledger not later than 60 days after the last day of the month for which the accounts are stated, unless otherwise authorized by the Commission, except that the period within which the final entries for the last month of the calendar year shall be made may be extended to such date in March of the following year as shall not interfere with the preparation and filing of annual reports.

(f) No changes shall be made in the accounts for periods covered by quarterly and annual reports that have been filed with the Commission unless the changes have first been authorized by the Commission.

##### 4. Charges to be just and reasonable.

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operation and maintenance expenses, and for other carrier expenses, shall be just, reasonable, and not exceed amounts necessary to the honest and efficient operation and

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management of the motor carrier business. Payments for expenses related to noncarrier activities, shall be included in Account Series 8400—Other Nonoperating Income (Net) (class II), and Account 8420—Other Nonoperating Deductions (class I).

#### 5. Interpretations of prescribed accounting.

(a) The cross-references included in, and notes following, the tests of various instructions and accounts are for the purpose of indicating the applicable provisions of other sections. Such references are not to be construed as comprising a complete list of the instructions relating to a particular subject, since the definitions, the general instructions, and the texts of each account must be given consideration in determining the prescribed accounting.

(b) All questions of doubtful interpretation of the prescribed accounting shall be submitted by responsible accounting officials of the carrier to the Commission for consideration and decision.

(c) In the absence of specific instructions by the Commission relating to accounting matters, carriers shall be guided by sound accounting principles.

#### 6. Item lists.

Lists of items appearing in the texts of the several accounts are given for the purpose of indicating the application of the prescribed accounting in specific cases. The lists are not to be considered as comprising all items includible in the accounts, but merely as representative of them. On the other hand, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

#### 7. Opening entries.

As of the date that this system of accounts is adopted by the carrier, the accounts prescribed herein shall be opened by appropriately transferring thereto the balances carried in the accounts previously maintained. The carrier is authorized to make such subdivisions, reclassifications, consolidations of, or additions to such balances as are necessary to meet the requirements of this system of accounts.

#### 8. Extraordinary and prior period items.

(a) (1) All items of profit and loss recognized during the year are includible in ordinary income except nonrecurring items which in the aggregate for the same class are both material in relation and approach to operating revenues and ordinary income for the year and are clearly not identified with or do not result from the usual business operations of the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from ordinary income, are those resulting from unusual sales of property and investment securities other than

temporary cash investments; from wars, earthquakes, and similar calamities and catastrophes, which are not a recurrent hazard of the business and which are not usually covered by insurance; and from change in application of accounting principles and from prior period items (other than ordinary adjustments of a recurring nature). Material items are those which, unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. Items so excludible from ordinary income (account 3000 to account series 8700 inclusive—(classes I and II)) are to be entered directly in Account 8800—Extraordinary Items (class II), and Account 8810—Extraordinary Items (net) (class I), or Account 8820—Prior Period Items (net) (class I), upon approval or direction of the Commission.

(2) Adjustments constituting items of customary business activities or corrections or refinements resulting from the natural use of estimates inherent in the accounting process shall not be considered extraordinary items regardless of size.

(b) In determining materiality, items of a similar nature shall be considered in the aggregate; dissimilar items should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item shall, after consideration of the income tax effect assignable to the item, (1) exceed 1.0 percent of total operating revenues for the year and (2) exceed 10 percent of ordinary income for the year.

(c) Ordinary delayed items and adjustments arising during the current year which are applicable to or related to transactions of prior years shall be included in the same accounts which would have been charged or credited if the item had been taken up or adjusted in the period to which it pertained. Ordinary delayed items exclude items of the character described in paragraph (a) of this section.

#### 9. Unaudited items.

When the amount of any item affecting these accounts cannot be accurately determined in time for inclusion in the accounts of the month in which the transaction occurs, the amount of the item shall be estimated and included in the proper accounts. When the item is audited, the necessary adjustments shall be made through the accounts in which the estimate was recorded. The carrier is not required to anticipate small items which would not appreciably affect these accounts.

#### 10. Clearing accounts.

(a) Clearing accounts, designed to facilitate the distribution of certain expenditures which may affect both construction and operations or which may affect transportation and other operations, may be kept when necessary in making the proper distribution of items to the appropriate accounts, as subdivisions of Account 1510—Deferred and Miscellaneous Debits, or 2410—Deferred

Credits (class II), and Account 1512—Other Deferred Debits, or 2412—Other Deferred Credits (class I), or Account 1551—Clearing Accounts (classes I and II). Balances in clearing accounts shall be fully cleared not later than the end of the calendar year unless items held therein unquestionably relate to future periods.

(b) Spreading of unusual income, revenue, and expense items: When the amount of any unusual item includible in an income, operating revenue, or operating expense account for the current month is relatively so large that its inclusion in the accounts for that period would seriously distort those accounts, it may be included in account 1510 or 2410 (class II), and account 1512 or 2412 (class I), or account 1551 (classes I and II), as appropriate, and distributed in equal amounts to the accounts for the current and remaining months of the year. No such items shall be spread beyond the accounts of the current year without approval of the Commission.

#### 11. Distribution of pay and expenses of employees.

(a) The pay and expenses of officers or employees engaged in activities of a varying nature, such as an officer who may be assigned to supervise billing and collecting, platform, terminal, or any other operations, shall be included in the appropriate accounts upon the basis of the actual time devoted to the respective activities, except that the pay and expenses of an officer or employee who performs substantially the same variety of duties from day to day may be distributed upon the basis of a study of the time actually devoted by him to those duties during a representative period.

(b) The pay and expenses of officers or employees regularly assigned to specific duties who perform incidental services of a different nature involving small expense may be included in the expense accounts appropriate for the duties to which such officers or employees are regularly assigned.

(c) When it is necessary to apportion the pay and expenses of officers and employees among various accounts, the carrier shall be prepared to describe the basis of such apportionments.

#### 12. Maintenance, cost—chargeable to other activities.

(a) The cost of repairs (but not including betterments—see instruction 19—b) chargeable to the various operating expense accounts includes labor employed, materials used, and expenses incurred in all current maintenance, such as:

(1) Inspecting, testing, and reporting on the condition of operating property specifically to determine the need for repairs, minor replacements, rearrangements, and changes.

(2) Testing for, locating, and clearing trouble.

(3) Routine work to prevent trouble, such as general overhauling, removing carbon, grinding valves, adjusting and relining brakes, adjusting shock absorbers, cleaning and adjusting engines, etc.

(4) Replacing minor items of operating property. (See also instruction 21—a.)

(5) Rearranging and changing the location of property not retired.

(6) Restoring the condition of property damaged by wear and tear, storms, breakage, floods, fire, accident, or other casualties. (See also paragraph (b) of this section and instruction 22—f.)

(7) Inspecting and testing after repairs have been made.

(b) The value of materials recovered and placed in the material and supplies account in connection with repairs to property shall be credited to the same account to which the repair cost was charged, with concurrent debit to Account 1151—Material and Supplies, for both class I and class II motor carriers.

(c) If employees engaged in activities other than maintenance are also required to make repairs, an equitable proportion of their pay and expenses shall be charged to the account appropriate for the cost of such repairs. (See, however, instruction 11.)

(d) If the book cost of any property is carried in Account 1243—Undistributed Property (class I carriers), the repairs to such property shall be charged to the accounts provided for repairs to property of the same nature and use, the book cost of which is carried in other operating property accounts. Repairs to property leased from others shall be treated in like manner. Class II motor carriers shall follow this instruction for amounts related to undistributed property included in Account 1230—Other Carrier Property.

#### 13. Current assets.

(a) In the group of accounts designated as current assets (accounts 1010 to 1160 inclusive (class II), and 1011 to 1163 inclusive (class I)), there shall not be included any item, the amount or collectibility of which is not reasonably assured or for which provision has not been made in Account 1138—Allowance for Uncollectible Accounts (classes I and II). Items of current character but of doubtful value may be carried in these accounts at realizable or nominal value, or written off, as may be appropriate.

(b) Adjustments to accomplish the writing down of items of doubtful value shall be made through Account 5950—Uncollectible Revenue (classes I and II), account 8400 (class II), and account 8421 (class I), or other appropriate ordinary income account.

#### 14. Current liabilities—writing off.

Amounts that have been included in the primary accounts for unclaimed wages and other current liabilities or have been represented by outstanding checks or similar instruments for a period of 1 year or more because of inability to identify or locate the payee or creditor may (in the absence of statutory provision to the contrary) be written off or, in the case of outstanding and unrepresented checks, reinstated in Account 1010—Cash and Working Funds (class II), and Account 1011—Cash (class I), and credited to the operating expense or other income account originally charged. The journal

entry shall contain the pertinent facts concerning all the items that have been written off.

#### 15. Contingent assets and liabilities.

The balance sheet of a carrier shall clearly state by adequate notes contingent assets or liabilities not reflected in the balance sheet accounts, including any arrears in cumulative dividends, stating the amount per share of each class of stock and in total, and the facts and amounts with respect to any default in principal, interest, or sinking fund provisions if not shown in the balance sheet accounts.

#### 16. Capital stock.

(a) All transactions relating to the capital stock of the accounting carrier shall be recorded by class of stock. Stocks are of the same class only when they are issued under identical terms as to all of the following: Par value, stated value, preferences in the distribution of dividends and assets, voting rights, and conditions under which the stock may be retired. If the capital stock of the carrier is of more than one class, its records shall be so maintained as to record the amount applicable to each class in separate subdivisions of the following accounts:

1161—Subscribers to Capital Stock.  
2611—Capital Stock—Preferred.  
2612—Capital Stock—Common.  
2613—Subscribed Capital Stock.  
2621—Nominally Issued Securities.  
2631—Premiums and Assessments on Capital Stock.  
2632—Discount on Capital Stock.  
2633—Commission and Expense on Capital Stock.  
2641—Other Capital in Excess of Par or Stated Value.  
2661—Treasury Stock.

(b) Commissions and expenses applicable to capital stock issues shall not be deducted from premium on capital stock.

(c) (1) General levies or assessments against stockholders shall be credited to the premium account for the particular class and series of capital stock so assessed, except that assessments with respect to nonpar stock without stated value shall be credited to the capital stock account.

(2) Discounts and expenses on original issues of capital stock may be amortized by charges to Account 2641—Other Capital in Excess of Par or Stated Values (classes I and II); however, in no event shall net debits exceed the accumulated net credits in this account with respect to a particular class of stock. Any excess of debits may be retained in Account 2632—Discount on Capital Stock (classes I and II), or Account 2633—Commission and Expense on Capital Stock (classes I and II), as appropriate, until the stock is reacquired or retired, or the excess debit may be charged to Account 2961—Other Debits to Retained Earnings (classes I and II).

(d) When an issue of capital stock, or any part thereof (except stocks reacquired by provision of a mortgage or decision of a trustee not subject to the control of the carrier that it be retained alive in sinking or other funds) is reacquired, either by purchase or through

donations by stockholders, it shall be charged at its par or stated value (or if it is nonpar stock without a stated value, in an amount equal to the proportionate part applicable to such shares of stock of the total amount at which all stock without par or stated value of the same class is carried in the capital stock account) to Account 2610—Capital Stock (class II), and Account 2611—Capital Stock—Preferred; or 2612—Capital Stock—Common (class I); if canceled; or to Account 2661—Treasury Stock (classes I and II), if not canceled. The difference between the amount at which such reacquired stock is recorded in the foregoing accounts and the amount paid for the stock, including commissions, other expenses incurred in its purchase, and any premiums or discount applicable to its original sale, shall be included in Account 2641—Other Capital in Excess of Par or Stated Value (classes I and II). However, the excess of a debit over the balance carried in account 2641 with respect to the particular class of stock, shall be charged to Account 2961—Other Debits to Retained Earnings (classes I and II).

(e) When shares of reacquired capital stock of any class are resold by the carrier, Account 2661—Treasury Stock (classes I and II), shall be credited with the amount at which the shares were debited to that account upon reacquisition. Unless otherwise required by instrument of authority, any difference between the total amount realized from the sale of the stock (less commission and expenses incident thereto), and the amount credited to account 2661, shall be debited or credited as appropriate to Account 2641—Other Capital in Excess of Par or Stated Value (classes I and II). (See, however, paragraph (d) of this section.)

(f) (1) When stock is issued as a "stock split," no transfer from the retained earnings account to the appropriate capital stock account or the capital in excess of par or stated value account shall be made other than to the extent occasioned by legal requirements. A stock split refers to the issuance of a carrier's own common shares, without consideration, for the purpose of effecting a reduction in the unit market price of shares of the class issued, in order to obtain wider distribution and improved marketability of such shares. Generally, the issuance of new shares in ratios of less than approximately 20-25 percent, depending on the various market factors, will not materially influence the unit market price of the stock and therefore should be considered a stock dividend (see subparagraph (2), of this paragraph), rather than a stock split.

(2) When a stock dividend is issued, the carrier shall transfer from the retained earnings account to the appropriate capital stock account and the capital in excess of par or stated value account an amount equal to the fair market value of the shares issued. A stock dividend refers to the issuance of a carrier's own common shares, without consideration, where the number of shares issued is so small, compared to

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the number of shares previously outstanding, that it is not likely to have a material effect on the share market price.

#### 17. Equipment and long-term obligations.

(a) When evidences of debt (other than unsecured advances payable) which do not mature within 1 year from date of issuance, and equipment obligations regardless of maturity, are issued or assumed by the carrier, or by a receiver, or by an operating trustee of the carrier, the face amount of such evidences of debt shall be recorded in the appropriate account, included under the group captioned, "Equipment and other long-term obligations," except as otherwise provided in the text of Account 2161—Current Equipment Obligations and Other Debt.

(b) A separate subdivision shall be maintained in Account 1510—Deferred and Miscellaneous Debits (class II), and Account 1511—Unamortized Debt Discount and Expense (class I), for the excess of discount and debt expense over any premium related to each class of long-term debt issued or assumed by the carrier. (See definitions 19, 22, and 31.)

(c) Corresponding subdivisions shall be maintained in Account 2410—Deferred Credits (class II), and Account 2411—Unamortized Premium on Debt (class I), for the excess of the premium over any discount and debt expense related to each class of long-term debt issued or assumed by the carrier.

(d) (1) Each month, entries shall be recorded to distribute equitably the balance of each subdivision of Account 1510—Deferred and Miscellaneous Debits (class II), and Account 1511—Unamortized Debt Discount and Expense (class I) over the life of the security. Amounts credited to these accounts shall be concurrently charged to Account 8670—Amortization of Debt Discount and Expense (classes I and II).

(2) Correspondingly, each month the portion of such credit balance, which is applicable to the period, shall be charged to each subdivision of Account 2410—Deferred Credits (class II), and Account 2411—Unamortized Premium on Debt (class I). Amounts thus charged shall be concurrently credited to Account 8680—Amortization of Premium on Debt-Credit (classes I and II).

(e) Except as provided in paragraph (d) of this section, any balance in account 1510 or 2410 (class II), and account 1511 or 2411 (class I), or subdivisions thereof, shall be carried until the securities to which they relate are reacquired. At that time (unless otherwise required by instrument of authority), a portion of the balance in these accounts (or subdivisions for the particular class of long-term debt reacquired) shall be transferred to Account 8400—Other Nonoperating Income (net) (class II), and account 8410—Other Nonoperating Income, or 8429—Other (nonoperating deductions) (class I), as appropriate. Such portion shall be based on the relation of the amount of a particular issue of long-term debt reacquired to the total outstanding before the reacquisition.

This provision shall also apply to securities held alive in sinking or other funds.

(f) Except for such discount or expense as may be applicable to the construction period, no discount or expense on long-term debt shall be included in any account as a part of the cost of acquiring property or as a part of the cost of operation.

(g) Equipment and other long-term obligations reacquired by the carrier shall be entered in Account 2341—Reacquired Long-Term Obligations (classes I and II), at face value. The difference between face value and the amounts actually paid for the reacquired obligations shall be debited or credited, as appropriate, to Account 8400—Other Nonoperating Income (net) (class II), and account 8410—Other Nonoperating Income, or 8429—Other (nonoperating deductions) (class I). Likewise, any unamortized debt discount, expense, or premium applicable to the reacquired obligations, shall be adjusted through account 8400 (class II), and account 8410 or 8429 (class I), as appropriate, unless otherwise required by instrument of authority.

(h) When reacquired equipment and other long-term obligations are resold by the carrier, the amount included in Account 2341—Reacquired Long-Term Obligations (classes I and II) shall be credited thereto. Any difference between the total amount realized from the sale (less commissions and expenses incident thereto) and the credit to account 2341 shall be included in account 8400 (class II), and account 8410 or 8429 (class I), as appropriate unless otherwise required by instrument of authority.

#### 18. Book cost of securities owned.

(a) Securities of others acquired by the carrier shall be recorded in these accounts at cost, including brokerage and registration fees, stock transfer taxes, and similar expenses, at the time of acquisition. Cost does not include any amount paid for accrued interest or dividends, except that amounts of interest included in the purchase price of bonds, which are not payable until maturity or until the bonds are disposed of, shall be included in these accounts as part of the cost. (See note B under account 1162.)

(b) The carrier may write down the book cost of any security in recognition of a decline in the value thereof. Securities shall be written off or written down to a nominal value if there is no reasonable prospect of substantial value. Fluctuations in market value shall not be recorded, but a permanent impairment in the value of securities recorded in Account 1410—Investments and Advances—Affiliated Companies (class II), and in accounts 1411 through 1421, inclusive (class I), shall be reflected in Account 1428—Adjustments—Investments and Advances, Affiliated Companies (classes I and II) with concurrent debits to Account 8400—Other Nonoperating Income (net) (class II), and Account 8429—Other (nonoperating deductions) (class I). A decline in the value of securities recorded in Account 1430—Other Invest-

ments and Advances (class II), and in accounts 1431 through 1441, inclusive (class I), shall be reflected in Account 1440—Adjustments—Other Investments and Advances (classes I and II) with debits to Account 8400—Other Nonoperating Income (net) (class II), and Account 8429—Other (nonoperating deductions) (class I). (See instruction 8.)

(c) When securities with a fixed maturity date are purchased at a discount (that is, when the total cost including brokerage fees, taxes, commissions, etc., is less than par), such discount may be amortized over the remaining life of the securities through periodic debits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and credits to the same account in which the interest income is credited. No debits shall be made in respect to discount upon securities held as investments or in special funds if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par or will not be paid at date of maturity.

(d) When securities with a fixed maturity date are purchased at a premium (that is, when the total cost including brokerage fees, taxes, commissions, etc., is in excess of par) such premiums may be amortized over the remaining life of the securities through periodic credits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and debits to the same account in which the interest revenue is recorded.

#### 19. Carrier operating property.

(a) (1) Accounts, grouped in the section entitled, "Tangible property" of the balance sheet, coded 1210 through 1232 (class II), and 1211 through 1252 (class I), are classified as carrier operating property.

(2) Amounts chargeable to carrier operating property accounts shall represent the actual cost to the carrier of the items properly includible therein (except when acquired as part of a distinct operating unit—see instruction 20—including property jointly owned and property operated by the carrier under joint agreements) and shall be exclusive of any cost for intangible items, includible in accounts 1310 through 1342 (class II), and 1313 through 1342 (class I) designated as intangible property.

(3) Cost shall include direct and indirect labor, materials, including small tools and similar items consumed in construction, transportation charges, contract work, rent of construction facilities, and taxes; also such portions of engineering, supervision, purchasing department expenses, law expenditures, premiums for workmen's compensation, injuries and damages, and other insurance applicable to the construction period; and other analogous elements entering into the construction or acquisition of property. If property (such as a structure or unit of equipment, including additions thereto) is constructed new or rebuilt by the carrier to increase its capacity or otherwise add to its usefulness for motor carrier service, or if parts are purchased

and assembled by the carrier into a unit of equipment, the cost records for construction and assembly shall be maintained in a sufficiently complete manner to show the cost of labor, materials, and other expenses incurred in such work.

(b) Betterments of operating property (the primary aim of which is to make the property affected more useful, more efficient, of greater durability, or of greater capacity) shall be included in the property accounts to the extent of the excess cost of such betterments (not including cost of installation and removal of items replaced) over the estimated cost at current prices of new property similar to the items replaced. However, if a unit of property is to be rebuilt or remodeled to an extent that its expectation of service life will be fairly comparable with that of new property, the old property shall be retired as provided in instruction 21, and the appropriate property investment account shall be charged with the cost of the rebuilt or remodeled unit, based on the appraised value of the reused parts plus the cost of labor and material used in rebuilding or remodeling. The cost of removing old appliances constituting minor items (see definition 27), and replacing them with new appliances which do not represent betterments, shall be charged to the appropriate operating expense account.

(c) (1) Units of property (see definition 37) and additions to and betterments of existing property, having a life in excess of 1 year and costing more than \$200 shall be charged to the appropriate property investment accounts. Units having a life of 1 year or less or costing not more than \$200 may be charged to operating expenses. The carrier shall not parcel expenditures for acquisitions of several units of property, when made under a general plan (wherein the cost of each unit is less than \$200, but the total expenditures under the plan represent a substantial investment), for the purpose of charging them to expense; neither shall it combine unrelated items for the purpose of including their cost in the property investment accounts.

(2) A carrier will be permitted to adopt a limit of less than \$200 for charges to the property investment account, providing it files a statement with the Commission showing the amount it proposes to use and makes no subsequent change in the amount except by authority of the Commission.

(d) When operating property is purchased under any plan involving deferred payments, no charges shall be made to the operating property account for interest, insurance, or other expenditures occasioned by such form of payment.

(e) When the consideration given for property is anything other than cash, the cash value of such consideration shall be used, except that where physical property is given in exchange for physical property and no other form of consideration is involved, such property shall be recorded at the net book costs of the property given in exchange. In the journal entry recording such a transaction, the actual consideration shall be described with sufficient particularity to identify

it. The carrier shall be prepared to furnish to the Commission the particulars of its determination of the cash value of the consideration if other than cash.

(f) (1) When property is transferred from carrier operating accounts (accounts 1210 through 1232—class II, and accounts 1211 through 1252—class I) to Account 1261—Property Used in Other Than Carrier Operations (classes I and II), the book cost of the property shall be charged to account 1261. The related accumulated depreciation (recorded in accounts 1214 through 1232—class II, and accounts 1214 through 1252—class I) shall be transferred to Account 1262—Accumulated Depreciation and Amortization—Property Used in Other Than Carrier Operations (classes I and II).

(2) When property is transferred from Account 1261—Property Used in Other Than Carrier Operations (classes I and II), to carrier operating accounts (1210 through 1232—class II, and accounts 1211 through 1252—class I), the book cost of the property shall be debited to the appropriate carrier operating property account. Related accumulated depreciation and amortization on the property shall be transferred from account 1262 (classes I and II) to the corresponding accumulated depreciation accounts for carrier operating property.

(g) Records shall be kept so as to reflect separately the cost and date of acquisition of property jointly owned and property operated under a joint agreement.

(h) Except as provided in paragraph (c) of this section, the cost of initial improvements, including the erection of structures on, and of rearrangements, additions, and betterments to property leased from others for periods in excess of 1 year made in the course of preparing the property for motor carrier operations, and the cost of any subsequent additions to and betterments of such leased property, including replacements, shall be charged to Account 1230—Other Carrier Property (class II), and Account 1241—Improvements to Leasehold Property (class I). Amortization on such expenditures shall be provided for in the manner set forth in instruction 23-c.

(i) (1) The investment in property used jointly in carrier and noncarrier operations shall be allocated between such operations according to the extent that it is used by each, or it shall be included in the investment account of the operation by which it is principally used and the other operation shall be charged a reasonable rental for its use of the common property.

(2) The carrier shall be prepared to show at any time and to report to the Commission when required, by accounts, the following:

(I) The book cost of the common property.

(II) The extent (percentage) to which such property is used in carrier operations and in other operations.

(III) The basis for allocating the book cost, or method of determining the amount of the rental charge.

(3) If the investment is allocated between the operations, the expenses of operation, maintenance, taxes, depreciation, and amortization of the common property shall be allocated and recorded in the appropriate accounts prescribed herein and the allocation of such expenses to carrier operations shall be supported in the same manner as the allocation of the cost of such property.

#### 20. Acquisition of a distinct operating unit.

When a motor carrier system or portion thereof constituting a distinct operating unit (see definition 23) is acquired by (1) purchase or (2) merger or consolidation in a pooling of equity interests of stockholders, the accounting shall be as follows:

(a) *Purchase.*—(1) When physical property and other assets are purchased from another motor carrier company, the amounts includible in accounts 1210 through 1341 (class II), and accounts 1211 through 1341 (class I), for (i) carrier operating property, (ii) property used in other than carrier operations, and (iii) intangible property which includes certificates and permits issued by regulatory agencies to engage in transportation operations, shall be based on the cost to the buyer of each of such asset. Other assets acquired and the liabilities assumed shall be recorded in the appropriate prescribed accounts in the amounts shown in the books of the seller, adjusted as may be necessary to conform with the system of accounts as observed by the purchasing carrier. When separate costs for the physical property and the intangible property are not indicated in the purchase and sale agreement, or otherwise disclosed in the application or record in the proceeding, a reasonable amount carefully ascertained based on the best information obtainable representing a fair portion of the total purchase price shall be assigned to each such class of property. When a purchase is preceded by a preliminary acquisition of control through purchase of capital stock (other than in a pooling of equity interests as described in section (b) of this instruction), the terms of the contract will determine whether the total purchase price or consideration paid shall consist exclusively of the carrying value of the capital stock now to be canceled, or whether it shall include the operating results (retained earnings or deficits) applicable to such stock of the purchased company since the date of acquisition of control.

(2) In ascertaining the portion of the total purchase price assignable to the intangible property, pursuant to subparagraph (1) of this paragraph, due consideration shall be given to past earnings and informed judgment concerning future earnings attributable to the property acquired and to other pertinent factors appropriate in ascertaining the value of intangible property. The portion of the total purchase price assignable to the physical property shall be substantiated by an appraisal made by a disinterested qualified appraiser and such other documentary evidence as the Commission



may require. The amount shown on the books of the seller for the physical property together with the accumulated depreciation may be used in lieu of such an appraisal providing that the books of the seller have been kept in accordance with the rules of this Commission and the amount is fairly representative of the purchase price of such property.

(3) The aggregate amount recorded in the accounts for the intangible property and the other assets acquired, pursuant to subparagraphs (1) and (2) of this paragraph shall in no case exceed the total purchase price thereof. Carriers shall maintain records and be prepared to support with evidence suitable to the Commission the apportionment of the total purchase price so recorded in the accounts for the intangible property and other assets purchased.

(b) *Merger or consolidation in a pooling of equity interests of stockholders.*—(1) When a distinct operating unit is acquired by merger or consolidation in a pooling of equity interests of stockholders, in which all or substantially all of such equity interests in the predecessor company continue, as such, in a surviving company (which may be the transferee or a new company, created for the purpose), the assets, liabilities, and the retained earnings, or deficit, if any, of the predecessor company shall be recorded in the accounts of the transferee at amounts carried on the books of the predecessor company at date of consummation of the transactions. Such amounts shall be adjusted, if necessary, to conform with the rules in this system of accounts. Where one of the constituent corporations is clearly dominant and its stockholders obtain 90 percent or more of the voting interests in the combined enterprise, there is a presumption that the transaction is a purchase rather than a pooling of interests and the transaction shall be so accounted for unless otherwise directed or authorized by the Commission.

(2) When the total par value or stated value of no-par capital stock of the surviving company is more than the aggregate total of the capital stock of the separate companies before merger or consolidation, the excess shall be charged to account 2641—Other Capital in Excess of Par or Stated Value (classes I and II). If unrestricted capital in excess of par or stated value is not available for such purpose, the excess shall be debited to Account 2652—Retained Earnings—unappropriated (classes I and II). If unappropriated retained earnings are not available, the excess shall be debited to Account 2632—Discount on Capital Stock (classes I and II). When the total par value or stated value of no-par capital stock of the surviving company is less than the aggregate total of the capital stock of the separate companies before merger or consolidation, the difference shall be credited to Account 2641—Other Capital in Excess of Par or Stated Value (classes I and II).

(c) *Records.*—Detailed records, including copy of appraisal reports, shall be maintained showing the basis used for computing amounts included in accounts

1210 through 1341, 2532, 2641, and 2652 (class II), and accounts 1211 through 1341, 2632, 2641, and 2652 (class I), as well as other equity accounts. Full supporting details showing the purchase price, the principals from whom the property was acquired, and agents who represented such principals shall be stated in the journal entries recording the acquisition of the property.

#### 21. Retirement of property.

(a) *Carrier operating property.*—When carrier operating property ceases to be used in motor carrier operations, it shall be retired and accounted for as follows:

(1) *Property (other than land and structures) depreciated under "Unit Plan."*—(i) When a unit of property (see definition 37) on which depreciation charges have been accrued under the unit plan (see instruction 23), is retired from service, the book cost of the property shall be credited to the appropriate property account and concurrently charged to a clearing account classified under Account 1551—Clearing Accounts (classes I and II). Any retirement costs, such as repairs and other expenses incurred in preparing a unit of property for sale, shall also be included in account 1551.

(ii) The clearing account shall be credited with the value of salvage recovered in case the property is dismantled; the amount received from the sale or trade-in of the retired property; or with the amount of insurance recovered, including amounts provided for by any self-insurance with respect to the retired property when such self-insurance covers the cause of the retirement; and with the amount of depreciation accumulated to date of retirement with a concurrent charge to the appropriate accumulated depreciation and amortization account.

(iii) The retirement of property may be recorded by a compound journal entry instead of through the clearing account, provided it includes the required information in the same detail.

(a) If the retired property is to be rebuilt in conformity with the provisions of instruction 19, the accounting shall be performed as outlined above, except that the appraised value of the parts to be utilized in the rebuilt unit shall be charged to Account 1230—Other Carrier Property (class II), and Account 1245—Unfinished Construction (class I) with contra credit to the clearing account.

Any balance remaining in the clearing account after the foregoing entries have been made, except as set out in paragraph (b) of this section, shall be transferred to Account 5710—Gains on Disposition of Operating Assets, or Account 5720—Losses on Disposition of Operating Assets. When property is traded in, the carrier shall recognize gain or loss on the trade-in.

(b) If property included in Account 1241—Improvements to Leasehold Property, reverts to the lessor prior to the expiration of its service life, the balance in the clearing account upon retirement shall be transferred to Account 8500—Gain and Loss on Disposition of Other

Assets (net) (class II), and Account 8520—Nonoperating Losses on Disposition of Assets (class I).

(c) If the retired property is sold on an installment payment basis, the accounting shall be performed as outlined above, except that the selling price shall be debited to Account 1430—Other Investments and Advances (class II), and Account 1430—Other Investments; Other (class I), and concurrently credited to the clearing account. Any balance in the clearing account after the foregoing entries have been made shall be retained in the deferred debits accounts (1510 (class II and 1512 (class I)) or transferred to the deferred credits account (2410 (class II) and 2412 (class I)), as appropriate. When payments on the installment contract have been completed and title is passed to the buyer, the amount carried in the deferred debit or credit accounts shall be transferred to the appropriate account of Series 5700—Gain or Loss on Disposition of Operating Assets. (See, however, note A.) In the event the buyer fails to complete payments and the property is repossessed and used in carrier operations, the property shall be carried in the appropriate carrier operating property account, at the amount of the unpaid balance in accounts 1430 (class II) and 1439 (class I), plus any amount in accounts 1510 (class II) and 1512 (class I) (or less the amount in accounts 2410 (class II) and 2412 (class I)). If the property is held for resale, the net balance shall be transferred to Accounts 1160—Other Current Assets (class II) and 1163—Other Current Assets; Other (class I).

NOTE A.—If the amount received for the unit of property exceeds its book cost (see definition 8), an amount equal to the depreciation accrued during the service life of the unit shall be credited to Account 5710—Gains on Disposition of Operating Assets, and the remainder of the balance in the clearing account shall be transferred to Accounts 8400—Other Nonoperating Income (net) (class II) and 8410—Other Nonoperating Income (class I).

(2) *Property (other than land and structures) depreciated under "Group Plan."*—When a unit of property (see definition 37) on which depreciation charges were recorded under the group plan (see instruction 23), is retired from service, the book cost thereof shall be credited to the appropriate property account and concurrently charged, together with the cost of removal, to the accumulated depreciation account. Any salvage or insurance recovered, including amounts provided for by any self-insurance with respect to the retired property, when such self-insurance covers the cause of retirement, or the proceeds, if the property is traded in or sold, shall be credited to the accumulated depreciation account. No further entries are required, as under this plan over or under accruals of depreciation are not cleared from the accumulated depreciation account.

(3) *Minor items.*—When the property retired constitutes a minor item (see definition 27), the book cost of which has been or will be accounted for by its

inclusion in the unit of property of which it is a part when such unit of property is retired, no adjustment of the operating property account or accumulated depreciation account is required therefor. When a minor item is retired and replaced, with property of like purpose, the entire cost of replacement shall be charged to the account appropriate for the cost of repairs of the property retired, except when the replacement effects a betterment (see instruction 19-b), the excess cost of the replacement over the estimated cost at current prices of new property similar to the items retired shall be charged to the property account. The cost of labor used in effecting the replacement shall be included in operating expenses.

(4) *Land and structures.*—When land is sold or traded in, the book cost shall be credited to the land account and any difference between the book cost and the sales price, less commissions and expenses on the sale, shall be adjusted through Account 8500—Gain or Loss on Disposition of Other Assets (net) (class II), and Account 8530—Gains on Disposition of Land and Structures (class I) or Account 8540—Losses on Disposition of Land and Structures (class I), as appropriate. When qualifying as extraordinary pursuant to instruction 8, the difference shall be adjusted through account 8800—Extraordinary Items (class II), and account 8810—Extraordinary Items (net) (class I). (See instruction 19(e).)

When structures are sold, retired, or traded-in, retirement accounting shall be performed as set out in item (1) of paragraph (a), except that any balance remaining in the clearing account shall be transferred to Account 8500—Gain or Loss on Disposition of Other Assets (net) (class II), and Account 8530—Gains on Disposition of Land and Structures (class I) or Account 8540—Losses on Disposition of Land and Structures (class I), as appropriate.

(5) *Distinct operating unit.*—When carrier operating property used in transportation operations and the operating rights associated therewith are sold as a distinct operating unit (see definition 23), the book cost of the property shall be credited to the appropriate operating property and intangible property accounts and the amounts carried with respect thereto in the accumulated depreciation and amortization accounts, estimated if necessary, shall be charged to these accounts (see, however, account 1243). The difference, if any, between (i) the net amount of such debit and credit items, and (ii) the consideration received for the distinct operating unit, shall be included in Account 8500—Gain or Loss on Disposition of Other Assets (class I), or Account 8520—Nonoperating Losses on Disposition of Assets (class I), as appropriate. (See instruction 8.)

(6) *Determination of book cost.*—The book cost of operating property retired shall be the amount at which such property is included in the operating property accounts including all items set forth in instruction 19. Such costs shall be deter-

mined from the carrier's records when this can be done, as in the case of land, structures, revenue automotive equipment, service equipment, furniture, and other items of operating property for which individual cost records are available. When the actual book cost cannot be determined from the records, it shall be estimated. When it is impracticable to determine the book cost of each item due to the relatively large number and/or small cost of such items, the average book costs of all the items, with due allowance for differences in size or character, shall be used as the book cost of the items retired. The latter method may be applied in retirement of such items as tools, furniture, etc.

(b) *"Intangible property."* (1) When any long-term leasehold of land or easement, franchise, permit, consent, privilege, or patent having a fixed term expires, it shall be retired. The intangible property or other property account shall be credited with the amount charged thereto, and the respective accumulated amortization account shall be debited with the amount of amortization accruals previously credited thereto. Any difference between the book cost of the item and the amortization accruals shall be charged to Account 5710—Gains on Disposition of Operating Assets or Account 5720—Losses on Disposition of Operating Assets, as appropriate.

(2) When any perpetual leasehold of land or easement, or item of tangible property that is not restricted to a fixed term is relinquished or sold, it shall be retired. Any difference between its book cost and the amortization charges accrued, if relinquished, or between its book cost (see definition 28) and the proceeds realized, if sold, shall be included in Account 8500—Gain or Loss on Disposition of Other Assets (net) (class II), and Account 8510—Nonoperating Gains on Disposition of Assets (class I), or Account 8520—Nonoperating Losses on Disposition of Assets (class I).

#### 22. Insurance.

(a) The following accounts shall include premiums payable by class I and class II carriers to commercial insurance companies for risks covering claims against them by others:

- 4440—Workmen's Compensation (classes I and II).
- 4810—Public Liability and Property Damage Insurance (classes I and II).
- 4820—Cargo Loss and Damage Insurance (classes I and II).
- 4890—Other Insurance (classes I and II).

These accounts shall also include any related estimated liabilities for self-insurance. Amounts payable or paid by the carrier in settlement of claims for risks set out in the above accounts, not recoverable from insurance companies or others, shall be charged to the appropriate estimated liability account.

(b) The following accounts shall include premiums payable by class I and class II carriers to commercial insurance companies for risks covering losses of owned property:

- 4830—Fire, Theft, and Collision Insurance (classes I and II).
- 4840—Insurance on Buildings and Structures (classes I and II).
- 4890—Other Insurance (classes I and II).

These accounts shall also include any related estimated liabilities for self-insurance.

Inasmuch as such risks represent losses that may be sustained by the carrier rather than claims against it by others, coverage by commercial insurance or self-insurance estimates is not a mandatory requirement, and if no provision is made for such coverage, losses from fire or collision shall be charged to the appropriate expense accounts if the property is repaired (see paragraph (f) of this section). If the property is removed from service, retirement accounting shall be performed as provided in instruction 21.

(c) Estimated liabilities created for self-insurance of collision, accident, fire, theft, flood, or other hazards shall be credited to Account 2171—Self-Insurance (estimated liabilities; accrued) (class I). Estimates for self-insurance of injuries and damages, and workmen's compensation shall be credited to Account 2172—Personal Injuries, Property Damage Claims, and Workmen's Compensation Claims (estimated liabilities; accrued) (class I). Estimates for self-insurance of cargo loss and damage shall be credited to Account 2173—Cargo Loss and Damage Claims (estimated liabilities; accrued) (class I). All other estimated liabilities for self-insurance of risks, not included in any of the preceding accounts, shall be recorded in Account 2175—Other Estimated Liabilities (estimated liabilities; accrued) (class I), with concurrent charges to the appropriate expense account. Class II carriers shall credit Account 2130—Other Current and Accrued Liabilities, for any liability created for self-insurance of risks and claims. Periodic charges to expense accounts for the purpose of estimating liability for self-insurance shall be determined currently by the carrier from its best source of information, and the rates used may be based on percentage of revenue, mileage of vehicles, amounts of payrolls, or other equitable bases. A schedule of the risks covered by each estimated liability shall be maintained, giving a description of the property involved, the character of the risks covered, and the rates used.

(d) Amounts payable or paid by the carrier in settlement of cargo loss and damage claims and other claims, including those paid by the carrier for which it will be reimbursed wholly or in part by insurance companies, connecting carriers, or others, shall, as provided in paragraph (a) of this section, be debited to Account 2130—Other Current and Accrued Liabilities (class II), and Account 2173—Cargo Loss and Damage Claims (estimated liabilities; accrued) (class I) or Account 2175—Other Estimated Liabilities (estimated liabilities; accrued) (class I). Parts of such claims that are payable by insurance companies or others, less any adjustment for salvage recovered, shall be debited to Account



1135—Accounts Receivable; Other, when the other parties' liability is determined.

(e) Freight claim records shall be so maintained as to show for each cargo loss and damage claim received, the claim number, date and amount; the waybill or expense bill number and date; name of claimant; kind of commodity; weight designation (i.e. designate whether the shipment weight was up to 10,000 pounds or over 10,000 pounds); date claim was paid; total amount paid or date claim was disallowed and reasons; amount of salvage recovered, if any; amounts reimbursed by insurance companies, connecting carriers or others, and the amount absorbed by the carrier. Each claim received shall be entered in the records and should be supported by the complete file of claim papers. However, if the claims papers are retained by insurance companies, connecting carriers, or others, the carrier's records should contain an acknowledgment from the party retaining the claim file that the papers are in its possession. Overcharge claims and cargo loss and damage claims shall not be intermingled in the carrier's freight claim records.

(f) The cost of repairs to owned or leased carrier operating property involved in accidents or damaged by fire or other causes, and of replacing damaged or destroyed property leased from others, shall be charged to the appropriate expense accounts provided for repairs of such property. When the amounts receivable from insurance companies or others in full or partial reimbursement of such costs, if any, are determined, they shall be credited to the account precharged, together with the value of salvaged materials recovered.

(g) Insurance premiums incurred or paid in advance to commercial insurance companies shall be charged to Account 1140—Prepayments (class II), and Account 1142—Prepaid Insurance (class I), and distributed to the appropriate insurance expense accounts in periodic installments over the period for which the premiums have been paid, except that minor premiums may be charged directly to the insurance expense accounts. If it is anticipated that a dividend or refund will be received on prepaid premiums at the end of the year or other period covered by the insurance, an amount equal to the estimated dividend or refund shall be retained in Accounts 1140 (class II), and 1142 (class I), and the balance of the premium shall be charged to expense in periodic installments as set out above. Any discrepancy between the estimated dividend or refund and the amount actually received shall be adjusted to the appropriate insurance expense accounts. If insurance premiums are paid on a monthly basis and it is anticipated that a dividend or refund will be received at the end of the year, a part of each monthly payment equal to the appropriate portion of the estimated dividend shall be charged to Accounts 1140 (class II), and 1142 (class I), and the balance of the payment shall be charged to the

insurance expense accounts. When the actual dividend is received, accounting shall be performed as set out above.

When refunds or dividends which were not anticipated are received on prepaid premiums, such amounts shall be credited to the appropriate insurance expense account.

NOTE A.—The amount of premiums for life insurance on the lives of officers and other employees under which the carrier is the named beneficiary are chargeable to Account 1490—Other Investments and Advances (class II) and Account 1439—Other Investments; Other (class I) to the extent that the cash surrender value of the policy increases with each payment, and the remainder of the premium shall be charged to Account 1140—Prepayments (class II) and Account 1142—Prepaid Insurance (class I) and prorated monthly to Account 8400—Other Nonoperating Income (net) (class II), and Account 8423—Life Insurance Premiums (class I). Premium expense and cash surrender value of insurance on the life of a sole proprietor shall not be included in these accounts.

#### 23. Depreciation and amortization.

(a) The carrier shall establish and maintain adequate provision for accruals of depreciation (see definition 21) on carrier operating property. Depreciation under the unit plan or group plan, as set out below, may be accounted for by use of the straight line method or by the mileage method which may be used for automotive equipment, in which event the rate per mile shall be applied to the number of miles traveled each month.

(1) "Unit Plan" means the plan under which depreciation charges are computed and the records maintained so that the total amount of depreciation accrued applicable to each unit of property can be determined. (See instruction 21(a)(1).)

(2) "Group Plan" means the plan under which depreciation charges are accrued upon the basis of the sum total of the book cost balances at the close of each month of all property included therein; and upon the retirement of any such property its full book cost is charged to the accumulated depreciation account regardless of whether or not the particular item has attained the average service life. (See instruction 21(a)(2).)

(b) There shall be debited each month to the subdivisions of Account Series 5300—Depreciation and Amortization (classes I and II), during the service life of depreciable property included in accounts 1210 through 1230 (class II), and 1211 through 1251 (class I), amounts that will approximate the loss in service value (see definition 36) not restored by current maintenance, except that carriers engaged in seasonal operations may apportion the estimated annual depreciation charge over the months in which operations are actually conducted. Concurrent credits shall be applied to the appropriate accumulated depreciation and amortization Accounts 1214 through 1232 (class II), and Accounts 1214 through 1252 (class I).

(1) Depreciation charges on property included in accounts:

1210—Land and Structure (class II).  
1213—Structures (class I).  
1221—Revenue Equipment (classes I and II).  
1223—Service Cars and Equipment (classes I and II).

shall be computed on the unit plan, and depreciation shall cease when amounts equal to the estimated service value have been credited to the accumulated depreciation account.

(2) Depreciation charges on property included in accounts:

1230—Other Carrier Property (class II).  
1233—Shop and Garage Equipment (class I).  
1235—Furniture and Office Equipment (class I).  
1237—Miscellaneous Equipment (class I).

shall be computed under either the unit plan or the group plan. If the group plan is used, composite annual percentage rates shall be determined applicable to the book cost of each class of operating property to be depreciated. These percentage rates shall be based on the estimated service values and service lives of the property, developed by a study of the carrier's experience and other available information. Such percentage rates shall, for each primary account comprised of more than one class of property, produce a charge to depreciation expense for that account equal to the sum of the amounts that would otherwise be chargeable for each of the various classes of property included in the account. In computing monthly charges for depreciation, the appropriate portion of the composite annual percentage rate applicable to each primary account shall be applied to the account balances as of the first of the current month.

(c) Amortization and depreciation charges on property included in Account 1241—Improvements to Leasehold Property (class I), or Account 1230—Other Carrier Property (class II) (see instruction 21), shall be made upon the same basis as for depreciable property, includible in other property accounts.

(d)(1) Intangible items with fixed terms included in Account 1310—Organization, Franchises and Permits (class II), and Accounts 1321—Franchises (class I), and 1331—Permits and Patents (class I), may be amortized by means of charges to Account 5390—Amortization. The cost of acquiring long-term leaseholds and easements for use in motor carrier operations, included in Account 1341—Other Intangible Property (classes I and II), may be amortized in the same manner as above. Concurrent credits shall be made to Account 1312—Accumulated Amortization—Organization, Franchises, Permits (class II), and Account 1322—Accumulated Amortization—Franchises (class I), or 1332—Accumulated Amortization—Permits and Patents (class I), or Account 1342—Accumulated Amortization—Other Intangible Property (classes I and II).

(2) Amortization or entire writeoff for costs of acquiring perpetual leaseholds and for intangible items carried in Accounts 1310 and 1341 (class II), and Accounts 1313, 1321, 1331, and 1341 (class I), that are not restricted to fixed terms

(except those items relating to the acquisition of the distinct operating unit for which specific provision is made in instruction 29), may be debited to Account 8400—Other Nonoperating Income (net) (class II), and Account 8422—Amortization (franchises, permits, and other) (class I), with concurrent credits made to the appropriate accumulated depreciation and amortization Accounts 1312 or 1342 (class II), and Accounts 1314, 1322, 1332, or 1342 (class I). When qualifying as extraordinary pursuant to instruction 8, the entire amount of such items may be written off by debiting Account 8800—Extraordinary Items (class II), and Account 8810—Extraordinary Items (net) (class I), with a concurrent credit to the appropriate accumulated amortization account. The book cost of intangible property described in paragraphs (d)(1) and (2) of this section shall be carried in the property account until the property is sold or otherwise disposed of.

(e) Depreciation and amortization charges on nonoperating property shall be charged to Accounts 8100—Income From Noncarrier Operations (net) (class II) and 8120—Expenses of Noncarrier Operations (class I), with concurrent credits to Account 1262—Accumulated Depreciation and Amortization—Property Used in Other Than Carrier Operations (classes I and II).

NOTE A.—For instructions with regard to adjustment of depreciation upon retirement or trade-in of carrier operating property, see instruction 21.

NOTE B.—If it appears that an error was made in estimating the service life or salvage value of property, depreciation accruals shall be recomputed on the correct basis from date of acquisition to current date and any difference between the accrued amounts on the old and the corrected basis shall be debited or credited to the appropriate accumulated depreciation and amortization account, with the contra entry in Account Series 5300—Depreciation and Amortization.

#### 24. Taxes and licenses.

Taxes and licenses relating to motor carrier operations and property, payable to Federal, State, county, municipal, and other taxing authorities, with the exception of certain taxes specifically referred to in the texts of the accounts shall be included as appropriate in the subdivisions provided under Account 4700—Operating Taxes and Licenses (classes I and II). These accounts shall be charged each month with the amount of taxes applicable thereto, with concurrent credits to accrued operating taxes and licenses Accounts 2111 through 2115 (classes I and II), or Account 1140—Prepayments (class II), and Account 1141 (class I), as appropriate. When it is not possible to determine the actual amount of taxes, they shall be estimated and adjusted when the actual taxes become known.

#### 25. Joint facilities.

(a) Where a joint facility (see definition 24), operated by others, is used by the reporting carrier under a joint-facility arrangement, any amounts paid

by the carrier as its share of operation and maintenance costs including rent if the property is leased, or including depreciation, taxes, and a return on the investment in the joint facility if the property is owned by the operating carrier, shall be charged to Account 5910—Joint-Facility Expense—Debit (classes I and II).

(b) Where the reporting carrier operates a joint facility, any amounts received from other carriers using the facility, as reimbursement of operation and maintenance costs, including rent if the property is leased, or including depreciation, taxes, and a return on the investment in the joint facility if the property is owned by the reporting carrier, shall be credited to Account 5920—Joint-Facility Expense—Credit (classes I and II).

(c) The governing factor for joint-facility accounting is the common use of the facility rather than the methods of determining amounts contributing to the operating and maintenance expenses of the facility.

(d) The carrier operating the joint facility shall include a statement of the distribution of the income and expenses of the facility on bills rendered joint users.

#### 26. Valuation accounts and accumulated depreciation and amortization.

In stating the balance sheet, valuation accounts and accumulated depreciation and amortization shall be shown separately and shall be deducted from the specific assets to which they apply.

#### 27. Distribution of expenses to activities: general-commodity carriers.

(a) All class I and class II common carriers which derive an average of 75 percent or more of their revenues (based on the latest 3 calendar years) from the intercity transportation of general commodities are hereinafter referred to as instruction 27 carriers. They shall distribute expenses to the following activities (see definition 2):

- (1) Line-haul.
- (2) Pickup and delivery.
- (3) Billing and collecting.
- (4) Platform.
- (5) Terminal.
- (6) Maintenance.
- (7) Traffic and sales.
- (8) Insurance and safety.
- (9) General and administrative.

Classes I and II common carriers, other than those specified in paragraph (a) of this section, shall be designated as instruction 28 carriers. They shall distribute expenses as described in instruction 28.

(b) Assignment of vehicles for the purpose of classifying expenses:

(1) All vehicles owned or used by the carrier shall be classified as revenue or service vehicles.

(2) Revenue vehicles (truck, tractor, trailer, container) are those vehicles which are used to pick up and deliver freight, or transport freight from terminal to terminal, for the purpose of

generating revenue. Service vehicles (car, wrecker, etc.) are those vehicles used to support carrier operations, where little or no revenue is realized.

(3) Revenue vehicles shall be further classified into the line-haul or pickup and delivery activity according to the service in which they are predominately employed.

(i) Include in the "line-haul" classification all vehicles predominately engaged in the transportation of property in terminal-to-terminal and other intercity service, excluding peddle operations. The occasional use in pickup and delivery, local cartage, or peddle service of vehicles regularly employed in line-haul service would not affect their classification as "line-haul."

(ii) Include in the "pickup and delivery" classification all revenue vehicles predominately employed in pickup and delivery service, local cartage service, or peddle service. Peddle trips are trips operated out of a local area, consisting of a city or town and contiguous suburban districts, for the purpose of delivering freight to consignees and gathering freight from consignors at points outside such area. The incidental or occasional use in line-haul service of vehicles regularly employed in pickup and delivery, local cartage, or peddle service would not affect their classification as "pickup and delivery."

(4) Service vehicles shall be assigned to the activity according to the service in which they are predominately employed. For example, automobiles used by safety department employees making inspection trips to terminals shall be assigned to the insurance and safety activity, whereas tow trucks used to move other vehicles between terminals and garages shall be assigned to the maintenance activity. Automobiles used by officers shall be assigned to the activity where the greatest proportion of time and salary of the officer is assigned. (See instruction 11.)

(c) Allocation of vehicle-related expenses according to the assignment of vehicles to the appropriate activity:

(1) All instruction 27 carriers shall allocate vehicle expenses to the activity where the vehicle has been assigned.

(2) The vehicle-related expense control accounts are as follows:

4510—Fuel for Motor Vehicles.  
4520—Oil and Lubricants for Motor Vehicles.  
4530—Vehicle Parts.  
4540—Vehicle Maintenance by Outside Vendors.  
4550—Tires and Tubes.  
4590—Other Operating Supplies and Expenses.  
4720—Vehicle License and Registration Fees, Ownership (Federal).  
4770—Vehicle License and Registration Fees, Ownership (State and Other).  
4810—Public Liability and Property Damage Insurance.  
4830—Fire, Theft, and Collision Insurance.  
5320—Depreciation of Revenue Equipment.  
5410—Vehicle Rents With Driver.  
5420—Vehicle Rents With Driver—Vehicle Portion Only.  
5430—Vehicle Rents Without Driver.  
5490—Equipment Rents—Credit.



## RULES AND REGULATIONS

The detail accounts to which the expenses shall be distributed are defined in the account explanation of each of the control accounts listed above.

(d) Distribution of building- and structure-related expenses to activities. (1) Carriers shall assign each building or structure to one of the following activities, depending upon the primary purpose of that building or structure and the activity for which it is used.

- (5) Terminal.
- (6) Maintenance.
- (9) General and administrative.

(1) The terminal activity shall include all buildings and structures owned, leased, or rented by the carrier which are used in conjunction with the receiving and shipping of freight. Include also buildings attached to the terminal buildings which act as storage areas for tools and equipment used at the terminal building.

(1) The maintenance activity shall include all buildings and structures owned, leased, or rented by the carrier which are used to service and repair the carrier's vehicles. If the maintenance activity at a terminal utilizes only an incidental portion of the building, the proportion chargeable to the maintenance activity shall be determined by using one of the methods discussed in paragraph (d) (2) of this section.

(1) The general and administrative activity shall include all buildings and structures not included elsewhere.

(2) Instruction 27 carriers shall distribute building- and structure-related expenses to the appropriate activity using one of the following methods (in order of preference):

(1) Carriers may assign the full expense of a particular building or structure to a particular activity based upon the primary purpose of the building or structure, and the activity for which it is used.

(1) Carriers may assign a proportion of the expense of a building or structure to an activity based upon the square footage used by that particular activity.

(1) Carriers may use any other reasonable and equitable method they can substantiate.

(1) Furniture and fixture expenses shall be assigned to the building or structure in which it is located.

(3) The building- and structure-related expense accounts referred to above are as follows:

- 4750—Real Estate and Property Taxes.
- 4840—Insurance on Buildings and Structures.
- 5310—Depreciation of Buildings and Structures.
- 5350—Depreciation of Furniture and Office Equipment.
- 5370—Amortization of Improvements to Leasehold Property.
- 5510—Building Operating Rents.
- 5910—Joint-Facility Expense—Debit.
- 5920—Joint-Facility Expense—Credit.

(e) Distribution of wages of drivers and helpers. Instruction 27 carriers shall distribute the wages of drivers and helpers to the line-haul and pickup and delivery activities according to the type of service performed by the employee.

(1) The wages of a driver making a line-haul trip from terminal to terminal shall be charged to the line-haul activity, irrespective of whether the vehicle used for the trip has been classified as line-haul or pickup and delivery. Similarly, if a driver is engaged in the carrier's general pickup and delivery or peddle service, his wages while so employed shall be charged to the pickup and delivery activity, irrespective of whether the vehicle used in making the pickups and deliveries has been classified as pickup and delivery or line-haul.

(2) Where a driver making a line-haul trip picks up or delivers all or part of his load at point of origin or destination or points en route, the entire wages of the driver shall be charged to the line-haul activity, except that where the driver's compensation for the pickup and delivery work performed is computed separately for payroll purposes, it shall be charged to the pickup and delivery activity.

(3) Where a driver spends part of the day in making a line-haul trip after which he is assigned to the carrier's general pickup and delivery or peddle service, his wages for the line-haul trip shall be charged to the line-haul activity, and his wages for the pickup and delivery work performed shall be charged to the pickup and delivery activity.

(4) Where a driver is assigned for a part of his time to platform work at the carrier's terminal, including loading and unloading of his own or other vehicles, his wages for the time so employed shall be charged to Account 4230—Salaries and Wages, Cargo Handlers.

(5) The distribution of wages of drivers and helpers as described above shall be subject to the provisions of instruction 11(b) regarding incidental services.

(1) Distribution of wages of vehicle repair and service labor. All instruction 27 carriers shall distribute the wages of vehicle repair and service labor to appropriate activities based on the activity to which the vehicle worked on is assigned as specified in paragraph (b) of this section. Vehicle repair and service labor which cannot be identified as to class of vehicle worked on shall be charged to the maintenance activity.

(g) All instruction 27 carriers shall be prepared to describe the basis of apportionment used to distribute expenses included in this instruction.

(h) Any carrier which finds it impracticable to distribute expenses as required by this instruction shall furnish the Commission with full particulars of the conditions which prevent the proper distribution. Upon receipt of such information carriers will be advised of the procedure to be followed.

28 Distribution of expenses to activities: other than general commodity carriers.

SECTION A—Carriers other than household goods carriers—(a) All instruction 28 carriers, other than carriers of household goods, shall distribute expenses to the following activities:

(1) Line-haul and pickup and delivery.

(5) Billing and collecting, platform and terminal.

- (6) Maintenance.
- (7) Traffic and sales.
- (8) Insurance and safety.
- (9) General and administrative.

(b) Assignment of vehicles for the purpose of classifying expenses:

(1) All vehicles owned or used by the carrier shall be classified as revenue or service vehicles.

(2) Revenue vehicles (truck, tractor, trailer, container) are those vehicles which are used to pick up and deliver freight, or transport freight from terminal to terminal, for the purpose of generating revenue. Service vehicles (car, wrecker, etc.) are those vehicles used to support carrier operations, where little or no revenue is realized.

(3) Service vehicles shall be assigned to the activity according to the service in which it is predominantly employed.

For example, automobiles used by safety department employees making inspection trips to terminals shall be assigned to the insurance and safety activity, whereas tow trucks used to move other vehicles between terminals and garages shall be assigned to the maintenance activity.

Automobiles used by officers shall be assigned to the activity where the greatest proportion of time and salary of the officer is assigned. (See instruction 11.)

(c) Allocation of vehicle-related expenses according to the assignment of vehicles to the appropriate activity:

(1) All instruction 28 carriers shall allocate vehicle expenses to the appropriate activity where the vehicle has been assigned (as specified in paragraph (a) of this section).

(2) The vehicle-related expense control accounts are as follows:

- 4510—Fuel for Motor Vehicles.
- 4520—Oil and Lubricants for Motor Vehicles.
- 4530—Vehicle Parts.
- 4540—Vehicle Maintenance by Outside Vendors.
- 4550—Tires and Tubes.
- 4590—Other Operating Supplies and Expenses.
- 4720—Vehicle License and Registration Fees, Ownership (Federal).
- 4770—Vehicle License and Registration Fees, Ownership (State and Other).
- 4810—Public Liability and Property Damage Insurance.
- 4830—Fire, Theft, and Collision Insurance.
- 5320—Depreciation of Revenue Equipment.
- 5330—Depreciation of Service Cars and Equipment.
- 5410—Vehicle Rents with Driver.
- 5420—Vehicle Rents with Driver—Vehicle Portion Only.
- 5430—Vehicle Rents Without Driver.
- 5490—Equipment Rents—Credit.

The detail accounts to which the expenses shall be distributed are defined in the account explanation of each of these control accounts, subject to the modification contained in paragraph (a) of this section.

(d) Distribution of building- and structure-related expenses to activities:

(1) Carriers shall assign each building or structure to one of the following activities, depending upon the primary purpose of that building or structure and the activity for which it is used.

- (5) Terminal.
- (6) Maintenance.
- (9) General and administrative.

(1) The terminal activity shall include all buildings and structures owned, leased, or rented by the carrier which are used in conjunction with receiving and shipping of freight. Include also buildings attached to the terminal buildings which act as storage areas for tools and equipment used at the terminal building.

(1) The maintenance activity shall include all buildings and structures owned, leased, or rented by the carrier which are used to service and repair the carrier's vehicles. If the maintenance activity at a terminal utilizes only an incidental portion of the building, the proportion chargeable to the maintenance activity shall be determined by using one of the methods discussed in paragraph (d) (2) of this section.

(1) The general and administrative activity shall include all buildings and structures not included elsewhere.

(2) Instruction 28 carriers shall distribute building- and structure-related expenses to the appropriate activity using one of the following methods (in order of preference):

(1) Carriers may assign the full expense of a particular building or structure to a particular activity based upon the primary purpose of the building or structure, and the activity for which it is used.

(1) Carriers may assign a proportion of the expense of a building or structure to an activity based upon the square footage used by that particular activity.

(1) Carriers may use any other reasonable and equitable method they can substantiate.

(1) Furniture and fixture expenses shall be assigned to the building or structure in which it is located.

(3) The building- and structure-related expense accounts referred to above are as follows:

- 4750—Real Estate and Property Taxes.
- 4840—Insurance—Buildings.
- 5310—Depreciation of Buildings and Structures.
- 5350—Depreciation of Furniture and Office Equipment.
- 5370—Amortization of Improvements to Leasehold Property.
- 5510—Building Operating Rents.
- 5910—Joint-Facility Expenses—Debit.
- 5920—Joint-Facility Expense—Credit.

(e) Distribution of wages of drivers and helpers:

(1) Instruction 28 carriers shall charge the wages of drivers and helpers performing either line-haul or pickup and delivery services to the line-haul and pickup and delivery activities.

(2) Where a driver is assigned for a part of his time to platform work at the carrier's terminal, including loading and unloading of his own or other vehicles, his wages for the time so employed shall be charged to Account 4230—Salaries and Wages, Cargo Handlers.

(3) The distribution of wages of drivers and helpers as described above shall be subject to the provisions of instruction 11(b) regarding incidental services.

## RULES AND REGULATIONS

(f) Distribution of wages of vehicle repair and service labor. All instruction 28 carriers shall distribute the wages of vehicle repair and service labor to appropriate activities based on the activity to which the vehicle worked on is assigned as specified in paragraph (b) of this section. Vehicle repair and service labor which cannot be identified as to class of vehicle worked on shall be charged to the maintenance activity.

(g) All instruction 28 carriers shall be prepared to describe the basis of apportionment used to distribute expenses included in this instruction.

(h) Any carrier which finds it impracticable to distribute expenses as required by this instruction should furnish the Commission with full particulars of the conditions which prevent the proper distribution. Upon receipt of such information carriers will be advised of the procedure to be followed.

NOTE A.—The cost of repairs, tires and tubes, fuel and oil, drivers' wages, operating taxes, and other expenses of revenue equipment being transported by a carrier in intercity "drive-away" service shall be charged to the accounts which are used to record such expenses of the carrier's own revenue vehicles.

Sec. B—Carriers of household goods—(a) Class I and class II carriers of household goods shall distribute expenses to the following activities (see definition 2):

- (1) Interstate moving.
- (2) Intrastate moving.
- (3) Local moving.
- (4) Indirect operating—carrier only.
- (5) General and administrative—carrier only.
- (6) Packing and crating.
- (7) Warehousing.
- (8) Overseas import and export.
- (9) Indirect operating—noncarrier.

(b) Assignment of vehicles for the purpose of classifying expenses.

(1) All 28B carriers shall classify vehicles owned or used by the carrier as either revenue or service vehicles.

(2) Revenue vehicles (truck, tractor, trailer, container) are those vehicles which are used to transport household goods from one location or residence to another, for the purpose of generating revenue. Service vehicles (car, packing truck, wrecker, forklift) are those vehicles used to support carrier operations, or are necessary to provide packing services.

(3) Revenue vehicles shall be further classified into the interstate, intrastate, or local moving activity according to the service in which they are predominantly employed.

(1) Include in the "interstate" classification all vehicles predominantly engaged in the transportation of household goods in interstate moving service. The occasional use in intrastate moving or local moving, of vehicles regularly employed in interstate service would not affect their classification as "interstate."

(1) Include in the "intrastate" classification all vehicles predominantly engaged in the transportation of household goods in intrastate moving service. The occasional use in interstate moving

or local moving of vehicles regularly employed in intrastate service would not affect their classification as "intrastate."

(1) Include in the "local" classification all revenue vehicles predominantly employed in local transportation services. Local moves generally are performed within the city or town and contiguous suburban districts. The shipper is normally billed on an hourly rate basis. The incidental or occasional use in intercity service of vehicles regularly employed in local transportation service would not affect their classification as "local."

(4) Service vehicles shall be assigned to the activity according to the service in which it is predominantly employed. For example, automobiles used by salesmen for generating intercity traffic shall be assigned to "Indirect Operating—Carrier Only" whereas forklift trucks used to move storage containers shall be assigned to the "Warehousing" activity. Automobiles used by officers shall be assigned to the activity where the greatest proportion of time and salary of the officer is assigned. (See instruction 11.)

(c) Allocation of vehicle related expenses according to assignment of vehicles to the appropriate activity.

(1) All 28B carriers specified in paragraph (a) above shall allocate vehicle expenses to the appropriate activity where the vehicle has been assigned (as specified in paragraph (b) above).

(2) The vehicle related expense control accounts are as follows:

- 6110—Gasoline and Diesel Fuel.
- 6120—Motor Oil and Lubricants.
- 6200—Tires and Tubes.
- 6300—Other Vehicle Supplies.
- 6400—Vehicle Repair Parts.
- 7100—Outside Services—Vehicle Repairs and Maintenance.
- 7610—Equipment Rents Without Drivers.
- 7620—Tractor Rents With Driver From Agent.
- 7630—Tractor Rents With Driver From Owner Operators.
- 7640—Tractor-Trailer Rents With Driver From Agent.
- 7650—Tractor-Trailer Rents With Driver From Owner Operators.
- 7690—Equipment Rents—Credit.
- 8110—Depreciation—Revenue Equipment.
- 8420—Vehicle Licenses and Registration Fees—State and Local.
- 8430—Vehicle Licenses and Registration Fees—Federal.
- 8440—Gas, Diesel Fuel, and Oil Taxes—State and Local.
- 8450—Gas, Diesel Fuel, and Oil Taxes—Federal.
- 8620—Public Liability and Property Damage—Premiums Paid.
- 8630—Public Liability and Property Damage—Collections From Haulers (Credit).
- 8640—Fire, Theft, and Collision Insurance—Premiums Paid.
- 8650—Fire, Theft, and Collision—Collections From Haulers (Credit).
- 8720—Provision for Claims—Self-Insured Portion—Public Liability and Property Damage.
- 8740—Provision for Claims—Self-Insured Portion—Fire, Theft, and Collision.

The detail accounts to which the expenses shall be distributed are defined in the account explanation of each of the control accounts listed above.



(d) Distributions of vehicle expenses by 28B carriers.

(1) As stated in paragraph (b) above all vehicle equipment shall be assigned to the specific activity which they are designated to serve—either exclusively or primarily. In this manner, equipment costs are identified with a specific vehicle rather than with specific trips such as a vehicle might make. On this basis, expense charges for each piece of equipment should be made to only one activity, as originally designated each year.

(2) Since it is desirable to match the cost of operating and maintaining a vehicle with the revenue generated from the use of that vehicle, it is proper to reflect the cost of any significant vehicle equipment usage variations between activities, such as between interstate moving and intrastate moving. The following types of vehicle related costs, if material, should be transferred between activities based upon miles of service in each activity:

Gasoline and diesel fuel and taxes thereon.  
Motor oils and lubricants.  
Other vehicle supplies.  
Outside services—vehicle repairs and maintenance.  
Tires and tubes.  
Vehicle repair parts.

(3) The following vehicle ownership costs, if material, should be transferred between activities based upon a daily usage rate (such as costs per 8-hour day) for specific classes of equipment:

Depreciation—vehicles—revenue equipment.  
Licenses and registration fees.  
Insurance—fire, theft, and collision.  
Vehicle insurance—public liability and property damage.

The cost per day of the above items could be obtained by dividing the annual ownership cost for each class of equipment by the number of working days (say 250 days).

(e) Distribution of building and structure related expenses to activities.

(1) Carriers shall assign each building or structure to one of the following activities, depending upon the primary purpose of that building or structure and the activity in which it is used.

(5) General and administrative—carrier only.

(7) Warehousing.

(8) Overseas import and export.

(9) Indirect operating—noncarrier.

(1) The general and administrative—carrier only activity shall include all buildings and structures owned, leased, or rented by the carrier which are used in conjunction with its line haul activities as a carrier of household goods. Include also buildings attached to the carrier operations facility which act as storage areas for tools and equipment used in carrier operations. Include in this activity all buildings and structures owned, leased, or rented by the carrier which are used to service and repair the carrier's vehicles.

(11) The warehousing activity shall include all buildings and structures owned, leased, or rented by the carrier

which are used in conjunction with its storage and warehouse handling services.

(11) The overseas import and export activity shall include all buildings and structures necessary for the movement of household goods between points in the United States (except Alaska and Hawaii) and foreign points (except Canada and Mexico).

(iv) The indirect operating—noncarrier activity shall include all buildings and structures not included elsewhere.

(2) Class I and class II carriers shall distribute building and structure related expenses to the appropriate activity using one of the following methods (in order of preference):

(1) Carriers may assign the full expense of a particular building or structure to a particular activity based upon the primary purpose of the building or structure, and the activity in which it is used.

(ii) Carriers may assign a proportion of the expense of a building or structure to an activity based upon the square footage used by that particular activity.

(iii) Carriers may use any other reasonable and equitable method they can substantiate.

(iv) Furniture and fixture expenses shall be assigned to the building or structure in which it is located.

(3) The building and structure related expense accounts referred to above are as follows:

8140—Depreciation—Buildings and Structures.  
8150—Depreciation—Furniture and Office Equipment.  
8210—Amortization of Leasehold Improvements.  
8310—Rent on Building Property.  
8410—Real Estate and Personal Property Taxes.  
8600—Insurance on Buildings and Structures.

(4) When a building or structure is used for household goods operations and other motor carrier operations (classified as Class I or Class II), the building and structure expense shall be assigned based upon the square footage used by those particular operations.

(f) Distribution of wages of drivers and helpers.

(1) Instruction 28B carriers shall separate the wages of drivers and helpers performing interstate moving, intrastate moving, or local moving services and charge the appropriate moving activity according to the type of service performed by the employee.

(2) The wages of a driver making an interstate trip shall be charged to the interstate moving activity, irrespective of whether the vehicle used for the trip has been classified as interstate or intrastate. Similarly if a driver is engaged in the carrier's local moving service, his wages while so employed shall be charged to the local moving activity, irrespective of whether the vehicle used in performing the move has been classified as local moving or interstate or intrastate moving.

(3) Where a driver spends part of the day in making a line-haul trip after

which he is assigned to the carrier's storage service, his wages for the line-haul trip shall be charged to the appropriate moving activity, and his wages for the warehouse handling work performed shall be charged to the warehousing activity.

(4) The distribution of wages of drivers and helpers as described above shall be subject to the provisions of instruction 11(b) regarding incidental services.

(g) Distribution of wages of vehicle repair and service labor. All instruction 28B carriers shall distribute the wages of vehicle repair and service labor to appropriate activities based on the activity to which the vehicle worked on is assigned as specified in paragraph (b) above. Vehicle repair and service labor which cannot be identified as to class of vehicle worked on shall be charged to the indirect operating—carrier only activity.

(h) All instruction 28B carriers shall be prepared to describe the basis of apportionment used to distribute expenses included in this instruction.

(i) Any carrier which finds it impracticable to distribute expenses as required by this instruction should furnish the Commission with full particulars of the conditions which prevent the proper distribution. Upon receipt of such information carriers will be advised of the procedure to be followed.

#### 29. Payroll related expenses.

(a) Account series numbered 4300 and 4400 contain expenditures made for the employee's benefit and welfare as follows:

(1) Miscellaneous paid time off expenses (account series 4300).

(2) Other payroll-related taxes and fringe benefits (account series 4400).

(b) Miscellaneous paid time off expenses (account series 4300) shall be charged to the appropriate activities based on one or a combination of any of the following methods:

(1) Distribute to activities based on the amount of such pay accruing to employees whose salaries and wages are charged to the respective activities.

(2) Distribute to activities based on the amount of hours or dollars charged to activities in the related salary and wage accounts (4210 to 4290, inclusive).

(3) Distribute to activities based on any other equitable basis which the carrier can substantiate.

(c) Other fringes (account series 4400) shall be accumulated in the appropriate accounts as described in the account explanations. These amounts shall be distributed to activities using one of the following techniques (in order of preference):

(1) Apply appropriate factors to the amount in each account, or to the total of the fringe expense accounts, in such a way as to distribute an equitable proportion of the cost to each activity. These factors shall be developed to take into account variables such as the following:

(i) The effect of the rate of accumulation of the expense due to total pay restrictions or other variables. For

example, social security expenses at present apply only up to certain stated dollar limits.

(ii) The effect of seniority on the expense. For example, profit sharing or pensions may be available to only certain categories of employees, which may be more predominant in one activity than another.

(iii) The effect of the type of work performed. For example, workmen's compensation expense may vary for each category of employees because of the rate charged or the claims experience of the category.

(iv) Any other variable which may have an appreciable effect on the equity of the apportionment.

(2) Distribute the amount in each account, or the total of the other fringes, in the same proportion as the pay charged to each activity in account series 4100 and 4200 (salaries and wages).

(3) Distribute the amounts in each account, or the total of the other fringes, using any other equitable basis, which the carrier can substantiate.

(d) The cost of life insurance carried on officers and employees whereunder the carrier is the beneficiary shall be charged to Account 8400—Other Nonoperating Income (net) (class II) and Account 8423—Life Insurance Premiums (class I). Cash surrender values of such policies shall be included in Account 1430—Other Investments and Advances (class II), or Account 1439—Other Investments; other (class I).

(e) All carriers shall be prepared to describe the basis of apportionment used to distribute expenses included in this instruction.

(f) Any carrier which finds it impracticable to distribute expenses as required by this instruction should furnish the Commission with full particulars of the conditions which prevent the proper distribution. Upon receipt of such information carrier will be advised of the procedure to be followed.

#### 30. Amortization of other intangible property.

(a) When it becomes reasonably evident that the term of existence of an intangible property, the cost of which is included in Account 1341—Other Intangible Property, has become limited or its value impaired, its cost shall be amortized or entirely written off by charges to Account 8400—Other Nonoperating Income (net) (class II), and Account 8422—Amortization (other nonoperating deductions) (class I), depending on the remaining estimated period of usefulness; or the entire cost, when qualifying as extraordinary pursuant to instruction 8, may be written off by debiting Account 8800—Extraordinary Items (class II) and Account 8810—Extraordinary Items (net) (class I), with concurrent credit to Account 1342—Accumulated Amortization—Other Intangible Property (classes I and II).

(b) The amount retained in Account 1341—Other Intangible Property, Less Accumulated Amortization, shall not exceed the fair value of the intangibles as of the time of acquisition. Fair value of intangibles, as herein used, acquired in purchase of a distinct operating unit means the amount by which total consideration paid exceeds fair market value of tangible property and other net assets (except intangibles), in conformity with the principles in instruction 20.

#### 31. Income taxes.

(a) The charge to income each year for that year's Federal income taxes should be the amount produced by application of the effective tax regulations to transactions within the year.

(b) Accounting for the investment tax credit:

(1) Carriers electing, as provided in the Revenue Act of 1971, to account for the investment tax credit by the flow-through method shall charge Account 8710—Federal Income Taxes, or Account 8850—Income Taxes on Extraordinary and Prior Period Items, as applicable and shall credit Account 2121—Accrued Federal Income Taxes, with the estimated Federal income taxes payable which is net of the investment tax credit utilized as a reduction of the tax liability in the current year.

(2) Carriers electing the deferral method to account for the investment tax credit shall, concurrently with making the entries prescribed in paragraph (a) of this section, charge Account 8710—Federal Income Taxes, or Account 8850—Income Taxes on Extraordinary and Prior Period Items, as applicable, and shall credit Account 2412—Other Deferred Credits, with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credits so deferred shall be amortized by credits to Account 8710, Federal Income Taxes, over the life of the assets to which they relate.

(3) Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear account 2412 of amounts representing deferred investment tax credit because of a change from the deferral method to the flow-through method shall submit the proposed journal entry to the Commission for consideration and advice.

#### 32. Expenses by equipment type.

(a) All class I and class II instruction 27 carriers (see instruction 27), shall maintain records in such a manner so as to enable the reporting of certain expenses by equipment type.

(b) Carriers required to comply with the provisions of this instruction shall maintain such records on amounts includable in the following natural classifications when the amounts therein are distributed to either the line-haul or pickup and delivery activity:

4240—Vehicle Repair and Service Labor.  
4510—Fuel for Motor Vehicles.  
4520—Oil, Lubricants and Coolants for Motor Vehicles.  
4530—Vehicle Parts.  
4540—Vehicle Maintenance by Outside Vendors.  
4550—Tires and Tubes.  
5320—Depreciation Expense—Revenue Equipment.  
5410—Vehicle Rents With Driver.  
5420—Vehicle Rents With Driver—Vehicle Portion Only.  
5430—Vehicle Rents Without Driver.  
5490—Equipment Rents—Credit.

(c) The records maintained by the carrier must enable a separation of such amounts into the following subdivisions by type and ownership:

Owned truck.  
Owned tractor.  
Owned trailer (semi or full).  
Refrigerated unit (owned or rented).  
Other specialized equipment (owned or rented).  
Rented truck.  
Rented tractor.  
Rented trailer (semi or full).  
Rented tractor-trailer combination or other.

(d) Recognizing the fact that many carriers presently maintain such separations by various means of subcodes and other internal methods, no prescribed system of segregation is required. The method used, however, must result in accurate separations. For those carriers which do not have an internal system for such separations, the following subcodes are recommended for assignment to these primary accounts:

(1) Owned truck;  
(2) Owned tractor;  
(3) Owned trailer (semi or full);  
(4) Refrigerated unit (owned or rented);  
(5) Other specialized equipment (owned or rented);  
(6) Rented truck;  
(7) Rented tractor;  
(8) Rented trailer (semi or full);  
(9) Rented tractor-trailer combination or other.

#### 33. Owner-operator expense.

All class I and class II carriers shall maintain records in such a manner as to enable the reporting of owner-operator expense. Owner-operator relates to the contract use of vehicles with drivers wherein the operation is under the purchasing carrier's control. The full amount of the agreed compensation for the services furnished shall be charged to account 5410—Vehicle rents with driver, or account 5420—Vehicle rents with driver—vehicle portion only, as appropriate. In cases where the carrier pays or furnishes certain expenses such as repairs, parts, tires and tubes, fuel and oil, vehicle licenses and fees, insurance, workman's compensation, tolls, driver's union dues, etc., incident to the operation and maintenance of the owner-operator vehicles as part of the agreed compensation, the carrier shall charge such amounts to accounts 5410 and 5420 as appropriate.



## RULES AND REGULATIONS

### 34. Transactions with affiliates.

(a) All transactions with affiliated companies (see definition 7) shall be entered in the appropriate accounts provided for transactions of the same nature.

(b) All charges made to affiliated companies for management services performed or for recoupment of operating expenses shall be credited to account 5940—Professional services—credit.

(c) Transportation-related charges from affiliated companies shall be debited to the appropriate operating expense accounts, and the component of each account shall be distributed to the appropriate activity in accordance with Instructions 11 and 27 or 26.

(d) Each bill rendered by an affiliated company shall state the specific basis for charges concerning management services or any other type of service rendered, sale or use of facilities or any other type of asset or property, with an adequate description of such basis used.

(e) The carrier shall record, as the cost of assets or services received from an affiliated supplier, their invoice price in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions. Any differences between actual transaction prices and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits.

(f) The records supporting all transactions with affiliated companies shall be so maintained in a separate file as to show the contractual arrangement for each transaction, the amounts paid to and received from each company, and the basis of each assessment.

(g) The file maintained pursuant to this instruction shall be kept in such a manner as to enable the carrier to furnish accurately and expeditiously information and supporting documentation relating to the transactions.

(h) Punched cards, magnetic tapes, discs, or other machine-sensible device

used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system shall constitute a file within the meaning of this instruction: *Provided*, The carrier maintains the capability to produce a record of transactions with affiliates upon request of the Commission.

(1) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 2

### CLASS I AND CLASS II MOTOR CARRIERS, CHART OF ACCOUNTS

## BALANCE SHEET—ASSETS

Class II accounts		Class I accounts	
	<i>Current Assets</i>		
1010	Cash and Working Funds.....	1011	Cash and Working Funds.
		1012	Cash.
1020	Special Deposits.....	1021	Working Funds.
		1022	Special Deposits.
		1023	Interest Special Deposits.
1030	Temporary Cash Investments.....	1031	Dividend Special Deposits.
		1032	Miscellaneous Special Deposits.
		1033	Temporary Cash Investments.
1110	Notes Receivable.....	1111	Temporary Cash Investments; Affiliated Companies.
		1112	Temporary Cash Investments; Other.
1120	Receivables from Affiliated Companies.....	1121	Notes Receivable.
		1122	Notes Receivable; Officers, Stockholders, and Employees.
		1123	Notes Receivable; Other.
1131	Accounts Receivable; Customers and Interline.....	1131	Receivables from Affiliated Companies.
1133	Accounts Receivable; Officers, Stockholders, and Employees.	1132	Loans and Notes Receivable from Affiliated Companies.
1135	Accounts Receivable; Other.....	1133	Interest and Dividends Receivable from Affiliated Companies.
1140	Allowance for Uncollectible Accounts.....	1135	Accounts Receivable.
		1136	Accounts Receivable; Customers and Interline.
		1137	Accounts Receivable; Officers, Stockholders, and Employees.
		1138	Accounts Receivable; Other.
		1139	Allowance for Uncollectible Accounts.
		1141	Prepayments.
		1142	Prepaid Taxes and Licenses.
		1143	Prepaid Insurance.
		1144	Prepaid Interest.
		1145	Prepaid Rents.
		1146	Prepaid Stationery and Printed Matter.
		1147	Prepaid Tires and Tubes.
		1151	Miscellaneous Prepayments.
1151	Materials and Supplies.....	1151	Materials and Supplies.
1160	Other Current Assets.....	1161	Other Current Assets.
		1162	Subscribers to Capital Stock.
		1163	Interest and Dividends Receivable.
		1164	Other Current Assets; Other.
	<i>Tangible Property</i>		
1210	Land and Structures.....	1211	Land and Structures:
		1212	Land.
1214	Accumulated Depreciation—Structures.....	1213	Structures.
1221	Revenue Equipment.....	1214	Accumulated Depreciation—Structures.
1222	Accumulated Depreciation—Revenue Equipment.....	1221	Revenue Equipment.
1223	Service Cars and Equipment.....	1222	Accumulated Depreciation—Revenue Equipment.
1224	Accumulated Depreciation—Service Cars and Equipment.....	1223	Service Cars and Equipment.
1230	Other Carrier Property.....	1224	Accumulated Depreciation—Service Cars and Equipment.
1232	Accumulated Depreciation and Amortization—Other Carrier Property.....	1231	Other Carrier Property:
		1232	Shop and Garage Equipment.
		1233	Accumulated Depreciation—Shop and Garage Equipment.
		1234	Furniture and Office Equipment.
		1235	Accumulated Depreciation—Furniture and Office Equipment.
		1236	Miscellaneous Equipment.
		1237	Accumulated Depreciation—Miscellaneous Equipment.
		1238	Improvements to Leasehold Property.
		1241	Leasehold Property.
		1242	Undistributed Property.
		1243	Accumulated Depreciation—Undistributed Property.
		1244	Unfinished Construction.
		1245	Carrier Operating Property Leased to Others.
		1251	Accumulated Depreciation—Carrier Operating Property Leased to Others.
1261	Property Used in Other Than Carrier Operation.....	1252	Property Used in Other Than Carrier Operations.
1262	Accumulated Depreciation and Amortization—Property Used in Other Than Carrier Operations.....	1261	Accumulated Depreciation and Amortization—Property Used in Other Than Carrier Operations.
		1262	Accumulated Depreciation and Amortization—Property Used in Other Than Carrier Operations.
	<i>Intangible Property</i>		
1310	Organization, Franchises, and Permits.....	1311	Organization, Franchises, and Permits:
1312	Accumulated Amortization—Organization, Franchises, Permits.....	1312	Organization.
		1313	Accumulated Amortization—Organization.
		1321	Franchises.
		1322	Accumulated Amortization—Franchises.
		1331	Permits and Patents.
		1332	Accumulated Amortization—Permits and Patents.
1341	Other Intangible Property.....	1341	Other Intangible Property:
1342	Accumulated Amortization—Other Intangible Property.....	1342	Accumulated Amortization—Other Intangible Property.

(e) for the purpose of recording separately transactions with affiliated companies.

**CLASS I AND CLASS II MOTOR CARRIERS, CHART OF ACCOUNTS—Continued**

### BALANCE SHEET—LIABILITIES AND EQUITY

Class II accounts		Class I accounts	
2154	Other Long-term Obligations.	2154	Other Long-term Obligations.
2155	Other Interest.	2155	Other Interest.
2161	Current Equipment Obligations and Other Debt.	2161	Current Equipment Obligations and Other Debt.
2162	Estimated Liabilities: Accrued.	2162	Estimated Liabilities: Accrued.
2171	Sell Insurance.	2171	Sell Insurance.
2172	Real Estate Liabilities.	2172	Real Estate Liabilities.
2173	Property Damage Claims.	2173	Property Damage Claims.
2174	Cargo Loss and Damage Claims.	2174	Cargo Loss and Damage Claims.
2175	Overcharge Claims.	2175	Overcharge Claims.
2181	Other Estimated Liabilities.	2181	Other Estimated Liabilities.
2182	Other Current Liabilities.	2182	Other Current Liabilities.
<i>Long-Term Debt</i>			
2310	Advances Payable—Affiliated Companies.	2310	Advances Payable—Affiliated Companies:
2311	Advances Payable—Non-Affiliated Companies.	2311	Advances Payable—Non-Affiliated Companies:
2312	Open Accounts Not Subject to Current Settlement.	2312	Open Accounts Not Subject to Current Settlement.
2313	Interest Accrued Not Subject to Current Settlement.	2313	Interest Accrued Not Subject to Current Settlement.
2320	Other Advances Payable.	2320	Other Advances Payable:
2321	Notes Payable.	2321	Notes Payable.
2322	Open Accounts Not Subject to Current Settlement.	2322	Open Accounts Not Subject to Current Settlement.
2323	Interest Accrued Not Subject to Current Settlement.	2323	Interest Accrued Not Subject to Current Settlement.
Equipment and Other Long-Term Obligations.		Equipment and Other Long-Term Obligations:	
2331	Equipment Obligations.	2331	Equipment Obligations.
2332	Bonds and Debentures.	2332	Bonds and Debentures.
2333	Capitalized Lease Obligations.	2333	Capitalized Lease Obligations.
2334	Other Long-Term Obligations.	2334	Other Long-Term Obligations.
2341	Reacquired Long-Term Obligations.	2341	Reacquired Long-Term Obligations.
<i>Deferred Credits</i>			
2410	Deferred Credits.	2410	Deferred Credits:
2411	Unamortized Premium on Debt.	2411	Unamortized Premium on Debt.
2412	Other Deferred Credits.	2412	Other Deferred Credits.
<i>Estimated Liabilities</i>			
2511	Estimated Liabilities.	2511	Estimated Liabilities.
<i>Stockholders' Equity</i>			
2610	Capital Stock.	2610	Capital Stock:
2611	Nonnominally Issued Securities.	2611	Capital Stock—Preferred.
2612	Premiums and Assessments on Capital Stock.	2612	Capital Stock—Common.
2613	Subscribed Capital Stock.	2613	Subscribed Capital Stock.
2621	Nonnominally Issued Securities.	2621	Nonnominally Issued Securities.
2622	Premiums and Assessments on Capital Stock.	2622	Premiums and Assessments on Capital Stock.
2623	Subscribed Capital Stock.	2623	Subscribed Capital Stock.
2631	Commission and Expense on Capital Stock.	2631	Commission and Expense on Capital Stock.
2641	Other Capital in Excess of Par or Stated Value.	2641	Other Capital in Excess of Par or Stated Value.
2651	Retained Earnings—Appropriated.	2651	Retained Earnings—Appropriated.
2652	Retained Earnings—Unappropriated.	2652	Retained Earnings—Unappropriated.
2661	Treasury Stock.	2661	Treasury Stock.
<i>Sole Proprietors' Equity</i>			
2711	Sole Proprietorship Capital.	2711	Sole Proprietorship Capital.
2712	Drawings.	2712	Drawings.
2731	Profit and Loss.	2731	Profit and Loss.
<i>Partnership Equity</i>			
2811	Partnership Capital.	2811	Partnership Capital.
2821	Drawings.	2821	Drawings.
2841	Profit and Loss.	2841	Profit and Loss.

**CLASS I AND CLASS II MOTOR CARRIERS, CHART OF ACCOUNTS—Continued**  
**BALANCE SHEET—ASSETS—Continued**

**BALANCE SHEET—ASSETS—Continued**

Class II accounts		Investment, Securities and Advances		Class I accounts	
1410	Investments and Advances—Affiliated Companies.....	1411	Investments and Advances—Affiliated Companies Common Stocks; Affiliated Companies.		
		1412	Preferred Stocks; Affiliated Companies.		
		1413	Bonds and Debentures; Affiliated Companies.		
		1414	Notes; Affiliated Companies.		
		1415	Other Investments; Affiliated Companies.		
1420	Adjustments—Investments and Advances, Affiliated Companies.....	1421	Adjustments—Investments and Advances, Affiliated Companies.		
1430	Other Investments and Advances.....	1431	Other Investments and Advances: Common Stocks; Other.		
		1432	Preferred Stocks; Other.		
		1433	Bonds and Debentures; Other.		
		1434	Notes; Other.		
		1435	Other Investments; Other.		
1440	Adjustments—Other Investments and Advances.....	1441	Adjustments—Other Investments and Advances.		
1450	Special Funds.....	1451	Special Funds.		
			<i>Deferred Charges</i>		
1510	Deferred and Miscellaneous Debits.....	1511	Deferred and Miscellaneous Debits: Amortized Debt Discount and Expense.		
		1512	Other Debits.		
1551	Clearing Accounts.....	1551	Clearing Accounts.		
			<i>Current Liabilities</i>		
2010	Notes Payable and Matured Obligations.....	2011	Notes Payable.		
2020	Payable to Affiliated Companies.....	2021	Matured Long-term Obligations Payable to Affiliated Companies: Loans and Notes Payable to Affiliated Companies.		
		2022	Interest and Dividends Payable to Affiliated Companies.		
		2023	Accounts Payable: Accounts Payable: Officers, Stockholders, and Employees.		
2031	Accounts payable.....	2032	Accounts Payable; Interline.		
2032	Accounts payable; Interline.....	2033	Accounts Payable; Employee Withholding.		
2033	Accounts payable; Employee Withholding.....	2034	Accounts Payable; Other.		
2041	Salaries and Wages Payable.....	2041	Salaries and Wages Payable.		
2051	C.O.D.'s Unremitted.....	2051	C.O.D.'s Unremitted.		
2111	Accrued Operating Taxes and Licenses.....	2111	Accrued Operating Taxes and Licenses: Gasoline, Other Fuel and Oil Taxes; Acquired.		
2112	Gasoline, Other Fuel and Oil Taxes; Acquired.....	2112	Vehicle Licenses and Registration Fees; Acquired.		
2113	Real Estate and Personal Property Taxes; Acquired.....	2113	Real Estate and Personal Property Taxes; Acquired.		
2114	Social Security Taxes; Acquired.....	2114	Social Security Taxes; Acquired.		
2115	Other Taxes; Acquired.....	2115	Other Taxes; Acquired.		
2121	Accrued Federal Income Taxes.....	2121	Accrued Federal Income Taxes.		
2122	Accrued State Income Taxes.....	2122	Accrued State Income Taxes.		
2123	Accrued Other Income Taxes.....	2123	Accrued Other Income Taxes.		
2130	Other Current and Accrued Liabilities.....	2131	Other Current and Accrued Liabilities: Dividends Payable.		
		2141	Notes and Advances Payable.		
		2142	Equipment Obligations.		
		2143	Bonds and Debentures.		
		2144	Other Long-term Obligations.		
		2145	Other Current Liabilities.		
		2151	Notes and Advances Payable.		
		2152	Equipment Obligations.		
		2153	Bonds and Debentures.		



CLASS I AND CLASS II MOTOR CARRIERS, CHART OF ACCOUNTS—Continued  
MATRIX OF OPERATING EXPENSES—Continued

Natural classification	Control	Activities								
		Line-haul	Pickup and delivery	Billing and collecting	Platform	Terminal	Mail	Insurance	General and administrative	
		0	1	2	3	4	5	6	7	8 9
410 Salaries—Officers and Supervisory Personnel.....	4100	4111	4112	4113	4114	4115	4116	4117	4118	4119
1 Officers, Departmental, Terminal, and Division Managers.....	4120	4121	4122	4123	4124	4125	4126	4127	4128	4129
2 Salaries—Supervisory Personnel.....	4130	4131	4132	4133	4134	4135	4136	4137	4138	4139
3 Salaries and Wages.....	4200	4201	4202	4203	4204	4205	4206	4207	4208	4209
4 Clerical and Administrative Personnel.....	4210	4211	4212	4213	4214	4215	4216	4217	4218	4219
5 Carpoolers.....	4220	4221	4222	4223	4224	4225	4226	4227	4228	4229
6 Vehicle Repair and Service.....	4230	4231	4232	4233	4234	4235	4236	4237	4238	4239
7 Owner-operator Drivers.....	4240	4241	4242	4243	4244	4245	4246	4247	4248	4249
8 Other Labor.....	4250	4251	4252	4253	4254	4255	4256	4257	4258	4259
9 Other Expenses.....	4300	4301	4302	4303	4304	4305	4306	4307	4308	4309
10 Miscellaneous Paid Time.....	4310	4311	4312	4313	4314	4315	4316	4317	4318	4319
11 Clerical and Administrative Personnel.....	4320	4321	4322	4323	4324	4325	4326	4327	4328	4329
12 Drivers and Helpers.....	4330	4331	4332	4333	4334	4335	4336	4337	4338	4339
13 Vehicle Repair and Service.....	4340	4341	4342	4343	4344	4345	4346	4347	4348	4349
14 Owner-operator Drivers.....	4350	4351	4352	4353	4354	4355	4356	4357	4358	4359
15 Other Labor.....	4360	4361	4362	4363	4364	4365	4366	4367	4368	4369
16 Other Expenses.....	4370	4371	4372	4373	4374	4375	4376	4377	4378	4379
17 State Payroll Taxes.....	4380	4381	4382	4383	4384	4385	4386	4387	4388	4389
18 Workers' Compensation.....	4390	4391	4392	4393	4394	4395	4396	4397	4398	4399
19 Pension and Retirement.....	4400	4401	4402	4403	4404	4405	4406	4407	4408	4409
20 Health, Welfare, and Pensions.....	4410	4411	4412	4413	4414	4415	4416	4417	4418	4419
21 Other Fringes.....	4420	4421	4422	4423	4424	4425	4426	4427	4428	4429
22 Operating Supplies and Expenses.....	4430	4431	4432	4433	4434	4435	4436	4437	4438	4439
23 Fuel for Motor Vehicles, and Oil, Lubricants, and Coolants for Motor Vehicles.....	4440	4441	4442	4443	4444	4445	4446	4447	4448	4449
24 Vehicle Parts and Accessories (including Tires and Tubes).....	4450	4451	4452	4453	4454	4455	4456	4457	4458	4459
25 Tires and Tubes.....	4460	4461	4462	4463	4464	4465	4466	4467	4468	4469
26 Other Operating Supplies and Expenses.....	4470	4471	4472	4473	4474	4475	4476	4477	4478	4479
27 Office Supplies.....	4480	4481	4482	4483	4484	4485	4486	4487	4488	4489
28 Tariffs and Schedules.....	4490	4491	4492	4493	4494	4495	4496	4497	4498	4499
29 Advertising Agent Fees.....	4500	4501	4502	4503	4504	4505	4506	4507	4508	4509
30 Solicitation Comm. Out-side Fees.....	4510	4511	4512	4513	4514	4515	4516	4517	4518	4519
31 Officers' and Supervisory Personnel Expenses.....	4520	4521	4522	4523	4524	4525	4526	4527	4528	4529
32 Other General Supplies and Expenses.....	4530	4531	4532	4533	4534	4535	4536	4537	4538	4539
33 Operating Taxes and Licenses.....	4540	4541	4542	4543	4544	4545	4546	4547	4548	4549
34 Federal and State Taxes (Federal).....	4550	4551	4552	4553	4554	4555	4556	4557	4558	4559

See footnotes at end of table.

## RULES AND REGULATIONS

## RULES AND REGULATIONS

CLASS I AND CLASS II MOTOR CARRIERS, CHART OF ACCOUNTS—Continued  
MATRIX OF OPERATING EXPENSES—Continued

Natural classification	Control	Activities								
		Line-haul	Pickup and delivery	Billing and collecting	Platform	Terminal	Mail	Insurance	General and administrative	
		0	1	2	3	4	5	6	7	8 9
550 Building and Office Equipment Rents.....	5500	5501	5502	5503	5504	5505	5506	5507	5508	5509
1 Building Operating Rents.....	5510	5511	5512	5513	5514	5515	5516	5517	5518	5519
2 Office Equipment Rents.....	5520	5521	5522	5523	5524	5525	5526	5527	5528	5529
3 Gain or Loss on Disposition of Operating Assets (Net).....	5530	5531	5532	5533	5534	5535	5536	5537	5538	5539
4 Gains on Disposition of Operating Assets.....	5540	5541	5542	5543	5544	5545	5546	5547	5548	5549
5 Losses on Disposition of Operating Assets.....	5550	5551	5552	5553	5554	5555	5556	5557	5558	5559
6 Miscellaneous Expenses.....	5560	5561	5562	5563	5564	5565	5566	5567	5568	5569
7 Joint-Facility Expense.....	5570	5571	5572	5573	5574	5575	5576	5577	5578	5579
8 Professional Services.....	5580	5581	5582	5583	5584	5585	5586	5587	5588	5589
9 Professional Services.....	5590	5591	5592	5593	5594	5595	5596	5597	5598	5599
10 Uncollectible Revenue.....	5600	5601	5602	5603	5604	5605	5606	5607	5608	5609

1 Indicates that only class II carriers are required to use this account.

NOTE.—For class II carriers, several natural classifications have been combined in this matrix of operating expenses. These combinations are designated by arrows to the left of the natural classifications. For example, class II carriers shall report salaries of: Officers, and terminal, department and division managers in one natural classification—4110.

CHART OF ACCOUNTS  
OTHER INCOME AND EXPENSES

Class II accounts	Class I accounts
8000 Other Income/Deductions (Control).....	8000 Other Income/Deductions (Control).....
8100 Income from Noncarrier Operations (Net).....	8100 Income from Noncarrier Operations (Net):
	8110 Income from Noncarrier Operations:
	8120 Expenses of Noncarrier Operations:
8200 Interest and Dividend Income (Control).....	8200 Interest and Dividend Income (Control):
8210 Interest Income.....	8210 Interest Income.....
8220 Dividend Income.....	8220 Dividend Income.....
8300 Lease of Distinct Operating Units (Control).....	8300 Lease of Distinct Operating Units (Control):
8310 Lease of Distinct Operating Unit—Debit.....	8310 Lease of Distinct Operating Unit—Debit.....
8320 Lease of Distinct Operating Unit—Credit.....	8320 Lease of Distinct Operating Unit—Credit.....
8400 Other Nonoperating Income (Net).....	8400 Other Nonoperating Income (Net):
	8410 Other Nonoperating Income:
	8420 Other Nonoperating Deductions:
	8430 Bad Debts:
	8440 Amortization (Franchises, Permits and Other):
	8450 Life Insurance Premiums (Nontax Deductible):
	8460 Other:
8500 Gain or Loss on Disposition of Other Assets (Net).....	8500 Gain or Loss on Disposition of Other Assets (Net):
	8510 Nonoperating Gains on Disposition of Assets:
	8520 Nonoperating Losses on Disposition of Assets:
	8530 Gains on Disposition of Land and Structures:
	8540 Losses on Disposition of Land and Structures:
8600 Interest and Amortization of Debt Discount Expense and Premium.....	8600 Interest and Amortization of Debt Discount Expense and Premium:
8610 Interest Expense—Equipment Obligations.....	8610 Interest Expense—Equipment Obligations.....
8620 Interest Expense—Advances.....	8620 Interest Expense—Advances.....
8630 Interest Expense—Bonds.....	8630 Interest Expense—Bonds.....
8640 Interest Expense—Other Long-Term Obligations.....	8640 Interest Expense—Other Long-Term Obligations.....
8650 Interest Expense—Current Obligations.....	8650 Interest Expense—Current Obligations.....
8660 Interest Expense—Matured Obligations.....	8660 Interest Expense—Matured Obligations.....
8670 Amortization of Debt Discount and Expense.....	8670 Amortization of Debt Discount and Expense.....
8680 Amortization of Premium on Debt-Credit.....	8680 Amortization of Premium on Debt-Credit.....
8700 Income Taxes on Ordinary Income.....	8700 Income Taxes on Ordinary Income (Control):
	8710 Federal Income Taxes.....
	8720 State Income Taxes.....
	8730 Other Income Taxes.....
8800 Extraordinary Items.....	8800 Extraordinary Items (Control):
	8810 Extraordinary Items (Net):
	8820 Prior Period Items (Net):
	8830 Income Taxes on Extraordinary and Prior Period Items.....

CLASS I AND CLASS II MOTOR CARRIERS  
BALANCE SHEET ACCOUNT EXPLANATIONS

## ASSETS

## CURRENT ASSETS

## 1010—Cash and Working Funds (class II).

This account shall include the items in accounts 1011 and 1012.

## 1011—Cash (class I).

This account shall include current funds in the hands of financial officers

and agents, cash in transit for which agents have been credited, and deposits in banks or trust companies (including savings accounts), available on demand for general company purposes.

NOTE A.—This account shall not be credited with the amount of checks or drafts until they have been transmitted to payees. Transmitted checks or drafts at the end of the accounting period shall be credited to this account, whether outstanding or not. The cash disbursements book shall be closed at the end of a month and amounts not actually transmitted at that time shall be

reflected in the appropriate liability accounts.

NOTE B.—Funds (other than savings accounts) subject to withdrawal restrictions shall not be included in this account. Such funds definitely known to be available within 1 year shall be included in Account 1160—Other Current Assets, for Class II Carriers, and in Account 1163—Other Current Assets; Other, for Class I Carriers. Deposits which are not available for withdrawal within 1 year shall be included in Account 1510—Deferred and Miscellaneous Debits, for Class II Carriers, and in Account 1512—Other Deferred Debits, for Class I Carriers.

NOTE C.—If funds are deposited in bank accounts for special purposes, but are not restricted to such special purposes only, the amounts are includible in this account. (See also account 1023.)

## 1012—Working Funds (class I).

This account shall include amounts advanced to officers, agents, and employees, and others as petty cash or working funds of a continuing nature from which certain expenditures are to be made and accounted for.

NOTE A.—Advances to drivers and others for lodgings, meals, and other expenses which are to be accounted for at the end of a trip, et cetera, if not advanced from a petty cash fund, shall be charged to a subdivision of Account 1510—Deferred and Miscellaneous Debits, for Class II Carriers, and Account 1512—Other Deferred Debits for Class I Carriers, pending distribution to appropriate expense and other accounts.

## 1020—Special Deposits (class II).

This account shall include the items in accounts 1021, 1022, and 1023.

## 1021—Interest Special Deposits (class I).

This account shall include cash and bank credits placed in the hands of fiscal agents or others for the payment of interest on behalf of the carriers. When interest is paid from such deposits, it shall be credited to this account and charged to the appropriate accrued or matured interest account.

## 1022—Dividend Special Deposits (class I).

This account shall include cash and bank credits placed in the hands of fiscal agents or others for the payment of dividends on behalf of the carrier. When dividends are paid from such deposits, they shall be credited to this account.

## 1023—Miscellaneous Special Deposits (class I).

This account shall include bank deposits subject to withdrawal for specific purposes only, and cash and bank credits placed in the hands of fiscal agents or others for special purposes (other than the payment of interest or dividends), such as deposits with Federal, State, or municipal authorities, public utilities, insurance companies, or others, as a guaranty for the fulfillment of current obligations. Entries to this account shall specify the purpose for which the deposit is made.

NOTE A.—This account shall not include any assets available for general company purposes.

NOTE B.—Deposits made on the purchase of operating rights, revenue equipment, and other equipment, et cetera, shall be included in Account 1510—Deferred and Miscellaneous



Debits, for Class II Carriers, and Account 1512—Other Deferred Debits, for Class I Carriers.

### 1030—Temporary Cash Investments (class II).

This account shall include the items in accounts 1031 and 1032.

### 1031—Temporary Cash Investment; Affiliated Companies (class I).

This account shall include the book cost (see instruction 18) of investments such as time drafts and time loans receivable, marketable securities, and similar investments acquired for the purpose of temporarily investing cash. Any securities included in this account must be of such a nature as to be readily convertible into cash at substantially their book value. Items included in this account shall reflect temporary cash investments in affiliated companies only.

NOTE A.—Amounts carried in this account as pledged shall be shown separately from amounts unpledged.

NOTE B.—There shall not be included in this account amounts properly includible in Accounts 1410—Investments and Advances—Affiliated Companies, or 1430—Other Investments and Advances, for Class II Carriers, and in Accounts 1411 to 1421, inclusive: Investments and Advances—Affiliated Companies, or 1431 to 1441, inclusive: Other Investments and Advances, for Class I Carriers, for investments which the carrier intends to hold for more than 1 year.

### 1032—Temporary Cash Investments; Other (class I).

This account shall include items relating to temporary cash investments in other than affiliated companies. See account 1031 for details as to the type of items to be included.

NOTES: A AND B.—See account 1031.

### 1110—Notes Receivable (class II).

This account shall include the items in accounts 1111 and 1112.

### 1111—Notes Receivable—Officers, Stockholders, and Employees (class I).

This account shall include the book cost, not includible elsewhere, of all collectible obligations in the form of notes receivable, contracts receivable, and similar evidences (except interest coupons) from officers, stockholders, and employees, of money receivable on demand or within a time not exceeding 1 year from date of issue.

NOTE A.—Notes receivable from affiliated companies shall be included in Account 1120—Receivables From Affiliated Companies, or Account 1410—Investments and Advances—Affiliated Companies, as appropriate, for Class II Carriers, and in Account 1121—Loans and Notes Receivable From Affiliated Companies, or Accounts 1411 to 1421, inclusive: Investments and Advances—Affiliated Companies, as appropriate, for Class I Carriers.

NOTE B.—The amount of notes receivable discounted, sold, or transferred, unless transferred without recourse, shall be credited to Account 2010—Notes Payable and Matured Obligations, for Class II Carriers, and to Account 2011—Notes Payable, for Class I Carriers.

## RULES AND REGULATIONS

### 1112—Notes Receivable—Other (Class I).

This account shall include the book cost, not includible elsewhere, of all collectible obligations in the form of notes receivable, contracts receivable, and similar evidences (except interest coupons) from other than officers, stockholders, and employees, of money receivable on demand or within a time not exceeding 1 year from date of issue.

NOTES A AND B.—See Account 1111.

### 1120—Receivables From Affiliated Companies (class II).

This account shall include the items in accounts 1121, 1122, and 1123.

### 1121—Loans and Notes Receivable From Affiliated Companies (class I).

This account shall include the total of loans and notes receivable from affiliated companies (see definition 7) which are subject to current settlement (see definition 16) such as loans and drafts for which affiliated companies are liable, and notes receivable on demand or within a time not exceeding 1 year from the date of the current financial statements.

NOTE A.—On the balance sheet, receivables from affiliated companies shall be offset against payables of the same type to the same companies where this offset is consistent with the intent of the parties to settle on a net basis.

NOTE B.—Items which are not subject to current settlement shall be included in accounts designated for "Investments and Advances—Affiliated Companies." (See account 1410 for class II carriers, and accounts 1411 to 1421, inclusive, for class I carriers.)

### 1122—Interest and Dividends Receivable From Affiliated Companies (class I).

This account shall include the total of interest and dividends due from affiliated companies (see definition 7) which are subject to current settlement (see definition 16).

NOTE A.—See note A, account 1121.

NOTE B.—No amount representing dividends receivable shall be included in this account unless the dividends have been declared or guaranteed.

NOTE C.—See note B, account 1121.

### 1123—Accounts Receivable From Affiliated Companies (class I).

This account shall include the total of accounts receivable from affiliated companies (see definition 7) which are subject to current settlement (see definition 16) such as balances in open accounts for services rendered, material furnished, interline accounts, claims, rent for use of property, and similar items.

NOTE A.—See note A, account 1121.

NOTE B.—See note B, account 1121.

### 1131—Accounts Receivable; Customers and Interline (classes I and II).

(a) This account shall include amounts currently due from customers for transportation, storage, packing, and other charges incidental to transportation, and for advances to other carriers and warehouses for the account of customers; and amounts due from customers as rent for revenue equipment.

(b) This account shall also include amounts currently due from agents and other carriers for transportation charges; charges incidental to transportation; balances due from other carriers representing interline freight accounts; amounts due from other carriers as rent for revenue equipment; and the balances in current accounts due from agents and representatives charged with the collection or custody of current transportation revenues.

NOTE A.—The amounts of accounts receivable discounted, that have been sold or transferred (unless transferred without recourse), shall be credited to Account 2034—Accounts Payable; Other.

### 1133—Accounts Receivable; Officers, Stockholders, and Employees (classes I and II).

This account shall include amounts currently due from officers, stockholders, and employees and net balances in current accounts due from drivers and other employees, charged with the collection or custody of current transportation revenues.

NOTE A.—The amounts of accounts receivable discounted, that have been sold or transferred (unless transferred with recourse), shall be credited to Account 2034—Accounts Payable; Other.

NOTE B.—Amounts advanced to officers, employees, or others as petty cash or working funds shall be included in Account 1010—Cash and Working Funds, for Class II Carriers, and in Account 1012—Working Funds, for Class I Carriers. Amounts advanced to drivers and other employees for lodgings, meals, and similar expenses shall be included in Account 1510—Deferred and Miscellaneous Debits, for Class II Carriers, and in Account 1512—Other Deferred Debits, for Class I Carriers Pending Distribution to Appropriate Expense and Other Accounts.

NOTE C.—The part of prepaid premiums which is payable by the carrier's employees under a group insurance plan shall be debited to this account until such amounts are collected by way of wage deductions or other arrangements with the employees.

### 1135—Accounts Receivable; Other (classes I and II).

This account shall include amounts due from others (except items provided for in accounts 1120, 1131, and 1133 for class II carriers, and in accounts 1121, 1122, 1123, 1131, and 1133 for class I carriers) that are subject to current settlement (see definition 16) for material and supplies furnished and services rendered (except transportation charges and charges incidental to transportation), including use of property, other matured rents, amounts owing by public authorities, amounts of collectible judgments, and other accounts and claims upon which responsibility is acknowledged by solvent concerns or individuals.

NOTE A.—The amounts of accounts receivable discounted, that have been sold or transferred (unless transferred without recourse), shall be credited to Account 2034—Accounts Payable; Other.

### 1138—Allowance for Uncollectible Accounts (classes I and II).

This account shall be credited each month with amounts reserved from re-

ceivables which may become uncollectible, and shall be maintained in such manner as to show the amount of each separate reserve set out below and the amounts of debits and credits thereto:

(a) Allowance for receivables representing carrier operating revenue. Credits to this subdivision shall be concurrently charged to Account 5950—Uncollectible Revenue.

(b) Allowance for receivables applicable to revenue from noncarrier operations and property. Credits to this subdivision shall be concurrently charged to Account 8100—Income From Noncarrier Operations—Net, for Class II Carriers, and Account 8120—Expenses of Noncarrier Operations, for Class I Carriers.

(c) Allowance for uncollectible receivables other than revenues. Credits to this paragraph shall be concurrently charged to Account 8400—Other Nonoperating Income (net), for Class II Carriers, and Account 8421—Bad Debts, for Class I Carriers.

### 1140—Prepayments (class II).

This account shall include the items in accounts 1141, 1142, 1143, 1144, 1145, 1146, and 1147.

### 1141—Prepaid Taxes and Licenses (class I).

This account shall include the current portion of expenses paid or incurred in advance, the benefits of which are to be realized in subsequent periods. Entries shall be made each month, transferring to the appropriate expense or other account the portion of each current prepayment which is applicable to that month.

NOTE A.—Prepayments of minor items may be charged directly to the appropriate expense or other account.

NOTE B.—The long-term portion (in excess of 1 year) of prepayments shall be included in Account 1510—Deferred and Miscellaneous Debits (class II) and Account 1512—Other Deferred Debits (class I).

NOTE C.—The portion of unexpired license fees for licenses disposed of in the sale of revenue equipment, as far as they were prepaid, shall be credited to this account, when the vendee can use such licenses. The expense portion shall be credited to the appropriate Account of Series 4700—Operating Taxes and Licenses.

### 1142—Prepaid Insurance (class I).

For explanation, see account 1141. (See also Instruction 22, note A.)

NOTE A.—See note A, account 1141.

NOTE B.—See note B, account 1141.

NOTE C.—Under an employees' group insurance plan where a part of the premiums is payable by the employees, the prepayments on premiums included in this account shall be limited to the carrier's portion of the premium (see account 1333, note C). (Premiums paid on a monthly reporting basis, shall be charged directly to Account 4490—Other Fringes (class II) and Account 4440—Group Insurance (class I).)

### 1143—Prepaid Interest (class I).

For explanation, see account 1141.

NOTE A.—See note A, account 1141.

NOTE B.—See note B, account 1141.

## RULES AND REGULATIONS

### 1144—Prepaid Rents (class I).

For explanation, see account 1141.

NOTE A.—See note A, account 1141.

NOTE B.—See note B, account 1141.

NOTE C.—A fee paid to a rental agent for leasing operating property to others shall be included in this account and prorated to the appropriate operating expense account, when considerable in amount. Small fees are chargeable directly to the operating expense account.

NOTE D.—The cost of improvements to leased property for which the carrier is reimbursed by deducting a certain amount from the monthly rental payments over the remaining term of the lease shall be included in this account and the subsequent reduction in each monthly rent bill shall be credited to this account.

### 1145—Prepaid Stationery and Printed Matter (class I).

For explanation, see account 1141.

NOTE A.—See note A, account 1141.

### 1146—Prepaid Tires and Tubes (class I).

For explanation, see account 1141.

NOTE A.—See note A, account 1141.

NOTE B.—(1) The cost of tires and tubes for revenue equipment, including taxes, may, at the time of original application to vehicles, be debited either to this account or directly to Account 4550—Tires and Tubes (classes I and II).

(2) The full value of tires and tubes furnished by the vendor with newly acquired revenue equipment may also be debited to this account. A prorated portion of the cost of tires and tubes debited to this account, based on mileage or other equitable method of apportionment, shall be transferred each month to the appropriate expense account.

NOTE C.—The undistributed service value, included in this account, of tires and tubes that are sold or traded in with vehicles, or which are destroyed or otherwise disposed of, shall be credited to this account.

### 1147—Miscellaneous Prepayments (class I).

For explanation, see account 1141.

NOTE A.—See note A, account 1141.

NOTE B.—The cost of toll coupon books, transportation script, et cetera, shall be reflected in this account until issued for use, at which time the amounts shall be debited to Account 4590—Other Operating Supplies and Expenses and Accounts 4660—Officers' and Supervisory Personnel Expenses or 4670—Other Employees' Expenses, as appropriate. Gasoline coupon books or oil coupons, et cetera, shall be debited to the expense accounts provided for such products, when they are issued for use.

### 1151—Material and Supplies (classes I and II).

(a) This account shall include the cost (less cash or other discounts when they can be determined) of all unapplied materials and supplies used in carrier and noncarrier operations, including tools, repair parts, fuel, tires and tubes, deposits on containers, et cetera. The cost shall include all specifically assignable transportation charges incurred in obtaining the delivery of such materials and supplies upon the premises of the carrier including loading and unloading; and at the option of the carrier, it may include a suitable proportion of purchasing and

store expenses. The cost shall also include sales and excise taxes on material purchases. Sales and excise taxes on gasoline, other motor fuel, and motor oil are also includible in this account and prorated portions of such taxes shall be debited to accounts 4710 and 4760, as appropriate, based on the consumption of gasoline, other motor fuel, and motor oil. (See account 2111.)

(b) When any materials or supplies which have been charged to this account are issued for use, credit this account and charge the appropriate construction, operating expense, or other account with the cost of these items. Such amount may be based upon the average cost of all items of a given type included in this account at the beginning of the period.

(c) Materials recovered in connection with construction, maintenance, or the retirement of property shall be charged to this account as follows:

(1) Reusable materials shall be included in this account at a value not to exceed cost, estimated if not known.

(2) Scrap and nonusable materials including obsolete parts shall be carried at the estimated salvage value. So far as practical, the difference between the amounts realized from sale or disposal and the amounts at which the materials are carried in this account shall be adjusted in the accumulated depreciation accounts, or other accounts which were credited when the materials were charged to this account.

(d) The cost (including taxes) of gasoline, oil, et cetera, purchased in connection with the operation of a filling station shall be charged to this account. (See paragraph (b) of this section for such materials issued for use in motor carrier operations.) When material is issued for sale, credit this account with its cost, and Account 3900—Other Operating Revenue, For Any Profit. The expenses incurred in operating the filling station shall be included in the appropriate operating and maintenance expense accounts.

NOTE A.—Interest charged on invoices for materials and supplies, the payment of which is delayed, shall be charged to Account 5650—Interest Expense—Current Obligations.

NOTE B.—Inventories of materials and supplies shall be taken at intervals of 1 year or less, and the necessary adjustments shall be made to bring this account into harmony with the actual physical inventory. In effecting this adjustment, differences which may practically be assigned to important classes of materials shall be equitably distributed among the accounts to which such classes of materials are ordinarily chargeable. Other differences shall be equitably apportioned among the operating expense accounts to which materials have been charged since the last inventory. Such differences that cannot be allocated to the operating expense accounts shall be included in Account 4690—Other General Supplies and Expenses.

NOTE C.—Credits for cash and other discounts that cannot be applied directly to the cost of materials to which they apply shall be included in Account 4690—Other General Supplies and Expenses.

NOTE D.—Stationery and printed matter should be charged to account 1140 for class II carriers or account 1145 for class I carriers.



**NOTE K.—Carriers** which maintain relatively small stocks of unapplied material and supplies may charge the cost of purchases directly to the appropriate expense account, provided that an actual physical inventory is taken and adjustments are made as set out in note B of this account.

**NOTE P.—The proceeds** from the sale of junked materials and parts, that were not recorded in this account, when removed from service, shall be credited to the appropriate expense accounts which were originally charged with the cost of such materials and parts.

#### 1160—Other Current Assets (Class II).

This account shall include the items in accounts 1161, 1162, and 1163.

#### 1161—Subscribers to Capital Stock (Class I).

(a) This account shall include the balances due from subscribers upon legally enforceable subscriptions of capital stock.

(b) The amount of each subscription shall be charged to this account at the time the subscription is accepted. Concurrently, there shall be credited to Account 2610—Capital Stock, for Class II Carriers, and Account 2613—Subscribed Capital Stock, for Class I Carriers, the par or stated value of the stock subscribed or the agreed purchase price in the case of nonpar stock without a stated value. Appropriate entries shall likewise be recorded with respect to any discount or premium on par value stock or nonpar value stock with a stated value.

**NOTE A.—The records** supporting the entries to this account shall be kept so that corporation can furnish the name and address of each subscriber, the amount and kind of capital stock subscribed, the date of subscription, the date that each payment is due, and the date that each is paid, the nature of each payment (whether cash or other consideration), and any other information that is necessary to make the history of the subscription complete.

#### 1162—Interest and Dividends Receivable (Class I).

This account shall include the amount of current interest accrued on bonds, mortgages, notes, and other commercial paper owned, on loans made, open accounts, bank deposits, et cetera; and the amount of dividends receivable on stocks owned. (See instruction 13.)

**NOTE A.—Interest and dividends** receivable from affiliated companies shall be included in Account 1120—Receivable From Affiliated Companies for Class II Carriers and Account 1122—Interest and Dividends Receivable From Affiliated Companies, for Class I Carriers.

**NOTE B.—Interest** which is not subject to current settlement shall be included in the same account as the principal from which the interest arises.

**NOTE C.—No amount** representing dividends receivable shall be included in this account unless they have been declared or guaranteed.

**NOTE D.—No interest or dividends** on securities or obligations issued or assumed by the carrier shall be included in this account.

#### 1163—Other Current Assets; Other (Class I).

This account shall include the amount of all current assets (see definition 16) not includible in any of the fore-

going current asset accounts, including the cost of property purchased for resale (such as cattle, real estate, automobiles, furniture, et cetera), and the estimated value of property acquired in connection with the settlement of cargo loss and damage claims, pending disposition. When the property is sold, any difference between the value carried in this account and the sales price shall be debited or credited to account 2130 (class II) or account 2173 (class I).

#### TANGIBLE PROPERTY

##### 1210—Land and Structures (class II).

This account shall include the items in accounts 1211 and 1213.

##### 1211—Land (class I).

(a) This account shall include the cost (see instruction 19) of land used directly in connection with the motor carrier operations of the carrier.

(b) The cost of buildings and other improvements (other than public improvements) shall not be included in this account. If, at the time of acquisition of an interest in land, such interest extends to buildings or other improvements (other than public improvements), which are subsequently devoted to carrier operations, class I carriers shall appraise separately the land and improvements and allocate the cost to this account and to Account 1213—Structures, on the basis of the appraisals. If the improvements are removed or wrecked prior to use of the property in carrier operations, the cost of the improvements to the carrier (together with the cost of removing or wrecking, less salvage recovered) shall be included as part of the cost of the land.

(c) Carriers shall keep their records so as to show separately the cost of each parcel of land, its description, date of acquisition, and the purpose or purposes for which used in motor carrier operations.

#### ITEMS

Campground for employees on vacation, cost of.  
Condemnation proceedings, including court costs and special counsel fees.  
Consents and abutting damages, payment for.  
Conveyances and notaries' fees.  
Fees and commissions to brokers and agents.  
Land, cost of.  
Special assessments on the basis of benefits for new roads, new bridges, new pavements, new sewers, and other public improvements (excluding interest on deferred payments and taxes for maintenance of such improvements).  
Surveys.  
Taxes assumed accrued prior to date of transfer of title.  
Title, examining, registering, clearing, insuring and defending against claims relating to period prior to purchase.

**NOTE A.—When land** is acquired in excess of that required for motor carrier operations, or for which there is no definite plan to use it in such service within 1 year, the cost of such land shall be charged to Account 1261—Property Used in Other Than Carrier Operations. If land originally charged to that account is later used for motor carrier operations, it shall be transferred to this

account (1211) at its cost when acquired. (See instruction 20.)  
**NOTE B.—Assessments** for public improvements upon which payments are deferred shall be charged to this account in full and the unpaid balance carried in Account 2634—Other Long-Term Obligations. Interest on unpaid balances shall be charged to Account 2640—Interest Expense—Other Long-Term Obligations.  
**NOTE C.—Land rights, easements, long-term and perpetual leases** and similar items shall not be recorded in this account, but in Account 1341—Other Intangible Property. Amortization thereof shall be accounted as provided in Account 1942—Accumulated Amortization—Other Intangible Property.

**1213—Structures (class I).**  
(a) This account shall include the cost in place (see instruction 19) of structures used in motor carrier operations for such purposes as general offices, shops, garages, terminals, loading platforms, and the like situated on owned land. This includes buildings or constructions to house, support, or safeguard property or persons, with all appurtenant fixtures permanently attached thereto, and improvements to owned land, and other structures or constructions situated on land, the investment in which is included in Account 1211—Land.  
(b) Carriers shall keep their records so as to show separately the cost of each structure included in this account and the purpose or purposes for which used in motor carrier operations.

#### ITEMS

Architect's plans.  
Ash pits.  
Awnings.  
Boilers, furnaces, piping, wiring, fixtures, and machinery for heating, lighting, signaling, ventilating, and plumbing.  
Bridges and culverts.  
Chimneys.  
Commissions and fees to brokers, agents, architects, and others.  
Conduits (not to be removed).  
Damages to abutting property during construction.  
Door checks and door stops.  
Drainage and sewerage systems.  
Elevators, cranes, hoists, et cetera, and the machinery for operating them.  
Excavation, including shoring, bracing, bridging, refilling, and disposal of excess excavated material.  
Fences and hedges.  
Fire protection systems.  
Floor covering (permanently attached).  
Foundations and piers for machinery constructed as a permanent part of a building or other unit listed herein.  
Grading and preparing grounds for buildings, including landscaping of grounds after construction.  
Leases, voiding, to secure possession of structures.  
Long-term leases, capitalized.  
Oil pits and drainage systems.  
Outside lighting systems.  
Painting, first.  
Permits and privileges, building.  
Platforms, railings, gratings, and partitions, when constructed as part of structures.  
Power boards for service to a building.  
Railroad spur tracks on owned land.  
Refrigerating systems.  
Retaining walls.  
Scales, connected to and forming part of the structure.  
Screens.  
Signs, permanent; on carrier's buildings.

Sidewalk, pavements, and driveways on building grounds.  
Sprinkling systems.  
Storage facilities constituting part of the building.  
Storage tanks, underground or attached to structures.  
Storm doors and windows.  
Structures, cost of.  
Subways, arseways, and tunnels, directly connected to and forming part of the structure.  
Towers and antennae for communication equipment used in dispatching.  
Vacation camp, structures on.  
Vaults, constructed as part of the building.  
Water supply system for building or general company purposes.  
Window shades and ventilators.  
Wiring for office equipment if made a part of a structure.

**NOTE A.—In the event** that long-term leases on any item includible in this account are capitalized herein (see account 2833), records shall be maintained so as to show separately the cost of owned property and property capitalized under a long-term lease.

**NOTE B.—The cost** of specially provided foundations not expected to outlast the machinery or apparatus for which they are provided, and the cost of angle irons, castings, et cetera, installed at the base of an item of equipment shall be charged to the same account as the cost of the machinery or equipment.

**NOTE C.—When part** of a structure is removed in order to build an extension thereto, the accounting therefor shall be in accordance with instruction 19(b).

**NOTE D.—The cost** of structures under construction shall be carried in account 1280—Other carrier property (class II), and account 1245—Unfinished construction (class I), until ready for service.

#### 1214—Accumulated Depreciation—Structures (classes I and II).

(a) This account shall be credited with the following:

(1) Amounts charged each month to the 5300 series of accounts—Depreciation and amortization, for currently accruing depreciation (see definition 21) of structures as part of carrier operating property as provided in instruction 23.

(2) If applicable, the amount of depreciation accrued by vendor or predecessor companies to date of transfer applicable to structures acquired as part of a distinct operating unit as provided in instruction 20.

(3) The amount of depreciation accrued to the date of transfer, applicable to property transferred from account 1261—Property Used in Other Than Carrier Operations, to the preceding asset account, or account 1230—Other Carrier Property (class II) and account 1251—Carrier Operating Property Leased to Others (class I).

(b) Retirement accounting shall be performed in accordance with instruction 21, when structures are retired.

**NOTE A.—Records** shall be kept so as to show separately the amount of accumulated depreciation for owned property and property capitalized under a long-term lease.

#### 1221—Revenue Equipment (classes I and II).

(a) This account shall include the cost (see instruction 19) of all units of

revenue freight equipment, the cost of repairs, overhauling, painting, lettering, and the first set of accessory equipment necessary to fit the revenue freight equipment for service, excluding tires and tubes (see note B under account 1146—Prepaid tires and tubes). The term "revenue freight equipment" includes body and chassis and all fixtures and appliances inside of or attached to the body or chassis.

(b) If revenue freight equipment is purchased in a condition ready for service, the charge to this account shall include the invoice or contract price (excluding tires and tubes) less fleet and other discounts, if any, plus freight, excise, and sales taxes, insurance in transit, unloading costs, and other expenses incurred in obtaining delivery of the vehicles upon the premises of the carrier, such as driveway charges, and the cost of painting and lettering and of any additions or attachments made after delivery. Interest, insurance, or other expense incurred under any plan of purchase involving deferred payments shall not be included in this account.

(c) This account may also include the cost of spare engines and other major units carried on hand for the purpose of temporarily replacing similar units taken into the shop for overhauling, repairing, or any other reason.

(d) Carriers shall keep their records so as to show separately the cost of each unit of equipment included in this account.

#### ITEMS

Accessory equipment, first set of (such as: directional signals, fire extinguishers, heaters, jacks, lumber rollers, safety kits, tire gauges, tool kits, et cetera).  
Advisory fees in connection with the purchase of revenue equipment.  
Automobiles (used to transport freight).  
Containers (lift vans and related wheel assemblies).  
Fifth wheels.  
Radio communication equipment on revenue vehicles.  
Refrigeration units.  
Road dollies.  
Rigging equipment.  
Sanders.  
Semitrailleurs.  
Special tarpaulins (house tops) for revenue vehicles.  
Tractors.  
Trailers.  
Trucks (freight or hoist).  
Truck tractors.

**NOTE A.—See note A, account 1213.**

**NOTE B.—Accessory equipment** which replaces original equipment shall be charged to account 4530—Vehicle parts.

**NOTE C.—The net cost** of replacement of an old gasoline engine with a new one is chargeable to Account 4530—Vehicle Parts. If a diesel engine is substituted, the betterment (the amount by which the cost of the diesel engine exceeds the cost, at current prices, of a gasoline engine similar to the one removed) is includible in this account. The balance of the cost of the diesel engine, plus replacement expenses, less salvage from the old engine shall be charged to account 4530.

**NOTE D.—When revenue vehicles** are purchased by the carrier for the purpose of resale, the cost of the vehicle shall be charged to accounts 1160—Other Current Assets (class II) and 1163—Other Current Assets;

Other (class I). When the vehicle is sold, retirement accounting shall be performed as outlined in instruction 21(a).

#### 1222—Accumulated Depreciation—Revenue Equipment (classes I and II).

This account shall be credited as provided in the explanation for account 1214. Entries in this account shall reflect transactions relating to revenue equipment only.

**NOTE A.—See note A, account 1214.**

#### 1223—Service Cars and Equipment (classes I and II).

(a) This account shall include the cost (see instruction 19) of automobiles and other vehicles used in conducting motor carrier operations, and of automotive vehicles used in keeping revenue vehicles in operation, such as wreckers and trouble wagons for servicing revenue vehicles on the road. This account shall also include the cost of the first set of appliances or accessory equipment, including tires and tubes, necessary to fit such vehicles for service, such as cranes, hoists, and other appliances, devices, and tools forming the equipment of service cars, as well as the cost of painting, lettering, and of any attachments or additions made after delivery.

(b) Carriers shall keep their records so as to show separately the cost of each unit of property (see definition 37) included in this account.

#### ITEMS

Airplanes (for use in carrier operations by company officials and employees).  
Automobiles.  
Buses for transportation of employees.  
Emergency repair vehicles and appliances.  
Radio communication equipment on service vehicles.  
Refueling cars.  
Road graders (to make private roads passable for revenue equipment).  
Sand and salt cars.  
Snow-fighting vehicles and equipment.  
Snow plows for use on revenue or service equipment.  
Spare units for service vehicles, on hand in shop (optional).  
Tow cars, wreckers, and appliances.

**NOTE A.—See note A, account 1213.**

#### 1224—Accumulated Depreciation—Service Cars and Equipment (classes I and II).

This account shall be credited as provided in the explanation for account 1214. Entries in this account shall reflect transactions relating to service cars and equipment only.

**NOTE A.—See note A, account 1214.**

#### 1230—Other Carrier Property (class II).

This account shall include the items in accounts 1233, 1235, 1237, 1241, 1243, 1245, and 1251.

**NOTE A.—See note A, account 1213.**

#### 1232—Accumulated Depreciation and Amortization—Other Carrier Property (class II).

This account shall include the items in accounts 1234, 1236, 1238, 1243, 1244, and 1252.

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## RULES AND REGULATIONS

NOTE A.—See note A, account 1214.

### 1233—Shop and Garage Equipment (class I).

(a) This account shall include the installed cost (see instruction 19) of machinery and equipment (other than office furniture and equipment) used in shops and garages when such machinery and equipment is not an integral part of the housing structure, together with specially provided foundations and settings not expected to outlast the machinery mounted thereon.

(b) Records shall be kept so as to show separately the cost of each major item of equipment.

(c) If the carrier has shops or garages at more than one location, the records shall be maintained to reflect the carrier's investment at each location.

## ITEMS

Air compressors and hose, gauges, and tanks.  
Battery charging outfits.  
Boring or reaming machines.  
Car washing equipment.  
Cranes and hoists (portable).  
Creepers.  
Drill presses.  
Electric equipment.  
Engines and boilers.  
Gasoline and oil pumps and portable tanks.  
Greasing racks and pumps.  
Grinders.  
Jacks.  
Lockers.  
Machine tools.  
Motor-driven hand tools.  
Motor starters.  
Oil reclaiming machines.  
Paint sprayers.  
Pneumatic tools.  
Storage bins and shelving (movable).  
Store room equipment (except office furniture and equipment).  
Stoves.  
Testing apparatus.  
Tire changing equipment.  
Vices.  
Vulcanizing equipment.  
Weighing devices (portable).  
Wiring for shop equipment (movable).  
Work benches.

NOTE A.—See note A, account 1213.

NOTE B.—The cost of small portable tools and implements of slight value or short life, other than those included in the initial equipment of a shop or garage, shall be charged to Account 4590—Other Operating Supplies and Expenses.

NOTE C.—The cost of cranes, hoists, and other appliances, devices and tools forming the equipment of wreckers, service cars, et cetera, shall be charged to Account 1223—Service Cars and Equipment.

### 1234—Accumulated Depreciation—Shop and Garage Equipment (class I).

This account shall be credited as provided in the explanation for account 1214. Entries in this account shall reflect transactions relating to shop and garage equipment only.

NOTE A.—See note A, account 1214.

### 1235—Furniture and Office Equipment (class I).

(a) This account shall include the installed cost (see instruction 19) of furniture and appliances used in general offices, garage, terminal, and other offices when such equipment is not an integral part of the housing structure.

(b) The records shall be maintained to reflect the carrier's investment in furniture and office equipment by type of use.

(c) If the carrier operates or owns auxiliary terminal facilities such as restaurants for employees, the cost of owned equipment therein shall be charged to this account and carried under a special subdivision entitled "Furniture and office equipment facilities."

## ITEMS

Accounting machines.  
Air conditioners.  
Bookcases.  
Calculators.  
Cash registers.  
Chairs, stools, and benches.  
Clocks.  
Communication systems (interoffice and central office two-way radio equipment).  
Computers.  
Counters.  
Desks.  
Equipment in rest, dining, recreation, and medical rooms.  
Fans, electric.  
Filing cabinets.  
Fire extinguisher equipment.  
Floor coverings (movable).  
Heaters and lamps (movable).  
Kitchen equipment.  
Lighting fixtures (movable).  
Lockers.  
Loud speaker system.  
Office equipment (mechanical).  
Partitions and railings (movable).  
Restaurant equipment.  
Safes (movable).  
Showcases and shelves.  
Tables and counters.  
Teletypewriters.  
Time clocks.  
Typewriters.  
Vacuum cleaners.  
Water coolers.  
Wiring for office equipment (movable).

NOTE A.—See note A, account 1213.

NOTE B.—Small articles of slight value or of short life (see instruction 19(c)) shall be charged to the appropriate expense accounts.

### 1236—Accumulated Depreciation—Furniture and Office Equipment (class I).

This account shall be credited as provided in instructions for account 1214. Entries in this account shall reflect transactions relating to furniture and office equipment only.

NOTE A.—See note A, account 1214.

### 1237—Miscellaneous Equipment (class I).

(a) This account shall include the cost (see instruction 19) of motor carrier equipment (such as miscellaneous wheeled equipment used at terminals and loading platforms in connection with handling traffic), driveway equipment, airplanes, and pleasure boats used to entertain customers.

(b) Records shall be maintained so as to show separately the cost of each major item of equipment. (See instruction 19(c).)

## ITEMS

Airplanes.  
Blocks and falls.  
Boats (pleasure).  
Canvas covers (tarpaulins).  
Chain hoists.

Cranes (not installed on revenue vehicles).  
Dollies (platform).  
Equipment used in vacation camps for employees.  
Fork trucks.  
Hamper trucks.  
Hand trucks.  
Lift trucks.  
Mechanical loading devices.  
Pallets.  
Platform trucks and tractors.  
Rollers.  
Ropes and cables.  
Scales.  
Signal equipment.  
Signs (electric and portable).  
Skidboards.  
Tow bars, governors, and brake controls (driveway operations).  
Weighing devices.

NOTE A.—See note A, account 1213.

### 1238—Accumulated Depreciation—Miscellaneous Equipment (class I).

This account shall be credited as provided in the explanation for account 1214. Entries in this account shall reflect transactions relating to miscellaneous equipment only.

NOTE A.—See note A, account 1214.

### 1241—Improvements to Leasehold Property (class I).

(a) This account shall include, except as provided in paragraph (b) of this account, the cost to the carrier of initial improvements (including rearrangements, additions, and betterments) to property used in its motor carrier operations (for items affected, see accounts 1210 through 1237), and held under lease or through control of the carrier owning the property, and the cost of any subsequent additions to and betterments of such leased or controlled property but not including replacements.

(b) When the cost of alterations to leased property used in motor carrier operations otherwise chargeable to this account is not in excess of \$200 or the period of the lease is less than 1 year, the cost may be charged to the accounts chargeable with the cost of such repairs to such property. (See instruction 19(c).)

NOTE A.—If the lease agreement provides that structures or other improvements placed on leased property by the lessee shall remain the property of said lessee and may be removed at the expiration of the lease, the investment in such improvements and depreciation accruals thereon shall be transferred to the appropriate accounts at that time.

NOTE B.—Improvements to leasehold property which is leased for less than 1 year shall be charged to Account 4590—Other Operating Supplies and Expenses.

### 1242—Accumulated Amortization—Improvements to Leasehold Property (class I).

Amortization in improvements to property used in carrier operations and held under lease or through control of the carrier owning the property shall be accounted for in the same manner as for other owned depreciable property. (See instruction 23(c).)

### 1243—Undistributed Property (class I).

When a carrier purchases or sells any property constituting a distinct operating unit (see definition 23) or otherwise

finds it necessary because of incomplete financial records to make a general readjustment of operating property records, temporary debits or credits to this account may be made with approval of the Commission, and the distribution of the amounts involved shall be made promptly to the appropriate accounts after authorization by the Commission.

### 1244—Accumulated Depreciation—Undistributed Property (class I).

Depreciation on items carried in Account 1243—Undistributed Property, shall be accounted for in the same manner as for other depreciable property. Balances in this account shall be distributed to the appropriate accumulated depreciation accounts at the same time as the related balances in account 1243 are distributed to the appropriate carrier operating property accounts.

### 1245—Unfinished Construction (class I).

(a) This account shall include the cost of carrier operating property under construction but not ready for service. It shall include all elements of cost as set forth in instruction 19.

(b) When the construction of property has been completed, the amount representing its cost, accumulated in this account, shall be transferred to the appropriate carrier operating property account.

NOTE A.—This account is primarily intended to include only charges for new construction not involving any replacement. If, however, at the beginning of a job involving the replacement or retirement of any operating property, the accounting carrier makes full credits therefor to the appropriate property accounts, the cost of rebuilding property or of installing new property in substitution or replacement, may be carried in this account pending completion of the work. (See also instruction 19(b) and Account 1512—Other Deferred Debits.)

NOTE B.—The cost of used operating equipment (less the value of tires and tubes in the case of revenue equipment) and the additional expense of remodeling shall be debited to this account when the acquired equipment is being remodeled or converted immediately after the purchase. Upon completion of the work the total cost shall be transferred to the appropriate account 1221 or 1223. Equipment acquired for future remodeling or conversion shall be carried in Account 1512—Other Deferred Debits and shall be transferred to this account when reconstruction work has begun.

### 1251—Carrier Operating Property Leased to Other (class I).

(a) This account shall include the cost (see instruction 19) of carrier operating property owned by the carrier but leased to others as part of a distinct operating unit (see definition 23) or system for use in motor carrier operations, where the lessee has exclusive possession.

(b) This account shall be subdivided to reflect separately the investment in each carrier operating property account.

NOTE A.—Carrier operating property included in the temporary lease of a distinct operating unit pending sale shall not be transferred to account 1251.

NOTE B.—See note A, account 1213.

## RULES AND REGULATIONS

## ITEMS

Fees and expenses for incorporation or forming a partnership.  
Fees and expenses for mergers or consolidations.  
Office expenses incident to organizing the company.  
Stock and minute books and corporate seal.

NOTE A.—This account shall not include any discounts upon securities issued or assumed; nor shall it include any costs incident to negotiating loans, selling bonds, or other evidences of debt, or expenses in connection with the authorization, issuance, or sale of stock. (See instructions 16 and 17 and Accounts 2632—Discount on Capital Stock, and 2633—Commission and Expense on Capital Stock.)

NOTE B.—Exclude from this account, and include in Account 5930—Professional Services—Outside, the cost of preparing and filing papers in connection with the extension of the term of incorporation unless the first organization costs have been written off.

### 1314—Accumulated Amortization—Organization (class I).

(a) This account shall be credited with amounts charged to Series 8400—Other Nonoperating Income, or other appropriate account, for amortization or write-off of the first cost of organization. (See account 1313.)

(b) Retirement accounting, when applicable, shall be performed as provided in instruction 21(b).

### 1321—Franchises (class I).

(a) This account shall include amounts actually paid to a State or political subdivision thereof, or to other governmental authorities in consideration of franchises, consents, or certificates representing the cost of acquisition of operating rights and running in perpetuity or for a specified term of more than 1 year.

(b) This account shall also be charged with expenditures incident to applications for franchises, consents, or certificates if such applications are acted upon favorably by the regulatory body, including fees for legal and auditing services, expenses of witnesses, cost of newspaper and other advertisements, et cetera, and pay and expenses of employees engaged in preparing exhibits and other data for hearings. (See note B.)

(c) When a franchise, consent, or certificate is acquired by assignment, the charge to this account shall not exceed its actual cost to the original holder thereof as set out in paragraphs (a) and (b) of this account. Payments by the acquiring carrier in excess of the cost to the original holder, together with any expenses incurred by it in effecting the transfer, shall be debited to Account 1341—Other Intangible Property. (See, however, instruction 20.)

(d) This account shall be maintained to reflect separately perpetual and fixed-term franchises.

NOTE A.—Regularly recurring payments made to any political subdivision for the right to conduct motor carrier operations within its boundaries shall be charged to the 4700 series of accounts: Operating taxes and licenses.

### 1252—Accumulated Depreciation—Carrier Operating Property Leased to Others (class I).

Depreciation on items carried in Account 1251—Carrier Operating Property Leased to Others, shall be accounted for in the same manner as for other owned depreciable carrier operating property.

NOTE A.—See note A, account 1214.

### 1261—Property Used in Other than Carrier Operations (classes I and II).

This account shall include the book cost of land, structures, and equipment owned by the carrier but used in operations other than motor carrier operations, and not provided for in carrier operating property accounts 1210 to 1251, inclusive. (See instruction 19(I).) Investments in other businesses, which are treated as divisions of one organization with one set of books, shall also be included in this account.

NOTE A.—See note A, account 1213.

NOTE B.—Investments in vehicles which are leased to others without drivers, and over which the carrier does not retain any measure of control, shall be included in this account when not used interchangeably in carrier operations. Rental income from and any expenses for such vehicles shall be included in account 8100 (class II) or accounts 8810 (class I) and 8820 (class I). (See account 5820 for vehicles representing component elements of a distinct operating unit.)

### 1262—Accumulated Depreciation—Property Used in Other Than Carrier Operations (classes I and II).

This account shall include amounts accumulated for depreciation and amortization of properties carried in account 1261. (See instruction 23(e), see also accounts 8100 and 8500.)

NOTE A.—See note A, account 1214.

## INTANGIBLE PROPERTY

### 1310—Organization, Franchises, and Permits (class II).

This account shall include the items in accounts 1313, 1321, and 1331.

### 1312—Accumulated Amortization—Organization, Franchises, Permits (class II).

This account shall include the items in accounts 1314, 1322, and 1332. (See instruction 23(d).)

### 1313—Organization (class I).

(a) This account shall include fees paid to State or other governmental authority for the privilege of incorporation, and expenditures incident to organizing the corporation, partnership, or other enterprise, and putting it into readiness to do business.

(b) When charges are made to this account for organization expenses incurred in mergers, consolidations, acquisitions, or reorganizations, amounts previously included herein on the books of the retiring companies shall not be carried over. If such items represent part of the assets acquired, they shall be included in Account 1341—Other Intangible Property. (See instruction 20.)

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Note B.—If an application for a franchise, consent, or certificate is denied, expenditures incident to the application shall be charged to Account 8400—Other Nonoperating Income (net), for class II carriers, and Account 8429—Other Nonoperating Deductions—Other, for class I carriers.

#### 1322—Accumulated Amortization—Franchises (class I).

(a) This account shall be credited with amounts charged to Account 5390—Amortization or other appropriate account for amortization of the cost of acquiring franchises, consents, or certificates having a fixed-term life. This account shall also be credited with amounts charged to Account Series 8400—Other Nonoperating Income (net), or Account Series 8800—Extraordinary Items, as appropriate, for amortization or writeoff of the cost of acquiring such items, which do not have a fixed-term life. (See instructions 23(d) and 29.)

(b) When any franchise, consent, or certificate expires, is sold or relinquished, or is otherwise retired from service, this account shall be charged with the amount previously credited hereto in respect of such property, and retirement accordingly shall be performed as provided in instruction 21(b).

(c) This account shall be maintained in such manner as to show the nature and amounts of debits and credits thereto.

#### 1331—Permits and Patents (class I).

This account shall include the cost (see instruction 19) of permits, patent rights, licenses, and privileges necessary or valuable to the economical conduct of motor carrier or noncarrier operations, and which have a life of more than 1 year from the date they become effective.

#### 1332—Accumulated Amortization—Permits and Patents (class I).

(a) This account shall be credited with amounts charged to Account 5390—Amortization, Account Series 8400—Other Nonoperating Income (net) (classes I and II), or Account Series 8800—Extraordinary Items, as appropriate, for the amortization or writeoff of the cost of acquiring permits, patents, licenses, and privileges with either a fixed-term or perpetual life.

(b) When any right or license included in account 1331 expires or is canceled and is not immediately renewed, is sold, or otherwise disposed of, retirement accounting shall be performed as provided in instruction 21(b).

#### 1341—Other Intangible Property (classes I and II).

(a) This account shall include any intangibles not provided for elsewhere, including the undistributed portions of the purchase cost of a transportation system or portion thereof, constituting a distinct operating unit (see definition 23) not includible in specific accounts provided for assets acquired or liabilities assumed. (See instruction 20.)

(b) This account shall also include the first cost (including transfer fees paid for obtaining a lease from the original lessee), of acquiring long-term and perpet-

ual leaseholds of land and easements, but not rents payable periodically in consideration of rights so obtained.

Note A.—Tax benefits realized as the results of the application of the net operating loss deduction, capital loss carryovers, etc., previously generated by an acquired carrier shall be credited to this account to the extent of the intangibles recorded in this account resulting from the acquisition.

#### 1342—Accumulated Amortization—Other Intangible Property (classes I and II).

(a) This account shall be credited with amounts charged to Account 5390—Amortization, Account Series 8400—Other Nonoperating Income (net), or Account Series 8800—Extraordinary Items, as appropriate, for the amortization or writeoff of the cost of acquiring fixed-term and perpetual leaseholds, easements, other interest in land, or other intangible property.

(b) When any such item in paragraph (a) of this section is sold, relinquished, or otherwise disposed of, retirement accounting shall be performed as provided in instructions 21, 23, and 29, as appropriate.

#### INVESTMENT SECURITIES AND ADVANCES

#### 1410—Investments and Advances—Affiliated Companies (class II).

This account shall include the book cost (see definition 8) of the carrier's investments in securities issued or assumed by affiliated companies; notes of affiliated companies maturing later than 1 year from date of the current financial statements; and the amount of advances to and receivable from affiliated companies not subject to current settlement, including accrued interest on such advances when not subject to current settlement. Exclude from this account securities held in special funds or as temporary cash investments. (See definition 7, Account 1030—Temporary Cash Investments, for class II carriers, and accounts 1031 and 1032 for class I carriers, and instruction 18.)

Note A.—Balances in open accounts with affiliated companies which are subject to current settlement shall be included in Account 1120—Receivables From Affiliated Companies, for class II carriers, and in accounts 1121, 1122, or 1123, as appropriate, for class I carriers.

Note B.—Securities pledged shall be shown separately from securities unpledged.

Note C.—Securities borrowed by the carrier and pledged shall not be included in this account. A memorandum record shall be kept.

#### 1411—Common Stocks; Affiliated Companies (class I).

This account shall be debited as set forth in account 1410, with regard to investments in common stocks of affiliated companies only.

#### 1413—Preferred Stocks; Affiliated Companies (class I).

This account shall be debited as set forth in account 1410, with regard to investments in preferred stocks of affiliated companies only.

#### 1415—Bonds; Affiliated Companies (class I).

This account shall be debited as set forth in account 1410, with regard to investments in bonds of affiliated companies only.

#### 1417—Notes; Affiliated Companies (class I).

This account shall be debited as set forth in account 1410, with regard to investments in notes of affiliated companies only.

#### 1419—Other Investments; Affiliated Companies (class I).

This account shall be debited as set forth in account 1410, with regard to all other investments in affiliated companies not included in accounts 1411, 1413, 1415, or 1417.

#### 1421—Advances; Affiliated Companies (class I).

This account shall be debited as set forth in account 1410, with regard to advances made to affiliated companies.

#### 1428—Adjustments—Investments and Advances; Affiliated Companies (classes I and II).

This account shall be credited with amounts charged to Account Series 8400—Other Nonoperating Income (net), or Account Series 8800—Extraordinary Items, as appropriate, to provide a reserve for adjustments in the value of investment securities included in Account 1410—Investment and Advances; affiliated companies, for class II motor carriers, and accounts 1411, 1413, 1415, 1417, 1419, or 1421, as appropriate, for class I motor carriers. (See instruction 18(b).)

#### 1430—Other Investments and Advances (class II).

This account shall include the book cost (see definition 8 and instruction 18(a)) of the carrier's investments in securities issued or assumed by other than affiliated companies; notes of other companies and persons, maturing later than 1 year from the date of the current financial statements; the cash surrender values of insurance policies carried on the lives of officers and employees when the carrier is beneficiary of such policies (see instruction 22, note A); advances to other companies and individuals, and open accounts receivable not subject to current settlement. (See Account 1030—Temporary Cash Investments, for class II motor carriers, or accounts 1031 and 1032, as appropriate, for class I motor carriers. See also instruction 18.) When an interest in any nonaffiliated company is received in payment of transportation charges billed to such companies, the value of such interest shall be included in this account.

Note A.—Balances in open accounts with other companies and individuals which are subject to current settlement shall be included in accounts receivable.

Note B.—Profits and losses resulting from the sale of securities of others shall be included in Account 8400—Other Nonoperating Income (net) (class II), and Account 8410—Other Nonoperating Income (class I), or 8420—Other Nonoperating Deductions (class

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I), as appropriate; or, when qualifying as extraordinary pursuant to instruction 8, shall be included in Account 8800—Extraordinary Items (class II), and Account 8810—Extraordinary Items (net) (class I).

Note C.—Securities pledged shall be shown separately from securities unpledged.

Note D.—Securities borrowed by the carrier and pledged shall not be included in this account. A memorandum record shall be kept.

#### 1431—Common Stocks; Other (class I).

This account shall be debited as set forth in account 1430, with regard to investments in common stock issued or assumed by other than affiliated companies.

#### 1433—Preferred Stocks; Other (class I).

This account shall be debited as set forth in account 1430, with regard to investments in preferred stock issued or assumed by other than affiliated companies.

#### 1435—Bonds; Other (class I).

This account shall be debited as set forth in account 1430, with regard to investments in bonds issued or assumed by other than affiliated companies.

#### 1437—Notes; Other (class I).

This account shall be debited as set forth in account 1430, with regard to investments in notes issued or assumed by other than affiliated companies.

#### 1439—Other Investments; Other (class I).

This account shall be debited as set forth in account 1430, with regard to all other investments in other than affiliated companies not included in accounts 1431, 1433, 1435, or 1437.

#### 1441—Advances; Other (class I).

This account shall be debited as set forth in account 1430, with regard to advances made to other than affiliated companies.

#### 1448—Adjustments—Other Investments and Advances (classes I and II).

This account shall be credited with amounts charged to Account Series 8400—Other Nonoperating Income (net), or Account Series 8800—Extraordinary Items, as appropriate, to provide a reserve for adjustments in the value of investment securities included in Account 1430—Other Investments and Advances, for class II motor carriers, and accounts 1431, 1433, 1435, 1437, 1439, or 1441, for class I motor carriers. (See instruction 18(b).)

#### 1451—Special Funds (classes I and II).

(a) This account shall include the amount of cash or other assets held by trustees or fiscal agents in charge of sinking funds, or by the carrier itself when they are segregated in a distinct fund, for the purpose of redeeming outstanding obligations. (See instruction 18.)

(b) This account shall also include the amount of cash and the cost (see instruction 18) of securities of other companies and other assets which have been specifically set aside to provide a fund for the

replacement of units of depreciable property.

(c) This account shall also include the amount of cash and the cost (see instruction 18) of securities of other companies and other assets in insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for purposes not provided for elsewhere, including deposits with State commissions to guarantee continuing payments to the beneficiaries of workmen's compensation claims; and the face value of securities issued or assumed by the carrier which may be held alive in such funds as provided in instructions 16 and 17.

(d) This account shall also include deposits in lieu of mortgaged property sold and other trust deposits, pending their refund when equivalent property is acquired.

(e) This account shall also include cash set aside for self-insurance for losses estimated in accounts 2171 through 2175.

(f) A separate subdivision shall be kept for each fund, the title of which shall designate the obligation in support of which the fund was created.

Amounts deposited with trustees or other fiscal agents on account of mortgaged property sold, when held for the redemption of securities.

Cash. Live securities issued or assumed by the carrier, at face value. (For conditions under which such securities may be kept alive, see instruction 16(d).)

Securities of the carrier issued to trustees without intervening sale, at face value. Securities of other companies or other assets, at cost except as otherwise provided herein. Self-insurance, set aside in cash.

Note.—Interest and dividends on securities held in this account shall be credited to Accounts 8210—Interest Income, and 8220—Dividend Income, as appropriate.

#### DEFERRED CHARGES

#### 1510—Deferred and Miscellaneous Debits (class II).

This account shall include the items in accounts 1511 and 1512.

#### 1511—Unamortized Debt Discount and Expense (class I).

This account shall include the total of the net debit balances representing the excess of the discount and expense over the premium in connection with the issuance of each class of the carrier's outstanding long-term or equivalent obligations. Fees for listing long-term obligations on stock exchanges and material costs of tax stamps (for notes, mortgages, et cetera) shall be charged directly to this account. Separate subdivisions shall be maintained in respect of each issue of such obligations (see instruction 17).

Note A.—When long-term obligations are refinanced the balance of debt discount and expense pertaining to the old obligations shall be transferred to Account 8400—Other Nonoperating Income (net).

#### 1512—Other Deferred Debits (class I).

(a) This account shall include all debit balances in suspense accounts that cannot be entirely cleared and disposed of

until further information is received; also items of a deferred nature not includible in account 1511 (class I) (see paragraph (b) of this account for prepayments) which are subsequently to be amortized to the appropriate operating expense or other accounts. This includes items such as (see instruction 6):

(1) Acquisition of equipment for remodeling or conversion at some future date. (See account 1245, note B.)

(2) Advances made to a railroad for the construction of a spur track to serve the carrier's terminal under an agreement by the terms of which the advance will be repaid at a specific rate per loaded car placed on the spur track during the period of the agreement. (Any unfunded balance at the termination of the agreement shall be charged to account series 8400.)

(3) Amounts paid for options pending final disposition.

(4) Deposits, in escrow or otherwise, with regulatory commissions and others.

(5) Deposits made on equipment purchases.

(6) Deposits with banks which have failed, pending determination of loss.

(7) Expenditures for plans and investigations made for determining the feasibility of projects under contemplation, pending further disposition.

(8) Expenditures for valuations, inventories, and appraisals made in connection with applications for or the contemplated purchase or sale of operating rights and other property. (See instruction 19(a).)

(9) Expenses and revenues in connection with the operation of a lunchroom for employees (net profits shall be transferred to Account 3900—Other Operating Revenue; net losses shall be transferred to Account 4690—Other General Supplies and Expenses).

(10) Interest accrued on reacquired mortgage notes under the following arrangement: the carrier issues mortgage notes which are sold through a bank. Subsequently the carrier reacquires some of the notes and the bank requires that interest be paid on the active issue, including the notes reacquired by the carrier. The interest repaid to the carrier by the bank on those notes shall be credited to this account.

(11) Interest and finance fees included in the face value of equipment and other obligations (a liability being recorded for the face value). Proportionate amounts of the interest and finance fees included in periodic payments on these obligations shall be charged to the appropriate interest expense account (series 5600). (Material finance fees shall not be included in this account, but in Account 1511—Unamortized Debt Discount and Expense with Amortization to Account 5670—Amortization of Debt Discount and Expense.)

(12) Periodic payments made to repurchase in installments the carrier's common stock which was paid to unsecured creditors under a reorganization plan. (When the creditors have been repaid in full and the stock certificates are returned accounting shall be per-



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formed in accordance with instruction 16 (d) and (e).)

(13) Prepayments of rent for the final year of a lease which are not recoverable if the lease obligations are not fulfilled. (Monthly installments shall be charged to Account 5510—Building Operating Rents Over the Final Year of the Lease.)

(14) Storage charges collectible from shippers, when the consignee refuses to accept delivery, until settlement is made.

(15) The cost of towing and reloading wrecked vehicles which is reimbursable by insurance companies. (Any debit or credit remaining in this account after payment by the insurance companies shall be transferred to Account 4696—Other General Supplies and Expenses—Maintenance.)

(b) If deposits are not recoverable, or projects in connection with which preliminary costs were incurred are abandoned, the amounts expended shall be charged to Account Series 8400—Other Nonoperating Income (net) or Account Series 8800—Extraordinary items, as appropriate.

(c) The long-term portion (in excess of 1 year) of prepayments for insurance, interest, and rents is includible in this account.

(d) Other debt items which are subject to amortization by order of the Commission, are also includible in this account.

#### 1551—Clearing Accounts (classes I and II).

This account shall include the balance in clearing accounts maintained to facilitate the retirement of property (see instruction 21(a)); carry temporarily the cost of operating and maintaining such facilities as office buildings, storehouses, et cetera, and such overhead costs as it is desirable to apportion to the construction, operating, and other accounts involved. (See instruction 10.)

NOTE A.—Revenue equipment which is being converted shall be carried in this account and retired in accordance with instruction 21.

#### Liabilities and Equity

##### CURRENT LIABILITIES

#### 2010—Notes Payable and Matured Obligations (class II).

This account shall include the items in accounts 2011 and 2012.

#### 2011—Notes payable (class I).

(a) This account shall include the face value of outstanding obligations in the form of notes, drafts, acceptances, and similar evidences of indebtedness which by their terms do not run for a period in excess of 1 year from the date of the current financial statements, including the face value of notes receivable, discounted, or sold without releasing the carrier from liability as endorser thereon. Other items includible in this account are loans secured by insurance policies, and advances made to the carrier by its officers and employees which are covered by notes (see account 2031) subject to current settlement.

(b) Subdivisions shall be maintained to show separately obligations maturing upon demand and obligations bearing a specified date of maturity.

NOTE A.—Notes payable to affiliated companies which are subject to current settlement shall be included in Account 2020—Payables to Affiliated Companies, for class II motor carriers, and Account 2021—Loans and Notes Payable to Affiliated Companies, for class I motor carriers. (See also Account 2310—Advances Payable—Affiliated Companies, for class II carriers, and Account 2311—Notes Payable—Affiliated Companies, for class I carriers.)

NOTE B.—Unmatured equipment obligations shall be included in Account 2161—Current Obligations and Other Debt, or Account 2331—Equipment Obligations (long-term), as appropriate.

#### 2012—Matured Long-Term Obligations (class I).

This account shall include the amount (including obligations for premiums) of equipment obligations, long-term obligations, and receivers' certificates matured and unpaid without any specific agreement for extension of maturity, including unrepresented bonds called for redemption.

NOTE A.—When a conditional long-term sales contract is declared in default and the entire unpaid balance is due and payable, such entire balance shall be transferred to this account. If the carrier is released from immediate liability for the entire balance by a subsequent arrangement, it shall be transferred back to the appropriate long-term liability account.

#### 2020—Payables to Affiliated Companies (class II).

This account shall include the items in accounts 2021, 2022, and 2023.

#### 2021—Loans and Notes Payable to Affiliated Companies (class I).

This account shall include loans, notes, and drafts payable to affiliated companies (see definition 7) which are subject to current settlement.

NOTE A.—On the balance sheet, payables to affiliated companies shall be offset against receivables of the same type from the same companies, where this offset is consistent with the intent of the parties to settle on a net basis.

NOTE B.—Items which are not subject to current settlement shall be included in Account 2310—Advances Payable—Affiliated Companies, for class II carriers, and account 2311 or 2312, as appropriate, for class I carriers.

#### 2022—Interest and Dividends Payable to Affiliated Companies (class I).

This account shall include the total of interest and dividends, which are subject to current settlement and payable to affiliated companies. (See definition 7.)

NOTE A.—See note A, account 2021.

NOTE B.—Items which are not subject to current settlement shall be included in Account 2310—Advances Payable—Affiliated Companies, for class II carriers, and Account 2313—Interest Accrued Not Subject to Current Settlement, for class I carriers.

NOTE C.—No amount representing dividends payable shall be included in this account unless they have been declared or guaranteed.

#### 2023—Accounts Payable to Affiliated Companies (class I).

This account shall include the total of amounts payable to affiliated companies (see definition 7) which are subject to current settlement, such as credit balances in open accounts for services rendered, material furnished, interline account balances, claims, rent for use of property, and similar items.

NOTE A.—See note A, account 2021.

NOTE B.—Items which are not subject to current settlement shall be included in Account 2310—Advances Payable—Affiliated Companies, for class II carriers, and Account 2312—Open Accounts Not Subject to Current Settlement, for class I carriers.

#### 2031—Accounts Payable; Officers, Stockholders, and Employees (classes I and II).

This account shall include the total of current accounts payable (not covered by notes) to officers, stockholders, and employees that are subject to current settlement.

#### 2032—Accounts Payable; Interline (classes I and II).

This account shall include the balances due other carriers and agents in favor of each of which there is a credit balance representing interline accounts.

NOTE A.—Drafts drawn on the carrier by officers, employees, or agents in payment of interline freight accounts, settlement of claims, et cetera, shall be charged to this account.

#### 2033—Accounts Payable; Employee Withholding (classes I and II).

This account shall include the carrier's liability for deductions withheld from employees' wages for social security, income taxes, the purchase of Government bonds and other savings plans, and similar items.

#### 2034—Accounts Payable; Other (classes I and II).

This account shall include amounts payable to others (except affiliated companies) that are subject to current settlement, for materials and supplies and services received, including rents payable for the use of revenue vehicles and other property; other matured rents, amounts due public authorities (including the liability for a tax penalty), amounts of payable judgments, charges and advances recoverable from customers, the carrier's liability for taxes collected from customers (to be set up either when freight charges are recorded or collected), and other similar items, not included in accounts 2031, 2032, and 2033.

#### 2041—Salaries and Wages Payable (classes I and II).

This account shall include the amount of wages payable or accrued payrolls. Unclaimed wages shall be transferred to Account 2130—Other Current and Accrued Liabilities, for class II motor carriers, and Account 2181—Other Current Liabilities, for class I motor carriers.

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#### 2051—C.o.d.'s Unremitted (classes I and II).

(a) This account shall be credited with amounts of c.o.d.'s collected from consignees for shippers on freight delivered.

(b) This account shall be debited when remittances of amounts of c.o.d.'s are made to shippers.

NOTE A.—Checks made payable to the shipper received in payment of c.o.d. charges shall not be credited to this account. A memorandum record shall be kept.

NOTE B.—Fees for handling c.o.d.'s shall be credited to the same account to which the transportation revenue is credited.

NOTE C.—If desired, this account may be credited with amounts concurrently charged to accounts receivable, representing c.o.d.'s collectible by the carrier; amounts of c.o.d.'s on interline shipment collectible by other carriers shall not be entered in this account.

#### 2111—Gasoline, Other Fuel, and Oil Taxes; Accrued (classes I and II).

(a) This account shall be credited each month with the amount of taxes accrued during the month, based on the consumption of gasoline, other fuel, and oil, with concurrent debits to the appropriate accounts for tax charges. These estimates shall be adjusted from time to time during the year so that the tax expense accounts may show, as nearly as possible, the taxes applicable to each period. Payments of taxes which are accrued in this account shall be debited to this account.

(b) The records supporting entries to this account shall be kept so that the carrier can furnish information as to the basis for each tax accrual, the kinds of taxes paid, the amount of each, and the accounts charged with the tax accruals.

(c) Credits to this account shall be made for accrued gasoline, other fuel, and oil taxes only.

NOTE A.—Gasoline, other fuel, and motor oil taxes shall be debited to Account 1151—Material and Supplies (classes I and II) concurrently with the purchase of such gasoline, other fuel, and motor oil. Based on the consumption of these supplies, prorated portions of the related taxes shall be accrued in this account and charged to accounts 4710 and 4760.

#### 2112—Vehicle Licenses and Registration Fees; Accrued (classes I and II).

(a) This account shall be credited each month with the amount of fees or taxes accrued during the month, with concurrent debits to the appropriate accounts for tax charges. These estimates shall be adjusted from time to time during the year so that the tax expense accounts may show, as nearly as possible, the taxes applicable to each period. Payments of taxes which are accrued in this account shall be debited to this account.

(b) The records supporting entries to this account shall be kept so that the carrier can furnish information as to the basis for each tax accrual, the kinds of taxes paid, the amount of each, and the accounts charged with the tax accruals.

(c) Credits to this account shall be made for accrued vehicle licenses and registration fees only.

NOTE A.—Amounts representing prepayment of taxes applicable to subsequent periods shall be included in Account 1140—Prepayments, for Class II Carriers, and Account 1141—Prepaid Taxes and Licenses, for Class I Carriers.

#### 2113—Real Estate and Personal Property Taxes; Accrued (classes I and II).

(a) and (b): For explanation, see account 2112.

(c) Credits to this account shall be made for accrued real estate and personal property taxes only.

NOTE A.—See note A, account 2112.

#### 2114—Social Security Taxes; Accrued (classes I and II).

(a) and (b): For explanation, see account 2112.

(c) Credits to this account shall be made for accrued social security taxes only.

NOTE A.—See note A, account 2112.

NOTE B.—The carrier's liability for social security and income taxes deducted from employees' wages for payment to taxing bodies shall be included in Account 2033—Accounts Payable; Employee Withholding.

#### 2115—Other Taxes; Accrued (classes I and II).

(a) and (b): For explanation, see account 2112.

(c) Credits to this account shall be made for all other accrued operating taxes (except income taxes).

NOTE A.—See note A, account 2112.

#### 2121—Accrued Federal Income Taxes (classes I and II).

This account shall be credited each month with the amount of Federal income taxes accrued during the month. Credits to this account that are based upon estimates shall be adjusted from time to time during the year so that the tax expense account may show, as nearly as possible, the taxes applicable to each period. Payments of taxes for which accruals have been made shall be debited to this account.

NOTE A.—The liability for income taxes of sole proprietors or members of a partnership shall not be included in this account.

#### 2122—Accrued State Income Taxes (classes I and II).

This account shall be credited each month with the amount of State income taxes accrued during the month. Credits to this account that are based upon estimates shall be adjusted from time to time during the year so that the tax expense account may show, as nearly as possible, the taxes applicable to each period. Payments of taxes for which accruals have been made shall be debited to this account.

NOTE A.—See note A, account 2121.

#### 2123—Accrued Other Income Taxes (classes I and II).

(a) This account shall be credited each month with the amount of all other income taxes accrued during the month.

(c) Credits to this account shall be based upon estimates shall be adjusted from time to time during the year so that the

tax expense accounts may show, as nearly as possible, the taxes applicable to each period. Payments of taxes for which accruals have been made shall be debited to this account.

(b) The records supporting entries to this account shall be kept so that the carrier can furnish information as to the basis for each tax accrual, the kinds of taxes paid, the amount of each, and the accounts charged with the tax accruals.

NOTE A.—See note A, account 2121.

#### 2130—Other Current and Accrued Liabilities (class II).

This account shall include the items in account 2131 through 2181.

#### 2131—Dividends Payable (class I).

(a) This account shall include the amount of dividends declared but not paid on any issue of capital stock of the carrier. Dividends shall be credited to this account as of the day upon which they become a liability of the carrier.

(b) A separate subdivision shall be maintained for dividends on each class and series of stock.

NOTE A.—Dividends declared and payable to affiliated companies shall be included in Account 2020—Payables to Affiliated Companies, for class II motor carriers, and Account 2022—Interest and Dividends Payable to Affiliated Companies, for class I motor carriers.

#### 2141—Notes and Advances Payable (interest accrued) (class I).

(a) This account shall be credited each month with the amount of interest accrued during the month but not paid, with concurrent debits to the appropriate accounts for interest charges, on all indebtedness of the carrier except interest which is added to the principal. Payments of interest for which accruals have been made in this account shall be debited hereto.

(b) When interest matures without being paid, it shall be charged to this account and credited to Account 2020—Payables to Affiliated Companies, for class II carriers and Account 2022—Interest and Dividends Payable to Affiliated Companies, or account 2130 for class II carriers, and accounts 2151 to 2155, inclusive, for matured interest, as appropriate, for class I carriers.

NOTE A.—Interest accrued upon any judgment against the carrier shall be credited to the account to which such judgment stands credited.

#### 2142—Equipment Obligations (interest accrued) (class I).

For explanation, see account 2141.

#### 2143—Bonds and Debentures (interest accrued) (class I).

For explanation, see account 2141.

#### 2144—Other Long-Term Obligations (interest accrued) (class I).

For explanation, see account 2141.

#### 2145—Other Interest (interest accrued) (class I).

For explanation, see account 2141.

NOTE A.—The liability for interest on taxes shall be included in this account.

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## RULES AND REGULATIONS

**2151—Notes and Advances Payable (matured interest) (class I).**

This account shall include the amount of matured and unpaid interest on obligations of the accounting carrier whether the cause of the failure to pay the interest is on the part of the creditor or for other reasons, except where such interest is added to the principal of the obligation. Interest payable to affiliated companies shall be included in Account 2020—Payables to Affiliated Companies, for class II carriers, and Account 2022—Interest and Dividends Payable to Affiliated Companies, for class I carriers.

**2152—Equipment Obligations (matured interest) (class I).**

For explanation, see account 2151.

**2153—Bonds and Debentures (matured interest) (class I).**

For explanation, see account 2151.

**2154—Other Long-Term Obligations (matured interest) (class I).**

For explanation, see account 2151.

**2155—Other Interest (matured interest) (class I).**

For explanation, see account 2151.

**2161—Current Equipment Obligations and Other Debt (class I).**

This account shall include the total amount of bonds, debentures, equipment obligations, capitalized lease obligations, and other long term obligations, including obligations maturing serially or payable in installments (included in accounts 2331 through 2334), which are due and payable within 1 year, and for which arrangements for refunding have not been made or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

**2171—Self-Insurance (estimated liabilities; accrued) (class I).**

(a) This account shall be credited with the amounts accrued for estimated losses through collision, accident, fire, theft, flood, or other hazards to the carrier's own property or to property leased from others, that are not covered by commercial insurance. (See instruction 22(c) and (f).)

(b) If carrier operating property is destroyed or so badly damaged as to require retirement, and provision has been made in this account for such risks, it shall be charged with the amount of the loss not covered by commercial insurance and additional retirement accounting shall be performed as set out in instruction 21(a).

(c) This account shall be maintained in such manner as to show the amount of each separate estimate liability and the nature of and amounts of debits and credits thereto. Adjustments for material over- or under-accruals shall be made periodically.

(d) At the close of the accounting period (i.e., calendar year) the estimated amounts not payable within 1 year, covering liability for claims for loss and damage, and similar items shall be transferred to Account 2511—Estimated Liabilities (classes I and II).

**2172—Personal Injuries, Property Damage Claims, and Workmen's Compensation Claims (estimated liabilities; accrued) (class I).**

(a) This account shall be credited with the amounts accrued for estimated liabilities arising from claims for deaths of or injuries to employees and others, and for damages to property not owned or held under lease by the carrier, that are not covered by commercial insurance. (See instruction 22(c).)

(b) This account shall be charged with payments of claims for injuries to persons and damage to property of others which are not recoverable from insurance companies or others. (See instruction 22(a).)

(c) This account shall be maintained in such manner as to show the amount of each separate liability estimate and the nature of and amounts of debits and credits thereto. Adjustments for material over- or under-accruals shall be made periodically.

(d) At the close of the accounting period (i.e., calendar year) the estimated amounts not payable within 1 year, covering liability for claims for injuries to persons, loss and damage, and similar items shall be transferred to Account 2511—Estimated Liabilities (classes I and II).

**2173—Cargo Loss and Damage Claims (estimated liabilities; accrued) (class I).**

(a) This account shall be credited with the amounts accrued for estimated liabilities arising from claims for loss, destruction, damage, or delays to property entrusted to the carrier for transportation or storage, which are not covered by commercial insurance. (See instruction 22(c).)

(b) This account shall be charged with payments of such claims, which are not recoverable from insurance companies or others. (See, however, instruction 22(a) and (d).)

(c) The estimated value of property acquired in connection with the settlement of such claims shall be credited to this account. Any difference between this value (carried in account 1163) and the sales price at disposition of the property is also includible in this account.

(d) This account shall be maintained in such manner as to show the amount of each separate liability estimate and the nature of and amounts of debits and credits thereto. Adjustments for material over- or under-accruals shall be made periodically.

(e) At the close of the accounting period (i.e., calendar year) the estimated amounts in this account not payable within 1 year shall be transferred to Account 2511—Estimated Liabilities (classes I and II).

**2174—Overcharge Claims (estimated liabilities; accrued) (class I).**

(a) This account shall be credited with the amounts accrued for estimated

liabilities arising from claims for overcharges.

(b) This account shall be charged with payments of such claims which are not recoverable.

(c) This account shall be maintained in such manner as to show the amount of each separate liability estimate and the nature of and amounts of debits and credits thereto. Adjustments for material over- or under-accruals shall be made periodically.

(d) At the close of the accounting period (i.e., calendar year) the estimated amounts in this account not payable within 1 year shall be transferred to Account 2511—Estimated Liabilities (classes I and II).

**2175—Other Estimated Liabilities (estimated liabilities; accrued) (class I).**

(a) This account shall be credited with the amounts accrued for liabilities estimated by the carrier for purposes which are not provided for in any of the preceding estimated liability accounts.

(b) This account shall be maintained in such manner as to show the amount of each separate liability estimate and the nature of and amounts of debits and credits thereto. Adjustments for material over- or under-accruals shall be made periodically.

(c) At the close of the accounting period (i.e., calendar year) the estimated amounts not payable within 1 year, covering liability for claims for injuries to persons, loss and damage, and similar items, shall be transferred to Account 2511—Estimated Liabilities (classes I and II).

**2181—Other Current Liabilities (class I).**

This account shall include all current and accrued liabilities not includible in any of the foregoing accounts. This includes unmatured rents accrued, unclaimed wages (see instruction 14), accrued bonuses, and vacation pay at the end of the year which are to be paid later, and similar items.

## LONG-TERM DEBT

**2310—Advances Payable—affiliated companies (class II).**

This account shall include the items in accounts 2311, 2312, and 2313.

**2311—Notes Payable (affiliated companies) (class I).**

(a) This account shall include the amount of unsecured notes payable to affiliated companies which are not subject to current settlement. It shall also include notes payable on demand but which, by mutual agreement or understanding, will not be presented for payment within 1 year from date of the current financial statements.

(b) The current portion of long-term notes payable to affiliated companies shall be included in Account 2020—Payables to Affiliated Companies, for Class II Carriers, and Account 2021—Loans and Notes Payable to Affiliated Companies, for Class I Carriers.

**2312—Open Accounts, Not Subject to Current Settlement (affiliated companies) (class I).**

(a) This account shall include the amount of unsecured open accounts payable to affiliated companies which are not subject to current settlement.

(b) Open accounts that are subject to current settlement with affiliated companies (such as charges for materials and supplies currently furnished, and charges for repairs) shall be included in Account 2020—Payables to Affiliated Companies, for Class II Carriers, and Account 2023—Accounts Payable to Affiliated Companies, for Class I Carriers.

**2313—Interest Accrued, Not Subject to Current Settlement (affiliated companies) (class I).**

(a) This account shall include interest accrued on amounts included in accounts 2311 and 2312, when such interest is not subject to current settlement.

(b) Interest which is subject to current settlement shall be included in Account 2020—Payables to Affiliated Companies, for Class II Carriers, and Account 2022—Interest and Dividends Payable to Affiliated Companies, for Class I Carriers.

**2320—Other Advances Payable (class II).**

This account shall include the items in accounts 2321, 2322, and 2323.

**2321—Notes Payable (other) (class I).**

(a) This account shall include the amount of unsecured notes payable to individuals and companies, other than affiliated companies, which are not subject to current settlement. This account shall also include notes that are payable on demand but which, by mutual agreement, will not be presented for payment within 1 year from date of the current financial statements.

(b) The current portion of long-term notes payable to individuals and companies, other than affiliated companies, is includible in Account 2211—Equipment Obligations and Other Debt (due within 1 year).

**2322—Open Accounts, Not Subject to Current Settlement (other) (class I).**

(a) This account shall include the amount of unsecured advances and other unsecured obligations payable to individuals and companies, evidenced by open accounts, which are not subject to current settlement. This account shall also include obligations that are payable on demand but which, by mutual agreement, will not be presented for payment within 1 year from date of the current financial statements.

(b) Amounts in open accounts payable to other than affiliated companies subject to current settlement, such as charges for materials and supplies currently furnished, charges for repairs to equipment, et cetera, shall be included in accounts 2031, 2032 or 2034, as appropriate.

## RULES AND REGULATIONS

**2323—Interest Accrued, Not Subject to Current Settlement (other) (class I).**

(a) This account shall include interest accrued on amounts included in accounts 2321 and 2322, when such interest is not subject to current settlement.

(b) Amounts of interest subject to current settlement shall be included in account 2141 or 2144, as appropriate.

**2331—Equipment Obligations (classes I and II).**

(a) This account shall include the face value of all unmatured long-term obligations issued by the carrier and not retired or canceled, for which units of revenue equipment and other automotive equipment have been pledged as security or are held under conditional sales contracts, such as equipment bonds, equipment notes, and chattel mortgages; also the face value of equipment obligations issued by others, the payment of which has been assumed by the carrier, and of equipment obligations so issued or assumed, the maturity of which has been extended by specific agreement. The liability for equipment obligations maturing within 1 year of the close of the accounting period is includible in Account 2130—Other Current and Accrued Liabilities (class II) and Account 2161—Current Equipment Obligations and Other Debt (class I). (See note A.)

(b) This account shall be kept so as to show the face value of equipment obligations (1) nominally issued, and (2) actually outstanding. (See definitions 4 and 29.)

(c) A separate subdivision shall be maintained for each class of equipment obligation and no issues shall be considered to be of the same class unless identical as to liability and nature of property covered.

NOTE A.—Equipment obligations matured and unpaid without specific agreement for extension as to time of payment, including unrepresented equipment obligations called for redemption, shall be included in Account 2010—Notes Payable and Matured Obligations for class II carriers, and Account 2012—Matured Long-Term Obligations, for class I carriers.

NOTE B.—This account shall not include equipment obligations relating to other than motor carrier operations.

**2332—Bonds and Debentures (classes I and II).**

(a) This account shall include the face value of bonds and debentures, other than equipment obligations, issued by the carrier and maturing more than 1 year from the close of the accounting period; also the face value of such bonds and debentures issued by others, the payment of which has been assumed by the carrier. The liability for bonds and debentures maturing within 1 year of the close of the accounting period is includible in Account 2130—Other Current and Accrued Liabilities (class II) and Account 2161—Current Equipment Obligations and Other Debt (class I). (See note A.)

(b) This account shall be kept so as to show the face value of bonds and debentures (1) nominally issued, and (2)

actually outstanding. (See definitions 4 and 29.)

(c) A separate subdivision shall be maintained for each class and series of bonds and debentures, and no issues shall be considered to be of the same class unless identical as to liability and nature of property covered.

NOTE A.—Bonds and debentures matured and unpaid without specific agreement for extension as to time of payment, including unrepresented bonds and debentures called for redemption, shall be included in Account 2010—Notes Payable and Matured Obligations, for class II carriers, and Account 2012—Matured Long-Term Obligations, for class I carriers.

**2333—Capitalized Lease Obligations (classes I and II).**

(a) Long-term leases which are clearly in substance installment purchases shall be capitalized. The liability under such leases which have been capitalized in fixed asset accounts shall be recorded in this account. (See note B.)

(b) This account shall be kept so as to show the liability under each lease obligation.

NOTE A.—The portion of the liability for long-term leases which is payable within 1 year of the close of the accounting period is includible in Account 2130—Other Current and Accrued Liabilities (class II) and Account 2161—Current Equipment Obligations and Other Debt (class I).

NOTE B.—Leases which merely state the right to use property and a related obligation to pay specific rents over a definite future period shall not be considered to be assets and liabilities.

**2334—Other Long-Term Obligations (classes I and II).**

(a) This account shall include all long-term obligations not otherwise provided for, which mature more than 1 year from the date of the current financial statements. The liability for obligations maturing within 1 year of the close of the accounting period is includible in Account 2130—Other Current and Accrued Liabilities (class II) and Account 2161—Current Equipment Obligations and Other Debt (class I). (See note A.) This covers such items, executed or assumed, as real estate mortgages; assessments for public improvements; loans secured by insurance policies; serial notes payable over a period of more than 1 year; and other obligations maturing more than 1 year from date of the current financial statements.

(b) This account shall also include the face value of certificates of indebtedness issued upon the property of the carrier by receivers acting under the orders of a court.

(c) Separate subdivisions shall be maintained for each class of obligation included herein, and records shall be maintained to show separately for each issue all details as to date of issue, date of maturity, interest dates, and rates, security for obligations, et cetera.

NOTE A.—Matured obligations which are unpaid shall be included in Account 2010—Notes Payable and Matured Obligations, for Class II Carriers, and Account 2012—Matured Long-Term Obligations, for Class I Carriers.

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**2341—Reacquired Long-Term Obligations (classes I and II).**

(a) This account shall include, in subdivisions for each class, the face value of any equipment or other long-term obligation, includible in accounts 2331, 2332, 2333, or 2334, which have been actually issued or assumed and reacquired by the carrier, and which are neither retired nor properly includible in sinking or other funds.

(b) This account shall be maintained so as to reflect separately securities pledged and unpledged.

NOTE A.—The accounting for the reacquisition and resale of long-term obligations shall be in accordance with instruction 17.

**DEFERRED CREDITS****2410—Deferred Credits (class II).**

This account shall include the items in accounts 2411 and 2412.

**2411—Unamortized Premium on Debt (class I).**

This account shall include the total of all credit balances representing the excess of the premium over the discount and expense in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations. Separate subdivisions shall be maintained in respect of each issue of obligations. (See instruction 17(d).)

**2412—Other Deferred Credits (class I).**

(a) This account shall include credit balances in suspense accounts that cannot be entirely cleared and disposed of until additional information is received, and other items of a deferred nature (see instruction 10), such as:

Returnable deductions from employee wages to provide a fund for accident claims charged against the employee.

Returnable deposits by owner-operators for payment of cargo loss and damage claims for which they can be held responsible.

Returnable deposits by drivers and other employees on badges, tools, et cetera.

Deposits by tenants representing rent for final month of leases.

(b) This account shall also include amounts representing investment tax credit being accounted for under the deferral method. The account shall be maintained in such manner as to show separately the unamortized balance of the deferred credit for each year such credits were utilized as a reduction of tax liability. (See instruction 31(b).)

**ESTIMATED LIABILITIES****2511—Estimated Liabilities (classes I and II).**

This account shall include the noncurrent portion of the amounts included in accounts 2171, 2172, 2173, and 2175.

**STOCKHOLDERS' EQUITY****2610—Capital Stock (class II).**

This account shall include the items in accounts 2611, 2612, and 2613.

**2611—Capital Stock—Preferred (class I).**

For explanations, see account 2612.

**2612—Capital Stock—Common (class I).**

(a) These accounts 2611 and 2612, shall include the par value of stocks with par value; the stated value of nonpar stock having a stated value; and the cash value of the consideration received, including assessments, or the amount approved by the Commission, for nonpar stocks without stated value, which have been issued to bona fide purchasers and have not been reacquired and canceled; also shares of stock nominally issued (see definition 29), and reacquired shares which have not been canceled. The cash consideration received from the sale of par value stock and of nonpar stock having a stated value in excess of the amount credited to this account, shall be credited to account 2631—Premiums and Assessments on Capital Stock. (See instruction 16.)

(b) Separate accounts shall be provided for each class of stock, and the title of each account shall clearly identify the class of stock covered. Issues of stock shall not be considered as of the same class unless identical in all provisions, nor shall there be carried any undivided item in respect of more than one class of stock.

(c) When stock is issued for cash, that fact shall be stated: if for any consideration other than cash, the person to whom it is issued shall be designated and the consideration for which it is issued shall be described with sufficient particularity to identify it. If such issuance is to the treasurer or other agent of the corporation for purpose of sale, that fact and the name of such agent shall be shown; and the agent shall show like details concerning the consideration realized therefor in his account of the disposition thereof, which when accepted by the corporation shall be preserved as a corporate record.

(d) When capital stock is reacquired and canceled (see instruction 16), these accounts shall be charged with the amount at which such stock is carried herein. In the case of nonpar stock without stated value, the amount charged hereto shall be the proportion, applicable to the reacquired shares immediately prior to reacquisition, of the total book liability included herein of actually outstanding shares of the class and series of stock of which the reacquired shares are a part.

(e) For each class of stock the records shall show the number of shares nominally issued and actually outstanding. (See definitions 4 and 29.) When nonpar stock without stated value is nominally issued, a memorandum entry shall be made showing only the number of shares so issued.

NOTE A.—When nonpar stock without stated value is issued in exchange for par stock, or nonpar stock with stated value, amounts included in Account 2631—Premiums and Assessments on Capital Stock, for the retired stock, shall be transferred to the capital stock account as part of the consideration received for the nonpar stock.

NOTE B.—No entries recording changes in the amounts reflected in the carrier's books for capital stock which has been nominally or actually issued shall be made without first submitting the plan of accounting to the Commission for approval. Such plan shall be

accompanied by a statement giving complete information with respect to the basis upon which the amounts to be recorded were determined. Entries recording the following changes require approval of the Commission:

(1) Changes in the par or stated value of stock with par or stated value.

(2) Changes in the value of nonpar stock without stated value through the transfer of retained earnings to the capital stock accounts, and debits to the retained earnings account resulting from the issuance of stock dividends.

(3) Reduction of the amounts recorded in the capital stock accounts to increase or reduce the book value of assets.

NOTE C.—The carrier shall clearly distinguish between an issuance of common shares as dividends or as stock split. (See instruction 16(f).)

**2613—Subscribed Capital Stock (class I).**

This account shall include the amount of legally enforceable subscriptions to capital stock of the carrier. It shall be credited with the par or stated value, or with the subscription price in the case of stock without par or stated value, exclusive of accrued dividends, if any. Concurrently, a debit shall be made to Account 1180—Other Current Assets, for class II carriers, and Account 1181—Subscribers to Capital Stock, for class I carriers, for the agreed purchase price and any discount or premium debited or credited to the appropriate discount or premium account. When properly executed stock certificates have been issued representing the stocks subscribed, this account shall be debited and the appropriate capital stock account credited with the par or stated value of the stock (or the consideration received in the case of nonpar stock without a stated value).

**2621—Nominally Issued Securities (classes I and II).**

(a) This account shall include in subdivisions for each class, the face, par, or stated value of capital stock which have been nominally but not actually issued by the carrier. (See definitions 3 and 29.)

(b) When nonpar stock without stated value is nominally issued, a memorandum entry shall be made to this account showing the number of shares thus issued.

**2631—Premiums and Assessments on Capital Stock (classes I and II).**

(a) This account shall include the excess of the actual cash value of the consideration received (at the time of original sale of par value stock and nonpar stock with a stated value) over the par or stated value of the stock issued, plus accrued dividends, if any, and subsequent assessments against stockholders representing payments required in excess of par or stated value. (See instruction 16(c).)

(b) In case the carrier is permitted by statute and elects, with the approval of the Commission, to distribute all or any part of the net balance of premiums and assessments on capital stock to its stockholders in the form of dividends, the amount thus distributed shall be charged to this account. In no event shall dividends be paid out of premiums and as-

sessments on capital stock without prior approval of the Commission.

(c) Separate subdivisions shall be maintained for premiums and for assessments on each class and series of stock.

(d) When capital stock is reacquired, the amount in this account with respect to the shares reacquired shall be debited hereto in accordance with instruction 16(d).

NOTE A.—No premium shall be recorded in this account in connection with the exchange of capital stock for items that are includible in Account 1341—Other Intangible Property.

**2632—Discount on Capital Stock (classes I and II).**

This account shall include the excess of the par or stated value of the stock issued (at the time of original sale of par value stock and nonpar stock with a stated value), plus accrued dividends, if any, over the actual cash value of the consideration received. (See instruction 16.)

NOTE A.—No discount shall be recorded in this account in connection with the exchange of capital stock for items that are includible in Account 1341—Other Intangible Property.

**2633—Commission and Expense on Capital Stock (classes I and II).**

This account shall include all expenses incurred in connection with the issuance and sale of capital stock. (See instruction 16.)

**ITEMS**

Fees and expenses incurred in obtaining permission from regulatory bodies for the issuance of stock and in filing papers of notification thereunder.

Fees paid to promoters.

Initial fees for listing stock on exchanges. Preparation and distribution of prospectuses. Preparation and issuance of certificates of stock.

Soliciting subscriptions for stock, including fees, commissions, advertising, and printing.

Taxes paid on stock issues.

**2641—Other Capital in Excess of Par or Stated Value (classes I and II).**

(a) This account shall include all surplus not classified as retained earnings. It shall include such items as surplus arising from donations by stockholders of cash and other assets or of the carrier's capital stock; surplus arising from the forgiveness of debt of the carrier by its stockholders; surplus recorded upon the reorganization or recapitalization of the carrier; net credits resulting from acquisition or resale of the carrier's capital stock (see instruction 16); and amounts that become the property of the carrier as a result of the forfeiture by others of deposits on subscriptions to capital stock and installment plan payments on purchases of stock. The following credit items may be included in this account only when approved by the Commission: (1) Surplus resulting from the reduction of the par value, stated value, or recorded value of the carrier's capital stock; and (2) surplus resulting from the revaluation of tangible property or intangible property.

(b) (1) This account shall be charged with net debits resulting from the acqui-

sition or resale of the carrier's capital stock (see instruction 16(d) and (e)), and it may be charged with amortization of discount and expense on capital stock; *Provided, however*, That the excess of a debit over the balance carried in this account with respect of the particular class of stock shall be charged to Account 2961—Other Debits to Retained Earnings.

(2) The following items may be charged to this account only when approved by the Commission: (i) Amounts credited to the capital stock account resulting from the issuance of stock dividends (see note A), or to increase the value of nonpar stock without stated value, and (ii) amounts transferred to retained earnings either directly by credits to retained earnings representing gains on transactions in the carrier's own capital stock, or indirectly by charges against capital in excess of par or stated value representing losses, writedowns, chargeoffs, or the distribution of dividends.

(c) This account shall be subdivided to show each source of capital in excess of par or stated value.

NOTE A.—When a capital stock dividend is issued, an amount transferred from retained earnings to permanent capital for the excess of fair value of the additional shares over their par value is includible in this account. (See instruction 16(f).)

**2651—Retained Earnings—Appropriated (classes I and II).**

This account shall include the accumulated amount of retained earnings which have been appropriated and set aside pursuant to provisions of mortgages, deeds of trust, or other agreements. This account shall also include appropriations for general contingencies, for possible future losses (not in the category of liabilities actually incurred), and other corporate purposes in accordance with sound financial procedures. The account is to be subdivided by classes of appropriations showing the purpose for which each appropriation is made.

**2652—Retained Earnings—Unappropriated (classes I and II).**

(a) This account shall include the balance of the amounts included in accounts 2911 to 2961, inclusive, either debit or credit, of unappropriated earnings. It shall not include earnings properly includible in Accounts 2711—Sole Proprietorship Capital, 2811—Partnership Capital, or 2641—Other Capital in Excess of Par or Stated Value.

(b) The balances of all retained earnings accounts (2911 to 2961, inclusive) shall be closed to this account at the end of each calendar year.

**2661—Treasury Stock (classes I and II).**

(a) This account shall include in subdivisions for each class, the par, stated, or proportionate value of capital stock which has been actually issued or assumed by the carrier, and reacquired and is neither retired nor properly includible in sinking or other funds.

(b) This account shall be maintained so as to reflect separately securities pledged and unpledged.

NOTE A.—The accounting for the reacquisition of securities and resale thereof shall be in accordance with instruction 16.

**SOLE PROPRIETORS' EQUITY****2711—Sole Proprietorship Capital (classes I and II).**

This account shall include the investment of a sole proprietor in an unincorporated carrier.

**2721—Drawings (classes I and II).**

This account shall include all withdrawals from the business by the proprietor, other than amounts representing salary. Amounts designated as salary of the proprietor, representing fair and reasonable compensation for services performed, shall be charged to 4110—Salaries—Officers, or other appropriate account.

NOTE A.—Income taxes of the proprietor if paid from funds of the carrier shall be charged to this account. (See note under Account 8700—Income Taxes on Ordinary Income.)

**2731—Profit and Loss (classes I and II).**

At the end of each calendar year the net income or loss for the year as reflected by the income statement shall be transferred to this account. There shall also be entered in this account such items as in corporate organizations are handled through the subdivisions of Account 2652—Retained Earnings—Unappropriated.

**PARTNERSHIP EQUITY****2811—Partnership Capital (classes I and II).**

This account shall be credited, where the business is conducted by an unincorporated firm, copartnership, or under any style other than that of an incorporated company or sole proprietorship, with the respective amounts paid into the business by the partners therein.

NOTE A.—Separate accounts shall be kept to show the new equity of each member of the copartnership and the transactions affecting the interest of each such partner. The total of the balances in such accounts shall be shown as one amount in the balance sheet.

**2821—Drawings (classes I and II).**

This account shall be charged with all withdrawals from the business by each partner, other than amounts representing salary. Amounts designated as salaries of the partners, representing fair and reasonable compensation for services performed, shall be charged to Account 4110—Salaries—Officers, or other appropriate accounts.

NOTE A.—Personal income taxes of the partners, if paid from partnership funds, shall be charged to this account. (See note under Account 8700—Income Taxes on Ordinary Income.)

**2831—Profit and Loss (classes I and II).**

At the end of each calendar year, the net income or loss for the year as reflected by the income statement shall be transferred to this account. There shall also be entered in this account such items as in corporate organizations are



## RULES AND REGULATIONS

handled through the subdivisions of Account 2652—Retained Earnings—Unappropriated.

RETAINED EARNINGS ACCOUNTS TO BE CLOSED TO ACCOUNT 2652—RETAINED EARNINGS—UNAPPROPRIATED AT THE END OF EACH CALENDAR YEAR

2911—Credit Balance Transferred From Income (classes I and II).

If the income statement for the current calendar year reflects a net credit balance, it shall be brought forward to this account.

2921—Other Credits to Retained Earnings (classes I and II).

(a) This account shall include other credit adjustments, net of assigned income taxes, not provided for elsewhere in this system, but only after such inclusion has been authorized by the Commission.

(b) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

2931—Debit Balance Transferred From Income (classes I and II).

If the income statement for the current calendar year reflects a net debit balance, it shall be brought forward to this account.

2941—Dividend Appropriations (classes I and II).

(a) This account shall include amounts of dividends declared out of retained earnings on capital stock actually outstanding.

(b) This account shall be subdivided to show separately the dividends on each class of capital stock. If a dividend is not payable in cash, the consideration shall be described in the entry with sufficient particularity that it may be identified.

NOTE A.—Dividend charges shall be restricted to actually outstanding stock and this account shall not include charges for dividends on capital stock issued by the carrier and owned by it, unless the stock is held by trustees in sinking or other funds. (See definition 4 and instruction 16(d).)

2951—Other Appropriations of Retained Earnings (classes I and II).

This account shall include appropriations from retained earnings for sinking funds, and allotments of earnings or transfers of definite amounts from retained earnings to reserves under the terms of mortgages, deeds of trust, or contracts, and other appropriations of retained earnings.

2961—Other Debits to Retained Earnings (classes I and II).

(a) This account shall include: (1) Losses on resale of reacquired capital stock, (2) charges which reduce or write off discount on capital stock issued by the company, and (3) in pooling of equity interests situations, the excess of the value of the surviving company's capital stock over the aggregate total of the capital stock of the separate companies before such merger or consolidation, but only to the extent that capital in excess of par or stated value is not

available for such purposes. (See instructions 16(d) and 20(b)(2).)

(b) This account shall include other debit adjustments, net of assigned income taxes, not provided for elsewhere in this system, but only after such inclusion has been authorized by the Commission.

(c) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

CLASS I AND CLASS II MOTOR CARRIERS  
REVENUE ACCOUNT EXPLANATIONS

3100—Freight Revenue—Intercity Common Carrier (classes I and II).

(a) This account shall include all revenue earned by the carrier from the transportation of property in intercity service, including pickup and delivery incident thereto, while operating as a common carrier as defined in section 203(a)(14) of the Interstate Commerce Act. This includes:

(1) Revenue upon the basis of single-line freight rates, including arbitraries and zone rates.

(2) The carrier's proportion of revenue earned on interline shipments.

(3) Revenue from the transportation of baggage, express, mail, and newspapers in freight equipment.

(4) Revenue from substitute intercity service performed for a carrier by railroad, air, or water.

(5) Revenue from the intercity transportation of property in intrastate commerce if the service is similar to that of a common carrier as defined in section 203(a)(14) of the Interstate Commerce Act.

(6) Revenue from reconsigning, stop, and other transit privileges. Fees for handling c.o.d.'s and other collections of money from consignees in connection with freight shipments. Revenue from rigging and other accessorial services incident to the transportation of property by the carrier.

(7) Revenue from furnishing pilot cars with drivers to accompany over-width and overlength loads.

(8) Demurrage charged shippers for delays in loading revenue equipment.

(9) All other revenues derived from transportation of property in connection with intercity service, when operating as a common carrier.

(b) This account shall be charged with:

(1) Refunds of overcharges resulting from the use of erroneous intercity rates, weights, classifications, or computations, or from other errors.

(2) The carrier's proportion of refunds of interline freight charges in settlement of cargo loss and damage claims.

(3) Uncollected earnings on intercity freight destroyed in transit, and on short and lost freight.

(4) The carrier's proportion of uncollected intercity tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.

(5) Payouts of interline divisions.

NOTE A.—When a carrier employs vehicles and services of others on a commission or other basis for hauling loads over its routes in intercity service, and the expenses incurred in their operation are borne by the owners of the vehicles, the carrier shall record the freight revenue from such hauls in this account in the same manner as if it owned the vehicles. Amounts paid to the owners of the vehicles as compensation for the hauls shall be debited to the appropriate accounts in the 5400 Series—Revenue Equipment Rents and Purchased Transportation.

NOTE B.—Amounts payable to others for pickup and delivery and local transfer of the carrier's intercity freight under arrangements whereby the agreement for the amount payable is based on other than actual division of tariff rates by participation in the tariffs shall be debited to the appropriate accounts in the 5400 Series—Revenue Equipment Rents and Purchased Transportation.

NOTE C.—Divisions of interline tariff charges due other carriers shall be included in Account 2020—Payable to Affiliated Companies (Class II); and 2023—Accounts Payable to Affiliated Companies (Class I); or Account 2032—Accounts Payable; Interline (Classes I and II).

NOTE D.—Revenue from the intercity transportation of property in intrastate commerce, if the service is similar to that of a contract carrier as defined in section 203(a)(15) of the Interstate Commerce Act, shall be included in Account 3200—Freight Revenue—Intercity Contract Carrier.

NOTE E.—Revenue from local transfer service and from pickup and delivery service performed for another carrier shall be included in Account 3300—Freight Revenue—Local Cartage.

NOTE F.—Intercity service for the purpose of accounting and compiling statistical data means transportation performed beyond the limits defined for local service (see note C to account 3300 for definition of local service).

NOTE G.—Rigging and other accessorial services as used in (a)(6) of this account means unloading and placing of shipments of unusual size or weight necessary to effect transportation of the shipment. Revenues and expenses incident to installation, erection, or dismantling of machines, structures, et cetera, shall be included in Account 8100—Income From Noncarrier Operations (Net) (Class II), and account 8100—Income From Noncarrier Operations (Class I), or 8120—Expenses of Noncarrier Operations (Class I) as appropriate.

3200—Freight Revenue—Intercity Contract Carrier (classes I and II).

(a) This account shall include all revenue earned by the carrier from the transportation of property in intercity service while operating as a contract carrier as defined in section 203(a)(15) of the Interstate Commerce Act. This includes:

(1) Revenue on the basis of contracts or agreements for the transportation of property in intercity service.

(2) Revenue from the transportation of baggage, express, mail, and newspapers as a contract carrier.

(3) Revenue from the intercity transportation of property in intrastate commerce if the service is similar to that of a contract carrier as defined in section 203(a)(15) of the Interstate Commerce Act.

(4) Revenue from accessorial services performed under contract or transportation agreement (such as rigging, collections of money, et cetera).

(5) Demurrage charged shippers for delays in loading revenue equipment.

(6) Revenue from furnishing pilot cars with drivers to accompany oversize shipments.

(7) All other revenues derived from transportation of property in intercity service when operating as a contract carrier.

(b) This account shall be charged with:

(1) Refunds of overcharges resulting from the use of erroneous intercity rates, weights, classifications, or computations, or from other errors.

(2) The carrier's proportion of refunds of freight charges in settlement of a cargo loss and damage claim.

(3) Uncollected earnings on intercity freight destroyed in transit, and on short and lost freight.

(4) The carrier's proportion of uncollected intercity charges on damaged shipments for which charges neither shipper nor consignee is liable.

NOTE B.—Revenue from the intercity transportation of property in intrastate commerce, if the service is similar to that of a common carrier as defined in section 203(a)(14) of the Interstate Commerce Act, shall be included in Account 3100—Freight Revenue—Intercity Common Carrier.

NOTE C.—Revenue from pickup and delivery and local transfer service performed for another carrier shall be included in Account 3300—Freight Revenue—Local Cartage.

NOTE D.—Intercity service for the purpose of accounting and compiling statistical data means transportation performed beyond the limits defined for local service (see note C to account 3300 for definition of local service).

3300—Freight Revenue—Local Cartage (classes I and II).

(a) This account shall include revenue earned by common or contract carriers from the transportation of property in local cartage service, such as:

(1) Revenue from pickup and delivery and local transfer services performed for carriers by motor vehicle, railroad, air, water, and express, and for freight forwarders.

(2) Revenue from other local transfer service (including mail).

(3) Fees for handling c.o.d.'s, and other accessorial charges (such as rigging, et cetera).

(4) Amounts received from other carriers for spotting their trailers at shippers' platforms.

(5) Demurrage charged shippers for delays in loading revenue vehicles.

(6) Revenue from furnishing pilot cars with drivers to accompany oversize shipments.

(b) This account shall be debited with overcharges resulting from the use of erroneous local rates, weights, classifications, or computations, and uncollected earnings of freight damaged or destroyed in transit, or short and lost freight.

NOTE A.—When a carrier employs vehicles and services of others on a commission or other basis for hauling loads in its local cartage service and the expense incurred in their operation are borne by the owners of the vehicles, the carrier shall record the

## RULES AND REGULATIONS

freight revenue from such hauls in this account in the same manner as if it owned the vehicles. Amounts paid to the owners of the vehicles as compensation for the hauls shall be debited to the appropriate accounts in the 5400 Series—Revenue Equipment Rents and Purchased Transportation.

NOTE B.—Revenue earned by the carrier from pickup and delivery service incident to its transportation of property in intercity service shall be included in accounts 3100 and 3200, as appropriate.

NOTE C.—Local service, for the purpose of accounting and of compiling statistical data, means transportation performed within a municipality and its commercial zone. Local service does not include revenue from freight carried under tariffs covering areas beyond the local area.

3400—Intercity Transportation for Other Motor Carriers (classes I and II).

This account shall include revenue earned from any other motor carriers under a purchased transportation arrangement, for performing any portion of their intercity haul, such as:

(1) Revenue from furnishing line-haul vehicles with drivers to any other carrier under lease or similar arrangement, when the drivers are paid by the reporting carrier (lessor). (See note A.)

(2) Revenue from transporting freight for any other carrier when such transportation is purchased by the other carrier to complete any portion of its intercity haul.

(3) Revenue from the transportation in intercity service of loaded or empty trailers for any other carrier.

NOTE A.—Revenue received from the lease of revenue vehicles to other carriers without drivers or from the lease of revenue vehicles with drivers, when the drivers are paid directly by the lessee, shall be included in Account 5490—Equipment Rents—Credit (classes I and II).

3900—Other Operating Revenue (classes I and II).

This account shall include revenues not provided for in accounts 3100, 3200, 3300, or 3400, derived from the operation of carrier operating property, such as:

(a) Accommodation services, such as preparation of automobiles, for delivery by attaching bumpers, et cetera.

(b) Advertising matter displayed in or on structures and vehicles.

(c) Amounts received from an insurance company or others for the "loss of use" of a vehicle damaged in an accident.

(d) Commissions for brokerage service.

(e) Commissions for making payroll deductions.

(f) Commissions for collecting freight charges for other carriers.

(g) Garnishment fees.

(h) Lockers, weighing and vending machines, and similar devices.

(i) Operation of lunch rooms, restaurants, et cetera.

(j) Parking and storage of vehicles.

(k) Payments by the customer for additional insurance at his request.

(l) Privilege of installing and operating commercial and coin box telephones.

(m) Privilege of operating lunch counters, newsstands, and soda fountains.

(n) Profit on sales of material and supplies, and on shop work and services to others.

(o) Receipts from other carriers for handling telephone calls in connection with orders.

(p) Snowplow work.

(q) Storage of freight in excess of free time provided in tariffs.

(r) Various other miscellaneous revenues incident to motor carrier operations.

CLASS I AND CLASS II MOTOR CARRIERS  
OPERATING EXPENSE ACCOUNT EXPLANATIONS

4100—Salaries—Officers and Supervisory Personnel.

This account may be used as a control account for all accounts in the 4100 series.

4110—Salaries—Officers.

This account group includes the salaries, bonuses, and sickness, holiday, and vacation pay of officers engaged in administrative functions of the company. The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with Instructions 11 and 27 or 28:

4111—Salaries—Officers—Line-Haul.

4112—Salaries—Officers—Pickup and Delivery.

4113—Salaries—Officers—Billing and Collecting.

4114—Salaries—Officers—Platform.

4115—Salaries—Officers—Terminal (see note A, below).

4116—Salaries—Officers—Maintenance.

4117—Salaries—Officers—Traffic and Sales.

4118—Salaries—Officers—Insurance and Safety.

4119—Salaries—Officers—General and Administrative (see note B, below).

NOTE A.—The salary of individual terminal managers shall be included in Account 4120—Salaries, Terminal, Department, and Division Managers.

NOTE B.—Account 4119 shall ordinarily include the pay of the following:

Chairman of the board.  
President.  
Vice president.  
Treasurer.  
Controller.

General counsel.  
General secretary.  
General auditor.  
General manager.

Sole proprietor.  
Partners in charge of administration.

If the major duty of any of these officers relates to the activities included in accounts 4111 through 4118 above, however, the pay of such officer should be charged to these accounts, in accordance with instruction 11.

4120—Salaries—Terminal, Department, and Division Managers.

This account group includes the salaries, bonuses, and sickness, holiday, and vacation pay of terminal, department, and division managers who are directly in charge of the activities of the company. The total of such amounts may be included in this control account (for class II carriers see note A, below). Its components shall be distributed to the



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following accounts in accordance with instructions 11 and 27 or 28:

- 4121—Salaries—Department Managers—Line-Haul.
- 4122—Salaries—Terminal and Department Managers—Pickup and Delivery.
- 4123—Salaries—Terminal and Department Managers—Billing and Collecting.
- 4124—Salaries—Terminal and Department Managers—Platform.
- 4125—Salaries—Terminal Managers.
- 4126—Salaries—Department Managers—Maintenance.
- 4127—Salaries—Department and Division Managers—Traffic and Sales.
- 4128—Salaries—Department and Division Managers—Insurance and Safety.
- 4129—Salaries—Department and Division Managers—General and Administrative.

NOTE A.—Class II carriers shall include the amounts described in this account group in Account 4110—Salaries—Officers.

- 4130—Salaries—Supervisory and Administrative Personnel.

This account group includes the salaries, bonuses, and sickness, holiday, and vacation pay of supervisory and administrative personnel.

## ITEMS (SEE INSTRUCTION 6)

- Attorneys.
- Chief accountants.
- Dispatchers.
- Employees taking orders and making up load sheets.
- Foremen (other than working foremen).
- Office managers.
- Platform superintendents.
- Purchasing agents.
- Salesmen.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instructions 11 and 27 or 28:

- 4131—Salaries—Supervisory Personnel—Line-Haul.
- 4132—Salaries—Supervisory Personnel—Pickup and Delivery.
- 4133—Salaries—Supervisory Personnel—Billing and Collecting.
- 4134—Salaries—Supervisory Personnel—Platform (see note A, below).
- 4135—Salaries—Supervisory and Administrative Personnel (terminal).
- 4136—Salaries—Supervisory Personnel—Maintenance.
- 4137—Salaries—Supervisory and Administrative Personnel—Traffic and Sales.
- 4138—Salaries—Supervisory and Administrative Personnel—Insurance and Safety.
- 4139—Salaries—Supervisory and Administrative Personnel—General and Administrative.

NOTE A.—The salaries and wages of working foremen engaged in the platform activity shall be included in account 4230—Cargo handlers.

NOTE B.—Class II carriers shall include the amounts described in this account group in account 4110—Salaries—Officers.

- 4200—Salaries and Wages.

This account may be used as a control account for all accounts in the 4200 series.

- 4210—Salaries and Wages—Clerical and Administrative.

This account group includes the salaries, wages, bonuses, and other direct

compensation (including overtime premium) of employees performing clerical and administrative functions.

## ITEMS (SEE INSTRUCTION 6)

- Accounting clerks.
- Billing clerks.
- Bookkeepers.
- Credit clerks.
- Estimators.
- File clerks.
- Information clerks.
- Inspectors.
- Insurance clerks.
- Keypunch operators.
- Machine operators.
- Manifest clerks.
- Operators of two-way radios.
- Over, short, and damage clerks.
- Programers.
- Rating clerks.
- Secretaries.
- Shop and garage clerks.
- Stenographers.
- Tariff clerks.
- Telephone operators.
- Timekeepers.
- Typists.

The total of these amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instructions 11 and 27 or 28:

- 4211—Salaries and Wages—Clerical and Administrative—Line Haul.
- 4212—Salaries and Wages—Clerical and Administrative—Pickup and Delivery.
- 4213—Salaries and Wages—Clerical and Administrative—Billing and Collecting.
- 4214—Salaries and Wages—Clerical and Administrative—Platform.
- 4215—Salaries and Wages—Clerical and Administrative—Terminal.
- 4216—Salaries and Wages—Clerical and Administrative—Maintenance.
- 4217—Salaries and Wages—Clerical and Administrative—Traffic and Sales.
- 4218—Salaries and Wages—Clerical and Administrative—Insurance and Safety.
- 4219—Salaries and Wages—Clerical and Administrative—General and Administrative.

- 4220—Salaries and Wages—Drivers and Helpers.

This account group includes the wages and bonuses and other direct compensation (including overtime premium and layover pay) paid to employees engaged as drivers of or helpers on revenue equipment. The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instructions 11 and 27 or 28:

- 4221—Salaries and wages—drivers and helpers—line haul.
- 4222—Salaries and wages—drivers and helpers—pickup and delivery.

NOTE A.—The pay of drivers and helpers while engaged in loading or unloading vehicles at the carrier's terminal shall be charged to Account 4230—Salaries and Wages—Cargo Handlers, in accordance with instruction 27 or 28.

- 4230—Salaries and Wages—Cargo Handlers.

This group of accounts includes the wages and bonuses, and other direct compensation (including overtime premium) of employees engaged in loading,

unloading, and platform handling of freight at the carrier's terminals.

## ITEMS (SEE INSTRUCTION 6)

- Checkers.
- Casual labor used on the terminal platform.
- Inspectors.
- Leaders.
- Stackers.
- Working foremen.

The amount in this account is chargeable to 4234—Salaries and Wages—Cargo Handlers—platform (see instruction 27 or 28).

- 4240—Salaries and Wages—Vehicle Repair and Service.

This account group includes the salaries, wages, bonuses, and other direct compensation (including overtime premium) of employees engaged in repairing and servicing vehicles owned, rented, or leased by the carrier.

## ITEMS (SEE INSTRUCTION 6)

- Battery men.
- Carpenters.
- Electricians and radio maintenance men.
- Gasoline and oil attendants.
- Machinists.
- Mechanics.
- Metal workers.
- Painters.
- Washers and cleaners.
- Working foremen.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instructions 11 and 27:

- 4241—Salaries and Wages—Vehicle Repair and Service—Line-Haul (see notes A and B, below).
- 4242—Salaries and Wages—Vehicle Repair and Service—Pickup and Delivery (see notes A and B, below).
- 4244—Salaries and Wages—Vehicle Repair and Service—Platform (see note C, below).
- 4245—Salaries and Wages—Vehicle Repair and Service—Terminal (see note C, below).
- 4246—Salaries and Wages—Vehicle Repair and Service—Maintenance (see note C, below).
- 4247—Salaries and Wages—Vehicle Repair and Service—Traffic and Sales (see note C, below).
- 4248—Salaries and Wages—Vehicle Repair and Service—Insurance and Safety (see note C, below).
- 4249—Salaries and Wages—Vehicle Repair and Service—General and Administrative (see note C, below).

NOTE A.—Carriers designated in instruction 32 shall further subdivide these accounts by type of equipment.

NOTE B.—The pay of employees engaged in repairing and servicing revenue equipment shall be included in these accounts in accordance with instruction 27 or 28.

NOTE C.—The pay of employees engaged in repairing and servicing service vehicles shall be included in these accounts. The predominant use of the service vehicle shall be used in determining the activity to be charged. (See instruction 27 or 28.)

- 4250—Salaries and Wages—Owner-Operator Drivers.

This account group includes the salaries, wages, bonuses, and other direct compensation (including overtime premium and layover pay) of owner-oper-

ator drivers operating vehicles rented or leased by the carrier under the conditions described in note A below.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4251—Salaries and Wages—Owner-Operator Drivers—Line Haul.
- 4252—Salaries and Wages—Owner-Operator Drivers—Pickup and Delivery.

NOTE A.—If the arrangement under which vehicles with drivers are furnished to the carrier provides that the wages of the drivers shall be paid separately by the reporting carrier, and included on its payroll, such wages shall be included here, and the vehicle portion of the rental shall be included in Account 5420—Revenue Equipment Rents—With Driver, Vehicle Portion Only. If the wages of the driver are paid by the leasing company, the entire cost of renting the vehicle (including driver compensation paid by the lessor) shall be included in Account 5410—Vehicle Rents With Driver.

- 4290—Salaries and Wages—Other Labor.

This account group includes the salaries, wages, bonuses, and other direct compensation (including overtime premium) of employees of the carrier not included elsewhere.

## ITEMS (SEE INSTRUCTION 6)

- Cleaners.
- Electricians and radio maintenance men (for communication equipment on fixed property).
- Guards (if carrier employees).
- Helpers.
- Janitors.
- Operators of wreckers or tow trucks.
- Repairmen, general.
- Stockroom employees.
- Switchers.
- Watchmen.
- Yardmen.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instructions 11 and 27 or 28:

- 4291—Salaries and Wages—Other Labor—Line Haul.
- 4292—Salaries and Wages—Other Labor—Pickup and Delivery.
- 4293—Salaries and Wages—Other Labor—Billing and Collecting.
- 4294—Salaries and Wages—Other Labor—Platform.
- 4295—Salaries and Wages—Other Labor—Terminal.
- 4296—Salaries and Wages—Other Labor—Maintenance.
- 4297—Salaries and Wages—Other Labor—Traffic and Sales.
- 4298—Salaries and Wages—Other Labor—Insurance and Safety.
- 4299—Salaries and Wages—Other Labor—General and Administrative.

- 4300—Miscellaneous Paid Time Off.

This account may be used as a control account for all accounts in the 4300 series. Class II carriers shall use this account group as provided in note A below. (Class II carriers are not required to maintain accounts 4310 to 4390, inclusive.)

NOTE A.—Class II carriers shall include in this control account the miscellaneous paid

## RULES AND REGULATIONS

time off expense for all employees whose salaries and wages have been included in accounts 4210 to 4290, inclusive.

## ITEMS (SEE INSTRUCTION 6)

- Attendance at union meetings during working hours.
- Birthday pay.
- Compensatory time off.
- Funeral or bereavement pay.
- Sickness, holiday, and vacation pay.
- Voluntary payments to employees in lieu of salaries and wages lost, while on strike.
- Other similar payments.

Miscellaneous paid time off expense shall be distributed to the following accounts in accordance with instructions 27 and 28.

- 4301—Miscellaneous Paid Time Off—Line Haul.
- 4302—Miscellaneous Paid Time Off—Pickup and Delivery.
- 4303—Miscellaneous Paid Time Off—Billing and Collecting.
- 4304—Miscellaneous Paid Time Off—Platform.
- 4305—Miscellaneous Paid Time Off—Terminal.
- 4306—Miscellaneous Paid Time Off—Maintenance.
- 4307—Miscellaneous Paid Time Off—Traffic and Sales.
- 4308—Miscellaneous Paid Time Off—Insurance and Safety.
- 4309—Miscellaneous Paid Time Off—General and Administrative.

- 4310—Miscellaneous Paid Time Off—Clerical and Administrative.

This account group includes the total miscellaneous paid time off expense for clerical and administrative employees whose salaries and wages are included in account 4210. Such miscellaneous paid time off expense shall be distributed to the following accounts in accordance with instructions 27, 28, and 29 (for class II carriers, see note B below):

- 4311—Miscellaneous Paid Time Off—Clerical and Administrative—Line haul.
- 4312—Miscellaneous Paid Time Off—Clerical and Administrative—Pickup and Delivery.
- 4313—Miscellaneous Paid Time Off—Clerical and Administrative—Billing and Collecting.
- 4314—Miscellaneous Paid Time Off—Clerical and Administrative—Platform.
- 4315—Miscellaneous Paid Time Off—Clerical and Administrative—Terminal.
- 4316—Miscellaneous Paid Time Off—Clerical and Administrative—Maintenance.
- 4317—Miscellaneous Paid Time Off—Clerical and Administrative—Traffic and Sales.
- 4318—Miscellaneous Paid Time Off—Clerical and Administrative—Insurance and Safety.
- 4319—Miscellaneous Paid Time Off—Clerical and Administrative—General and Administrative.

NOTE A.—For an illustrative item list, see Account 4300—Miscellaneous Paid Time Off.

NOTE B.—Class II carriers shall use account 4300 to report miscellaneous paid time off.

- 4320—Miscellaneous Paid Time Off—Drivers and Helpers.

This account group includes the total miscellaneous paid time off expense of drivers and helpers whose salaries and wages are included in account 4220. Such miscellaneous paid time off expense shall

be distributed to the following accounts in accordance with instructions 27, 28, and 29 (for class II carriers, see note B below):

- 4321—Miscellaneous Paid Time Off—Drivers and Helpers—Line Haul.
- 4322—Miscellaneous Paid Time Off—Drivers and Helpers—Pickup and Delivery.

NOTE A.—For an illustrative item list, see Account 4300—Miscellaneous Paid Time Off.

NOTE B.—Class II carriers shall use account 4300 to record miscellaneous paid time off.

- 4330—Miscellaneous Paid Time Off—Cargo Handlers.

This account group includes the total miscellaneous paid time off expenses for cargo handlers whose salaries and wages are included in account 4230. The amount in control account 4330 is chargeable to 4334—Miscellaneous Paid Time Off—Cargo Handlers—Platform, in accordance with instructions 27, 28, and 29. For an illustrative item list, see Account 4300—Miscellaneous Paid Time Off. (Class II carriers shall use account 4300 to record miscellaneous paid time off.)

- 4340—Miscellaneous Paid Time Off—Vehicle Repair and Service.

This account group includes the total miscellaneous paid time off expense for vehicle repair and service employees whose salaries and wages are included in account 4240. Such miscellaneous paid time off expense shall be distributed to the following accounts in accordance with instructions 27, 28, and 29. (See note A below.) For an illustrative item list, see Account 4300—Miscellaneous Paid Time Off (for class II carriers, see note B, below):

- 4341—Miscellaneous Paid Time Off—Vehicle Repair and Service—Line Haul.
- 4342—Miscellaneous Paid Time Off—Vehicle Repair and Service—Pickup and Delivery.
- 4346—Miscellaneous Paid Time Off—Vehicle Repair and Service—Maintenance.

NOTE A.—The portion of miscellaneous paid time off expense directly attributable to repair of revenue vehicles shall be allocated to accounts 4341 and 4342 in accordance with instruction 27 or 28. The balance of the miscellaneous paid time off is chargeable to Account 4346.

NOTE B.—Class II carriers shall use account 4300 to record miscellaneous paid time off expenses.

- 4350—Miscellaneous Paid Time Off—Owner-Operator Drivers.

This account group includes the total miscellaneous paid time off expense for owner-operator drivers, whose salaries and wages are included in Account 4250—Salaries and Wages—Owner-Operator Drivers. Such miscellaneous paid time off expense shall be distributed to the following accounts in accordance with instructions 27, 28, and 29. (For class II carriers, see note A below.)

- 4351—Miscellaneous Paid Time Off—Owner-Operator Drivers—Line-Haul.
- 4352—Miscellaneous Paid Time Off—Owner-Operator Drivers—Pickup and Delivery.

NOTE A.—Class II carriers shall use account 4300 to record miscellaneous paid time off.

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**4390—Miscellaneous Paid Time Off—Other Labor.**

This account group includes the total miscellaneous paid time off expense for employees whose salaries and wages are included in account 4290. Such miscellaneous paid time off expense shall be distributed to the following accounts in accordance with instructions 27, 28, and 29. (For class II carriers, see note B below.)

- 4391—Miscellaneous Paid Time Off—Other Labor—Line Haul.
- 4392—Miscellaneous Paid Time Off—Other Labor—Pickup and Delivery.
- 4393—Miscellaneous Paid Time Off—Other Labor—Billing and Collecting.
- 4394—Miscellaneous Paid Time Off—Other Labor—Platform.
- 4395—Miscellaneous Paid Time Off—Other Labor—Terminal.
- 4396—Miscellaneous Paid Time Off—Other Labor—Maintenance.
- 4397—Miscellaneous Paid Time Off—Other Labor—Traffic and Sales.
- 4398—Miscellaneous Paid Time Off—Other Labor—Insurance and Safety.
- 4399—Miscellaneous Paid Time Off—Other Labor—General and Administrative.

NOTE A.—For an illustrative item list, see Account 4300—Miscellaneous Paid Time Off.

NOTE B.—Class II carriers shall use account 4300 to record miscellaneous paid time off.

**4400—Other Fringes.**

This account shall be used as a control account for all accounts in the 4400 series. Amounts in this account shall be distributed to the following accounts in accordance with instructions 27, 28, and 29.

- 4401—Other Fringes—Line Haul.
- 4402—Other Fringes—Pickup and Delivery.
- 4403—Other Fringes—Billing and Collecting.
- 4404—Other Fringes—Platform.
- 4405—Other Fringes—Terminal.
- 4406—Other Fringes—Maintenance.
- 4407—Other Fringes—Traffic and Sales.
- 4408—Other Fringes—Insurance and Safety.
- 4409—Other Fringes—General and Administrative.

NOTE A.—Carriers may distribute each natural classification within series 4400 to the appropriate activity. In this case carriers are not required to maintain or distribute this control account.

**4410—Federal Payroll Taxes.**

This account group includes the carrier's portion of Federal Insurance Contributions Act (FICA) and unemployment taxes. The amount in this account is chargeable to Account 4419—Federal Payroll Taxes—General and Administrative.

**4420—State Payroll Taxes.**

This account group includes the carrier's portion of State unemployment taxes. The amount in this account is chargeable to Account 4429—State Payroll Taxes—General and Administrative.

**4430—Workmen's Compensation.**

This account group includes the net cost (premium less dividends and refunds) of insurance required to provide for workmen's compensation or similar employee protection in connection with

motor carrier operations, whether such insurance is provided by means of premiums payable to Government agencies, or commercial insurance companies. (See instruction 22(a).)

This account group shall also be charged each month, and Account 2130—Other Current and Accrued Liabilities (class II) or Account 2172—Personal Injuries, Property Damage Claims, and Workmen's Compensation Claims (estimated liabilities; accrued) (class I), shall be credited with amounts sufficient to meet the probable liability not covered by outside insurance on account of claims for injuries to and deaths of employees arising under workmen's compensation and employer's liability acts. (See instruction 22(a) and (c).) The amount in this account is chargeable to Account 4439—Workmen's Compensation—General and Administrative.

**4440—Group Insurance.**

This account group includes the net payments (premiums less dividends or refunds) made by the carrier on behalf of its employees for group insurance. This insurance shall include life, accident, and health, and any other group coverage provided by the carrier.

The amount in this account is chargeable to Account 4449—Group Insurance, General and Administrative. (For class II carriers, see note A.)

NOTE A.—Class II carriers shall use account 4490 to record group insurance expense.

NOTE B.—Life insurance carried on officers where the corporation is the beneficiary, shall be included in Account 8400—Other Non-operating Income (net), for Class II Carriers, or Account 8423—Life Insurance Premiums for Class I Carriers.

NOTE C.—Dividends received from insurance companies on group policies shall be credited to this account. When employees pay part of the premiums, but the carrier retains dividends received, the full amount of the dividends is includible in the account.

**4450—Pension and Retirement Plans.**

This account group includes the net payments (premiums or contributions less dividends or refunds) made by the carrier to trustees or commercial insurance companies on behalf of its employees for pensions or retirement plans.

This account group shall also include payments made to retired employees for pension or retirement. The amount in this account is chargeable to Account 4459—Pension and Retirement Plans, General and Administrative. (Class II carriers shall use account 4490 to record such pension and retirement plan expense.)

**4460—Health, Welfare, and Pensions.**

This account group includes amounts paid by the carrier to health, welfare, or pension plans under agreements with employee unions or other established plans. The amount in this account is chargeable to Account 4469—Health, Welfare, and Pensions, General and Administrative. (Class II carriers shall use account 4490 to record such health, welfare, and pension expense.)

**4490—Other Fringes.**

This account group includes amounts paid by the carrier for payroll related fringe benefits not included elsewhere.

The amount in this account is chargeable to Account 4499—Other Fringes, General and Administrative.

**4500—Operating Supplies and Expenses.**

This account may be used as a control account for all accounts in the 4500 series.

**4510—Fuel for Motor Vehicles.**

This account group includes the cost of gasoline, propane, diesel fuel, and any other fuel (e.g., electricity for charging batteries in electrically driven vans) used by revenue vehicles, and service vehicles of the terminal or maintenance activities. This account group also includes transportation charges payable to others for gasoline, propane, diesel fuels, and other fuels for such vehicles. The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4511—Fuel for Motor Vehicles—Line Haul (see notes A, D, and E).
- 4512—Fuel for Motor Vehicles—Pickup and Delivery (see notes A, D, and E).
- 4515—Fuel for Motor Vehicles—Terminal (see notes B, C, and E).
- 4516—Fuel for Motor Vehicles—Maintenance (see notes B, C, and E).

NOTE A.—The cost of gasoline, diesel fuel, and other fuels consumed by revenue vehicles shall be distributed to these accounts in accordance with the designation of the primary use of the vehicle (see instruction 27 or 28).

NOTE B.—The cost of gasoline, diesel fuel, and other fuels consumed by service vehicles of the terminal or maintenance activities shall be distributed to accounts 4515 or 4516 in accordance with the designation of the primary use of the vehicle (see instruction 27).

NOTE C.—The cost of gasoline, diesel fuel, and other fuels (including taxes related thereto) for other service type vehicles, including automobiles, shall be included in accounts 4660 and 4670 for class I carriers or account 4690 for class II carriers.

NOTE D.—Carriers designated in instruction 32 shall further subdivide these accounts by type of equipment.

NOTE E.—Taxes on gasoline, diesel fuel, or other fuels, except as set out in note C above, shall be charged to Account 4710—Gasoline, Diesel Fuel and Oil Taxes (Federal), or 4760—Gasoline, Diesel Fuel and Oil Taxes (State and other), as appropriate.

NOTE F.—The cost of fuel lost as a result of a leakage from a carrier's storage tank is includible in this account.

**4520—Oil, Lubricants, and Coolants for Motor Vehicles.**

This account group includes the cost of motor oil, grease and other lubricants, and coolants (including coolants for special refrigerated units) used by vehicles. This account group also includes transportation charges payable to others for motor oil, other lubricants, and coolants.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

ponents shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4521—Oil, Lubricants, and Coolants for Motor Vehicles—Line Haul (see notes A, C, and D).
- 4522—Oil, Lubricants, and Coolants for Motor Vehicles—Pickup and Delivery (see notes A, C, and D).
- 4525—Oil, Lubricants, and Coolants for Motor Vehicles—Terminal (see notes B and C).
- 4526—Oil, Lubricants, and Coolants for Motor Vehicles—Maintenance (see notes B and C).

NOTE A.—The cost of grease, oil, other lubricants, and coolants consumed by revenue vehicles shall be distributed to these accounts in accordance with the designation of the primary use of the vehicle (see instruction 27 or 28).

NOTE B.—The cost of motor oil, grease, other lubricants, and coolants consumed by service vehicles shall be charged to this account.

NOTE C.—Taxes on motor oil shall be charged to Account 4710—Gasoline, Diesel Fuel, and Oil Taxes (Federal), or 4760—Gasoline, Diesel Fuel, and Oil Taxes (State and other), as appropriate.

NOTE D.—Carriers designated in instruction 32 shall further subdivide these accounts by type of equipment.

NOTE E.—Class II carriers shall use account 4510 to record the cost of oil, lubricants, and coolants for motor vehicles.

**4530—Vehicle Parts.**

This account group includes the cost of vehicle parts used in repairing the carriers' vehicles.

**ITEMS (SEE INSTRUCTION 6)**

- Accessories installed on operating vehicles, when replacing original items.
- Diesel oil filters.
- Flares.
- Fuses.
- Light casings.
- Marker light replacements.
- Oil filter packs.
- Parts for communication equipment repair installed in vehicles.
- Parts for refrigeration units installed on vehicles.
- Reflectors.
- Replacement costs (net), of engines (see account 1221, paragraph C).
- Torches.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4531—Vehicle Parts—Line Haul (see note A).
- 4532—Vehicle Parts—Pickup and Delivery (see note A).
- 4535—Vehicle Parts—Terminal.
- 4536—Vehicle Parts—Maintenance.
- 4537—Vehicle Parts—Traffic and Sales.
- 4538—Vehicle Parts—Insurance and Safety.
- 4539—Vehicle Parts—General and Administrative.

NOTE A.—Carriers designated in instruction 32 shall further subdivide these accounts by type of equipment.

NOTE B.—Items which have a short life and small cost shall be charged to this account, instead of being charged to Account 1151—Materials and Supplies.

**4540—Vehicle Maintenance by Outside Vendors.**

This account group includes the cost of maintaining the carrier's vehicles, including inspection to determine the need of repairs when the maintenance is performed by public shops and garages.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4541—Vehicle Maintenance by Outside Vendors—Line Haul (see note A).
- 4542—Vehicle Maintenance by Outside Vendors—Pickup and Delivery (see note A).
- 4545—Vehicle Maintenance by Outside Vendors—Terminal.
- 4546—Vehicle Maintenance by Outside Vendors—Maintenance.
- 4547—Vehicle Maintenance by Outside Vendors—Traffic and Sales.
- 4548—Vehicle Maintenance by Outside Vendors—Insurance and Safety.
- 4549—Vehicle Maintenance by Outside Vendors—General and Administrative.

NOTE A.—Carriers designated in instruction 32 shall further subdivide these accounts by type of equipment.

NOTE B.—Vehicle repairs performed by outside shops and garages, charged to this account group shall include any State and local sales, use, and service taxes.

NOTE C.—Class II carriers shall use account 4530 to record cost of vehicle maintenance by outside vendors.

**4550—Tires and Tubes.**

This account group includes the cost, including taxes, of tires and tubes applied to the carrier's vehicles. The cost of tires and tubes may be charged directly to this account or included in Account 1140—Prepayments (class II) or Account 1146—Prepaid Tires and Tubes (class I) and charged off to this account in appropriate monthly installments.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4551—Tires and Tubes—Line Haul (see note A).
- 4552—Tires and Tubes—Pickup and Delivery (see note A).
- 4555—Tires and Tubes—Terminal.
- 4556—Tires and Tubes—Maintenance.
- 4557—Tires and Tubes—Traffic and Sales.
- 4558—Tires and Tubes—Insurance and Safety.
- 4559—Tires and Tubes—General and Administrative.

NOTE A.—Carriers designated in instruction 32 shall further subdivide these accounts by type of equipment.

NOTE B.—When a carrier contracts to use tires at a monthly rental based on miles run or some similar method of computing the charge, the cost of such tire service, including abused tires, shall be included in this account.

NOTE C.—The cost of unapplied tires and tubes held in stock, shall be charged to Account 1151—Materials and Supplies.

NOTE D.—Fully expended tires and tubes that are transferred from line-haul vehicles to pickup and delivery vehicles shall be accounted for by crediting account 4551 and charging account 4552, for the estimated value at the time of transfer.

NOTE E.—Recoveries from insurance companies as reimbursement for the loss of tires and tubes included in this account, the proceeds of sold tires and tubes, and the estimated value of tires and tubes on a vehicle that is sold or traded in, shall be credited to this account. (See, however, Account 1146—Prepaid Tires and Tubes, note C.)

4590—Other Operating Supplies and Expenses.

This account shall include the cost of other operating supplies, used in connection with operating vehicles and terminals, and related expenses not provided for in the foregoing accounts.

**ITEMS (SEE INSTRUCTION 6)**

- Alarm systems, rented for owned or rented vehicles.
- Antifreeze.
- Brake fluid.
- Calibrations (measurement) of tank trucks and trailers used in revenue service (initial calibration, however, is includible in the cost of the vehicle).
- Cleaning expenses of the interior of revenue vehicles after particular shipments, such as: liquid products in tank trucks, livestock, and commodities which are transported in bulk.
- Cleaning supplies and solvents.
- Demurrage, wharfage, and similar expenses when not recollectible from customers.
- Drivers' sleeping-room rents at a terminal point (collections from owner-operators for the use of such rooms shall be credited to this account).
- Expenses incurred in deadheading intercity drivers and helpers.
- Hand tools.
- Improvements to terminal property leased for less than 1 year.
- Inspection costs of operating property by State inspection bureaus.
- Lift trucks, cranes, et cetera, rented with or without drivers.
- Maintenance cost (other than payroll) of grounds, including fences, shrubbery, driveways, sidewalks, sewers, et cetera, for shops, garages, terminals, and other transportation structures.
- Operating cost of, or amounts paid others for, service equipment used to raise dropped trailers, tow trucks, et cetera, which have been damaged in accidents.
- Operating and maintenance costs of signs designating a terminal building (see also accounts 4630 and 5990).
- Parking and storage fees paid for daily and overnight parking of revenue vehicles.
- Pilot cars rented with or without drivers.
- Repair and operating costs for communication equipment (including towers and antennae) not installed in vehicles.
- Shock absorber oil.
- Tarpaulins, cables, and other rigging devices.
- Temporary storage charges for cargo occasioned by breakdowns, accident, or other causes while being transported in the carrier's revenue vehicle.
- Tolls for bridges, tunnels, highways, and ferries, of revenue vehicles and service vehicles of the terminal and maintenance activities (see, however, accounts 4660 and 4670).

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

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following accounts in accordance with instruction 27 or 28:

- 4591—Other Operating Supplies—Line Haul (see note A).
- 4592—Other Operating Supplies—Pickup and Delivery (see note A).
- 4594—Other Operating Supplies—Platform.
- 4595—Other Operating Supplies—Terminals.
- 4596—Other Operating Supplies—Maintenance (see note B).

NOTE A.—The cost of operating supplies including cooling supplies consumed by revenue vehicles shall be distributed to these accounts in accordance with the designation of the primary use of the vehicle (see instruction 27).

NOTE B.—The cost of operating supplies consumed by service vehicles shall be charged to this account.

NOTE C.—The cost of tolls included in this account, when coupon books are purchased, shall reflect the cost of these books which are issued only. Coupon books not yet issued shall be recorded as prepayment (see account 1147). Tolls for service vehicles, which are not included in the terminal or maintenance activities and personal vehicles used in carrier operations are chargeable similarly to accounts 4660 and 4670.

#### 4600—General Supplies and Expenses.

This account may be used as a control account for all accounts in the 4600 series.

#### 4610—Office Supplies.

This account group includes the cost of supplies used in connection with the administration of carrier activities.

##### ITEMS (SEE INSTRUCTION 6)

- Books.
- Computer programs purchased (expense portion).
- Continuous forms (data processing supplies).
- Disk packs (data processing supplies).
- Drinking water.
- Notary fees.
- Magazine subscriptions.
- Magnetic tapes (data processing supplies).
- Postage.
- Printed forms for general use.
- Stationery and printing.
- Tabulating cards (data processing supplies).

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4611—Office Supplies—Line Haul.
- 4612—Office Supplies—Pickup and Delivery.
- 4613—Office Supplies—Billing and Collecting.
- 4614—Office Supplies—Platform.
- 4615—Office Supplies—Terminal.
- 4616—Office Supplies—Maintenance.
- 4617—Office Supplies—Traffic and Sales.
- 4618—Office Supplies—Insurance and Safety.
- 4619—Office Supplies—General Administrative.

NOTE A.—Items identified as data processing supplies are chargeable to Account 4619—Office Supplies—General and Administrative.

#### 4620—Tariffs and Schedules.

This account group includes the cost of printing and other expenses, except salaries, incurred in the preparation of tariffs and schedules, including postage and transportation charges. This account group also includes amounts payable to

outside agencies for publishing the carrier's tariffs and schedules. The amount in this account is chargeable to Account 4627—Tariffs and Schedule, Traffic and Sales.

#### 4630—Advertising.

This account group includes expenses, other than salaries, in connection with advertising for the purpose of securing traffic, such as the preparation, printing, and distribution of advertising matter and copy, commissions and fees paid outside advertising agents, the cost of advertising space in newspapers and periodicals, the cost of advertisements in publications of charitable, social, fraternal, and similar organizations, expenses incurred in connection with advertising by radio or television, amounts paid to associations which advertise and publicize the industry, the cost of operating and maintaining neon and other display signs (permanent or portable) for attracting traffic, bulletin boards, display cards and cases, and photographs; also postage and express charges on advertising matter, cost of bill posting, et cetera. The amount in this account is chargeable to Account 4637—Advertising—Traffic and Sales.

NOTE A.—The cost of equipping and expense for athletic teams, maintained primarily to advertise the carrier's name and service, are includible in this account.

NOTE B.—Class II carriers shall use account 4620 to record advertising expense.

#### 4640—Commission Agent Fees.

This account group includes amounts paid to others on a commission basis for the solicitation, cargo handling, and pickup and delivery of freight at points where the carrier does not operate terminals or participate with other carriers in joint terminal facilities. This group also includes amounts allowed commission agents for expenses such as advertising, installing and maintaining the carrier's signs, building rents, utilities, communications expenses, and items of a similar nature.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4641—Commission Agent Fees—Line Haul.
- 4642—Commission Agent Fees—Pickup and Delivery.
- 4643—Commission Agent Fees—Billing and Collecting.
- 4644—Commission Agent Fees—Platform.
- 4645—Commission Agent Fees—Terminal.
- 4647—Commission Agent Fees—Traffic and Sales.

NOTE A.—Commissions paid to freight solicitors not on carrier's payroll, other than commission agents as set out in this account, are includible in Account 4650—Solicitation Commissions and Outside Fees.

#### 4650—Solicitation Commissions and Outside Fees.

This account group includes commissions and fees paid to organizations and individuals (not on the carrier's payroll) for providing services to the carrier.

##### ITEMS (SEE INSTRUCTION 6)

- Inspection and weighing bureau fees.
- Payments for manifesting, rating, and collecting freight bills.
- Solicitation commissions.
- Payments for soliciting traffic.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4653—Outside Fees—Billing and Collecting.
- 4654—Outside Fees—Platform.
- 4657—Outside Fees—Traffic and Sales.

NOTE A.—Commissions paid to commission agents, as set out in Account 4640—Commission Agent Fees, shall be included in that account.

NOTE B.—Class II carriers shall use account 4640 to record the expense of solicitation commissions and outside fees.

#### 4660—Officers' and Supervisory Personnel Expenses.

This account group includes expenses incurred for the benefit of motor carrier operations by officers and supervisory personnel whose salaries are included in accounts 4110 to 4130, inclusive.

##### ITEMS (SEE INSTRUCTION 6)

- Entertainment.
- Gifts for customers, purchased by and reimbursed to employees.
- Hotels and meals; subsistence pay.
- Membership dues and fees in trade, technical, and professional associations, social clubs, et cetera.
- Operating and maintenance expenses (such as cost of license plates, gasoline and oil, including taxes, tolls, et cetera) reimbursed to officers and supervisory personnel for the use of their own automobiles in carrier operations.
- Physical examinations.
- Taxes (Federal, State, or other income; payroll, social security) of employees, assumed by the carrier.
- Tolls for bridges, tunnels, highways, and ferries for service vehicles which are not included in the terminal or maintenance activities.
- Traveling expenses.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instructions 11 and 27 or 28 (for class II carriers, see note A below):

- 4661—Officers' and Supervisory Personnel Expenses—Line Haul.
- 4662—Officers' and Supervisory Personnel Expenses—Pickup and Delivery.
- 4663—Officers' and Supervisory Personnel Expenses—Billing and Collecting.
- 4664—Officers' and Supervisory Personnel Expenses—Platform.
- 4665—Officers' and Supervisory Personnel Expenses—Terminal.
- 4666—Officers' and Supervisory Personnel Expenses—Maintenance.
- 4667—Officers' and Supervisory Personnel Expenses—Traffic and Sales.
- 4668—Officers' and Supervisory Personnel Expenses—Insurance and Safety.
- 4669—Officers' and Supervisory Personnel Expenses—General and Administrative.

NOTE A.—Class II carriers shall use account 4660 to record the expenses of officers and supervisory personnel.

#### 4670—Other Employees' Expenses.

This account group includes expenses incurred by the carrier's employees whose salaries and wages are included in accounts 4210 to 4290 inclusive.

##### ITEMS (SEE INSTRUCTION 6)

- Entertainment.
- Expenses incurred in collecting freight charges.
- Expenses of employees used as guards on vehicles to protect freight from pilferage and hijacking.
- Hotels and meals; subsistence pay.
- Membership dues and fees in trade, technical, and professional associations, social clubs, et cetera.
- Operating and maintenance expenses (such as: cost of license plates; gasoline and oil, including taxes; tolls, et cetera) reimbursed to other employees for the use of their own automobiles in carrier operations.
- Physical examinations.
- Taxes (Federal, State, or other income; payroll; social security) of employees, assumed by the carrier.
- Tolls for bridges, tunnels, highways, and ferries for service vehicles which are not included in the terminal or maintenance activities.
- Traveling expenses.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instructions 11 and 27 or 28 (for class II carriers, see note A below):

- 4671—Other Employees' Expenses—Line Haul.
- 4672—Other Employees' Expenses—Pickup and Delivery.
- 4673—Other Employees' Expenses—Billing and Collecting.
- 4674—Other Employees' Expenses—Platform.
- 4675—Other Employees' Expenses—Terminal.
- 4676—Other Employees' Expenses—Maintenance.
- 4677—Other Employees' Expenses—Traffic and Sales.
- 4678—Other Employees' Expenses—Insurance and Safety.
- 4679—Other Employees' Expenses—General and Administrative.

NOTE A.—Class II carriers shall use account 4690 to record other employee expenses.

#### 4690—Other General Supplies and Expenses.

This account group includes the cost of general supplies and expenses in connection with carrier operations not included elsewhere.

##### ITEMS (SEE INSTRUCTION 6)

- Annual fees for listing stock on exchanges.
- Appraisals of operating property for record purposes.
- Armored car service.
- Assessments levied by public authorities for the maintenance of public improvements.
- Awards of merchandise and other safety campaign expenses for employees (but not bonuses; see account series 4100 and 4200).
- Bank service charges.
- Banquets, gifts purchased for distribution to customers.
- Basic memberships in trucking associations.
- Bedding used in drivers' sleeping rooms and laundry service on such bedding.
- Cash bail forfeited by a driver's nonappearance in court in connection with a traffic violation.
- Contributions for charitable, social, or community welfare purposes.

- Cost of advertising for hiring personnel.
- Cost of Christmas, wedding, and similar presents given to employees.
- Court costs.
- Court fees.
- Discounts not practical to apply to the items purchased.
- Donations to funds used for the prevention of strikes.
- Drivers' logs, cost of.
- Facilities and services for employees, such as: cost of picnics, recreational activities, and equipping baseball, bowling, and other athletic teams (see also account 4690).
- Fees for guards from outside organizations placed on trucks to prevent pilferage and hijacking.
- Fines for traffic violations.
- General membership fees and dues in chambers of commerce, et cetera, which cannot be allocated to specific natural classes.
- Gifts purchased in quantity for distribution to customers.
- Inventory adjustments not otherwise apportioned (see Account 1151—Materials and Supplies).
- Law books, periodicals, and subscriptions to special services.
- Law expenses of receivers.
- Legal forms, law office supplies, postage, and stationery.
- Losses from acceptance of counterfeit money.
- Losses (net) from operation of employee lunchrooms.
- Maintenance cost (other than payroll) of grounds, including fences, shrubbery, driveways, sidewalks, sewers, et cetera, for general offices.
- Meals because of overtime work.
- Membership fees and dues to traffic clubs and associations with members from both shippers and carriers; and to golf clubs for members of the traffic department.
- Moving costs of employees' households goods when borne by the carrier.
- Opening celebration expenses for a new terminal, other building, et cetera.
- Operating and maintenance costs of signs designating the general office building (see accounts 4630 and 4690).
- Payments to others for taking telephone orders from shippers.
- Physical examinations of owner-operator drivers, when assumed by the carrier.
- Premiums on court and other bonds.
- Printing costs for freight bills, waybills, manifests, and other forms.
- Publications and services of a general nature.
- Removing ice and snow from structures and grounds, cost of.
- Rents payable and receivable for miscellaneous equipment (e.g., portable rayon frames, dress racks, refrigerator units) used in vehicles to prevent damage and to facilitate handling of shipments.
- Repairs to office furniture and equipment and related inspection costs.
- Statutory agent, fees for accepting service of notices, orders, and processes.
- Sundry operating expenses not included in other operating expense accounts.
- Tax reports, claims, et cetera, when handled by legal staff.
- Towel service.
- Technical advice and services incident to the purchase of materials and supplies.
- Transcripts of testimony, copies of exhibits, et cetera.
- Tuition and text books for officers and employees attending technical, trade, and other schools.
- Uncollected c.o.d.'s (through bankruptcy of delivering carrier, fault of driver, et cetera).
- Vacation camps for employees, operating costs.
- Witness fees.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4691—Miscellaneous Expenses—Line Haul.
- 4692—Miscellaneous Expenses—Pickup and Delivery.
- 4693—Miscellaneous Expenses—Billing and Collecting.
- 4694—Miscellaneous Expenses—Platform.
- 4695—Miscellaneous Expenses—Terminal.
- 4696—Miscellaneous Expenses—Maintenance.
- 4697—Miscellaneous Expenses—Traffic and Sales.
- 4698—Miscellaneous Expenses—Insurance and Safety.
- 4699—Miscellaneous Expenses—General and Administrative.

NOTE A.—Fines assessed against employees for violation of company rules, shall be credited to this account.

#### 4700—Operating Taxes and Licenses.

This account may be used as a control account for all accounts in the 4700 series.

#### 4710—Gasoline, Diesel Fuel, and Oil Taxes (Federal).

This account group includes all Federal taxes on gasoline, diesel fuel, other fuels, and oil consumed by revenue vehicles and service vehicles of the terminal or maintenance activities.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28 (see note A below):

- 4711—Gasoline, Diesel Fuel, and Oil Taxes (Federal)—Line Haul.
- 4712—Gasoline, Diesel Fuel, and Oil Taxes (Federal)—Pickup and Delivery.
- 4715—Gasoline, Diesel Fuel, and Oil Taxes (Federal)—Terminal.

#### 4716—Gasoline, Diesel Fuel, and Oil Taxes (Federal)—Maintenance.

NOTE A.—This distribution shall be in proportion to the expense of the fuel or oil upon which the tax was levied or any other reasonable basis which the carrier can substantiate.

NOTE B.—Federal taxes of fuel consumed by automobiles and service equipment, other than those specified above, shall be included in Account 4660—Officers' and Supervisory Personnel Expenses or Account 4670—Other Employees' Expenses, as appropriate, for Class I Carriers, or Account 4690—Other General Supplies and Expenses, for Class II Carriers.

#### 4720—Vehicle License and Registration Fees—Ownership (Federal).

This account group includes the cost of all Federal taxes, licenses, and fees assessed for the privilege of owning vehicles. The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4721—Vehicle License and Registration Fees—Ownership (Federal) Line Haul.
- 4722—Vehicle License and Registration Fees—Ownership (Federal) Pickup and Delivery.
- 4725—Vehicle License and Registration Fees—Ownership (Federal) Terminal.

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- 4726—Vehicle License and Registration Fees—Ownership (Federal) Maintenance.  
4727—Vehicle License and Registration Fees—Ownership (Federal) Traffic and Sales.  
4728—Vehicle License and Registration Fees—Ownership (Federal) Insurance and Safety.  
4729—Vehicle License and Registration Fees—Ownership (Federal) General and Administrative.

4730—Vehicle License and Registration Fees—Usage (Federal).

This account group includes the cost of all Federal taxes, licenses, and fees assessed for the privilege of operating vehicles. The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28 (for class II carriers, see note A below):

- 4731—Vehicle License and Registration Fees—Usage (Federal) Line Haul.  
4732—Vehicle License and Registration Fees—Usage (Federal) Pickup and Delivery.  
4735—Vehicle License and Registration Fees—Usage (Federal) Terminal.  
4736—Vehicle License and Registration Fees—Usage (Federal) Maintenance.  
4737—Vehicle License and Registration Fees—Usage (Federal) Traffic and Sales.  
4738—Vehicle License and Registration Fees—Usage (Federal) Insurance and Safety.  
4739—Vehicle License and Registration Fees—Usage (Federal) General and Administrative.

NOTE A.—Class II carriers shall use account 4720 to record such license and registration fees.

4740—Other Taxes (Federal).

This account group includes all other Federal operating taxes, licenses, and fees not specifically provided for in accounts 4710 to 4730, inclusive. The amount in this account is chargeable to Account 4749—Other Taxes (Federal)—General and Administrative.

4750—Real Estate and Personal Property Taxes.

This account group includes the amount of taxes based on the value of real estate and personal property.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4755—Real Estate and Personal Property Taxes—Terminal.  
4756—Real Estate and Personal Property Taxes—Maintenance.  
4759—Real Estate and Personal Property Taxes—General and Administrative.  
4760—Gasoline, Diesel Fuel, and Oil Taxes (State and Other).

This account group includes all State, county, municipal, and other taxes on gasoline, diesel fuel, other fuels, and oil consumed by revenue vehicles or service vehicles of the terminal or maintenance activities.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28 (for class II carriers, see note A below):

4761—Gasoline, Diesel Fuel, and Oil Taxes—(State and Other)—Line Haul.  
4762—Gasoline, Diesel Fuel, and Oil Taxes—(State and Other)—Pickup and Delivery.  
4765—Gasoline, Diesel Fuel, and Oil Taxes—(State and Other)—Terminal.  
4766—Gasoline, Diesel Fuel, and Oil Taxes—(State and Other)—Maintenance.

NOTE A.—This distribution shall be in proportion to the expense of the fuel or oil upon which the tax was levied or any other reasonable basis which the carrier can substantiate.

NOTE B.—State and other taxes on fuel consumed by automobiles and service equipment other than those specified above shall be included in Account 4660—Officers' and Supervisory Personnel Expenses, or Account 4670—Other Employees' Expenses, as appropriate for Class I Carriers, or Account 4690—Other General Supplies and Expenses, for Class II Carriers.

4770—Vehicle License and Registration Fees—Ownership (State and Other).

This account group includes the cost of all State, county, and municipal taxes, licenses, and fees assessed for the privilege of owning vehicles.

ITEMS (SEE INSTRUCTION 6)

- Certificates of title fees.  
Cost of identification plates, tags, cards, et cetera, issued by State and regulatory bodies.  
License plate fees.  
Registration fees.  
Vehicle qualification fees.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4771—Vehicle License and Registration Fees—Ownership (State and Other)—Line Haul.  
4772—Vehicle License and Registration Fees—Ownership (State and Other)—Pickup and Delivery.  
4775—Vehicle License and Registration Fees—Ownership (State and Other)—Terminal.  
4776—Vehicle License and Registration Fees—Ownership (State and Other)—Maintenance.  
4777—Vehicle License and Registration Fees—Ownership (State and Other)—Traffic and Sales.  
4778—Vehicle License and Registration Fees—Ownership (State and Other)—Insurance and Safety.  
4779—Vehicle License and Registration Fees—Ownership (State and Other)—General and Administrative.

4780—Vehicle License and Registration Fees—Usage (State and Other).

This account group includes the cost of all State, county, and municipal taxes, licenses, and fees assessed for the privilege of operating vehicles.

ITEMS (SEE INSTRUCTION 6)

- Gross weight taxes.  
Mileage taxes.  
Overload and oversize permits (when absorbed by the carrier).

Port-of-entry fees.  
Ton-mile taxes.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28 (for class II carriers, see note A below):

- 4781—Vehicle License and Registration Fees—Usage (State and Other)—Line Haul.  
4782—Vehicle License and Registration Fees—Usage (State and Other)—Pickup and Delivery.  
4785—Vehicle License and Registration Fees—Usage (State and Other)—Terminal.  
4786—Vehicle License and Registration Fees—Usage (State and Other)—Maintenance.  
4787—Vehicle License and Registration Fees—Usage (State and Other)—Traffic and Sales.  
4788—Vehicle License and Registration Fees—Usage (State and Other)—Insurance and Safety.  
4789—Vehicle License and Registration Fees—Usage (State and Other)—General and Administrative.

NOTE A.—Class II carriers shall use account 4770 to record such vehicle license and registration fees.

4790—Other Taxes (State and Other).

This account group includes all other State, county, and municipal operating taxes, licenses, and fees not specifically provided for in accounts 4750 to 4780, inclusive.

ITEMS (SEE INSTRUCTION 6)

- Capital stock taxes.  
Corporation taxes (for purposes of doing business in a corporation).  
Gross receipts taxes.  
Occupancy taxes.  
Permits to haul liquor, et cetera.  
State taxes imposed for the privilege of doing business within a State which are based on net income assigned to the State, when such taxes are considered a franchise tax rather than an income tax by the State tax agency.

Taxes on revenue from the rental of vehicles when assessed against the carrier).

The amount in this account is chargeable to Account 4799—Other Taxes (State and Other)—General Administrative.

NOTE A.—Taxes on revenue from rental of vehicles, when assessed against the lessee but absorbed by the carrier, shall be debited to the account which is credited with the rental revenue.

4800—Insurance.

This account may be used as a control account for all accounts in the 4800 series.

4810—Public Liability and Property Damage Insurance.

The account group includes the net cost (premiums less dividends or refunds) of commercial insurance (see instruction 22(a)) to protect the carrier against liability for deaths of or injuries to persons (other than the carrier's employees) and damages to the property of others (except property entrusted to the carrier for transportation or storage), resulting from the operation of owned and leased vehicles in motor carrier service.

This account group shall also be charged, and Account 2130—Other Current and Accrued Liabilities (class II), or Account 2172—Personal Injuries Property Damage Claims and Workmen's Compensation Claims (estimated liabilities; accrued) (class I) shall be credited with the self-insured portion of coverage sufficient to meet the probable liabilities and related legal fees, not covered by commercial insurance for the classes of risks set out above.

The total of such amounts may be included in this control account.

Its components shall be distributed to the following accounts (see note A below):

- 4811—Public Liability and Property Damage Insurance—Line Haul.  
4812—Public Liability and Property Damage Insurance—Pickup and Delivery.  
4818—Public Liability and Property Damage Insurance—Insurance and Safety.

NOTE A.—The proportion of premiums paid and estimated liabilities accrued which is applicable to revenue vehicles shall be allocated to accounts 4811 and 4812 in accordance with instruction 27 or 28. The balance of the premium shall be charged to account 4818.

4820—Cargo Loss and Damage Insurance.

This account group includes the net cost (premium less dividends or refunds) of commercial insurance (see instruction 22(a)) to protect the carrier against liability for claims resulting from loss or damage to, or delay of, property entrusted to it for transportation or storage.

This account group shall also be charged, and Account 2130—Other Current and Accrued Liabilities (class II), or Account 2173—Cargo Loss and Damage Claims (estimated liabilities; accrued) (class I) shall be credited with the self-imposed portion of coverage sufficient to meet the probable liabilities and related legal fees, which are not covered by commercial insurance for the classes of risks set out above.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28 (see note A below):

- 4821—Cargo Loss and Damage Insurance—Line Haul.  
4825—Cargo Loss and Damage Insurance—Terminal.

NOTE A.—The proportion of premiums paid and estimated liabilities accrued which is applicable to loss or damage of freight while in line-haul vehicles shall be allocated to account 4821. The balance of the premium is chargeable to account 4825.

NOTE B.—When unclaimed freight is sold, and neither the shipper nor the consignee is known, the receipts shall be applied against any unpaid transportation charges for the property sold and the balance, if any, shall be credited to this account.

4830—Fire, Theft, and Collision Insurance.

This account group includes the net cost (premiums less dividends or refunds) of commercial insurance (see instruction 22(b)) to protect the carrier against loss from fire, theft, or collision

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damage to owned or leased vehicles and equipment used in motor carrier operations.

This account group shall also be charged, and Account 2130—Other Current and Accrued Liabilities (class II) or Account 2171—Self-Insurance (estimated liabilities; accrued) (class I) shall be credited with the self-insured portion of coverage sufficient to meet the probable liabilities and related legal fees which are not covered by commercial insurance for the classes of risks set out above.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts (see note A below):

- 4831—Fire, Theft, and Collision Insurance—Line Haul.  
4832—Fire, Theft, and Collision Insurance—Pickup and Delivery.  
4838—Fire, Theft, and Collision Insurance—Insurance and Safety.

NOTE A.—The proportion of premium paid which is applicable to revenue vehicles shall be charged to accounts 4831 and 4832 in accordance with instruction 27. The balance of the premium shall be charged to account 4838.

NOTE B.—Fire insurance on buildings and structures shall be charged to Account 4840—Insurance on Buildings and Structures.

NOTE C.—A commission received from owner-operators for including their insurance in the carrier's own fleet policy shall be credited to this account.

4840—Insurance on Buildings and Structures.

This account group includes the net cost (premiums less dividends or refunds) of commercial insurance (see instruction 22(b)) to protect the carrier against loss of, or damage to, buildings and structures caused by fire, floods, wind, boiler explosion, or any other natural or other causes.

This account group shall also be charged, and Account 2130—Other Current and Accrued Liabilities (class II) or Account 2171—Self-Insurance (estimated liability; accrued) (class I) shall be credited with the self-insured portion of coverage sufficient to meet the probable losses which are not covered by commercial insurance.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

- 4845—Insurance on buildings and structures—terminal.  
4846—Insurance on buildings and structures—maintenance.  
4848—Insurance on buildings and structures—insurance and safety.

4890—Other Insurance.

This account group includes the net cost (premiums less dividends and refunds) of commercial insurance (see instruction 22(a) and (b)) to protect the carrier against liabilities and losses, the cost of which is not provided for elsewhere.

This account group shall also be charged, and Account 2130—Other Current and Accrued Liabilities (class II) or

Account 2175—Other Estimated Liabilities (estimated liabilities; accrued) (class I) shall be credited with any self-insured portion of coverage sufficient to meet the probable liabilities, losses, and related legal fees, which are not covered by commercial insurance for the classes of risks set out above.

The amounts in this account are chargeable to Account 4898—Other Insurance—Insurance and Safety.

ITEMS (SEE INSTRUCTION 6)

- Burglary.  
Cost of liquor bonds (see note A).  
Cost of bonds furnished to guarantee the payment of State mileage taxes (see note A).  
Detective fees for investigation of cargo losses.  
Fidelity.  
Holdup.  
Owners', landlords', and tenants' liability.  
Premiums on performance bonds.  
Public liability and property damage insurance to cover liability resulting from other than operation of owned or leased vehicles.  
Rewards for information leading to the return of stolen money.

NOTE A.—Recoverable cash deposits in lieu of bonds furnished shall be included in Account 1020—Special Deposits (class II) or Account 1023—Miscellaneous Special Deposits (class I).

5100—Communications and Utilities.

This account may be used as a control account for all accounts in the 5100 series.

5110—Communication Expenses.

This account group includes the cost of communication service, including taxes, used by the carrier in directing its operations.

ITEMS (SEE INSTRUCTION 6)

- Communications network (leased line).  
Long-distance telephone calls and telegrams, reimbursed to drivers (if practicable to segregate from other employees' expenses).  
Telegraph units (rental or lease) and service.  
Telephone dispatching service, including installation charges.  
Telephone service.  
Telex equipment (rental or lease).

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts based upon their predominant use in accordance with instruction 27 or 28:

- 5111—Communication Expenses—Line Haul.  
5112—Communication Expenses—Pickup and Delivery.  
5113—Communication Expenses—Billing and Collecting.  
5114—Communication Expenses—Platform.  
5115—Communication Expenses—Terminal.  
5116—Communication Expenses—Maintenance.  
5117—Communication Expenses—Traffic and Sales.  
5118—Communication Expenses—Insurance and Safety.  
5119—Communication Expenses—General and Administrative.

NOTE A.—Class II carriers shall use account 5120 to record communication expenses.

5120—Utilities Expenses.

This account group includes the cost of utility services consumed by the carrier in its motor carrier operations.



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## ITEMS (SEE INSTRUCTION 6)

Electricity.  
Fuels (coal, gas, oil) (see note A).  
Penalties for exceeding grace periods for payment.  
Water.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts based on their predominant use in accordance with instruction 27 or 28:

5121—Utilities Expenses—Line Haul.  
5122—Utilities Expenses—Pickup and Delivery.  
5123—Utilities Expenses—Billing and Collecting.  
5124—Utilities Expenses—Platform.  
5125—Utilities Expenses—Terminal.  
5126—Utilities Expenses—Maintenance.  
5127—Utilities Expenses—Traffic and Sales.  
5128—Utilities Expenses—Insurance and Safety.  
5129—Utilities Expenses—General and Administrative.

NOTE A.—The cost of fuel and oil used in revenue or service vehicles shall be included in account 4510—Fuel for motor vehicles or account 4520—Oil and lubricants for motor vehicles, as appropriate.

## 5300—Depreciation and Amortization.

This account may be used as a control account for all accounts in the 5300 series.

## 5310—Depreciation Expense—Buildings and Structures.

This account group includes depreciation of structures situated on owned land, including all fixtures permanently attached thereto, and of improvements to owned land and other structures or constructions, the investment in which is included in account 1210—Land and Structures (class I) or account 1213—Structures (class I).

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

5315—Depreciation Expense—Building and Structures—Terminal.  
5316—Depreciation Expense—Buildings and Structure—Maintenance.  
5319—Depreciation Expense—Buildings and Structures—General and Administrative.

## 5320—Depreciation Expense—Revenue Equipment.

This account group includes depreciation of revenue equipment. (See list of items in account 1221—Revenue equipment (classes I and II). The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

5321—Depreciation Expense—Revenue Equipment—Line Haul.  
5322—Depreciation Expense—Revenue Equipment—Pickup and Delivery.

## 5330—Depreciation Expense—Service Cars and Equipment.

This account group includes the depreciation of automobiles, wreckers, sand and salt cars, tow cars, and other service equipment, the investment in which is

included in account 1223—Service Cars and Equipment (classes I and II).

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

5334—Depreciation Expense—Service Cars and Equipment—Platform.  
5335—Depreciation Expense—Service Cars and Equipment—Terminal.  
5336—Depreciation Expense—Service Cars and Equipment—Maintenance.  
5337—Depreciation Expense—Service Cars and Equipment—Traffic and Sales.  
5338—Depreciation Expense—Service Cars and Equipment—Insurance and Safety.  
5339—Depreciation Expense—Service Cars and Equipment—General and Administrative.

## 5340—Depreciation Expense—Shop and Garage Equipment.

This account group includes the depreciation of shop and garage equipment, the investment in which is included in account 1230—Other Carrier Property (class II), or account 1233—Shop and Garage Equipment (class I). The amount in this account is chargeable to account 5346—Depreciation Expense—Shop and Garage Equipment—Maintenance.

## 5350—Depreciation Expense—Furniture and Office Equipment.

This account group includes the depreciation of Furniture and Office Equipment and appliances, the investment in which is included in account 1230—Other Carrier Property (class II) or account 1235—Furniture and Office Equipment (class I).

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

5355—Depreciation Expense—Furniture and Office Equipment—Terminal.  
5356—Depreciation Expense—Furniture and Office Equipment—Maintenance.  
5359—Depreciation Expense—Furniture and Office Equipment—General and Administrative.

## 5360—Depreciation Expense—Miscellaneous Equipment.

This account group includes the depreciation, not provided for elsewhere, of equipment employed in motor carrier operations, the investment in which is included in Account 1230—Other Carrier Property (class II) or Account 1237—Miscellaneous Equipment (class I).

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28 (see note A):

5361—Depreciation Expense—Miscellaneous Equipment—Line Haul.  
5362—Depreciation Expense—Miscellaneous Equipment—Pickup and Delivery.  
5363—Depreciation Expense—Miscellaneous Equipment—Billing and Collecting.  
5364—Depreciation Expense—Miscellaneous Equipment—Platform.  
5365—Depreciation Expense—Miscellaneous Equipment—Terminal.  
5366—Depreciation Expense—Miscellaneous Equipment—Maintenance.

5367—Depreciation Expense—Miscellaneous Equipment—Traffic and Sales.  
5368—Depreciation Expense—Miscellaneous Equipment—Insurance and Safety.  
5369—Depreciation Expense—Miscellaneous Equipment—General and Administrative.

NOTE A.—Where practical, carriers should distribute such depreciation based on the predominant use of the equipment. Depreciation of equipment for which it is not practical to distribute in this manner may be charged to Account 5369—Depreciation Expense—Miscellaneous Equipment—General and Administrative.

## 5370—Amortization Expense—Improvements to Leasehold Property.

This account group includes the amortization of improvements to leasehold property installed by the carrier, the investment in which is included in Account 1230—Other Carrier Property (class II), or Account 1241—Improvements to Leasehold Property (class I).

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

5375—Amortization Expense—Improvements to Leasehold Property—Terminal.  
5376—Amortization Expense—Improvements to Leasehold Property—Maintenance.  
5379—Amortization Expense—Improvements to Leasehold Property—General and Administrative.

## 5380—Depreciation Expense—Undistributed Property.

This account group includes depreciation of property temporarily included in Account 1230—Other Carrier Property (class II) or Account 1243—Undistributed Property (class I).

The amount in this account is chargeable to Account 5389—Depreciation Expense—Undistributed Property—General and Administrative.

NOTE A.—Class II carriers shall use Account 5370 to record depreciation expense as described above.

## 5390—Amortization Expense (Other).

This account group includes the amortization applicable to amounts representing the cost of acquiring:

(a) Long-term leaseholds of land and easements used in carrier operations carried in Account 1341—Other Intangible Property (classes I and II).

(b) Fixed-term motor carrier franchises and consents carried in Account 1310—Organizations, Franchises and Permits (class II) or in Account 1321—Franchises (class I).

(c) Fixed-term permits, licenses, and patent rights carried in Account 1310—Organization, Franchises and Permits (class II) or in Account 1331—Permits and Patents (class I).

(d) Other fixed-term intangible property carried in Account 1341—Other Intangible Property (classes I and II).

The amount in this account is chargeable to Account 5399—Amortization Expense (other)—General and Administrative.

NOTE A.—Amortization charges on the book cost of intangible items that are not re-

stricted to a fixed term shall be charged to Account 8400—Other Nonoperating Income (net) (class II) or to Account 8422—Amortization (franchises, permit, and other) (class I).

## 5400—Revenue Equipment Rents and Purchased Transportation.

This account may be used as a control account for all accounts in the 5400 series.

## 5410—Vehicle Rents With Drivers.

This account group includes amounts payable to others for furnishing revenue vehicles and the services of drivers who are included on the payroll of the lessor when the vehicle and driver are under the control of the reporting carrier.

The total of such amounts may be included in this control account. The amounts in this account shall be distributed in accordance with instruction 27 or 28 to the following accounts:

5411—Vehicle Rents With Driver—Linehaul.  
5412—Vehicle Rents With Driver—Pickup and Delivery.

NOTE A.—Carriers designated in instruction 32 shall further subdivide this account by type of equipment.

NOTE B.—This account shall be charged for expenses paid by the carrier in behalf of the owner-operator in accordance with instruction 33.

## 5420—Vehicle Rents With Driver—Vehicle Portion Only.

This account group includes amounts payable to others for furnishing revenue vehicles with the service of drivers for the exclusive use of and control by the carrier, where the arrangement specifies that the driver shall be paid by the reporting carrier and be included on its payroll (see note A.)

The total of such amounts may be included in this control account. The amounts in this account shall be distributed in accordance with instruction 27 or 28 to the following accounts:

5421—Vehicle Rents With Driver—Vehicle Portion Only—Linehaul.  
5422—Vehicle Rents With Driver—Vehicle Portion Only—Pickup and Delivery.

NOTE A.—The wages of drivers as defined in this account shall be included in Account 4260—Salaries and Wages—Owner-Operator Drivers.

NOTE B.—Carriers designated in instruction 32 shall further subdivide this account by type of equipment.

NOTE C.—This account shall be charged for expenses paid by the carrier in behalf of the owner-operator in accordance with instruction 33.

## 5430—Vehicle Rents Without Driver.

This account group includes amounts payable to others for furnishing revenue vehicles without the services of the lessor's driver, to the reporting carrier for its exclusive use.

The total of such amounts may be included in this control account. The amounts in this account shall be distributed in accordance with instruction 27 or 28 to the following accounts:

5431—Vehicle Rents Without Driver—Linehaul.  
5432—Vehicle Rents Without Driver—Pickup and Delivery.

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NOTE A.—Carriers designated in instruction 32 shall further subdivide this account by type of equipment.

## 5440—Other Purchased Transportation—Motor Carriers.

This account group includes payments for the transportation of individual shipments and part-loads (billed by the reporting carrier) in the vehicles of another carrier, when the hauling carrier retains control of the vehicle and driver; and payments to other carriers for spotting the reporting carrier's trailers at shippers' platforms.

The total of such amounts may be included in this control account. The amount in this account shall be distributed to the following accounts in accordance with instruction 27 or 28 (see note A below):

5441—Other Purchased Transportation—Motor Carriers—Linehaul.  
5442—Other Purchased Transportation—Motor Carriers—Pickup and Delivery.

NOTE A.—Payments for intercity transportation of freight shall be charged to Account 5441. Payments for Picking Up and Delivering the Reporting Carriers' Freight, and performing its local cartage services shall be charged to Account 5442.

## 5450—Other Purchased Transportation—Railroads.

This account group includes payments to railroads for the intercity transportation of the reporting carrier's loaded or empty revenue vehicles and containers. Amounts in this account are chargeable to Account 5451—Other Purchased Transportation—Railroads—Line Haul.

## 5460—Other Purchased Transportation—Water Carriers.

This account group includes payments to water carriers for the intercity transportation of the reporting carrier's loaded or empty revenue vehicles and containers. Amounts in this account are chargeable to Account 5461—Other Purchased Transportation—Water Carriers—Line Haul.

## 5470—Other Purchased Transportation—Airlines and Other.

This account group includes payments to airlines for the intercity transportation of the reporting carrier's loaded or empty revenue vehicles and containers. This account group also includes payments for the delivery of small shipments by parcel post or messenger instead of delivery by the carrier's own equipment.

The total of such amounts may be included in this control account. The amounts in this account shall be distributed in accordance with instruction 27 or 28 to the following accounts:

5471—Other Purchased Transportation—Airlines and Other—Line Haul.  
5472—Other Purchased Transportation—Airlines and Other—Pickup and Delivery.

## 5480—Allowances to Shippers.

This account group includes allowances to shippers and consignees for picking up or delivering intercity shipments at the carrier's facility. Amounts

in this account are chargeable to Account 5482—Allowances to Shippers—Pickup and Delivery.

## 5490—Equipment Rents—Credit.

This account group shall be credited with rents receivable by the reporting carrier for owned or leased revenue vehicles which are furnished to others without the services of drivers.

This account group shall also be credited with rents receivable for owned or leased revenue vehicles furnished to other motor carriers under an arrangement whereby both the vehicle and driver are furnished by the reporting carrier but the wages of the driver are paid separately by the hiring carrier and included on its payroll.

The total of such amounts may be included in this control account. The amount in this account shall be distributed to the following accounts in accordance with instruction 27 or 28:

5491—Equipment Rents—Credit—Line Haul.  
5492—Equipment Rents—Credit—Pickup and delivery.

NOTE A.—Payments receivable from other motor carriers which cover both the rent of an intercity vehicle and wages of the driver shall be credited to Account 3400—Intercity Transportation for Other Motor Carriers (classes I and II).

NOTE B.—Payments receivable from other motor carriers which cover both the rent of a pickup and delivery vehicle and wages of the driver shall be credited to Account 3300—Freight Revenue—Local Cartage (classes I and II).

NOTE C.—Accounts receivable for rental of revenue vehicles included in the lease to others of a distinct operating unit (see definition 23), shall be credited to Account 3320—Lease of Distinct Operating Unit—Credit.

NOTE D.—Fees paid to rental agents for the current period shall be debited to this account.

NOTE E.—Taxes paid on rental revenue of owned or leased vehicles shall be debited to this account.

NOTE F.—Carriers designated in instruction 32 shall further subdivide this account by type of equipment.

## 5500—Building and Office Equipment Rents.

This account may be used as a control account for all accounts in the 5500 series. Class II carriers shall include in this account group the expenses includible in accounts 5510 and 5520 for building operating and office equipment rents. Such expenses shall be distributed to the following accounts in accordance with instruction 27 or 28:

5501—Building and Office Equipment Rents—Line Haul.  
5502—Building and Office Equipment Rents—Pickup and Delivery.  
5503—Building and Office Equipment Rents—Billing and Collecting.  
5504—Building and Office Equipment Rents—Platform.  
5505—Building and Office Equipment Rents—Terminal.  
5506—Building and Office Equipment Rents—Maintenance.  
5507—Building and Office Equipment Rents—Traffic and Sales.  
5508—Building and Office Equipment Rents—Insurance and Safety.  
5509—Building and Office Equipment Rents—General and Administrative.



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## 5510—Building Operating Rents.

This account group includes rental payments for real estate and other property except revenue equipment, used in motor carrier operations. This account group shall also be credited with amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

## ITEMS (SEE INSTRUCTION 6)

Alarm systems installed at terminals, rental payments.  
Fees paid to rental agents for the current period.

Garage space and hangar storage rents for service cars and equipment.

Monthly leases in parking lots and garages used for parking and storing revenue equipment.

Taxes paid by the carrier on the property of others, which represent rental charges for such property used in carrier operations.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with Instruction 27 or 28 (for class II carriers, see note A below):

5515—Building Operating Rents—Terminal.  
5516—Building Operating Rents—Maintenance.  
5519—Building Operating Rents—General and Administrative.

NOTE A.—Class II carriers shall use account 5500 to record building operating rents.

NOTE B.—Amounts payable to others for the use of joint facilities (see definition 24) shall be charged to Account 5910—Joint-Facility Expense—Debit.

NOTE C.—Amounts receivable for rental of real estate and other property included in the lease of a distinct operating unit (see definition 23) shall be included in Account 5820—Lease of Distinct Operating Units—Credit.

NOTE D.—Rentals for property and equipment used in noncarrier operations shall be included in Account 8100—Income From Noncarrier Operations (net) (class II) or in Account 8110—Income From Noncarrier Operations (class I).

NOTE E.—Rentals for the exclusive use of terminal loading space shall be charged to this account.

## 5520—Office Equipment Rents.

This account group includes rental payments for office equipment (including data processing equipment) used in motor carrier operations. Fees paid to a rental agent for the current period shall also be debited to this account.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts based on their predominant use in accordance with instruction 27 or 28 (for class II carriers, see note A below):

5521—Office Equipment Rents—Line Haul.  
5522—Office Equipment Rents—Pickup and Delivery.

5523—Office Equipment Rents—Billing and Collecting.

5524—Office Equipment Rents—Platform.

5525—Office Equipment Rents—Terminal.

5526—Office Equipment Rents—Maintenance.

5527—Office Equipment Rents—Traffic and Sales.

5528—Office Equipment Rents—Insurance and Safety.

## 5529—Office Equipment Rents—General and Administrative.

NOTE A.—Class II carriers shall use account 5500 to record rental payments for office equipment.

NOTE B.—Rental payments for communications equipment used in conjunction with office or data processing equipment shall be charged to Account 5110—Communication Expenses.

NOTE C.—Materials and supplies used by data processing equipment shall be charged to Account 4610—Office Supplies.

## 5700—Gain or Loss on Disposition of Operating Assets.

This account may be used as a control account for all accounts in the 5700 series.

## 5710—Gains on Disposition of Operating Assets.

This account shall reflect the gains on each unit of retired, sold, or traded-in operating assets, including accounts 1221 through 1232 (class II) and accounts 1221 through 1252 (class I), depreciated under the unit plan. (See instruction 21 (a) (1).) This account shall also reflect the gains on disposition of intangible property having a fixed term. (See instruction 21(b) (1).) The amount in this account is chargeable to account 5719—Gains on Disposition of Operating Assets—General and Administrative.

NOTE A.—Gains on disposition of property used in other than carrier operations and of intangible property not having a fixed term shall be included in Account 8500—Gain or Loss on Disposition of Other Assets (net) (class II) and Account 8510—Nonoperating Gains on Disposition of Assets (class I).

NOTE B.—Gains on disposition of land and structures shall be included in Account 8500—Gain or Loss on Disposition of Other Assets (net) (class II) and Account 8530—Gains on Disposition of Land and Structures (class I).

## 5720—Losses on Disposition of Operating Assets.

This account shall reflect the loss on each unit of retired, sold, or traded-in carrier operating property, depreciated under the unit plan. (See instruction 21 (a) (1).)

This account shall also reflect the losses on disposition of intangible property having a fixed term. (See instruction 21(b) (1).) The amount in this account is chargeable to Account 5729—Losses on Disposition of Operating Assets—General and Administrative.

NOTE A.—Losses on disposition of property used in other than carrier operations and of intangible property not having a fixed term shall be included in Account 8500—Gain or Loss on Disposition of Other Assets (net) (class II) and Account 8520—Nonoperating Losses on Disposition of Assets (class I).

NOTE B.—Losses on disposition of land and structures shall be included in Account 8500—Gain or Loss on Disposition of Other Assets (net) (class II) and Account 8540—Losses on Disposition of Land and Structures (class I).

## 5900—Miscellaneous Expenses.

This account may be used as a control account for all accounts in the 5900 series.

## 5910—Joint-Facility Expense—Debit.

This account group includes the carrier's proportion of costs incurred by others in maintaining and operating a joint facility (see definition 24).

## ITEMS (SEE INSTRUCTION 6)

General Offices.  
Shops or Garages.  
Terminal Buildings.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28.

## 5915—Joint-Facility Expense—Debit—Terminal.

## 5916—Joint-Facility Expense—Debit—Maintenance.

## 5919—Joint-Facility Expense—Debit—General and Administrative.

## 5920—Joint-Facility Expense—Credit.

This account group includes the amounts chargeable to others as their proportion of the costs incurred by the reporting carrier in maintaining and operating a joint facility (see definition 24).

## ITEMS (SEE INSTRUCTION 6)

General Offices.  
Shops or Garages.  
Terminal Buildings.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28:

## 5925—Joint-Facility Expense—Credit—Terminal.

## 5926—Joint-Facility Expense—Credit—Maintenance.

## 5929—Joint-Facility Expense—Credit—General and Administrative.

NOTE A.—Class II carriers shall use account 5910 to record joint-facility expense—credit.

## 5930—Professional Services—Debit.

(a) This account group includes the amounts paid for services received from other persons (see definition 30), and related expenses under a service contract or other arrangement to provide management with information and/or advice related to nonroutine business decisions and services that are consultative or advisory in nature. (See notes B and E.)

(b) This account also includes payments made to a regulatory commission for fees or amounts assessed against the carrier for pay and expenses of the regulatory commission, its officers, agents, and employees, other than those incurred in securing permits and certificates of public convenience and necessity and authority for the issuance of securities. (See note C.)

(c) Expenses, other than salaries of employees, incurred by the carrier in connection with formal cases before Federal or State regulatory bodies or cases to which such a body is a party and chargeable to this account group.

## ITEMS (SEE INSTRUCTION 6)

Advisory fees in connection with preventive maintenance of revenue equipment, operation of shops and garages, et cetera.

Amounts designated as taxes, fees, et cetera, assessed by Federal and State regulatory commissions for pay and expenses of their officers, agents, and employees; office and traveling expenses; stationery, printing, and engineering supplies.

Auditing fees.  
Attorney fees for union negotiations.  
Consulting and advisory fees in connection with the efficiency of carrier operations.

Cost of law suits.  
Cost of preparing and printing agreements, briefs, reports, et cetera.

Dues or fees paid associations or agencies for negotiating or arbitrating union contracts and labor problems.

Fees paid others for collection of delinquent freight charges and other past due accounts receivable.

Fees, retainers, and expenses of counsel, solicitors, attorneys, clerks, attendants, witnesses, and others whose services are secured for the defense or prosecution of petitions or complaints presented to regulatory bodies.

## Financial advisory fees.

Insurance advisors' fees for analyzing the adequacy of the carrier's coverage and for supervising industrial insurance and unemployment compensation claims.

Law expenses of receivers.

Legal fees, general.

Payments to outside attorneys.

Traveling expenses of outside attorneys, witnesses, et cetera.

The amount in this account is chargeable to Account 5939—Professional Services—Debit—General and Administrative.

NOTE A.—The records supporting the entries in this account shall be so maintained as to show the respective amounts paid to each provider of the service with respect to each class of service so furnished and the basis upon which the fees are assessed.

NOTE B.—Payments to commission agents or organizations for services provided as set out in Account 4640—Commission Agent Fees, or Account 4650—Solicitation Commissions and Outside Fees shall be charged to the appropriate account.

NOTE C.—Law expenses incident to the purchase of operating rights, the acquisition of such rights from Federal or State commis-

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sions, or securing from local authorities of franchises or consents with a life of more than 1 year, and expenses incident to securing permits and certificates of public convenience and necessity shall be charged to Account 1310—Organization, Franchises and Permits (class II) and Accounts 1321 or 1331 (class I), as appropriate, or Account 1341—Other Intangible Property (classes I and II). Law expenses and expenditures incident to securing authorization for issuance of long-term debt or capital stock shall be charged to Account 1510—Deferred and Miscellaneous Debits (class II) or to Account 1511—Unamortized Debt Discount and Expense (class I), or Account 2410—Deferred Credits (class II) and Account 2411—Unamortized Premium on Debt (class I), or Account 2633—Commission and Expense on Capital Stock (classes I and II), as appropriate.

NOTE D.—Regulatory expenses which by approval or direction of the commission are to be spread over future periods shall be charged to Account 1510—Deferred and Miscellaneous Debits (class I) or to Account 1512—Other Deferred Debits (class II) and amortized by charges to this account.

NOTE E.—This account shall not be used to record charges for management or professional services rendered by affiliated companies (see definition 7) for any billings that are chargeable to other appropriate operating accounts. (See instruction 34.)

## 5940—Professional Services—Credit.

This account group includes the amount of charges made to other companies (including affiliates) for management services performed by the carrier and for recovery of operating expenses incurred by the carrier while performing services for other companies.

The amount in this account is chargeable to Account 5949—Professional Services—Credit—General and Administrative.

NOTE A.—Class II carriers shall use account 5930 to record amounts charged to other companies for management services performed by the carrier and for recovery of operating ex-

penses incurred while performing services for other companies.

## 5950—Uncollectible Revenues.

This account group shall be charged, and Account 1131—Accounts Receivable—Customers and Interline (classes I and II) shall be credited, with receivables for carrier operating revenues, including interline proportions of revenue due from other carriers, which, after a reasonably diligent effort to collect, have proved impracticable of collection. If accounts which have been so written off are afterwards collected, the amount received shall be credited to this account: *Provided, however*, That such recoveries are from accounts charged off against this account.

Debits to this account may be made monthly on the basis of the estimated average loss of revenue due to uncollectible accounts in which case the concurrent credit shall be to Account 1138—Allowance for Uncollectible Accounts (classes I and II). To the allowance thus established shall be charged such amounts as are determined to be uncollectible and amounts written off and subsequently collected shall be credited to the allowance. When charges to this account are made by estimate, the estimate shall be adjusted at the end of each calendar year to conform to the experience of the accounting carrier as determined by analysis of its accounts receivable. The amount in this account is chargeable to Account 5959—Uncollectible Revenue—General and Administrative.

NOTE A.—Losses on receivables for other than carrier operating revenues, and losses on notes or claims receivable, shall be accounted for as provided in Account 8400—Other Nonoperating Income (class II) and Account 8421—Bad Debts (other nonoperating deductions) (class I).

## CLASSIFICATION OF REVENUES AND EXPENSES FOR CLASS I AND CLASS II CARRIERS OF HOUSEHOLD GOODS

Class I and class II carriers of household goods—Chart of accounts—Matrix of operating revenues

Revenue classification <sup>1</sup>	Activities								
	Carrier				General and administrative	Noncarrier			
	Control	Moving		Indirect operating		Packing and crating	Warehousing	Overseas import and export	Indirect operating
	(0)	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
310 Moving revenue—Intercity common carrier, own rights	3100								
1 Company driver	3110	3111	3112						3118
2 Owner operator	3120	3121	3122						3128
3 Agent	3130	3131	3132						3138
320 Moving revenue—Intercity contract carrier, own rights	3200	3201	3202						3208
330 Moving revenue—local	3300			3303					3308
340 Moving revenue—Intercity transportation for other motor carriers	3400								
1 Company driver	3410	3411	3412						3418
2 Owner operator	3420	3421	3422						3428
350 Containers, packing and unpacking services	3500								
1 Packing only—Interstate	3510					3516			
2 Unpacking only—Interstate	3520					3526			
3 Packing and unpacking—Intrastate	3530					3536			
7 Thru-container packing and loading	3570								3578
8 Additional charges—overseas shipments	3580								3588
9 Other packing and crating service revenue	3590					3596			3598
360 Supplementary transportation services	3600	3601	3602						
1 Additional transportation charge	3610	3611	3612						
2 Extra stops, pickup, delivery	3620	3621	3622						
3 Empty mileage	3630	3631	3632						
4 Miscellaneous supplementary transportation services	3640	3641	3642						

See footnotes at end of table.



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Class I and class II carriers of household goods—Chart of accounts—Matrix of operating revenues—Continued

	Control	Activities								
		Carrier				General and administrative	Noncarrier			
		Interstate	Intrastate	Local	Indirect operating		Packing and crating	Warehousing	Overseas import and export	Indirect operating
	(0)	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
370 Warehousing revenue.....	3700									
1 Storage household goods—SIT interstate.....	3710							3717		
2 Warehouse handling, In/Out—SIT interstate.....	3720							3727		
3 Storage household goods—SIT intrastate.....	3730							3737		
4 Warehouse handling, In/Out—SIT intrastate.....	3740							3747		
5 Storage—other than carrier shipments.....	3750							3757		
6 Warehouse handling, In/Out—other than carrier shipments.....	3760							3767		
380 Commission revenue.....	3800									
1 Booking commissions.....	3810	3811	3812							
2 Origin commissions.....	3820	3821	3822							
3 Packing commissions.....	3830									
390 Other operating revenue.....	3900				3901		3906			3909
Natural classification 2										
410 Salaries.....	4100	*4101	*4102	*4103	*4104	*4105	*4106	*4107	*4108	*4109
1 Supervisory and administrative personnel.....	4110	4111	4112	4113	4114	4115	4116	4117	4118	4119
2 Clerical.....	4120	4121	4122	4123	4124	4125	4126	4127	4128	4129
3 Sales salaries—employees.....	4130				4134					4139
4 Officers.....	4140	4141	4142	4143	4144	4145	4146	4147	4148	4149
5 Department and division managers.....	4150	4151	4152	4153	4154	4155	4156	4157	4158	4159
420 Operating wages—transportation only.....	4200				4204					
1 Intercity drivers.....	4210	4211	4212		4214					
2 Intercity helpers.....	4220	4221	4222		4224					
3 Driver-helper—Local moving only.....	4230				4234					
4 Drayage labor—overseas containers.....	4240				4244					
430 Packer wages.....	4300									
1 Packer wages—interstate moves.....	4310						4316			
2 Packer wages—intrastate moves.....	4320						4326			
3 Packer wages—overseas shipments.....	4330							4338		
440 Warehouse labor.....	4400								4417	
1 Warehouse labor—household goods.....	4410								4427	
2 Warehouse handling—SIT interstate.....	4420								4437	
3 Warehouse handling—SIT intrastate.....	4430									
460 Repair wages.....	4600									
1 Transportation equipment only.....	4610	4611	4612	4613	4614	4615	4626	4627	4628	4629
2 Other repair wages.....	4630									
470 Commission agent fees.....	4700				4701					4709
480 Other wages.....	4800	4801	4802	4803	4804	4805	4806	4807	4808	4809
500 Fringe benefits.....	5000	5001	5002	5003	5004	5005	5006	5007	5008	5009
1 Contributions to union welfare funds.....	5010				5013					5019
2 Employees' group insurance.....	5020				5025					5029
3 Workmen's compensation.....	5030				5035					5039
4 Pension and retirement plans.....	5040				5045					5049
5 Vacation pay.....	5050				5055					5059
6 Holidays pay.....	5060				5065					5069
7 Miscellaneous paid time off.....	5070				5075					5079
8 Other employee benefits.....	5080				5085					5089
510 Payroll taxes.....	5100	*5101	*5102	*5103	*5104	*5105	*5106	*5107	*5108	*5109
1 FICA taxes.....	5110				5115					5119
2 Federal unemployment taxes.....	5120				5125					5129
3 State unemployment taxes.....	5130				5135					5139
610 Transportation fuel and motor oil.....	6100						6116	6117		6119
1 Gasoline and diesel fuel.....	6110	6111	6112	6113	6114		6126	6127		6129
2 Motor oils and lubricants.....	6120	6121	6122	6123	6124		6204	6207		6209
620 Tires and tubes.....	6200	6201	6202	6203	6204		6304	6307		6309
630 Other vehicle supplies.....	6300	6301	6302	6303	6304		6405	6407		6409
640 Vehicle repair parts.....	6400	6401	6402	6403	6404	6405	6406	6407	6408	6409
650 Repair materials—building.....	6500				6504	6505	6506	6507	6508	6509
1 Repair materials—equipment.....	6510				6514	6515	6516	6517	6518	6519
2 Repair materials—furniture and fixtures.....	6520				6524	6525	6526	6527	6528	6529
3 Repair materials—other.....	6530				6534	6535	6536	6537	6538	6539
660 Printing and office supplies.....	6600	6601	6602	6603	6604	6605	6606	6607	6608	6609
1 Printed forms and office supplies.....	6610	6611	6612	6613	6614	6615	6616	6617	6618	6619
2 Tariffs and schedules.....	6620	6621	6622	6623	6624	6625	6626	6627	6628	6629
670 Packing and crating materials and supplies.....	6700				6704	6705	6706	6707	6708	6709
680 Miscellaneous supplies.....	6800	6801	6802	6803	6804	6805	6806	6807	6808	6809
710 Outside services—vehicle repairs and maintenance.....	7100	7101	7102	7103	7104	7105	7106	7107		7109
720 Outside services—repairs (other than vehicles).....	7200				7204	7205	7206	7207	7208	7209
1 Outside services—building repairs.....	7210				7214	7215	7216	7217	7218	7219
2 Outside services—equipment repairs.....	7220				7224	7225	7226	7227	7228	7229
3 Outside services—furniture and fixture repairs.....	7230				7234	7235	7236	7237	7238	7239
730 Other outside services.....	7300									
1 Janitorial services.....	7310				7314	7315	7316	7317	7318	7319
2 Watch and alarm services.....	7320				7324	7325	7326	7327	7328	7329
3 Professional services.....	7330				7334					7339
4 Advertising—agency.....	7340				7344					7349
5 Advertising—media.....	7350				7354					7359
6 Advertising—other.....	7360				7364					7369
740 Utilities.....	7400				7404	7405		7407	7408	7409
750 Communication services.....	7500				7504	7505		7507	7508	7509
760 Purchased labor and transportation.....	7600				7614					
1 Equipment rents without drivers.....	7610	7611	7612	7613	7614		7616			
2 Tractor rents with driver from agent.....	7620	7621	7622		7624			7628		
3 Tractor rents with driver from owner operators.....	7630	7631	7632	7633	7634			7638		
4 Tractor-trailer rents with driver from owner operators.....	7640	7641	7642		7644			7648		
5 Purchased labor—temporary help.....	7650	7651	7652	7653	7654			7658		
6 Purchased transportation—other transportation modes.....	7660	7661	7662		7664			7668		
7 Equipment rents—credit.....	7670	7671	7672		7674			7678		
770 Travel expenses—company drivers and other operating employees.....	7700	7701	7702	7703	7704		7706	7707	7708	7709
780 Travel and entertainment—sales, office and management personnel.....	7800	7801	7802	7803	7804	7805	7806	7807	7808	7809

## RULES AND REGULATIONS

Class I and class II carriers of household goods—Chart of accounts—Matrix of operating revenues—Continued

		Activities									
		Carrier				General and administrative	Noncarrier				
Control		Moving			Indirect operating		Packing and crating	Warehousing	Overseas import and export	Indirect operating	
		Interstate	Intrastate	Local							
		(0)	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
790	General expense.....	7900				*7904	*7906				*7909
1	Subscriptions, books, and periodicals.....	7910				7914	7915				7919
2	Memberships and dues.....	7920				7924	7925				7929
3	Conventions and meetings.....	7930				7934					7939
4	Postage.....	7940									7949
5	Miscellaneous corporate expenses.....	7950				7954	7955				7959
810	Depreciation.....	8100				8104					8109
1	Depreciation—Revenue equipment.....	8110	8111	8112	8113			8116			
2	Depreciation—shop and garage equipment.....	8120				8124					8129
3	Depreciation—service cars and equipment.....	8130				8134	8135	8136	8137	8138	8139
4	Depreciation—buildings and structures.....	8140				8144	8145	8146	8147	8148	8149
5	Depreciation—furniture and office equipment.....	8150				8154	8155	8156	8157	8158	8159
6	Depreciation—undistributed property.....	8170				8174	8175				8179
7	Depreciation—miscellaneous equipment.....	8190	8191	8192	8193	8194	8196	8199	8197	8198	8199
820	Amortization expenses.....	8200									
1	Amortization of leasehold improvements.....	8210					8215		8217	8218	8219
2	Amortization expense—other.....	8220					8225				8229
830	Rent—other than revenue equipment.....	8300				*8304	*8305	*8306	*8307	*8308	*8309
1	Rent on building property.....	8310				8314	8315	8317	8318	8319	
2	Rent on office equipment.....	8320				8324	8325				8329
3	Rent on miscellaneous equipment.....	8330				8334		8336	8337	8338	8339
840	Taxes and licenses.....	8400									
1	Real estate and personal property taxes.....	8410				8414	8415		8417	8418	8419
2	Vehicle licenses and registration fees—State and local.....	8420	8421	8422	8423	8424	8425	8426			8429
3	Vehicle licenses and registration fees—Federal.....	8430	8431	8432	8433	8434	8435	8436			8439
4	Gas, diesel fuel and oil taxes—State and local.....	8440	8441	8442	8443	8444	8445	8446			8449
5	Gas, diesel fuel and oil taxes—Federal.....	8450	8451	8452	8453	8454	8455	8456			8459
6	Other taxes—Federal.....	8460				8464	8465				8469
7	Other taxes—State and local.....	8470				8474	8475				8479
800	Insurance.....	8000									
1	Cargo loss and damage insurance—premiums paid.....	8010	8011	8012	8013	8014**			8017	8018	8019
2	Public liability and property damage—premiums paid.....	8020	8021	8022	8023	8024		8026			8029
3	Public liability and property damage—collections from haulers (credit).....	8030	8031	8032	8033	8034**					
4	Fire, theft and collision insurance—premiums paid.....	8040	8041	8042	8043	8044**		8046			8049
5	Fire, theft and collision—collections from haulers (credit).....	8050	8051	8052	8053	8054**					
6	Insurance on buildings and structures.....	8060					8065		8067		8069
7	Other insurance expense.....	8070					8075		8077	8078	8079
870	Provision for claims—self-insured portion.....	8700	*8701	*8702	*8703	*8704**		*8708		*8709	8709
1	Claims for loss and damage—cargo.....	8710	8711	8712	8713	8714**			8716	8718	8719
2	Claims for loss and damage—public liability and property.....	8720	8721	8722	8723	8724**		8726			8729
4	Claims for loss and damage—fire, theft and collision.....	8740	8741	8742	8743	8744**		8746	8747		8749
880	Uncollectable Revenue.....	8800					8805				8809
890	Gains or losses on disposition of operating assets.....	8900									
1	Gains on disposition of operating assets.....	8910					8915				8919
2	Losses on disposition of operating assets.....	8920					8925				8929



NOTE D.—Revenue from the intercity transportation of loaded overseas containerized shipments between points in the Continental United States (except Alaska and Hawaii), having a prior or subsequent movement from or to an overseas point (other than Canada or Mexico) shall be credited to the following accounts:

- 3118—Moving Revenue—Intercity Common Carrier, Own Rights—Company Driver—Overseas Import and Export.
- 3128—Moving Revenue—Intercity Common Carrier, Own Rights—Owner Operator—Overseas Import and Export.
- 3138—Moving Revenue—Intercity Common Carrier, Own Rights—Agent—Overseas Import and Export.

NOTE E.—Intercity service for the purpose of accounting and compiling statistical data means transportation performed beyond the limits defined for local service (see note C to account 3300 for definition of local service).

NOTE F.—Revenue from drayage on storage in transit shipments outside the local zone shall be included in account series 3100.

3110—Moving Revenue—Intercity Common Carrier, Own Rights—Company Driver.

This account shall include all line-haul revenue earned by the carrier when the carrier employs its own vehicles and the services of its own company drivers for hauling loads over its routes in intercity service, and the expenses incurred are borne by the carrier. The total of such amounts shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

- 3111—Moving Revenue—Intercity Common Carrier, Own Rights—Company Driver—Interstate Moving.
- 3112—Moving Revenue—Intercity Common Carrier, Own Rights—Company Driver—Intrastate Moving.
- 3118—Moving Revenue—Intercity Common Carrier, Own Rights—Company Driver—Overseas Import and Export.

3120—Moving Revenue—Intercity Common Carrier, Own Rights—Owner Operator.

This account shall include all line-haul revenue earned by the carrier when the carrier employs vehicles and services of owner operators (independent contractors, contract truckmen) for hauling loads over its routes in intercity service, and the expenses incurred in their operation are borne by the owners of the vehicles. The carrier shall record the freight revenue from such hauls in the same manner as if it owned the vehicles. The total of such amounts shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

- 3121—Moving Revenue—Intercity Common Carrier, Own Rights—Owner Operator—Interstate Moving.
- 3122—Moving Revenue—Intercity Common Carrier, Own Rights—Owner Operator—Intrastate Moving.
- 3128—Moving Revenue—Intercity Common Carrier, Own Rights—Owner Operator—Overseas Import and Export.

NOTE A.—Amounts payable to the owners of the vehicles as compensation for the hauls shall be debited to Account 7630—Tractor Rents With Driver From Owner Operators, or Account 7650—Tractor-Trailer Rents With Driver From Owner Operators.

3130—Moving Revenue—Intercity Common Carrier, Own Rights—Agent.

This account shall include all line-haul revenue earned by the carrier when the carrier employs vehicles and services of agents for hauling loads over its routes in intercity service, and the expenses incurred in their operation are borne by the agent. The carrier shall record the freight revenue from such hauls in the same manner as if it owned the vehicles. The total of such amounts shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

- 3131—Moving Revenue—Intercity Common Carrier, Own Rights—Agent—Interstate Moving.
- 3132—Moving Revenue—Intercity Common Carrier, Own Rights—Agent—Intrastate Moving.
- 3138—Moving Revenue—Intercity Common Carrier, Own Rights—Agent—Overseas Import and Export.

NOTE A.—Amounts payable to agents for performing line-haul services of the carrier's intercity freight under arrangements whereby the agent performs the amount payable is based on other than actual division of tariff rates by participation in the tariffs shall be debited to Account 7620—Tractor Rents With Driver From Agent, or Account 7640—Tractor-Trailer Rents With Driver From Agent.

3200—Moving Revenue—Intercity Contract Carrier, Own Rights (classes I and II).

(a) This account may be used as a control account for all accounts in the 3200 series. Such revenue shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

- 3201—Moving Revenue—Intercity Contract Carrier, Own Rights—Interstate Moving.
- 3202—Moving Revenue—Intercity Contract Carrier, Own Rights—Intrastate Moving.
- 3208—Moving Revenue—Intercity Contract Carrier, Own Rights—Overseas Import and Export.

(b) This account series shall include all line-haul revenue earned by the carrier from the transportation of property in intercity service while operating as a contract carrier as defined in section 203(a)(15) of the Interstate Commerce Act. This includes:

- (1) Revenue on the basis of contracts or agreements for the transportation of property in the intercity service.
- (2) Revenue from the intercity transportation of property in intrastate commerce if the service is similar to that of a contract carrier as defined in section 203(a)(15) of the Interstate Commerce Act.

(c) This account series shall be charged with:

- (1) Refunds of overcharges resulting from the use of erroneous intercity rates, weights, classifications, or computations, or from other errors.
- (2) The carrier's proportion of refunds of freight charges in settlement of a cargo loss and damage claim. Do not include claim payment for loss or damage.

(3) Uncollected earnings on intercity freight destroyed in transit, and on short and lost freight.

(4) The carrier's proportion of uncollected intercity charges on damaged shipments for which charges neither shipper nor consignee is liable.

NOTE A.—When a carrier employs vehicles and services of others on a commission or other basis for hauling loads over its routes in intercity service, and the expenses incurred in their operation are borne by the owners of the vehicles, the carrier shall record the freight revenue from such hauls in this account in the same manner as if it owned the vehicles. Amounts paid to the owners of the vehicles as compensation for the hauls shall be debited to the appropriate account in the 7600 Series—Purchased Labor and Transportation.

NOTE B.—Revenue from the intercity transportation of property in intrastate commerce, if the service is similar to that of a common carrier as defined in section 203(a)(14) of the Interstate Commerce Act, shall be included in Account 3300—Moving Revenue—Intercity Common Carrier, Own Rights.

NOTE C.—Revenue from local moving service performed for another carrier shall be included in Account 3300—Moving Revenue—Local.

NOTE D.—Intercity service for the purpose of accounting and compiling statistical data means transportation performed beyond the limits defined for local service (see note C to account 3300 for definition of "local service").

3300—Moving Revenue—Local (classes I and II).

(a) This account may be used as a control account for all accounts in the 3300 series. Such revenue shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

- 3303—Moving Revenue—Local—Local Moving.
- 3308—Moving Revenue—Local—Overseas Import and Export.

(b) This account series shall include revenue earned by common or contract carriers from the transportation of property in local moving service.

#### ITEMS (SEE INSTRUCTION 6)

Appliance service performed by company personnel on local moves.  
Commercial cartage.  
Delivery from permanent storage within the local zone.

Fees for handling c.o.d.'s.

Household goods—residence to residence, locally.

Household goods—residence to warehouse or warehouse to residence, locally.

Local drayage for freight forwarders—domestic and overseas containers (see notes D and E).

Office, industrial, or institutional moving locally.

Pickup for permanent storage within the local zone.

Rent on local vehicle and driver.

Storage-in-transit drayage—to or from storage within the local zone (also, see account 3100, note I).

Transportation of loaded containers from origin to warehouse, air, rail, or other terminal within the local zone (see notes D and E).

Transportation of loaded containers from warehouse to terminal within the local zone (see notes D and E).

(c) This account series shall be debited with overcharges resulting from the use of erroneous local rates, weights, classification, or computations, and uncollected earnings of freight damaged or destroyed in transit, or short and lost freight. Do not include claim payment for loss or damage.

NOTE A.—When a carrier employs vehicles and services of others on a commission or other basis for hauling loads in its local moving service and the expenses incurred in their operation are borne by the owners of the vehicles, the carrier shall record the freight revenue from such hauls in this account in the same manner as if it owned the vehicles. Amounts paid to the owners of the vehicles as compensation for the hauls shall be debited to Account 7630—Tractor Rents With Driver From Owner Operators or Account 7650—Tractor-Trailer Rents With Driver From Owner Operators.

NOTE B.—Revenue earned by the carrier from additional services incident to its transportation of property in intercity service shall be included in account series 3600.

NOTE C.—Local service, for the purpose of accounting and of compiling statistical data, means transportation performed within a city or town including the suburban area contiguous thereto. Local service does not include revenue from freight carried under tariffs, covering areas beyond the local area.

NOTE D.—Revenue earned by the carrier for the intercity transportation of loaded containerized shipments shall be credited to account series 3100 or account series 3200, whichever is appropriate. (See note D in account 3100.)

NOTE E.—Revenue earned by the carrier for the transportation of loaded overseas containers within his local zone shall be credited to account 3308.

NOTE F.—Revenue earned by an agent for making a pickup for his principal carrier's convenience shall be credited to account series 3600.

3400—Moving Revenue—Intercity Transportation for Other Motor Carriers (classes I and II).

(a) This account may be used as a control account for all accounts in the 3400 series.

(b) This account series shall include revenue earned from any other motor carriers under a purchased transportation arrangement, for performing any portion of their intercity haul, such as:

- (1) Revenue from furnishing line-haul vehicles with drivers to any other carrier under lease or similar arrangement, when the drivers are paid by the reporting carrier (lessor). (See note A.)
- (2) Revenue from transporting household goods for any other carrier when such transportation is purchased by the other carrier to complete any portion of its intercity haul.

(3) Revenue from the transportation in intercity service of loaded or empty trailers for any other carrier.

NOTE A.—Revenue received from the lease of revenue vehicles to other carriers without drivers or from the lease of revenue vehicles with drivers, when the drivers are paid directly by the lessee, shall be included in Account 7690—Equipment Rents—Credit (classes I and II).

3410—Moving Revenue—Intercity Transportation for Other Motor Carriers—Company Driver.

This account shall include all line-haul revenue earned by the carrier when the

carrier employs its own vehicles and the services of its own company drivers for hauling loads under a purchased transportation arrangement. The total of such amounts shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

- 3411—Moving Revenue—Intercity Transportation for Other Motor Carriers—Company Driver—Interstate Moving.
- 3412—Moving Revenue—Intercity Transportation for Other Motor Carriers—Company Driver—Intrastate Moving.
- 3418—Moving Revenue—Intercity Transportation for Other Motor Carriers—Company Driver—Overseas Import and Export.

3420—Moving Revenue—Intercity Transportation for Other Motor Carriers—Owner Operator.

This account shall include all line-haul revenue earned by the carrier when the carrier employs vehicles of owner operators for hauling loads under a purchased transportation arrangement. The total of such amounts shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

- 3421—Moving Revenue—Intercity Transportation for Other Motor Carriers—Owner Operator—Interstate Moving.
- 3422—Moving Revenue—Intercity Transportation for Other Motor Carriers—Owner Operator—Intrastate Moving.
- 3428—Moving Revenue—Intercity Transportation for Other Motor Carriers—Owner Operator—Overseas Import and Export.

3500—Containers, Packing and Unpacking Services (Classes I and II).

(a) This account may be used as a control account for all accounts in the 3500 series.

(b) This account series shall include revenue earned from performing both interstate and intrastate packing and unpacking services. This account series shall also include revenue earned from providing through-container packing and loading services at domestic points for overseas containerized shipments. Revenue for providing these services shall be credited to this account whether specialized packing crews are used, or whether driver and/or helpers perform this service in connection with other transportation services.

NOTE A.—When any of the above services are actually performed by a class I or class II carrier's agent, amounts billed the shipper therefore shall be credited by the carrier to Account 2020—Payable to Affiliated Companies (class II); and Account 2023—Accounts Payable to Affiliated Companies (class I); or Account 2032—Accounts Payable; Interline (classes I and II).

3510—Packing Only—Interstate.

This account shall include all revenue earned from providing interstate preliminary packing services, as well as revenue earned from the packing and the construction of special crates and containers (specially designed for mirrors, paintings, glass or marble tops, and similar fragile articles) which remain the property of the interstate shipper.

The amount in this account is credited to Account 3516—Packing Only—Interstate—Packing and Crating.

NOTE A.—Revenue from performing intrastate packing services shall be included in Account 3530—Packing and Unpacking—Intrastate.

NOTE B.—Revenue from performing packing services for overseas thru-container shipments shall be included in Account 3570—Thru-Container Packing and Loading.

3520—Unpacking Only—Interstate.

This account shall include all revenue earned from the unpacking, unwrapping, or uncrating of carrier packed containers and materials when requested by the interstate shipper. Such service is usually performed at the time of delivery at the destination point. The amount in this account is credited to Account 3526—Unpacking Only—Interstate—Packing and Crating.

NOTE A.—Revenue from performing intrastate unpacking services shall be included in Account 3530—Packing and Unpacking—Intrastate.

3530—Packing and Unpacking—Intrastate.

This account shall include all revenue earned from providing intrastate packing, crating, and unpacking services. The amount in this account is credited to Account 3536—Packing and Unpacking—Intrastate—Packing and Crating.

3570—Thru-Container Packing and Loading.

This account shall include all revenue earned from providing origin or destination services for overseas containerized shipments. Such services shall include but are not limited to: Preliminary packing, performance of a premove survey, supplying and stenciling or marking of the shipping container, stowage and un-stowage of the contents of the container, and the loading or unloading of overseas shipping containers onto or off of the carrier's line-haul equipment. The amount in this account is credited to Account 3578—Thru-Container Packing and Loading—Overseas Import and Export.

NOTE A.—When the carrier is required to engage services of third persons to load or unload containers onto or from the carrier's vehicle, charges for these services shall be credited to Account 2034—Accounts Payable Other (classes I and II).

3580—Additional Charges—Overseas Shipments.

This account shall include all revenue earned from charges assessed the shipper for stevedoring, obtaining customs clearance, preparation of shipping documents, and similar special services provided. The amount in this account is credited to Account 3588—Additional Charges—Overseas Shipments—Overseas Import and Export.

NOTE A.—Class II carriers shall use account 3570 to record such additional charges.

NOTE B.—The portion of the through revenue payable to the steamship line for transporting the shipment across the ocean and the portion payable to the foreign carrier for

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## RULES AND REGULATIONS

delivery to final destination should be included in Account 2082—Accounts Payable, Interline (classes I and II).

### 3590—Other Packing and Crating Service Revenue.

This account shall include revenue earned from any packing, wrapping and/or crating services provided at the warehouse for permanent storage customers; from the sale of packing materials; from special military pack and crate contracts; from supplying extra packing labor requested by a shipper within the carriers local zone; and other packing and crating revenue not included elsewhere within account series 3500. The total of such amounts shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

3596—Other Packing and Crating Service Revenue—Packing and Crating.  
3598—Other Packing and Crating Service Revenue—Overseas Import and Export.

### 3600—Supplementary Transportation Services (classes I and II).

This account may be used as a control account for all accounts in the 3600 series. Class II carriers shall include in this account group the revenue includible in accounts 3610, 3620, 3630, and 3640 for additional transportation charge; extra stops, pickup, delivery; empty mileage; and miscellaneous supplementary services rendered in connection with intercity transportation of household goods. Such revenue shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

3601—Supplementary Transportation Services—Interstate Moving.  
3602—Supplementary Transportation Services—Intrastate Moving.

NOTE A.—If charges for any of the supplementary services assessed the shipper are payable in full to an agent performing the services, such amounts should be cleared through Account 2020—Payable to Affiliated Companies (class II); and Account 2023—Accounts Payable to Affiliated Companies (class I); or Account 2032—Accounts Payable, Interline (classes I and II). If, however, any portion is retainable by the carrier, the amount thereof should be credited to the appropriate operating revenue account within Account Series 3600.

### 3610—Additional Transportation Charge.

This account shall include revenue earned from shipments originating at or destined to certain metropolitan areas with high density population areas whereby an additional charge is made by the carrier as allowed by its tariff. The total of such amounts shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

3611—Additional Transportation Charge—Interstate Moving.  
3612—Additional Transportation Charge—Intrastate Moving.

NOTE A.—Class II carriers shall use Account 3600 to record these additional transportation charges assessed the shipper.

### 3620—Extra Stops, Pickup, Delivery.

This account shall include revenue earned as a service charge by the carrier for each stop or call at one or more places for making additional pickups after the first pickup, or additional deliveries after the first delivery. The total of such amounts shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

3621—Extra Stops, Pickup, Delivery—Interstate Moving.  
3622—Extra Stops, Pickup, Delivery—Intrastate Moving.

NOTE A.—Class II carriers shall use account 3600 to record revenue earned from extra stops, pickup, or delivery.

### 3630—Empty Mileage.

This account shall include revenue earned by the carrier for empty miles traveled at the request of the shipper. This service charge is made when a shipper, having one or more shipments and desiring to continue movement of all such shipments, requests the empty movement of equipment from destination to point of origin of next shipment, for further loading subject to the availability of such carrier equipment. The total of such amounts shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

3631—Empty Mileage—Interstate Moving.  
3632—Empty Mileage—Intrastate Moving.

NOTE A.—Class II carriers shall use account 3600 to record revenue earned from empty mileage charges assessed the shipper.

### 3640—Miscellaneous Supplementary Transportation Services.

This account shall include other revenues derived from the transportation of property in connection with intercity service, when operating as a common carrier (or a contract carrier) as defined in section 203(a) (14) and (15) of the Interstate Commerce Act.

#### ITEMS (SEE INSTRUCTION 6)

Advertising display.  
Appliance service performed by company personnel.  
Auxiliary service-vehicle-pickup or delivery.  
Auxiliary service-labor-pickup or delivery.  
Bulky article loading and unloading charge.  
Climate control service.  
C.o.d. fees.  
Diversion charge.  
Elevator or stair carry charges.  
Excessive distance and carry charges.  
Export or import charge for shipments transported into or from Canada and Mexico.  
Ferry and bridge service charge.  
Hoisting or lowering.  
Overtime loading and unloading: In connection with long-distance moving.  
Piano or organ carry: Line-haul drivers or helpers.  
Pickup and/or delivery for carrier convenience.  
Reweighing charge.  
Shipments on tour—delay.  
Surcharge.  
Waiting time.

The total of such amounts shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

### 3641—Miscellaneous Supplementary Transportation Services—Interstate Moving.

### 3642—Miscellaneous Supplementary Transportation Services—Intrastate Moving.

NOTE A.—Class II carriers shall use account 3600 to record revenue earned from miscellaneous transportation services.

### 3700—Warehousing Revenue (classes I and II).

This account may be used as a control account for all accounts in the 3700 series.

### 3710—Storage Household Goods—SIT Interstate.

This account shall include storage revenue earned by a carrier for holding an interstate shipment in its warehouse pending further transportation instructions by the shipper. The amount in this account is credited to Account 3717—Storage Household Goods—SIT Interstate—Warehousing. Storage revenue earned after the storage-in-transit period has expired shall be credited to Account 3750—Storage—Other Than Carrier Shipments.

### 3720—Warehouse Handling, In/Out—SIT Interstate.

This account shall include revenue earned by a carrier for handling an interstate storage-in-transit shipment, whether received as loose stowage or containerized. The amount in this account is credited to Account 3727—Warehouse Handling, In/Out—SIT Interstate—Warehousing. Any warehouse handling revenue not related to the intercity movement of household goods shall be credited to Account 3760—Warehouse Handling, In/Out—Other Than Carrier Shipments.

### 3730—Storage Household Goods—SIT Intrastate.

This account shall include storage revenue earned by a carrier for holding an intrastate shipment in its warehouse pending further transportation instructions by the shipper. The amount in this account is credited to Account 3737—Storage Household Goods—SIT Intrastate—Warehousing. Storage revenue earned after the storage-in-transit period has expired shall be credited to Account 3750—Storage—Other Than Carrier Shipments.

### 3740—Warehouse Handling, In/Out—SIT Intrastate.

This account shall include revenue earned by a carrier for handling an intrastate storage-in-transit shipment, whether received as loose stowage or containerized. The amount in this account is credited to Account 3747—Warehouse Handling, In/Out—SIT Intrastate—Warehousing. Any warehouse handling revenue not related to the intercity movement of household goods shall be credited to Account 3760—Warehouse Handling, In/Out—Other Than Carrier Shipments.

### 3750—Storage—Other Than Carrier Shipments.

This account shall include storage revenue earned from the permanent storage

of civilian household goods, commercial goods, or records storage. Also included are the following storage revenue items not related to an intercity shipment as described in Accounts 3710 and 3730:

(1) Household goods storage revenue earned on Public Law 245 storage lots—non temp.

(2) Revenue received for accepting shipments set off enroute by a hauling carrier.

(3) Revenue received for the rental of distinct portions of warehouse property to others, usually on a short-term lease basis. (This excludes subleasing of warehouse space to others. See also, Account 8310—Rent on Building Property.)

The amount in this account is credited to account 3757—Storage—Other Than Carrier Shipments—Warehousing.

### 3760—Warehouse Handling, In/Out—Other Than Carrier Shipments.

This account shall include warehouse handling revenue earned by a carrier for handling services provided not related to an intercity shipment as described in accounts 3720 and 3740. This includes:

(1) Revenue received for handling goods into and out of the warehouse, whether such goods are regular or Government contract storage lots.

(2) Revenue received for providing labor to other carriers for loading and unloading vans.

(3) Revenue received for providing access labor into customers lots.

The amount in this account is credited to Account 3767—Warehouse Handling, In/Out—Other Than Carrier Shipments—Warehousing.

### 3800—Commission Revenue (classes I and II).

This account may be used as a control account for all accounts in the 3800 series.

### 3810—Booking Commissions.

This account shall include the revenue earned as an agent for an intercity carrier of household goods for obtaining the sale of intercity moving services utilizing the principal carriers operating rights. The total of such amounts shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

3811—Booking Commissions—Interstate Moving.  
3812—Booking Commissions—Intrastate Moving.

### 3820—Origin Commissions.

This account shall include the revenue earned by a company for acting as the origin agent for an intercity carrier. An origin agent is the shippers local "contact" prior to the actual move from his place of residence, and performs the necessary preliminary moving services for the shipper. This situation usually arises when the company booking the shipment is located in a city other than the origin city. The total of such amounts shall be distributed to the following accounts whose activities are explained and interpreted in definition 2:

## RULES AND REGULATIONS

### 3821—Origin Commissions—Interstate Moving.

### 3822—Origin Commissions—Intrastate Moving.

### 3830—Packing Commissions.

This account shall include revenue earned by intercity carriers at the time divisions of packing revenue due agents are calculated. It represents the difference between the tariff charges due from the shipper for packing services rendered and the amount distributed to the carrier's agent for actually performing these packing services (also, see note A for account 3500). The amount in this account is credited to Account 3836—Packing Commissions—Packing and Crating.

### 3900—Other Operating Revenue (classes I and II).

This account shall include miscellaneous revenue derived from the operation of company property not provided for in any of the foregoing revenue accounts.

(a) Revenues derived from business activities that are connected with transportation operations, the investment in which is carried in carrier operating property accounts 1210 to 1251 (inclusive) shall be credited to Account 3904—Other Operating Revenue—Indirect Operating—Carrier Only.

(b) Revenues derived from business activities that are not connected with transportation operations, the investment in which is carried in Account 1261—Property Used in Other Than Carrier Operations (classes I and II) shall be credited to Account 3909—Other Operating Revenue—Indirect Operating—Noncarrier.

#### ITEMS (SEE INSTRUCTION 6)

Amounts received from an insurance company or others for the "loss of use" of a vehicle damaged in an accident.  
Claim settlement service charge.  
Commissions for appliance service when performed by an independent third party.  
Commissions for making payroll deductions.  
Garbishment fees.  
Lockers, weighing and vending machines and similar devices.  
Lump-sum valuation charges (see note A).  
Operation of lunchrooms, restaurants, etc.  
Parking and storage of vehicles.  
Payments by the customer for additional insurance coverage.  
Privilege of installing and operating commercial and coin box telephones.  
Privilege of operating lunch counters, news-stands, and soda fountains.  
Profit on shopwork and services to others.  
Scale revenue.  
Snowplow work.  
Trailer rental.  
Various other revenue incident to operations.

NOTE A.—Lump-sum valuation charges include revenue earned as an additional charge upon shipments where the carrier's maximum liability has been established based upon a "value declared by the shipper," "declared value," "released value," or "declared transit valuation."

NOTE B.—If the company arranges insurance coverage and remits to the insurer the amount collected from the customer, credit account 2034, Accounts Payable, Other. This treatment recognizes no revenue or expense to the company for such insurance coverage.

### CLASS I AND CLASS II CARRIERS OF HOUSEHOLD GOODS

#### ACCOUNT EXPLANATIONS—OPERATING EXPENSES

### 4100—Salaries.

This account may be used as a control account for all accounts in the 4100 series. Class II carriers shall include in this account group the expenses includible in accounts 4110, 4120, 4140, 4170, and 4190 for supervisory and administrative personnel, clerical, sales salaries—employees, officers, department, and division managers. Such expenses shall be distributed to the following accounts in accordance with instructions 11 and 28B:

4101—Salaries—Interstate Moving.  
4102—Salaries—Intrastate Moving.  
4103—Salaries—Local Moving.  
4104—Salaries—Indirect Operating—Carrier Only.  
4105—Salaries—General and Administrative—Carrier Only.  
4106—Salaries—Packing and Crating.  
4107—Salaries—Warehousing.  
4108—Salaries—Overseas Import and Export.  
4109—Salaries—Indirect Operating—Noncarrier.

### 4110—Salaries—Supervisory and Administrative Personnel.

This account shall include the salaries, bonuses and sickness, holiday, and vacation pay of supervisory and administrative personnel.

#### ITEMS (SEE INSTRUCTION 6)

Attorneys.  
Chief accountants.  
Dispatchers.  
Foreman (other than working foreman).  
Office managers.  
Warehouse superintendents.  
Purchasing agents.

The total of such amounts shall be distributed to the following activities in accordance with instructions 11 and 28B:

4111—Salaries—Supervisory and Administrative Personnel—Interstate Moving.  
4112—Salaries—Supervisory and Administrative Personnel—Intrastate Moving.  
4113—Salaries—Supervisory and Administrative Personnel—Local Moving.  
4114—Salaries—Supervisory and Administrative Personnel—Indirect Operating—Carrier Only.  
4115—Salaries—Supervisory and Administrative Personnel—General and Administrative—Carrier Only.  
4116—Salaries—Supervisory and Administrative Personnel—Packing and Crating.  
4117—Salaries—Supervisory and Administrative Personnel—Warehousing.  
4118—Salaries—Supervisory and Administrative Personnel—Overseas Import and Export.  
4119—Salaries—Supervisory and Administrative Personnel—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use Account 4100 to record salaries of supervisory and administrative personnel.

### 4120—Salaries—Clerical.

This account shall include the salaries and wages including overtime premium of employees performing clerical and administrative functions. Payments for



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temporary clerical help should also be charged to this account.

## ITEMS (SEE INSTRUCTION 6)

Accounting clerks.  
Billing clerks.  
Bookkeepers.  
Credit clerks.  
Estimators.  
File clerks.  
Information clerks.  
Inspectors.  
Insurance clerks.  
Machine operators.  
Manifest clerks.  
Operators of two-way radios.  
Over, short and damage clerks.  
Programmers.  
Rating clerks.  
Secretaries.  
Shop and garage clerks.  
Stenographers.  
Tariff clerks.  
Telephone operators.  
Timekeepers.  
Typists.

The total of such amounts shall be distributed to the following activities in accordance with instructions 11 and 28B:

4121—Salaries—Clerical—Interstate Moving.  
4122—Salaries—Clerical—Intrastate Moving.  
4123—Salaries—Clerical—Local Moving.  
4124—Salaries—Clerical—Indirect Operating—Carrier Only.  
4125—Salaries—Clerical—General and Administrative—Carrier Only.  
4126—Salaries—Clerical—Packing and Crating.  
4127—Salaries—Clerical—Warehousing.  
4128—Salaries—Clerical—Overseas Import and Export.  
4129—Salaries—Clerical—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 4100 to record clerical salaries.

4140—Salaries—Sales Salaries—Employees.

This account shall include the salaries, bonuses, and sickness, holiday, and vacation pay of company employees who in the performance of their sales capacities are directly involved in the solicitation of company business. If a sales employee is normally paid both a salary and a commission, include in this account both the salary "guaranteed" and paid by the company and the sales employee's commission earnings paid for the period. The total of such amounts shall be distributed to the following activities in accordance with instructions 11 and 28B:

4144—Salaries—Sales Salaries—Employees—Indirect Operating—Carrier Only.  
4149—Salaries—Sales Salaries—Employees—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 4100 to record sales salaries—employees.

4170—Salaries—Officers.

This account shall include the salaries, bonuses, and sickness, holiday, and vacation pay of officers engaged in administrative functions of the company. The total of such amounts shall be distributed to the following activities in accordance with instructions 11 and 28B:

4171—Salaries—Officers—Interstate Moving.  
4172—Salaries—Officers—Intrastate Moving.  
4173—Salaries—Officers—Local Moving.  
4174—Salaries—Officers—Indirect Operating—Carrier Only.

4175—Salaries—Officers—General and Administrative—Carrier Only.

4176—Salaries—Officers—Packing and Crating.

4177—Salaries—Officers—Warehousing.

4178—Salaries—Officers—Overseas Import and Export.

4179—Salaries—Officers—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 4100 to record officers salaries.

NOTE B.—Account 4175 shall ordinarily include the pay of the following corporate officers:

Chairman of the board.  
President.  
Vice presidents.  
Treasurer.  
Controller.  
General auditor.  
General counsel.  
General secretary.  
General manager.  
Sole proprietor.  
Partners in charge of administration.

If the major duty of any of these officers relates to carrier operations, the pay of such officer should be charged to the carrier activities included in accounts 4171 through 4174 above, in accordance with instruction 11.

However, if the major duty of any of these officers relates to noncarrier activities, the pay of such officer should be charged to accounts 4175 through 4179, as appropriate.

4190—Salaries—Department and Division Managers.

This account shall include the salaries, bonuses, and sickness, holiday and vacation pay of warehouse, department, and division managers who are directly in charge of the activities of the company.

The total of such amounts shall be distributed to the following activities in accordance with instructions 11 and 28B:

4191—Salaries—Department and Division Managers—Interstate Moving.  
4192—Salaries—Department and Division Managers—Intrastate Moving.  
4193—Salaries—Department and Division Managers—Local Moving.  
4194—Salaries—Department and Division Managers—Indirect Operating—Carrier Only.

4195—Salaries—Department and Division Managers—General and Administrative—Carrier Only.

4196—Salaries—Department and Division Managers—Packing and Crating.

4197—Salaries—Department and Division Managers—Warehousing.

4198—Salaries—Department and Division Managers—Overseas Import and Export.

4199—Salaries—Department and Division Managers—Indirect Operating—Noncarrier.

4200—Operating Wages—Transportation Only.

This account may be used as a control account for all accounts in the 4200 series.

4210—Operating Wages—Transportation Only—Intercity Drivers.

This account shall include the wages and bonuses and other direct compensation, including overtime premium and

layover pay paid to employees engaged as drivers of intercity revenue equipment.

The total of such amounts shall be distributed to the following activities in accordance with instruction 11 and 28B:

4211—Operating Wages—Transportation Only—Intercity Drivers—Interstate Moving.

4212—Operating Wages—Transportation Only—Intercity Drivers—Intrastate Moving.

4220—Operating Wages—Transportation Only—Intercity Helpers.

This account shall include the wages and bonuses and other direct compensation, including overtime premium and layover pay paid to employees engaged as helpers on intercity revenue equipment.

The total of such amounts shall be distributed to the following activities in accordance with instructions 11 and 28B:

4221—Operating Wages—Transportation Only—Intercity Helpers—Interstate Moving.

4222—Operating Wages—Transportation Only—Intercity Helpers—Intrastate Moving.

NOTE A.—The pay of road help purchased by a company driver from an agent or other local source shall be charged to Account 7660—Purchased Labor—Temporary Help.

4230—Operating Wages—Transportation Only—Driver—Helper—Local Moving Only.

This account shall include the wages and bonuses and other direct compensation, including overtime premium paid to employees engaged as drivers of or helpers on local moving revenue equipment.

The amount in this account is chargeable to Account 4233—Operating Wages—Transportation Only—Driver—Helper—Local Moving Only—Local Moving.

4240—Operating Wages—Transportation Only—Drayage Labor—Overseas Containers.

This account shall include the wages and bonuses and other direct compensation, including overtime premium paid to employees engaged as drivers of loaded overseas containerized shipments while performing for the reporting carrier within their exempt commercial zone.

The amount in this account is chargeable to Account 4243—Operating Wages—Transportation Only—Drayage Labor—Overseas Containers—Local Moving.

NOTE A.—If the transportation of loaded overseas containerized shipments is performed as a regulated carrier outside the exempt commercial zone, driver wages are charged to Account 4210—Operating Wages—Transportation Only—Intercity Drivers.

NOTE B.—Revenue earned for providing transportation of loaded overseas containerized shipments within the reporting carriers exempt commercial zone shall be credited to Account 3308—Moving Revenue—Local—Overseas Import and Export.

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4300—Packer Wages.

This account may be used as a control account for all accounts in the 4300 series.

4310—Packer Wages—Interstate Moves.

This account shall include the wages and bonuses and other direct compensation, including overtime premium paid to employees engaged directly in performing packing services for interstate shipments of household goods. The amount in this account is chargeable to Account 4316—Packer Wages—Interstate Moves—Packing and Crating.

4320—Packer Wages—Intrastate Moves.

This account shall include the wages and bonuses and other direct compensation, including overtime premium paid to employees engaged directly in performing packing services for intrastate shipments of household goods. The amount in this account is chargeable to Account 4326—Packer Wages—Intrastate Moves—Packing and Crating.

4330—Packer Wages—Overseas Shipments.

This account shall include the wages and bonuses and other direct compensation, including overtime premium paid to employees engaged directly in performing containerized packing services for overseas shipments. The amount in this account is chargeable to Account 4338—Packer Wages—Overseas Shipments—Overseas Import and Export.

4400—Warehouse Labor.

This account may be used as a control account for all accounts in the 4400 series.

4410—Warehouse Labor—Household Goods.

This account shall include the wages and bonuses and other direct compensation, including overtime premium of employees engaged in the loading, unloading, handling, and storage of household goods at the company's warehouse.

## ITEMS (SEE INSTRUCTION 6)

Checkers.  
Casual labor used at the warehouse site.  
Inspectors.  
Loaders.  
Stackers.  
Working foremen.

The pay of employees not normally engaged in this activity, such as drivers, shall be charged to this account, when such employees act in the capacities indicated above.

The amount in this account is chargeable to Account 4417—Warehouse Labor—Household Goods—Warehousing.

NOTE A.—Wages paid for warehouse handling of storage-in-transit shipments shall be charged to account 4430 for interstate SIT shipments or account 4430 for intrastate SIT shipments.

NOTE B.—The warehouse handling of overseas shipment containers shall be charged to account 4908.

4420—Warehouse Handling—SIT Interstate.

This account shall include the wages and bonuses and other direct compensation, including overtime premium of employees engaged in the loading, unloading, and handling of interstate storage-in-transit shipments. The amount in this account is chargeable to Account 4427—Warehouse Handling—SIT Interstate—Warehousing.

4430—Warehouse Handling—SIT Intrastate.

This account shall include the wages and bonuses and other direct compensation, including overtime premium of employees engaged in the loading, unloading and handling of intrastate storage-in-transit shipments. The amount in this account is chargeable to Account 4437—Warehouse Handling—SIT Intrastate—Warehousing.

4600—Repair Wages.

This account may be used as a control account for all accounts in the 4600 series.

4610—Repair Wages—Transportation Equipment Only.

This account shall include the salaries and wages, including overtime premium of employees engaged in repairing and servicing vehicles owned, rented or leased by the company when such equipment is used in the performance of transportation services.

## ITEMS (SEE INSTRUCTION 6)

Battery men.  
Carpenters.  
Electricians and radio maintenance men.  
Gasoline and oil attendants.  
Machinists.  
Mechanics.  
Metal workers.  
Painters.  
Washers and cleaners.  
Working foremen.

The total of such amounts shall be distributed to the following activities in accordance with instructions 11 and 28B:

4611—Repair Wages—Transportation Equipment Only—Interstate Moving.  
4612—Repair Wages—Transportation Equipment Only—Intrastate Moving.  
4613—Repair Wages—Transportation Equipment Only—Local Moving.  
4614—Repair Wages—Transportation Equipment Only—Indirect Operating—Carrier Only.  
4615—Repair Wages—Transportation Equipment Only—General and Administrative—Carrier Only.

NOTE A.—The pay of employees engaged in repairing and servicing carrier revenue equipment shall be included in this account in accordance with instruction 28B.

NOTE B.—The pay of employees engaged in repairing and servicing noncarrier vehicles and warehouse equipment shall be included in account 4620. The predominant use of the equipment shall be used in determining the specific activity to be charged. See instruction 28B.

4620—Other Repair Wages.

This account shall include the salaries and wages, including overtime premium

of employees engaged in repairing and servicing service vehicles, warehouse equipment, company buildings and other equipment owned, rented, or leased by the company, and such equipment is not used in the performance of carrier transportation services. These employees would include, for example, building maintenance crews, electricians, servicemen, and automobile mechanics. The predominant use of the vehicle shall be used in determining the activity to be charged. The total of such amounts shall be distributed to the following activities in accordance with instructions 11 and 28B:

4626—Other Repair Wages—Packing and Crating.  
4627—Other Repair Wages—Warehousing.  
4628—Other Repair Wages—Overseas Import and Export.  
4629—Other Repair Wages—Indirect Operating—Noncarrier.

4700—Commission Agent Fees.

This account shall include commissions and fees paid to organizations and individuals (not on the company's payroll) for the solicitation of transportation revenue and providing other services at points where the company does not maintain a staff to provide such services.

This account also includes amounts allowed commission agents for other expenses such as advertising, installing and maintaining the carrier's signs, building rents, utilities, communications expenses, and items of a similar nature.

The total of such amounts shall be included in this account and distributed to the following activities in accordance with instruction 28B:

4704—Commission Agent Fees—Indirect Operating—Carrier Only.  
4709—Commission Agent Fees—Indirect Operating—Noncarrier.

4900—Other Wages.

This account shall include the salaries and wages, including overtime premium of employees of the company not included elsewhere.

## ITEMS (SEE INSTRUCTION 6)

Cleaners.  
Janitors.  
Switchers.  
Watchmen.  
Yardmen.

This account also may be used to identify wages of an employee normally assigned an operating activity for which he is temporarily not generating revenue; e.g., miscellaneous unproductive time paid, payment while awaiting another productive assignment, etc. (See Account 5070—Miscellaneous Paid Time Off for items specifically excluded from this category of nonproductive wages.)

The total of such amounts shall be included in this account and distributed to the following activities in accordance with instructions 11 and 28B:

4901—Other Wages—Interstate Moving.  
4902—Other Wages—Intrastate Moving.  
4903—Other Wages—Local Moving.  
4904—Other Wages—Indirect Operating—Carrier Only.

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4905—Other Wages—General and Administrative—Carrier Only.  
 4906—Other Wages—Packing and Crating.  
 4907—Other Wages—Warehousing.  
 4908—Other Wages—Overseas Import and Export.  
 4909—Other Wages—Indirect Operating—Noncarrier.

NOTE A.—Wages paid for the construction and warehouse handling of overseas shipping containers shall be charged to account 4908.

NOTE B.—Wages paid for the performance of specialized local moving packing services shall be charged to 4906.

## 5000—Fringe Benefits.

This account shall be used as a control account for all accounts in the 5000 series. Amounts in this account shall be distributed to the following accounts in accordance with instructions 28B and 29:

5001—Fringe Benefits—Interstate Moving.  
 5002—Fringe Benefits—Intrastate Moving.  
 5003—Fringe Benefits—Local Moving.  
 5004—Fringe Benefits—Indirect Operating—Carrier Only.  
 5005—Fringe Benefits—General and Administrative—Carrier Only.  
 5006—Fringe Benefits—Packing and Crating.  
 5007—Fringe Benefits—Warehousing.  
 5008—Fringe Benefits—Overseas Import and Export.  
 5009—Fringe Benefits—Indirect Operating—Noncarrier.

NOTE A.—Carriers may distribute each natural classification within series 5000 to the appropriate activity. In this case carriers are not required to maintain or distribute this control account.

## 5010—Contributions to Union Welfare Funds.

This account shall include amounts paid by the company to health and welfare plans under agreements with employee unions. The amounts in this account are chargeable to the following activities in accordance with instructions 28B and 29:

5015—Contributions to Union Welfare Funds—General and Administrative—Carrier Only.  
 5019—Contributions to Union Welfare Funds—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 5020 to record such contributions to union welfare funds.

## 5020—Employees' Group Insurance.

This account shall include the net payments (premiums less dividends or refunds) made by the company on behalf of its employees for group insurance. This insurance shall include life, accident and health, and any other group coverage provided by the carrier. The amounts in this account are provided by the carrier. The amounts in this account are chargeable to the following activities in accordance with instructions 28B and 29:

5025—Employees' Group Insurance—General and Administrative—Carrier Only.  
 5029—Employees' Group Insurance—Indirect Operating—Noncarrier.

NOTE A.—Life insurance carried on officers where the corporation is the beneficiary, shall be included in Account 9423—Life Insurance Premiums.

NOTE B.—Dividends received from insurance companies on group policies shall be

credited to this account. When employees pay part of the premiums, but the carrier retains dividends received, the full amount of the dividends shall be included in this account.

## 5030—Workmen's Compensation.

This account shall include the net cost (premium less dividends and refunds) of insurance required to provide for workmen's compensation or similar employees protection when such insurance is provided by means of premiums payable to government agencies, or commercial insurance companies. (See instruction 22(a).) The amounts in this account are chargeable to the following activities in accordance with instructions 28B and 29:

5035—Workmen's Compensation—General and Administrative—Carrier Only.  
 5039—Workmen's Compensation—Indirect Operating—Noncarrier.

This account group shall also be charged each month, and Account 2130—Other Current and Accrued Liabilities (class II) or Account 2172—Personal Injuries, Property Damage Claims and Workmen's Compensation Claims (estimated liabilities, accrued) (class I), shall be credited with amounts sufficient to meet the probable liability not covered by outside insurance on account of claims for injuries to and death of employees arising under workmen's compensation and employer's liability acts. (See instruction 22(a) and (c).)

## 5040—Pension and Retirement Plans.

This account shall include the net payments (premiums or contributions less dividends or refunds) made by the carrier to trustees or commercial insurance companies on behalf of its employees for pensions or retirement plans. This account shall also include payments made to retired employees for pension or retirement. The amounts in this account are chargeable to the following activities in accordance with instructions 28B and 29:

5045—Pension and Retirement Plans—General and Administrative—Carrier Only.  
 5049—Pension and Retirement Plans—Indirect Operating—Noncarrier.

## 5050—Vacation Pay.

This account shall include the amount of vacation pay benefits accruing to the company employees who are normally classified as drivers and helpers, packers, warehousemen, and others whose wages are regularly charged to the following natural expense classifications:

4200—Operating Wages—Transportation Only.  
 4300—Packer Wages.  
 4400—Warehouse Labor.  
 4600—Repair Wages.  
 4900—Other Wages.

The total of such amounts shall be distributed to the following activities in accordance with instructions 11 and 28B:

5055—Vacation Pay—General and Administrative—Carrier Only.  
 5059—Vacation Pay—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 5070 to record vacation pay.

## 5060—Holiday Pay.

This account shall include the amount of holiday pay benefits accruing to company employees who are normally classified as drivers and helpers, packers, warehousemen, and others whose wages are regularly charged to the following account series:

4200—Operating Wages—Transportation Only.  
 4300—Packer Wages.  
 4400—Warehouse Labor.  
 4600—Repair Wages.  
 4900—Other Wages.

The total of such amounts shall be distributed to the following activities in accordance with instructions 11 and 28B:

5065—Holiday Pay—General and Administrative—Carrier Only.  
 5069—Holiday Pay—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 5070 to record holiday pay.

## 5070—Miscellaneous Paid Time Off.

This account shall include amounts paid by the company for miscellaneous paid time off.

## ITEMS (SEE INSTRUCTION 6)

Attendance at union meetings during working hours.  
 Birthday pay.  
 Compensatory time off.  
 Funeral or bereavement pay.  
 Voluntary payments to employees in lieu of salaries and wages lost, while on strike.  
 Other similar payments.

The amounts in this account are chargeable to the following activities in accordance with instructions 28B and 29:

5075—Miscellaneous Paid Time Off—General and Administrative—Carrier Only.  
 5079—Miscellaneous Paid Time Off—Indirect Operating—Noncarrier.

## 5090—Other Employee Benefits.

This account shall include amounts paid by the company for payroll related fringe benefits not included elsewhere. The amounts in this account are chargeable to the following activities in accordance with instructions 28B and 29:

5095—Other Employee Benefits—General and Administrative—Carrier Only.  
 5099—Other Employee Benefits—Indirect Operating—Noncarrier.

## 5100—Payroll Taxes.

This account may be used as a control account for all accounts in the 5100 series. Class II carriers shall include in this account group the expenses includible in accounts 5110, 5120, and 5130 for company FICA taxes, Federal unemployment taxes, and State unemployment taxes. Such expenses shall be distributed to the following accounts in accordance with instructions 28B and 29:

5101—Payroll Taxes—Interstate Moving.  
 5102—Payroll Taxes—Intrastate Moving.  
 5103—Payroll Taxes—Local Moving.  
 5104—Payroll Taxes—Indirect Operating—Carrier Only.

5105—Payroll Taxes—General and Administrative—Carrier Only.

5106—Payroll Taxes—Packing and Crating.  
 5107—Payroll Taxes—Warehousing.  
 5108—Payroll Taxes—Overseas Import and Export.

5109—Payroll Taxes—Indirect Operating—Noncarrier.

NOTE A.—Same as account 5000.

## 5110—FICA Taxes.

This account shall include the company's portion of Federal Insurance Contributions Act taxes. The amounts in this account are chargeable to the following activities in accordance with instructions 28B and 29:

5115—FICA Taxes—General and Administrative—Carrier Only.  
 5119—FICA Taxes—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 5100 to record company FICA taxes.

## 5120—Federal Unemployment Taxes.

This account shall include the company's expense for Federal unemployment taxes. The amounts in this account are chargeable to the following activities in accordance with instructions 28B and 29:

5125—Federal Unemployment Taxes—General and Administrative—Carrier Only.  
 5129—Federal Unemployment Taxes—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 5100 to record Federal unemployment taxes.

## 5130—State Unemployment Taxes.

This account shall include the company's portion of State unemployment taxes. The amounts in this account are chargeable to the following activities in accordance with instructions 28B and 29:

5135—State Unemployment Taxes—General and Administrative—Carrier Only.  
 5139—State Unemployment Taxes—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 5100 to record State unemployment taxes.

## 6100—Transportation Fuel and Motor Oil.

This account may be used as a control account for all accounts in the 6100 series.

## 6110—Gasoline and Diesel Fuel.

This account shall include the cost of gasoline, propane, diesel fuel, and any other fuel (e.g. electricity for charging batteries in electrically driven vans) used by revenue vehicles or by service vehicles of the warehouse or maintenance activities. This account shall also include transportation charges payable to others for gasoline, propane, diesel fuels, and other fuels for such vehicles. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

6111—Gasoline and Diesel Fuel—Interstate Moving.

6112—Gasoline and Diesel Fuel—Intrastate Moving.

6113—Gasoline and Diesel Fuel—Local Moving.

6114—Gasoline and Diesel Fuel—Indirect Operating—Carrier Only.

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6116—Gasoline and Diesel Fuel—Packing and Crating.  
 6117—Gasoline and Diesel Fuel—Warehousing.

6119—Gasoline and Diesel Fuel—Indirect Operating—Noncarrier.

NOTE A.—The cost of gasoline, diesel fuel, and other fuels used by revenue vehicles shall be distributed to these accounts in accordance with the designation of the primary use of the vehicle. (See instruction 28B.)

NOTE B.—The cost of gasoline, diesel fuel, and other fuels used by service vehicles of the warehouse or maintenance activities shall be distributed within this account in accordance with the designation of the primary use of the vehicle. (See instruction 28B.)

NOTE C.—See also account 7700 and 7800.

NOTE D.—Taxes on gasoline, diesel fuel, or other fuels for noncarrier vehicle equipment shall be charged to Account 8450—Gas, Diesel Fuel, and Oil Taxes—Federal or Account 8440—Gas, Diesel Fuel, and Oil Taxes—State and Local, as appropriate.

NOTE E.—The cost of fuel lost as a result of a leakage from a carrier's storage tank is chargeable to Account 6114.

## 6120—Motor Oils and Lubricants.

This account shall include the cost of motor oil, grease, and other lubricants used by revenue vehicles or by service vehicles of the warehouse or maintenance activities. This account also includes transportation charges payable to others for motor oil and other lubricants for such vehicles. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

6121—Motor Oils and Lubricants—Interstate Moving.

6122—Motor Oils and Lubricants—Intrastate Moving.

6123—Motor Oils and Lubricants—Local Moving.

6124—Motor Oils and Lubricants—Indirect Operating—Carrier Only.

6126—Motor Oils and Lubricants—Packing and Crating.

6127—Motor Oils and Lubricants—Warehousing.

6129—Motor Oils and Lubricants—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 6110 to record payments for motor oils and lubricants.

NOTE B.—The cost of grease oil and other lubricants consumed by revenue vehicles shall be distributed to these accounts in accordance with the designation of the primary use of the vehicle. (See instruction 28B.)

NOTE C.—The cost of motor oil, grease, and other lubricants consumed by service vehicles shall be charged to this account.

NOTE D.—Taxes on motor oil shall be charged to Account 8450—Gas, Diesel Fuel, and Oil Taxes—Federal or Account 8440—Gas, Diesel Fuel, and Oil Taxes—State and Local, as appropriate.

## 6200—Tires and Tubes.

This account shall include the cost, including taxes, of tires and tubes applied to the company's revenue vehicles or service vehicles of the warehouse or maintenance activities. The cost of tires and tubes may be charged directly to this account or included in Account 1140—Prepayments (class II) or Account 1146—Prepaid Tires and Tubes (class I only) and charged off to this account in appropriate monthly install-

ments. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

6201—Tires and Tubes—Interstate Moving.  
 6202—Tires and Tubes—Intrastate Moving.

6203—Tires and Tubes—Local Moving.  
 6204—Tires and Tubes—Indirect Operating—Carrier Only.

6206—Tires and Tubes—Packing and Crating.  
 6207—Tires and Tubes—Warehousing.

6209—Tires and Tubes—Indirect Operating—Noncarrier.

NOTE A.—When a carrier contracts to use tires at a monthly rental based on miles run or some similar method of computing the charge, the cost of such tire service, including abused tires, shall be included in this account.

NOTE B.—The cost of unapplied tires and tubes held in stock, shall be charged to Account 1151—Materials and Supplies.

NOTE C.—Fully expensed tires and tubes that are transferred from one activity to another shall be accounted for by crediting and charging the appropriate activity for the estimated value at the time of transfer.

NOTE D.—Recoveries from insurance companies as reimbursement for the loss of tires and tubes included in this account, the proceeds of sold tires and tubes, and the estimated value of tires and tubes on a vehicle that is sold or traded in, shall be credited to this account. (See however, Account 1146—Prepaid Tires and Tubes, note C.)

## 6300—Other Vehicle Supplies.

This account shall include the cost of sundry supplies consumed in the operation of vehicles, and the cost of repairing such supplies when necessary.

## ITEMS (SEE INSTRUCTION 6)

Antifreeze.  
 Brake fluid.  
 Cables.  
 Cleaning supplies.  
 Dollies.  
 Fire extinguishers.  
 First-aid kits.  
 Floor runners.  
 Ladders.  
 Padlocks.  
 Pads.  
 Piano boards.  
 Rigging devices.  
 Ropes.  
 Shock absorber oil.  
 Solvents.  
 Tarpaulins.  
 Walkboards.

Cleaning expenses of the interior or exterior of revenue vehicles should be charged to this account.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

6301—Other Vehicle Supplies—Interstate Moving.

6302—Other Vehicle Supplies—Intrastate Moving.

6303—Other Vehicle Supplies—Local Moving.

6304—Other Vehicle Supplies—Indirect Operating—Carrier Only.

6306—Other Vehicle Supplies—Packing and Crating.

6307—Other Vehicle Supplies—Warehousing.

6309—Other Vehicle Supplies—Indirect Operating—Noncarrier.

## 6400—Vehicle Repair Parts.

This account shall include the cost of vehicle parts used in repairing the company's vehicles.



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## ITEMS (SEE INSTRUCTION 6)

Accessories installed on operating vehicles, when replacing original items.  
Diesel oil filters.  
Flares.  
Fuses.  
Light casings.  
Marker light replacements.  
Oil filter packs.  
Parts for communication equipment repair installed in vehicles.  
Reflectors.  
Replacement costs (net) or engines (see account 1221, paragraph c).  
Torches.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

6401—Vehicle Repair Parts — Interstate Moving.  
6402—Vehicle Repair Parts — Intrastate Moving.  
6403—Vehicle Repair Parts — Local Moving.  
6404—Vehicle Repair Parts — Indirect Operating—Carrier Only.  
6405—Vehicle Repair Parts — General and Administrative—Carrier Only.  
6406—Vehicle Repair Parts — Packing and Crating.  
6407—Vehicle Repair Parts — Warehousing.  
6409—Vehicle Repair Parts—Indirect Operating—Noncarrier.

NOTE A.—Items which have a short life and small cost shall be charged to this account, instead of being charged to Account 1151—Materials and Supplies.

6500—Repair Materials (Other Than Vehicle).

This account may be used as a control account for all accounts in the 6500 series. Class II carriers shall include in this account group the expenses includible in accounts 6510, 6520, and 6530 for building, equipment and furniture, fixture repair materials. Such expenses shall be distributed to the following accounts in accordance with instruction 28B:

6504—Repair Materials (Other Than Vehicle)—Indirect Operating—Carrier Only.  
6505—Repair Materials (Other Than Vehicle)—General and Administrative—Carrier Only.  
6506—Repair Materials (Other Than Vehicle)—Packing and Crating.  
6507—Repair Materials (Other Than Vehicle)—Warehousing.  
6508—Repair Materials (Other Than Vehicle)—Overseas Import and Export.  
6509—Repair Materials (Other Than Vehicle)—Indirect Operating—Noncarrier.

6510—Repair Materials—Building.

This account shall include the cost of materials and parts used for the repair of buildings, offices, and yards, whether the facility is owned or leased.

## ITEMS (SEE INSTRUCTION 6)

Cement.  
Electrical parts.  
Gravel.  
Heating.  
Improvements to property leased for less than 1 year.  
Lumber.  
Maintenance cost (other than payroll) of grounds, including fences, shrubbery, driveways, sidewalks, sewers, etc., for shops, garages, warehouses, and other transportation structures.

Mechanical parts.  
Paint.  
Piping.  
Plumbing.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

6514—Repair Materials—Building—Indirect Operating—Carrier Only.  
6515—Repair Materials—Building—General and Administrative—Carrier Only.  
6516—Repair Materials—Building—Packing and Crating.  
6517—Repair Materials—Building—Warehousing.  
6518—Repair Materials—Building—Overseas Import and Export.  
6519—Repair Materials—Building—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use Account 6509 to record building repair materials.

6520—Repair Materials—Equipment.

This account shall include the cost of materials and parts used for the repair of all equipment other than trucks and autos, whether such equipment is owned or leased.

## ITEMS (SEE INSTRUCTION 6)

Dock levelers.  
Garage and shop equipment.  
Parts for air conditioners.  
Office machines and equipment.  
Repair and operating costs for communication equipment (including towers and antennas), not installed in vehicles.  
Scales.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

6524—Repair Materials—Equipment—Indirect Operating—Carrier Only.  
6525—Repair Materials—Equipment—General and Administrative—Carrier Only.  
6526—Repair Materials—Equipment—Packing and Crating.  
6527—Repair Materials—Equipment—Warehousing.  
6528—Repair Materials—Equipment—Overseas Import and Export.  
6529—Repair Materials—Equipment—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use Account 6500 to record equipment repair materials other than for trucks and autos.

6530—Repair Materials—Furniture and Fixtures.

Charge this account with the cost of materials and parts used for repair of furniture and fixtures. This includes, for example, mechanical, electrical, and other miscellaneous parts, hardware, and materials used in the maintenance of office furniture and related apparatus. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

6534—Repair Materials—Furniture and Fixtures—Indirect Operating—Carrier Only.  
6535—Repair Materials—Furniture and Fixtures—General and Administrative—Carrier Only.  
6536—Repair Materials—Furniture and Fixtures—Packing and Crating.  
6537—Repair Materials—Furniture and Fixtures—Warehousing.  
6538—Repair Materials—Furniture and Fixtures—Overseas Import and Export.

6539—Repair Materials—Furniture and Fixtures—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 6500 to record furniture and fixture repair materials.

6600—Printing and Office Supplies.

This account may be used as a control account for all accounts in the 6600 series. Class II carriers shall include in this account group the expenses includible in accounts 6610 and 6620 for printed forms, office supplies, tariffs and schedules. Such expenses shall be distributed to the following accounts in accordance with instruction 28B:

6601—Printing and Office Supplies—Interstate Moving.  
6602—Printing and Office Supplies—Intrastate Moving.  
6603—Printing and Office Supplies—Local Moving.  
6604—Printing and Office Supplies—Indirect Operating—Carrier Only.  
6605—Printing and Office Supplies—General and Administrative—Carrier Only.  
6606—Printing and Office Supplies—Packing and Crating.  
6607—Printing and Office Supplies—Warehousing.  
6608—Printing and Office Supplies—Overseas Import and Export.  
6609—Printing and Office Supplies—Indirect Operating—Noncarrier.

6610—Printed Forms and Office Supplies.

This account shall include the cost of printed forms and supplies necessary to conduct operating activities as well as the cost of supplies used in connection with the business administration of company activities.

## ITEMS (SEE INSTRUCTION 6)

Accounting forms.  
Bills of lading.  
Books.  
Computer programs purchased (expense portion).  
Continuous forms (data processing supplies).  
Disk packs (data processing supplies).  
Drinking water.  
Drivers logs, cost of.  
Envelopes.  
Legal forms, law office supplies.  
Notary fees.  
Magnetic tapes (data processing supplies).  
Printed forms for general use.  
Printing costs for freight bills, waybills, manifest.  
Sales invoices.  
Stationery and printing.  
Tabulating cards (data processing supplies).  
Warehouse receipts.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

6611—Printed Forms and Office Supplies—Interstate Moving.  
6612—Printed Forms and Office Supplies—Intrastate Moving.  
6613—Printed Forms and Office Supplies—Local Moving.  
6614—Printed Forms and Office Supplies—Indirect Operating—Carrier Only.  
6615—Printed Forms and Office Supplies—General and Administrative—Carrier Only.  
6616—Printed Forms and Office Supplies—Packing and Crating.  
6617—Printed Forms and Office Supplies—Warehousing.

6618—Printed Forms and Office Supplies—Overseas Import and Export.  
6619—Printed Forms and Office Supplies—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 6600 to record payments for printed forms and office supplies.

NOTE B.—Items identified as carrier data processing supplies are chargeable to account 6615 only.

6620—Tariffs and Schedules.

This account shall include the cost of printing and other expenses, except salaries incurred in the preparation of tariffs and schedules, including postage and transportation charges. This account shall also include amounts payable to outside agencies for publishing the carrier's tariffs and schedules. The total of amounts included in the account shall be distributed to the following activities in accordance with instruction 28B:

6621—Tariffs and Schedules—Interstate Moving.  
6622—Tariffs and Schedules—Intrastate Moving.  
6623—Tariffs and Schedules—Local Moving.  
6624—Tariffs and Schedules—Packing and Crating.  
6625—Tariffs and Schedules—Warehousing.  
6626—Tariffs and Schedules—Overseas Import and Export.

NOTE A.—Class II carriers shall use account 6600 to record payments for tariffs and schedules.

6700—Packing and Crating Material and Supplies.

This account shall include the cost of barrels, cartons, boxes, lumber, nails, and all other materials used in packing and crating of household goods for either domestic or foreign customers.

The total of amounts included in this account shall be distributed to the following activities in accordance with instruction 28B:

6706—Packing and Crating Material and Supplies—Packing and Crating.  
6707—Packing and Crating Material and Supplies—Warehousing.  
6708—Packing and Crating Material and Supplies—Overseas Import and Export.

6800—Miscellaneous Supplies.

This account shall include the cost of such other supplies used in connection with operating either vehicles or warehouses not provided for in the foregoing accounts.

## ITEMS (SEE INSTRUCTION 6)

Hand tools.  
Janitor supplies.  
Sanitary supplies.  
Small tools.  
Training supplies.  
Uniforms.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

6801—Miscellaneous Supplies—Interstate Moving.  
6802—Miscellaneous Supplies—Intrastate Moving.  
6803—Miscellaneous Supplies—Local Moving.  
6804—Miscellaneous Supplies—Indirect Operating—Carrier Only.  
6805—Miscellaneous Supplies—General and Administrative—Carrier Only.

## RULES AND REGULATIONS

6806—Miscellaneous Supplies—Packing and Crating.  
6807—Miscellaneous Supplies—Warehousing.  
6808—Miscellaneous Supplies—Overseas Import and Export.  
6809—Miscellaneous Supplies—Indirect Operating—Noncarrier.

NOTE A.—The cost of miscellaneous operating supplies consumed by revenue and service vehicles shall be distributed to these accounts in accordance with the designation of the primary use of the vehicle. (See instruction 28B.)

7100—Outside Services—Vehicle Repairs and Maintenance.

This account shall include the cost of maintaining the company's vehicles, including inspection, to determine the need of repairs when the maintenance is performed by public shops and garages. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

7101—Outside Services—Vehicle Repairs and Maintenance—Interstate Moving.  
7102—Outside Services—Vehicle Repairs and Maintenance—Intrastate Moving.  
7103—Outside Services—Vehicle Repairs and Maintenance—Local Moving.  
7104—Outside Services—Vehicle Repairs and Maintenance—Indirect Operating—Carrier Only.  
7105—Outside Services—Vehicle Repairs and Maintenance—General and Administrative—Carrier Only.  
7106—Outside Services—Vehicle Repairs and Maintenance—Packing and Crating.  
7107—Outside Services—Vehicle Repairs and Maintenance—Warehousing.  
7108—Outside Services—Vehicle Repairs and Maintenance—Overseas Import and Export.  
7109—Outside Services—Vehicle Repairs and Maintenance—Indirect Operating—Noncarrier.

NOTE A.—Vehicle repairs performed by outside shops and garages, charged to this account shall include any State and local sales, use and service taxes.

7200—Outside Services—Repairs (Other Than Vehicles).

This account may be used as a control account for all accounts in the 7200 series. Class II carriers shall include in this account group the expenses includible in accounts 7210, 7220, and 7230 for outside building repairs, equipment repairs and furniture, fixture repairs.

7204—Outside Services—Repairs (Other Than Vehicles)—Indirect Operating—Carrier Only.

7205—Outside Services—Repairs (Other Than Vehicles)—General and Administrative—Carrier Only.

7206—Outside Services—Repairs (Other Than Vehicles)—Packing and Crating.  
7207—Outside Services—Repairs (Other Than Vehicles)—Warehousing.

7208—Outside Services—Repairs (Other Than Vehicles)—Overseas Import and Export.

7209—Outside Services—Repairs (Other Than Vehicles)—Indirect Operating—Noncarrier.

7210—Outside Services—Building Repairs.

This account shall include amounts paid to outsiders for services rendered in repairing and maintaining company buildings and facilities, whether owned or leased. This would include outside maintenance contracts covering company grounds, including fences, shrub-

bery, driveways, sidewalks, etc. Similarly, the cost paid outsiders to remove ice and snow from structures and grounds would be charged to this account. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

7214—Outside Services—Building Repairs—Indirect Operating—Carrier Only.  
7215—Outside Services—Building Repairs—General and Administrative—Carrier Only.

7216—Outside Services—Building Repairs—Packing and Crating.

7217—Outside Services—Building Repairs—Warehousing.

7218—Outside Services—Building Repairs—Overseas Import and Export.  
7219—Outside Services—Building Repairs—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 7200 to record outside building repairs.

7220—Outside Services—Equipment Repairs.

This account shall include amounts paid to outsiders for services rendered in repairing all equipment other than trucks and autos, whether such equipment is owned or leased. This should include contracts for repair and maintenance of all data processing equipment, office machines, scales, air conditioners, and other similar items. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

7224—Outside Services—Equipment Repairs—Indirect Operating—Carrier Only.

7225—Outside Services—Equipment Repairs—General and Administrative—Carrier Only.

7226—Outside Services—Equipment Repairs—Packing and Crating.

7227—Outside Services—Equipment Repairs—Warehousing.

7228—Outside Services—Equipment Repairs—Overseas Import and Export.

7229—Outside Services—Equipment Repairs—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 7200 to record outside equipment repairs.

NOTE B.—Charge Account 7360—Advertising—All other for the cost of operating and maintaining neon and other display signs (permanent or portable) for attracting traffic.

7230—Outside Services—Furniture and Fixture Repairs.

This account shall include amounts paid to outsiders for services rendered in repairing and maintaining fixtures and furniture used in the performance of office or other clerical and record-keeping functions. Related inspection costs of such equipment are also chargeable to this account.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

7234—Outside Services—Furniture and Fixture Repairs—Indirect Operating—Carrier Only.

7235—Outside Services—Furniture and Fixture Repairs—General and Administrative—Carrier Only.

7236—Outside Services—Furniture and Fixture Repairs—Packing and Crating.

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- 7237—Outside Services—Furniture and Fixture Repairs—Warehousing.  
 7238—Outside Services—Furniture and Fixture Repairs—Overseas Import and Export.  
 7239—Outside Services—Furniture and Fixture Repairs—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 7200 to record outside furniture and fixture repairs.

#### 7300—Other Outside Services.

This account may be used as a control account for all accounts in the 7300 series.

#### 7310—Other Outside Services—Janitorial Services.

This account shall include amounts paid to outsiders for janitorial services necessary for the general upkeep of buildings and premises. This would include for example, amounts paid for trash hauling, dumping fees, exterminating services, and removal of used packing materials.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

- 7314—Other Outside Services—Janitorial Services—Indirect Operating—Carrier Only.  
 7315—Other Outside Services—Janitorial Services—General and Administrative—Carrier Only.  
 7316—Other Outside Services—Janitorial Services—Packing and Crating.  
 7317—Other Outside Services—Janitorial Services—Warehousing.  
 7318—Other Outside Services—Janitorial Services—Overseas Import and Export.  
 7319—Other Outside Services—Janitorial Services—Indirect Operating—Noncarrier.

#### 7320—Other Outside Services—Watch and Alarm Services.

This account shall include amounts paid to outsiders for watch and alarm services necessary for the protection of property, buildings and equipment. This would also include, for example, fees for guards from outside organizations placed on trucks to prevent pilferage and hijacking, as well as alarm systems rented for owned or rented revenue vehicles. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

- 7324—Other Outside Services—Watch and Alarm Services—Indirect Operating—Carrier Only.  
 7325—Other Outside Services—Watch and Alarm Services—General and Administrative—Carrier Only.  
 7326—Other Outside Services—Watch and Alarm Services—Packing and Crating.  
 7327—Other Outside Services—Watch and Alarm Services—Warehousing.  
 7328—Other Outside Services—Watch and Alarm Services—Overseas Import and Export.  
 7329—Other Outside Services—Watch and Alarm Services—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 7310 to record payments for outside watch and alarm services.

#### 7330—Other Outside Services—Professional Services.

This account group shall include the amounts paid for services received from other persons (see definition 30) and related expenses under a service contract or other arrangement to provide management with information and/or advice related to nonroutine business decisions and services that are consultative or advisory in nature. (See notes B and E.)

This account shall also include payments made to a regulatory commission for fees or amounts assessed against the company for pay and expenses of the regulatory commission, its officers, agents and employees, other than those incurred in securing certificates of convenience and necessity and authority for the issuance of securities. (See note C.)

Expenses, other than salaries of employees, incurred by the company in connection with formal cases before Federal or State regulatory bodies or cases to which such a body is a party are chargeable to this account group.

##### ITEMS (SEE INSTRUCTION 6)

Advisory fees in connection with preventive maintenance of revenue equipment, operation of shops and garages, etc.  
 Amounts designated as taxes, fees, etc., assessed by Federal and State regulatory commissions for pay and expenses of their officers, agents, and employees; office and traveling expenses; stationery, printing and engineering supplies.  
 Auditing fees.  
 Attorney fees for union negotiations.  
 Consulting and advisory fees in connection with the efficiency of company operations.  
 Cost of law suits.  
 Cost of preparing and printing agreements, briefs, reports, etc.  
 Dues or fees paid associations or agencies for negotiating or arbitrating union contracts and labor problems.  
 Fees paid others for collection of delinquent freight charges and other past due accounts receivable.  
 Fees, retainers, and expenses of counsel, solicitors, attorneys, clerks, attendants, witnesses, and others whose services are secured for the defense or prosecution of petitions or complaints presented to regulatory bodies.  
 Financial advisory fees.  
 Insurance advisors' fees for analyzing the adequacy of the company's coverage and for supervising industrial insurance and unemployment compensation claims.  
 Law expenses of receivers.  
 Legal fees, general.  
 Payments to outside attorneys.  
 Traveling expenses of outside attorneys, witnesses, etc.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

- 7334—Other Outside Services—Professional Services—Indirect Operating—Carrier Only.  
 7335—Other Outside Services—Professional Services—General and Administrative—Carrier Only.  
 7339—Other Outside Services—Professional Services—Indirect Operating—Noncarrier.

NOTE A.—The records supporting the entries in this account shall be so maintained as to show the respective amounts paid to

each provider of the service with respect to each class of service so furnished and the basis upon which the fees are assessed.

NOTE B.—Payments to commission agents or organizations for services provided as set out in Account 4700—Commission Agent Fees shall be charged to that account.

NOTE C.—Law expenses incident to the purchase of operating rights, the acquisition of such rights from Federal or State Commissions or securing from local authorities of franchises or consents with a life of more than 1 year and expenses incident to securing certificates of convenience and necessity shall be charged to Account 1310—Organization, Franchises, and Permits (class II) and Accounts 1321 or 1331 (class I), as appropriate, or Account 1341—Other Intangible Property (classes I and II). Law expenses and expenditures incident to securing authorization for issuance of long-term debt or capital stock shall be charged to Account 1510—Deferred and Miscellaneous Debits (class II) and Account 1511—Unamortized Debt Discount and Expense (class I), or Account 2410—Deferred Credits (class II) and Account 2411—Unamortized Premium on Debt (class I), or Account 2633—Commission and Expense on Capital Stock (classes I and II), as appropriate.

NOTE D.—Regulatory expenses which by approval or direction of the Commission are to be spread over future periods shall be charged to Account 1510—Deferred and miscellaneous debits (Class II) or to Account 1512—Other deferred debits (Class I) and amortized by charges to this account.

NOTE E.—This account shall not be used to record charges for management or professional services rendered by affiliated companies (see definition 7) for any billings that are chargeable to other appropriate operating accounts. (See instruction 34.)

#### 7340—Advertising—Agency.

This account shall include only those payments to outside advertising agencies for expenses incurred, such as agency fees and commissions. The amounts in this account are chargeable to the following activities in accordance with instruction 28B:

- 7344—Advertising—Agency—Indirect Operating—Carrier Only.  
 7349—Advertising—Agency—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 7360 to record payments for advertising agency fees and commissions.

#### 7350—Advertising—Media.

This account shall include only those expenses incurred in connection with media advertising, such as the cost of advertising space in newspapers and periodicals, expenses incurred in connection with advertising by radio or television, the cost of advertisements in publications of charitable, social, fraternal, and similar organizations, amounts paid to associations which advertise and publicize the industry, and other outside media. The amounts in this account are chargeable to the following activities in accordance with instruction 28B:

- 7354—Advertising—Media—Indirect Operating—Carrier Only.  
 7359—Advertising—Media—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 7360 to record payments for media advertising.

NOTE B.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7638.

NOTE C.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7638.

NOTE D.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7638.

NOTE E.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7638.

NOTE F.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7638.

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NOTE K.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7638.

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NOTE N.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7638.

NOTE O.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7638.

NOTE P.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7638.

NOTE Q.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7638.

NOTE R.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7638.

#### 7360—Advertising—All Other.

This account shall include expenses, other than salaries, incurred in connection with advertising. These include the preparation, printing, and distribution of advertising copy and flyers. Also included are the cost of operating and maintaining neon and other display signs (permanent or portable) for attracting business, billboards, posters, display cards and cases, photographs, and other direct advertising not elsewhere classified. The amounts in this account are chargeable to the following activities in accordance with instruction 28B:

- 7364—Advertising—Other—Indirect Operating—Carrier Only.  
 7369—Advertising—Other—Indirect Operating—Noncarrier.

#### 7400—Utilities.

This account shall include the cost of fuel (coal, gas, and/or oil) used to heat or cool the company's buildings and structures (see note A), and the cost of electricity and water consumed by the company in its operation. The total of such amount shall be distributed to the following activities based upon their predominant use in accordance with instruction 28B:

- 7404—Utilities—Indirect Operating—Carrier Only.  
 7405—Utilities—General and Administrative—Carrier Only.  
 7407—Utilities—Warehousing.  
 7408—Utilities—Overseas Import and Export.  
 7409—Utilities—Indirect Operating—Noncarrier.

NOTE A.—The cost of fuel and oil used in revenue or service vehicles shall be included in Account 6110—Gasoline and Diesel Fuel or Account 6120—Motor Oils and Lubricants, as appropriate.

#### 7500—Communication Services.

This account includes the cost of communication service, including taxes, used by the company in directing its operations.

##### ITEMS (SEE INSTRUCTION 6)

Communications network (leased line).  
 Long distance telephone calls and telegrams, reimbursed to drivers (if practicable to segregate from other employee expenses).  
 Telegraph units (rental or lease) and service.  
 Telephone dispatching service, including installation charges.  
 Telephone service.  
 Telex equipment (rental or lease).

The total of such amounts shall be distributed to the following activities based upon their predominant use in accordance with instruction 28B:

- 7504—Communication Services—Indirect Operating—Carrier Only.  
 7505—Communication Services—General and Administrative—Carrier Only.  
 7506—Communication Services—Overseas Import and Export.  
 7509—Communication Services—Indirect Operating—Noncarrier.

#### 7600—Purchased Labor and Transportation.

This account may be used as a control account for all accounts in the 7600 series.

#### 7610—Purchased Transportation—Equipment Rents—Without Driver.

This account shall include amounts payable to others under an equipment lease agreement whereby revenue vehicles are furnished to the reporting carrier for its exclusive use without the services of the lessor's driver.

The amounts in this account shall be distributed to the following activities in accordance with instruction 28B:

- 7611—Purchased Transportation—Equipment Rents—Without Driver—Interstate Moving.  
 7612—Purchased Transportation—Equipment Rents—Without Driver—Intrastate Moving.  
 7613—Purchased Transportation—Equipment Rents—Without Driver—Local Moving.  
 7616—Purchased Transportation—Equipment Rents—Without Driver—Packing and Crating.

#### 7620—Purchased Transportation—Tractor Rents With Driver—From Agent.

This account shall include amounts payable to carrier agents for furnishing tractors with the service of drivers for the exclusive use of and control by the carrier on a domestic basis. The arrangement specifies that the driver shall be paid by the carrier's agent and accordingly shall not be included on the carrier's payroll. The amounts in this account shall be charged to the following activities in accordance with instruction 28B:

- 7621—Purchased Transportation—Tractor Rents With Driver—From Agent—Interstate Moving.  
 7622—Purchased Transportation—Tractor Rents With Driver—From Agent—Intrastate Moving.  
 7628—Purchased Transportation—Tractor Rents With Driver—From Agent—Overseas Import and Export.

NOTE A.—The above-described purchase of motor vehicle carriage provided by agents for loaded overseas containers shall be charged to account 7628.

#### 7630—Purchased Transportation—Tractor Rents With Driver From Owner Operators.

This account shall include amounts payable to owner operators for furnishing tractor-only revenue vehicles, as well as their driving services. The vehicle and owner operator operate at the direction of the reporting carrier who bills the transportation services provided his customer as if the service had been rendered by the company. The amounts in this account shall be charged to the following activities in accordance with instruction 28B:

- 7631—Purchased Transportation—Tractor Rents With Driver From Owner Operators—Interstate Moving.  
 7632—Purchased Transportation—Tractor Rents With Driver From Owner Operators—Intrastate Moving.  
 7633—Purchased Transportation—Tractor Rents With Driver From Owner Operators—Local Moving.  
 7638—Purchased Transportation—Tractor Rents With Driver From Owner Operators—Overseas Import and Export.

NOTE A.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7638.

#### 7640—Purchased Transportation—Tractor-Trailer Rents With Driver—From Agent.

This account shall include amounts payable to carrier agents for furnishing tractor-trailer combinations with the service of drivers for the exclusive use of and control by the carrier on a domestic basis. The arrangement specifies that the driver shall be paid by the carrier's agent and accordingly shall not be included on the carrier's payroll. The amounts in this account shall be charged to the following activities in accordance with instruction 28B:

- 7641—Purchased Transportation—Tractor-Trailer Rents With Driver—From Agent—Interstate Moving.  
 7642—Purchased Transportation—Tractor-Trailer Rents With Driver—From Agent—Intrastate Moving.  
 7648—Purchased Transportation—Tractor-Trailer Rents With Driver—From Agent—Overseas Import and Export.

NOTE A.—The above-described purchase of motor vehicle carriage provided by agents for loaded overseas containers shall be charged to account 7648.

#### 7650—Purchased Transportation—Tractor-Trailer Rents With Driver—From Owner Operators.

This account shall include amounts payable to owner operators for furnishing tractor-trailer combination revenue vehicles, as well as their driving services. The vehicle and independent contractor operate at the direction of the reporting carrier who bills the transportation services provided his customer as if the service had been rendered by the company. The amounts in this account shall be charged to the following activities in accordance with instruction 28B:

- 7651—Purchased Transportation—Tractor-Trailer Rents With Driver—From Owner Operators—Interstate Moving.  
 7652—Purchased Transportation—Tractor-Trailer Rents With Driver—From Owner Operators—Intrastate Moving.  
 7653—Purchased Transportation—Tractor-Trailer Rents With Driver—From Owner Operators—Local Moving.  
 7658—Purchased Transportation—Tractor-Trailer Rents With Driver—From Owner Operators—Overseas Import and Export.

NOTE A.—The above-described purchase of motor vehicle carriage provided by owner operators for loaded overseas containers shall be charged to account 7658.

#### 7660—Purchased Labor—Temporary Help.

This account shall be charged with amounts paid to road help purchased by the company driver while out of town in order to provide transportation services to the company's customer. It also includes payments to other carriers (or agents) for providing similar over-the-road temporary labor. If contract labor is required to perform local transporta-



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tion services, this account should also be charged.

In all instances when transportation services are performed at origin or destination points by temporary help, the amounts in this account should be distributed to the following activities in accordance with instruction 28B:

- 7661—Purchased Labor—Temporary Help—Interstate Moving.
- 7662—Purchased Labor—Temporary Help—Intrastate Moving.
- 7663—Purchased Labor—Temporary Help—Local Moving.

7680—Purchased Transportation—Other Transportation Modes.

This account shall include payments to other transportation modes for the intercity transportation of the reporting carrier's loaded or empty revenue vehicles and containers.

## ITEMS (SEE INSTRUCTION 6)

Airlines.  
Railroads.  
Water Carriers.

Amounts in this account are chargeable to the following activities in accordance with instruction 28B:

- 7681—Purchased Transportation—Other Transportation Modes—Interstate Moving.
- 7682—Purchased Transportation—Other Transportation Modes—Intrastate Moving.
- 7688—Purchased Transportation—Other Transportation Modes—Overseas Import and Export.

**NOTE A.**—If the carrier arranges for the overseas transportation of loaded containers on an ocean vessel, and the transfer of such shipments to a motor vehicle at a foreign port and delivery to destination, amounts collected from the shipper shall be credited direct to Account 2034—Accounts Payable—Other. This treatment recognizes no revenue or expense to the carrier for completing these foreign moving services.

7690—Purchased Transportation—Equipment Rents—Credit.

This account shall be credited with rents receivable by the reporting company for owned or leased revenue vehicles which are furnished to others without the services of drivers. This account shall also be credited with rents receivable for owned or leased revenue vehicles furnished to van line carriers by agents, or furnished to agents by van line carriers, under an agreement whereby both the vehicle and driver are furnished by the reporting company, but the wages of the driver are paid separately by the hiring company and included on its payroll.

The amount in this account shall be distributed to the following activities in accordance with instruction 28B:

- 7691—Purchased Transportation—Equipment Rents—Credit—Interstate Moving.
- 7692—Purchased Transportation—Equipment Rents—Credit—Intrastate Moving.

**NOTE A.**—Receivables from van line carriers by agents which cover both the rent of an intercity vehicle and wages of the

driver shall be credited to revenue Account Series 3400—Intercity Transportation for Other Motor Carriers.

**NOTE B.**—Receivables from other motor carriers which cover both the rent of a local hauling vehicle and wages of the driver shall be credited to revenue account 3300—Local Moving.

7700—Travel Expenses—Company Drivers and Other Operating Employees.

This account group includes miscellaneous over the road expenses not chargeable elsewhere when incurred by company drivers, as well as travel and entertainment expenses of employees whose salaries and wages are included in account series 4200 to 4900 inclusive.

## ITEMS (SEE INSTRUCTION 6)

Automobile allowances.  
Bedding used in drivers sleeping rooms and laundry service on such bedding.  
Drivers sleeping—room rents.  
Expenses incurred in collecting freight charges.

Expenses of employees used as guards on vehicles to protect freight from pilferage and hijacking.

Gasoline (use account 6110 for cost incurred by revenue vehicles or by service vehicles of the warehouse or maintenance activities).

Highway tolls.

Hotels and meals; subsistence pay.

Lodging.

Meals because of overtime work.

Oil (Use account 6120 for cost incurred by revenue vehicles or by service vehicles of the warehouse or maintenance activities).

Operating and maintenance expenses (such as: Cost of license plates; gasoline and oil, including taxes; tolls, etc.) reimbursed to other employees for the use of their own automobiles in company operations.

Parking and storage fees paid for daily and overnight parking of revenue equipment.

Physical examination of drivers and owner-operator drivers, when assumed by the company.

Subsistence.

Taxes (Federal, State, or other income; payroll; social security) of employees, assumed by the company.

Temporary storage charges for household goods occasioned by breakdowns, accident or other acts of God while being transported in the carrier's revenue vehicle.

Tires (use Account 6200 for cost incurred by revenue vehicles or by service vehicles of the warehouse or maintenance activities).

Tolls for bridges, tunnels, highways, and ferries, of revenue vehicles and service vehicles included in the warehouse or maintenance activities.

Traveling expenses.

Travel expenses incurred in deadheading intercity drivers and helpers.

Weight tickets.

The total of such amounts shall be distributed to the following activities in accordance with instructions 11 and 28B:

- 7701—Travel Expenses—Company Drivers and Other Operating Employees—Interstate Moving.
- 7702—Travel Expenses—Company Drivers and Other Operating Employees—Intrastate Moving.
- 7703—Travel Expenses—Company Drivers and Other Operating Employees—Local Moving.
- 7704—Travel Expenses—Company Drivers and Other Operating Employees—Indirect Operating—Carrier Only.

7705—Travel Expenses—Company Drivers and Other Operating Employees—Packing and Crating.

7707—Travel Expenses—Company Drivers and Other Operating Employees—Warehousing.

7708—Travel Expenses—Company Drivers and Other Operating Employees—Overseas Import and Export.

7709—Travel Expenses—Company Drivers and Other Operating Employees—Indirect Operating—Noncarrier.

7800—Travel and Entertainment—Sales, Office, and Management Personnel.

This account group includes expenses incurred while traveling for the benefit of company operations by officers, supervisory, sales and office personnel whose salaries are included in Account Series 4100.

## ITEMS (SEE INSTRUCTION 6)

Automobile allowances.

Banquets.

Conventions.

Entertainment.

Fuel, vehicle supplies, tubes and tires (see account 6300 for warehouse and maintenance activities).

Gifts for customers, purchased by and reimbursed to employees.

Hotels and meals; subsistence pay.

Meals because of overtime work.

Meetings.

Operating and maintenance expenses (such as: Cost of license plates, gasoline and oil, including taxes, tolls, etc.) reimbursed to sales office and management personnel for the use of their own automobiles in company operations.

Taxes (Federal, State, or other income; payroll, social security) of employees, assumed by the company.

Tolls for bridges, tunnels, highways, and ferries.

Transportation.

Traveling expenses—bus, rail, or air fares.

The total of such amounts shall be distributed to the following activities in accordance with instructions 11 and 28B:

- 7801—Travel and Entertainment—Sales, Office and Management Personnel—Interstate Moving.
- 7802—Travel and Entertainment—Sales, Office and Management Personnel—Intrastate Moving.
- 7803—Travel and Entertainment—Sales, Office and Management Personnel—Local Moving.
- 7804—Travel and Entertainment—Sales, Office and Management Personnel—Indirect Operating—Carrier Only.
- 7805—Travel and Entertainment—Sales, Office and Management Personnel—General and Administrative—Carrier Only.
- 7806—Travel and Entertainment—Sales, Office and Management Personnel—Packing and Crating.
- 7807—Travel and Entertainment—Sales, Office and Management Personnel—Warehousing.
- 7808—Travel and Entertainment—Sales, Office and Management Personnel—Overseas Import and Export.
- 7809—Travel and Entertainment—Sales, Office and Management Personnel—Indirect Operating—Noncarrier.
- 7900—General Expenses.

This account may be used as a control account for all accounts in the 7900 series. Class II carriers shall include in this account group the expenses includ-

able in accounts 7910, 7920, 7930, 7940, and 7990 for subscriptions, books, and periodicals, memberships and dues, conventions and meetings, postage, charitable contributions, miscellaneous corporate, and miscellaneous purchased services.

7904—General Expenses—Indirect Operating—Carrier Only.

7905—General Expenses—General and Administrative—Carrier Only.

7909—General Expenses—Indirect Operating—Noncarrier.

7910—Subscriptions, Books, and Periodicals.

This account shall include payments for books, trade and tax service publications, subscriptions to periodicals and newspapers, and other publications or services for sales leads and promotions.

## ITEMS (SEE INSTRUCTION 6)

Law books, periodicals, and subscriptions to special services.

Publications and services of a general nature. Tax reports, when handled by legal staff.

Tuition and text books for officers and employees attending technical, trade, and other schools.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

7914—Subscriptions, Books and Periodicals—Indirect Operating—Carrier Only.

7915—Subscriptions, Books, and Periodicals—General and Administrative—Carrier Only.

7919—Subscriptions, Books, and Periodicals—Indirect Operating—Noncarrier.

**NOTE A.**—Class II carriers shall use account 7900 to record subscriptions, books, and periodicals.

7920—Memberships and Dues.

This account shall include the cost of general membership fees and dues in chambers of commerce, etc., which cannot be allocated to specific natural classes. Also include membership fees and dues to traffic clubs and associations with members from both shippers and carriers, to golf clubs for members of the sales department, and to professional business societies. This account includes the cost of dues to trade associations, memberships in social clubs (used for business entertaining), technical associations, and basic memberships in trucking associations, as well. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

7924—Memberships and Dues—Indirect Operating—Carrier Only.

7925—Memberships and Dues—General and Administrative—Carrier Only.

7929—Memberships and Dues—Indirect Operating—Noncarrier.

**NOTE A.**—Class II carriers shall use account 7900 to record memberships and dues.

7930—Conventions and Meetings.

This account shall include the cost of conducting (not attending) conventions and meetings to disseminate information and procedures to the company's agents. Income received from agents, as registration fees for attending these company sponsored programs should be credited to this account.

## RULES AND REGULATIONS

## ITEMS (INSTRUCTION 6)

Announcements.

Badges.

Band.

Banquet costs.

Coffee breaks.

Education materials (printing costs).

Equipment rentals.

Favors.

Film rentals.

Flowers.

Gifts.

Luncheons.

Music.

Programs (printing costs).

Projectors.

Speakers (expense paid).

Special forms (for use on programs).

Special mailing costs.

Special meeting rooms (rentals).

Temporary help (at convention or meeting only).

Tickets.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

7934—Conventions and Meetings—Indirect Operating—Carrier Only.

7939—Conventions and Meetings—Indirect Operating—Noncarrier.

**NOTE A.**—Class II carriers shall use Account 7900 to record convention and meeting expenses.

**NOTE B.**—Expenses incurred while attending conventions and meetings shall be charged to Account 7800—Travel and Entertainment—Sales, Office, and Management Personnel.

7940—Postage.

This account shall include the cost of postage for corporate correspondence, parcel post, and postage meter rentals.

The total of such amounts shall be charged to the following activities in accordance with instruction 28B:

7945—Postage—General and Administrative—Carrier Only.

7949—Postage—Indirect Only—Noncarrier.

**NOTE A.**—Class II carriers shall use account 7900 to record postage expenses.

**NOTE B.**—Postage charges for incoming supplies should be considered a cost of the supplies.

**NOTE C.**—Cost of postage for tariffs and schedules should be included in Account 6320—Tariffs and Schedules.

7990—Miscellaneous Corporate Expenses.

This account group includes the cost of general supplies and expenses as well as miscellaneous services purchased in connection with company operations not included elsewhere.

Annual fees for listing stock on exchanges.

Appraisals of operating property for record purposes.

Armored car service.

Awards of merchandise and other safety campaign expenses for employees (but not bonuses).

Bank service charges.

Cash bail forfeited by a driver's nonappearance in court in connection with a traffic violation.

Contributions for charitable, social, or community welfare purposes that have a direct or intimate relationship to the protection of the property, development of the business or welfare of the carrier's employees. (See instruction 29, and Account 9400—Other Nonoperating Income.)

Cost of advertising for hiring personnel.

Cost of Christmas, wedding, and similar presents given to employees.

Court costs and fees.

Demurrage, wharfage and similar expenses when not recollectible from customers.

Directors fees and expenses.

Discounts not practical to apply to the items purchased.

Donations to funds used for the prevention of strikes.

Facilities and services for employees, such as: costs of picnics, recreational activities, and equipping baseball, bowling, and other athletic teams.

Fines for traffic violations.

Inspection costs of operating property by State inspection bureaus.

Inventory adjustments not otherwise apportioned. (See Account 1151—Materials and Supplies.)

Law expenses of receivers.

Losses from acceptance of counterfeit money.

Losses (net) from operation of employee lunchrooms.

Moving costs of employees' household goods when borne by the company.

Opening celebration expenses for a new warehouse, other building, etc.

Parking and storage fees paid for daily and overnight parking of revenue vehicles.

Premiums on court and other bonds.

Printing of annual reports, notices to stockholders, proxies, etc.

Statutory agent, fees for accepting service of notices, orders, and processes.

Sundry operating expenses not included in other operating expense accounts.

Technical advice and services incident to the purchase of materials and supplies.

Temporary storage charges for cargo occasioned by breakdowns, accident or other causes while being transported in the carrier's revenue vehicle.

Towel service.

Transcripts of testimony, copies of exhibits, etc.

Vacation camps for employees, operating costs.

Witness fees.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

7994—Miscellaneous Corporate Expenses—Indirect Operating—Carrier Only.

7995—Miscellaneous Corporate Expenses—General and Administrative—Carrier Only.

7999—Miscellaneous Corporate Expenses—Indirect Operating—Noncarrier.

**NOTE A.**—Class II carriers shall use account 7900 to record miscellaneous corporate expenses.

**NOTE B.**—Fines assessed against employees for violation of company rules, shall be credited to this account.

8100—Depreciation.

This account may be used as a control account for all accounts in the 8100 series.

8110—Depreciation—Revenue Equipment.

This account shall include depreciation of revenue equipment. (See list of items in Account 1221—Revenue Equipment) (classes I and II). The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8111—Depreciation—Revenue Equipment—Interstate Moving.

8112—Depreciation—Revenue Equipment—Intrastate Moving.



8113—Depreciation—Revenue Equipment—Local Moving.  
8116—Depreciation—Revenue Equipment—Packing and Crating.

8120—Depreciation—Shop and Garage Equipment.

This account shall include the depreciation of shop and garage equipment, the investment in which is included in Account 1230—Other Carrier Property (class II), or Account 1233—Shop and Garage Equipment (class I). The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8124—Depreciation—Shop and Garage Equipment—Indirect Operating—Carrier Only.

8126—Depreciation—Shop and Garage Equipment—Indirect Operating—Carrier Only.

8130—Depreciation—Service Cars and Equipment.

This account shall include the depreciation of automobiles, lift trucks, wreckers, sand and salt cars, and other service equipment, the investment in which is included in Account 1223—Service Cars and Equipment (classes I and II).

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8134—Depreciation—Service Cars and Equipment—Indirect Operating—Carrier Only.

8136—Depreciation—Service Cars and Equipment—General and Administrative—Carrier Only.

8137—Depreciation—Service Cars and Equipment—Warehousing.

8138—Depreciation—Service Cars and Equipment—Overseas Import and Export.

8139—Depreciation—Service Cars and Equipment—Indirect Operating—Noncarrier.

8140—Depreciation—Buildings and Structures.

This account shall include depreciation of structures situated on owned land, including all fixtures permanently attached thereto, and of improvements to owned land and other structures or constructions, the investment in which is included in Account 1210—Land and Structures (class II) or Account 1213—Structures (class I).

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8145—Depreciation—Buildings and Structures—General and Administrative—Carrier Only.

8146—Depreciation—Buildings and Structures—Packing and Crating.

8147—Depreciation—Buildings and Structures—Warehousing.

8148—Depreciation—Buildings and Structures—Overseas Import and Export.

8149—Depreciation—Buildings and Structures—Indirect Operating—Noncarrier.

8150—Depreciation—Furniture and Office Equipment.

This account shall include the depreciation of furniture, fixtures, office equip-

ment, and appliances, the investment in which is included in Account 1230—Other Carrier Property (class II) or Account 1235—Furniture and Office Equipment (class I).

The total of such amounts shall be distributed to the following activities in accordance with instructions 28B:

8154—Depreciation—Furniture and Office Equipment—Indirect Operating—Carrier Only.

8155—Depreciation—Furniture and Office Equipment—General and Administrative—Carrier Only.

8156—Depreciation—Furniture and Office Equipment—Packing and Crating.

8157—Depreciation—Furniture and Office Equipment—Warehousing.

8158—Depreciation—Furniture and Office Equipment—Overseas Import and Export.

8159—Depreciation—Furniture and Office Equipment—Indirect Operating—Noncarrier.

8170—Depreciation—Undistributed Property.

This account shall include depreciation of property temporarily included in Account 1230—Other Carrier Property (class I). The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8175—Depreciation—Undistributed Property—General and Administrative—Carrier Only.

8179—Depreciation—Undistributed Property—Indirect Operating—Noncarrier.

8190—Depreciation—Miscellaneous Equipment.

This account shall include the depreciation, not provided for elsewhere, of equipment employed in company operations, the investment in which is included in Account 1230—Other Carrier Property (class II) or Account 1237—Miscellaneous Equipment (class I).

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B (see note A):

8191—Depreciation—Miscellaneous Equipment—Interstate Moving.

8192—Depreciation—Miscellaneous Equipment—Intrastate Moving.

8193—Depreciation—Miscellaneous Equipment—Local Moving.

8194—Depreciation—Miscellaneous Equipment—Indirect Operating—Carrier Only.

8195—Depreciation—Miscellaneous Equipment—General and Administrative—Carrier Only.

8196—Depreciation—Miscellaneous Equipment—Packing and Crating.

8197—Depreciation—Miscellaneous Equipment—Warehousing.

8198—Depreciation—Miscellaneous Equipment—Overseas Import and Export.

8199—Depreciation—Miscellaneous Equipment—Indirect Operating—Noncarrier.

NOTE A.—Where practical companies should distribute such depreciation based on the predominant use of the equipment.

Depreciation of equipment for which it is not practical to distribute in this manner shall be distributed to either account 8196 or account 8199, as appropriate.

8200—Amortization Expenses.

This account may be used as a control account by classes I and II carriers for all accounts in the 8200 series.

8210—Amortization of Leasehold Improvements.

This account shall include the amortization of improvements to leasehold property installed by the company, the investment in which is included in Account 1230—Other Carrier Property (class II), or Account 1241—Improvements to Leasehold Property (class I).

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8215—Amortization of Leasehold Improvements—General and Administrative—Carrier Only.

8217—Amortization of Leasehold Improvements—Warehousing.

8218—Amortization of Leasehold Improvements—Overseas Import and Export.

8219—Amortization of Leasehold Improvements—Indirect Operating—Noncarrier.

8220—Amortization Expense (Other).

This account shall include the amortization applicable to amounts representing the cost of acquiring:

(1) Long-term leaseholds of land and easements used in company operations carried in Account 1341—Other Intangible Property (classes I and II).

(2) Fixed-term motor carrier franchises and consents carried in Account 1310—Organization, Franchises and Permits (class II) or in Account 1321—Franchises (class I).

(3) Fixed-term permits, licenses, and patent rights carried in Account 1310—Organization, Franchises and Permits (class II) or in Account 1331—Permits and Patents (class I).

(4) Other fixed-term intangible property carried in Account 1341—Other Intangible Property (classes I and II).

The amounts in this account shall be distributed to either account 8225 or account 8229 in accordance with instruction 28B:

NOTE A.—Amortization charges on the book cost of intangible items that are not restricted to a fixed term shall be charged to Account 8422—Corporate Expenses—Amortization (Franchises, Permits, and Other).

8300—Rent—Other Than Revenue Equipment.

This account may be used as a control account for all accounts in the 8300 series. Class II carriers shall include in this account group the expenses includible in accounts 8310, 8320, and 8330 for rent on building property, office machines, and equipment, and other equipments not classified as revenue equipment. Such expenses shall be distributed to the following accounts in accordance with instruction 28B:

8304—Rent—Other Than Revenue Equipment—Indirect Operating—Carrier Only.

8305—Rent—Other Than Revenue Equipment—General and Administrative—Carrier Only.

8306—Rent—Other Than Revenue Equipment—Packing and Crating.

8307—Rent—Other Than Revenue Equipment—Warehousing.

8308—Rent—Other Than Revenue Equipment—Overseas Import and Export.

8309—Rent—Other Than Revenue Equipment—Indirect Operating—Carrier Only.

8310—Rent on Building Property.

This account shall include rental payments for real estate and other property except revenue equipment, used in company operations. This account shall also be credited with amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting company are charged hereto.

ITEMS (SEE INSTRUCTION 6)

Fees paid to rental agents for the current period.

Garage space and hangar storage rents for service cars and equipment.

Monthly leases in parking lots and garages used for parking and storing revenue equipment.

Taxes paid by the carrier on the property of others, which represent rental charges for such property used in carrier operations.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8314—Rent on Building Property—Indirect Operating—Carrier Only.

8315—Rent on Building Property—General and Administrative—Carrier Only.

8317—Rent on Building Property—Warehousing.

8318—Rent on Building Property—Overseas Import and Export.

8319—Rent on Building Property—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 8300 to record rent on building property.

8320—Rent on Office Equipment.

This account includes rental payments for office equipment (including data processing equipment), used in company operations. Fees paid to a rental agent for the current period shall also be debited to this account. The amounts in this account shall be distributed to the following activities based on their predominant use in accordance with instruction 28B:

8324—Rent on Office Equipment—Indirect Operating—Carrier Only.

8325—Rent on Office Equipment—General and Administrative—Carrier Only.

8329—Rent on Office Equipment—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 8300 to record rent on office machines and equipment.

NOTE B.—Rental payments for communications equipment used in conjunction with office or data processing equipment shall be charged to Account 7500—Communication Services.

NOTE C.—Materials and supplies used by data processing equipment shall be charged to Account 6610—Printed Forms and Office Supplies. Data processing equipment rentals used in carrier activities are chargeable to account 8325 only.

8330—Rent on Miscellaneous Equipment.

This account shall include amounts paid in the current period or the cur-

rent period portion of rentals paid in prior accounting periods, for rental of miscellaneous equipment as itemized below:

ITEMS (INSTRUCTION 6)

Cranes, rented with or without drivers.

Dollies.

Fork trucks.

Hand trucks.

Lift trucks, rented with or without drivers.

Pallets.

Rents payable for miscellaneous equipment (e.g., portable rayon frames, dress racks) used in vehicles to prevent damage and to facilitate handling of shipments.

Scales.

Skidboards.

Weighing devices.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8334—Rent on Miscellaneous Equipment—Indirect Operating—Carrier Only.

8336—Rent on Miscellaneous Equipment—Packing and Crating.

8337—Rent on Miscellaneous Equipment—Warehousing.

8338—Rent on Miscellaneous Equipment—Overseas Import and Export.

8339—Rent on Miscellaneous Equipment—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 8300 to record rentals on miscellaneous equipment.

NOTE B.—This account shall not include rental payments for revenue and office equipment.

8400—Taxes and Licenses.

This account may be used as a control account for all accounts in the 8400 series.

8410—Real Estate and Personal Property Taxes.

This account shall include the amount of taxes based on the value of real estate and personal property. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8414—Real Estate and Personal Property Taxes—Indirect Operating—Carrier Only.

8415—Real Estate and Personal Property Taxes—General and Administrative—Carrier Only.

8417—Real Estate and Personal Property Taxes—Warehousing.

8418—Real Estate and Personal Property Taxes—Overseas Import and Export.

8419—Real Estate and Personal Property Taxes—Indirect Operating—Noncarrier.

8420—Vehicle Licenses and Registration Fees—State and Local.

This account shall include the cost of all State, county, and municipal taxes, licenses and fees assessed for the privilege of owning or operating vehicles.

ITEMS (SEE INSTRUCTION 6)

Certificate of title fees.

Cost of identification plates, tags, cards, etc., issued by State and regulatory bodies.

License plate fees.

Registration fees.

Vehicle qualification fees.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8421—Vehicle Licenses and Registration Fees—State and Local—Interstate Moving.

8422—Vehicle Licenses and Registration Fees—State and Local—Intrastate Moving.

8423—Vehicle Licenses and Registration Fees—State and Local—Local Moving.

8424—Vehicle Licenses and Registration Fees—State and Local—Indirect Operating—Carrier Only.

8425—Vehicle Licenses and Registration Fees—State and Local—General and Administrative—Carrier Only.

8426—Vehicle Licenses and Registration Fees—State and Local—Packing and Crating.

8429—Vehicle Licenses and Registration Fees—State and Local—Indirect Operating—Noncarrier.

8430—Vehicle Licenses and Registration Fees—Federal.

This account shall include the cost of all Federal taxes, licenses, and fees assessed for the privilege of owning or operating vehicles. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8431—Vehicle Licenses and Registration Fees—Federal—Interstate Moving.

8432—Vehicle Licenses and Registration Fees—Federal—Intrastate Moving.

8433—Vehicle Licenses and Registration Fees—Federal—Local Moving.

8434—Vehicle Licenses and Registration Fees—Federal—Indirect Operating—Carrier Only.

8435—Vehicle Licenses and Registration Fees—Federal—General and Administrative—Carrier Only.

8436—Vehicle Licenses and Registration Fees—Federal—Packing and Crating.

8439—Vehicle Licenses and Registration Fees—Federal—Indirect Operating—Noncarrier.

8440—Gas, Diesel Fuel, and Oil Taxes—State and Local.

This account shall include all State, county, municipal, and other taxes on gasoline, diesel fuel, other fuels, and oil consumed by revenue vehicles or service vehicles necessary for transportation activities. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B (see note A below):

8441—Gas, Diesel Fuel, and Oil Taxes—State and Local—Interstate Moving.

8442—Gas, Diesel Fuel, and Oil Taxes—State and Local—Intrastate Moving.

8443—Gas, Diesel Fuel, and Oil Taxes—State and Local—Local Moving.

8444—Gas, Diesel Fuel, and Oil Taxes—State and Local—Indirect Operating—Carrier Only.

8446—Gas, Diesel Fuel, and Oil Taxes—State and Local—Packing and Crating.

NOTE A.—This distribution shall be in proportion to the expense of the fuel or oil upon which the tax was levied or any other reasonable basis which the company can substantiate.

NOTE B.—State and other taxes on fuel consumed by noncarrier vehicle equipment shall be included as appropriate in the following accounts:

6110—Gasoline and Diesel Fuel.

6120—Motor Oils and Lubricants.



**8450—Gas, Diesel Fuel, and Oil Taxes—Federal.**

This account shall include all Federal taxes on gasoline, diesel fuel, other fuels, and oil consumed by revenue vehicles and maintenance service vehicles necessary for transportation activities. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B (see note A below):

- 8451—Gas, Diesel Fuel, and Oil Taxes—Federal—Interstate Moving.
- 8452—Gas, Diesel Fuel, and Oil Taxes—Federal—Intrastate Moving.
- 8453—Gas, Diesel Fuel, and Oil Taxes—Federal—Local Moving.
- 8454—Gas, Diesel Fuel, and Oil Taxes—Federal—Indirect Operating—Carrier Only.
- 8455—Gas, Diesel Fuel, and Oil Taxes—Federal—Packing and Crating.

NOTE A.—This distribution shall be in proportion to the expense of the fuel or oil upon which the tax was levied or any other reasonable basis which the company can substantiate.

NOTE B.—See note B, account 8440.

**8480—Other Taxes—Federal.**

This account includes all other Federal operating taxes, licenses, and fees not specifically provided for in accounts 8430 and 8450. The amounts in this account are chargeable to the following activities in accordance with instruction 28B:

- 8484—Other Taxes—Federal—Indirect Operating—Carrier Only.
- 8485—Other Taxes—Federal—General and Administrative—Carrier Only.
- 8489—Other Taxes—Federal—Indirect Operating—Noncarrier.

**8490—Other Taxes—State and Local.**

This account includes all other State, county, and municipal operating taxes, licenses, and fees not specifically provided for in accounts 8420 and 8440.

**ITEMS (SEE INSTRUCTION 6)**

Assessments levied by public authorities for the maintenance of public improvements. Capital stock taxes. Corporation taxes (for purposes of doing business as a corporation). Gross receipts taxes. Occupancy taxes. Permits to haul liquor, etc.

State taxes imposed for the privilege of doing business within a State which are based on net income assigned to the State, when such taxes are considered a franchise tax rather than an income tax by the State tax agency.

Taxes on revenue from the rental of vehicles (when assessed against the carrier).

The amounts in this account are chargeable to the following activities in accordance with instruction 28B:

- 8494—Other Taxes—State and Local—Indirect Operating—Carrier Only.
- 8495—Other Taxes—State and Local—General and Administrative—Carrier Only.
- 8499—Other Taxes—State and Local—Indirect Operating—Noncarrier.

NOTE A.—Taxes on revenue from rental of vehicles, when assessed against the lessee but absorbed by the carrier, shall be debited to account 7600, which is credited with the rental revenue.

**8600—Insurance.**

This account may be used as a control account for all accounts in the 8600 series.

**8610—Cargo Loss and Damage Insurance—Premiums Paid.**

This account includes the net cost (premiums less dividends or refunds) of commercial insurance (see instruction 22(a)) to protect the company against liability for claims resulting from loss or damage to, or delay of property entrusted to it for transportation or storage. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

- 8611—Cargo Loss and Damage Insurance—Premiums Paid—Interstate Moving.
- 8612—Cargo Loss and Damage Insurance—Premiums Paid—Intrastate Moving.
- 8613—Cargo Loss and Damage Insurance—Premiums Paid—Local Moving.
- 8617—Cargo Loss and Damage Insurance—Premiums Paid—Warehousing.
- 8618—Cargo Loss and Damage Insurance—Premiums Paid—Overseas Import and Export.

- 8619—Cargo Loss and Damage Insurance—Premiums Paid—Indirect Operating—Noncarrier.

**8620—Public Liability and Property Damage—Premiums Paid.**

This account includes the net cost (premiums less dividends or refunds) of commercial insurance (see instruction 22(a)) to protect the company against liability for deaths of or injuries to persons (other than the company's employees) and damages to property of others resulting from the operation of owned and leased vehicles. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

- 8621—Public Liability and Property Damage—Premiums Paid—Interstate Moving.
- 8622—Public Liability and Property Damage—Premiums Paid—Intrastate Moving.
- 8623—Public Liability and Property Damage—Premiums Paid—Local Moving.
- 8624—Public Liability and Property Damage—Premiums Paid—Indirect Operating—Carrier Only.

- 8626—Public Liability and Property Damage—Premiums Paid—Packing and Crating.

- 8629—Public Liability and Property Damage—Premiums Paid—Indirect Operating—Noncarrier.

NOTE A.—A commission received from owner-operators for including their insurance coverage in the carrier's own policy shall be credited to account 8630.

**8630—Public Liability and Property Damage—Collections From Haulers (Credit).**

This account shall be credited with the collection or chargeback to owner operators for the amount of public liability and property damage insurance premiums received as commission from these individuals (as a part of the contractual hauling agreement). The total of such amounts shall be credited to the following activities in accordance with instruction 28B:

- 8631—Public Liability and Property Damage—Collections from Haulers (Credit)—Interstate Moving.
- 8632—Public Liability and Property Damage—Collections from Haulers (Credit)—Intrastate Moving.
- 8633—Public Liability and Property Damage—Collections from Haulers (Credit)—Local Moving.

NOTE A.—Class II carriers shall use account 8630 to record any of the above collections from haulers.

**8640—Fire, Theft, and Collision Insurance—Premiums Paid.**

This account includes the net cost (premiums less dividends or refunds) of commercial insurance (see instruction 22(b)) to protect the company against loss from fire, theft, or collision damage to owned or leased vehicles and equipment. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

- 8641—Fires, Theft, and Collision Insurance—Premiums Paid—Interstate Moving.
- 8642—Fires, Theft, and Collision Insurance—Premiums Paid—Intrastate Moving.
- 8643—Fires, Theft, and Collision Insurance—Premiums Paid—Local Moving.
- 8646—Fires, Theft, and Collision Insurance—Premiums Paid—Packing and Crating.

- 8649—Fires, Theft, and Collision Insurance—Premiums Paid—Indirect Operating—Noncarrier.

NOTE A.—Fire insurance on buildings and structures shall be charged to account 8660—Insurance on Buildings and Structures.

NOTE B.—A commission received from owner-operators for including their insurance in the carrier's own fleet policy shall be credited to account 8650.

**8650—Fire, Theft, and Collision—Collections from Haulers (Credit).**

This account shall be credited with the collection or chargeback to independent contractors (owner operators) for the amount of fire, theft, and collision insurance premiums received as commission from these individuals by the carrier (as a part of the contractual hauling agreement). The total of such amounts shall be credited to the following activities in accordance with instruction 28B:

- 8651—Fire, Theft, and Collision—Collections from Haulers (Credit)—Interstate Moving.

- 8652—Fire, Theft, and Collision—Collections from Haulers (Credit)—Intrastate Moving.

- 8653—Fire, Theft, and Collision—Collections from Haulers (Credit)—Local Moving.

NOTE A.—Class II carriers shall use Account 8640 to record any of the above collections from haulers.

**8660—Insurance on Buildings and Structures.**

This account includes the net cost (premiums less dividends or refunds) of commercial insurance (see instruction 22(b)) to protect the company against loss of, or damage to buildings and structures caused by fire, floods, wind, boiler explosion, or any other causes.

This account group shall also be charged, and Account 2130—Other Current and Accrued Liabilities (class II) or

Account 2717—Self-Insurance (Estimated Liability; Accrued) (class I) shall be credited with the self-insured portion of coverage sufficient to meet the probable losses which are not covered by commercial insurance.

The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

- 8665—Insurance on Buildings and Structures—General and Administrative—Carrier Only.
- 8667—Insurance on Buildings and Structures—Warehousing.
- 8669—Insurance on Buildings and Structures—Indirect Operating—Noncarrier.

**8690—Other Insurance Expense.**

This account includes the net cost (premiums less dividends and refunds) of commercial insurance (see instruction 22 (a) and (b)) to protect the company against liabilities and losses, the cost of which is not provided for elsewhere.

This account group shall also be charged and Account 2130—Other Current and Accrued Liabilities (class II) or Account 2175—Other Estimated Liabilities (Estimated Liabilities; Accrued) (class I) shall be credited with any self-insured portion of coverage sufficient to meet the probable liabilities, losses, and related legal fees which are not covered by commercial insurance for the classes of risks set out below.

**ITEMS (SEE INSTRUCTION 6)****Burglary.**

Comprehensive general liability insurance to cover liability resulting from other than operation of owned or leased vehicles. Cost of liquor bonds (see note A). Cost of bonds furnished to guarantee the payment of State mileage taxes (see note A).

Detective fees for investigation of cargo losses. Fidelity. Holdup. Owners' landlords' and tenants' liability. Premiums on performance bonds. Rewards for information leading to the return of stolen money.

The amounts in this account are chargeable to the following activities in accordance with instruction 28B:

- 8695—Other Insurance Expense—General and Administrative—Carrier Only.

- 8697—Other Insurance Expense—Warehousing.

- 8699—Other Insurance Expense—Indirect Operating—Noncarrier.

NOTE A.—Recoverable cash deposits in lieu of bonds furnished shall be included in Account 1020—Special Deposits (class II) or Account 1023—Miscellaneous Special Deposits (class I).

**8700—Provision for Claims—Self-Insured Portion.**

This account may be used as a control account for all accounts in the 8700 series. Class II carriers shall include in this account group the expenses includable in accounts 8710, 8720, and 8740 for provisions for self-insured claims—cargo loss and damage, public liability, and property damage, and fire, theft, and collision.

Such expenses shall be distributed to the following accounts in accordance with instruction 28B:

- 8701—Provision for Claims—Self-Insured Portion—Interstate Moving.
- 8702—Provision for Claims—Self-Insured Portion—Intrastate Moving.
- 8703—Provision for Claims—Self-Insured Portion—Local Moving.
- 8706—Provision for Claims—Self-Insured Portion—Packing and Crating.
- 8707—Provision for Claims—Self-Insured Portion—Warehousing.
- 8708—Provision for Claims—Self-Insured Portion—Overseas Import and Export.
- 8709—Provision for Claims—Self-Insured Portion—Indirect Operating—Noncarrier.

**8710—Provision for Claims—Self-Insured Portion—Cargo Loss and Damage.**

This account shall be charged, and Account 2130—Other Current and Accrued Liabilities (class II) or Account 2173—Cargo Loss and Damage Claims (Estimated Liabilities; Accrued) (class I) shall be credited with the self-imposed portion of coverage sufficient to meet the probable liabilities and related legal fees, which are not covered by commercial insurance for the classes of risks set out in Account 8610. This includes, for example, company protection against liability for claims resulting from loss or damage to, or delay of property entrusted to it for transportation or storage. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

- 8711—Provision for Claims—Self-Insured Portion—Cargo Loss and Damage—Interstate Moving.
- 8712—Provision for Claims—Self-Insured Portion—Cargo Loss and Damage—Intrastate Moving.
- 8713—Provision for Claims—Self-Insured Portion—Cargo Loss and Damage—Local Moving.
- 8717—Provision for Claims—Self-Insured Portion—Cargo Loss and Damage—Warehousing.
- 8718—Provision for Claims—Self-Insured Portion—Cargo Loss and Damage—Overseas Import and Export.
- 8719—Provision for Claims—Self-Insured Portion—Cargo Loss and Damage—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 8700 to record any self-insured provisions for cargo loss and damage.

NOTE B.—When unclaimed freight is sold, and neither the shipper nor the consignee is known, the receipts shall be applied against any unpaid transportation charges for the property sold and the balance, if any, shall be credited to this account.

**8720—Provision for Claims—Self-Insured Portion—Public Liability and Property Damage.**

This account shall be charged, and Account 2130—Other Current and Accrued Liabilities (class II) or Account 2172—Personal Injuries Property Damage Claims and Workmen's Compensation Claims (Estimated Liabilities; Accrued) (class I) shall be credited with the self-insured portion of coverage sufficient to meet the probable liabilities and related legal fees, not covered by commercial insurance for the classes of risks set out in account 8620. This includes, for example, company protection against liability for deaths of or injuries to persons (other than company employees) and damages to the property of others (except property entrusted to the company for transportation or storage), resulting from the operation of owned and leased vehicles. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

- 8721—Provision for Claims—Self-Insured Portion—Public Liability and Property Damage—Interstate Moving.
- 8722—Provision for Claims—Self-Insured Portion—Public Liability and Property Damage—Intrastate Moving.
- 8723—Provision for Claims—Self-Insured Portion—Public Liability and Property Damage—Local Moving.
- 8724—Provision for Claims—Self-Insured Portion—Public Liability and Property Damage—Indirect Operating—Carrier Only.
- 8726—Provision for Claims—Self-Insured Portion—Public Liability and Property Damage—Packing and Crating.
- 8729—Provision for Claims—Self-Insured Portion—Public Liability and Property Damage—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use account 8700 to record any self-insured provisions for public liability and property damage.

**8740—Provision for Claims—Self-Insured Portion—Fire, Theft, and Collision.**

This account shall be charged, and Account 2130—Other Current and Accrued Liabilities (class II) or Account 2171—Self-Insurance (estimated liabilities; accrued) (class I) shall be credited with the self-insured portion of coverage sufficient to meet the probable liabilities and related legal fees which are not covered by commercial insurance for the classes of risks set in account 8640. This includes, for example, company protection against loss from fire, theft, or collision damage to owned or leased vehicles and equipment used in company operations. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

- 8741—Provision for Claims—Self-Insured Portion—Fire, Theft and Collision—Interstate Moving.
- 8742—Provision for Claims—Self-Insured Portion—Fire, Theft and Collision—Intrastate Moving.
- 8743—Provision for Claims—Self-Insured Portion—Fire, Theft and Collision—Local Moving.
- 8746—Provision for Claims—Self-Insured Portion—Fire, Theft and Collision—Packing and Crating.
- 8747—Provision for Claims—Self-Insured Portion—Fire, Theft and Collision—Warehousing.
- 8749—Provision for Claims—Self-Insured Portion—Fire, Theft and Collision—Indirect Operating—Noncarrier.

NOTE A.—Class II carriers shall use Account 8700 to record any self-insured provisions for fire, theft, and collision.

NOTE B.—Fire insurance on buildings and structures shall be charged to Account 8660—Insurance on Buildings and Structures.



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**8800—Uncollectible Revenue.**

This account shall be charged, and Account 1131—Accounts Receivable—Customers and Interline (classes I and II) shall be credited, with receivables for carrier operating revenues, including interline proportions of revenue due from other carriers, which, after a reasonably diligent effort to collect, have proved impracticable of collection. If accounts which have been so written off are afterwards collected, the amount received shall be credited to this account: *Provided, however,* That such recoveries are from accounts charged off against this account. Debits to this account may be made monthly on the basis of the estimated average loss of revenue due to uncollectible accounts in which case the concurrent credit shall be to Account 1138—Allowance for Uncollectible Accounts (classes I and II). To the allowance thus established shall be charged such amounts as are determined to be uncollectible and amounts written off and subsequently collected shall be credited to the allowance. When charges to this account are made by estimate, the estimate shall be adjusted at the end of each calendar year to conform to the experience of the accounting carrier as determined by analysis of its accounts receivable. The total of such amounts in this account shall be distributed to the following accounts in accordance with instruction 28B:

**8805—Uncollectible Revenue—General and Administrative—Carrier Only.**  
**8809—Uncollectible Revenue—Indirect Operating—Noncarrier.**

**NOTE A.**—Losses on receivables for carrier operating revenues, including such losses on notes or claims receivable, shall be charged to account 8805. Losses on receivables for noncarrier operating revenues, including such losses on notes or claims receivable, shall be charged to account 8809.

**NOTE B.**—Losses on receivables for nonoperating revenues, including such losses on notes or claims receivable, shall be charged to account 8400.

**NOTE C.**—Uncollected COD's (through bankruptcy of delivery carrier or agent, fault of driver, etc.) shall be charged to account 8805.

**8900—Gain or Loss on Disposition of Operating Assets.**

This account may be used as a control account for all accounts in the 8900 series.

**8910—Gains on Disposition of Operating Assets.**

(a) This account shall reflect the gains on each unit of retired, sold, or traded-in operating assets, including accounts 1221 through 1232 (class II) and accounts 1221 through 1252 (class I), depreciated under the unit plan. (See instruction 21(a)(1).) This account shall also reflect the gains on disposition of carrier intangible property having a fixed term. (See instruction 21(b)(1).) Such amounts shall be credited to account 8915.

(b) Gains on disposition of property used in other than carrier operations shall be credited to Account 8919.

**NOTE A.**—Gains on disposition of intangible property not having a fixed term shall be included in Account 9510—Nonoperating Gains on Disposition of Assets.

**NOTE B.**—Gains on disposition of land and structures shall be included in Account 9530—Gains on Disposition of Land and Structures.

**8920—Losses on Disposition of Operating Assets.**

(a) This account shall reflect the loss on each unit of retired, sold, or traded-in carrier operating property, depreciated under the unit plan. (See instruction 21(a)(1).) This account shall also reflect the losses on disposition of carrier intangible property having a fixed term. (See instruction 21(b)(1).) Such amounts shall be charged to Account 8925.

(b) Losses on disposition of property used in other than carrier operations shall be charged to Account 8929.

**NOTE A.**—Losses on disposition of intangible property not having a fixed term shall be included in Account 9520—Nonoperating Losses on Disposition of Assets.

**NOTE B.**—Losses on disposition of land and structures shall be included in Account 9540—Losses on Disposition of Land and Structures.

**CLASS I AND CLASS II MOTOR CARRIERS  
OTHER INCOME AND EXPENSE ACCOUNT  
EXPLANATIONS**

**8100—Income From Noncarrier Operations (net) (classes I and II).**

(a) Class I carriers may use this account as a control account for accounts 8110 and 8120.

(b) Class II carriers may adopt their own classification of revenues and expenses for this account. The classification shall be such, however, as to permit ready analysis.

(c) This account shall include the revenues from and expenses incurred by the carrier in business activities that are not connected with its motor carrier operations, the investment in which is carried in Account 1261—Property Used in Other Than Carrier Operations (classes I and II).

**NOTE A.**—The expenses referred to in the text of this account include all elements of cost incurred in noncarrier operations, including depreciation and amortization of property used in other than motor carrier operations (even if the carrier derives no income from this property), rents, taxes (other than income taxes), assessments, insurance, et cetera.

**NOTE B.**—Uncollectible income from noncarrier operations shall be included in this account. (See also Account 8400—Other Nonoperating Income (net) (class II), and Account 8421—Bad Debts (other nonoperating deductions) (class I).)

**8110—Income From Noncarrier Operations (class I).**

This account shall include the revenues of the carrier derived from business activities which are not connected with its motor carrier operations.

The carrier may classify revenues according to its needs. Any subsidiary classification shall permit analysis of all major items included in this account.

**8120—Expenses of Noncarrier Operations (class I).**

This account shall include the expenses incurred by the carrier in business activities which are not connected with its motor carrier operations. The carrier may classify expenses according to its needs. Any subsidiary classifications shall permit ready analysis of all major items included in this account.

**NOTE A.**—See note A, account 8100.

**NOTE B.**—See note B, account 8100.

**8200—Interest and Dividend Income (classes I and II).**

Carriers may use this account as a control account for accounts 8210 and 8220.

**8210—Interest Income (classes I and II).**

(a) This account shall include interest accruing to the accounting carrier upon securities of other companies and Federal, State, or municipal governments, on loans, notes, and advances; special deposits and all other interest-bearing assets. Interest accrued shall not be credited to this account unless its payment is reasonably assured; in other cases, credits to this account shall be based upon the interest actually collected. The periodic amortization of a discount on the purchase of an interest-bearing note shall be credited to this account. (See instruction 18(c).)

(b) This account shall be kept so as to show separately the interest income from each investment and from each affiliated company.

**NOTE A.**—Service charges assessed by the carrier in connection with advances of money shall be included in this account.

**8220—Dividend Income (classes I and II).**

(a) This account shall include income derived by the accounting carrier from the dividends on stock of other companies held by it. Accruals of guaranteed dividends may be included in this account if the payment is reasonably assured.

(b) This account shall be kept so as to show separately the dividend income from each investment and from each affiliated company.

**8300—Lease of Distinct Operating Units.**

This account may be used as a control account for all accounts in the 8300 series.

**8310—Lease of Distinct Operating Unit—Debit.**

This account shall include amounts payable for rent of operating authority of a distinct operating unit (see definition 23) or system leased from others for use in motor carrier operations when the carrier has exclusive possession.

**NOTE A.**—Expenses incurred by the reporting carrier while using the vehicles or other property shall be recorded in the appropriate operating expense accounts.

**8320—Lease of Distinct Operating Unit—Credit.**

(a) This account shall include amounts receivable for the rental of

## RULES AND REGULATIONS

property constituting a distinct operating unit (see definition 23) or the rental of operating authority leased by the carrier to others for use in motor carrier operations, when the lessee has exclusive possession.

(b) This account shall be charged with all expenses assumed by the lessor in connection with the property leased, and shall be subdivided to show separately for each such lease the following:

- (1) Rent revenue.
- (2) Expenses.
- (3) Taxes.
- (4) Uncollectible rents.

**NOTE A.**—Accruals of depreciation on carrier operating property leased to others as part of a distinct operating unit shall be credited to Account 1252—Accumulated Depreciation and Amortization, Other Carrier Property (class II) or to Account 1252—Accumulated Depreciation, Carrier Operating Property Leased to Others (class I).

**8400—Other Nonoperating Income (net) (classes I and II).**

(a) Class I carriers may use this account as a control account for accounts 8410 through 8429.

(b) Class II carriers may subdivide this account to reflect separately other nonoperating income and other nonoperating deductions.

(c) This account shall include all income accrued to the accounting carrier in accordance with the terms of any contract by which the carrier is entitled to participate in the profits from the operations of others, including subsidiaries (see note A); and all other nonoperating income not provided for in any of the foregoing accounts. This account shall also include all deductions from gross income not provided for in any of the foregoing accounts, such as:

(1) Unsecured accruals on obligations arising under contracts whereby the accounting carrier has guaranteed the annual or more frequent periodic payment of money or performance of other obligation on the part of another corporation or person and because of the default of such other corporation or person, the liability of the accounting carrier has become actual.

(2) Losses resulting from the operations of others (including subsidiaries) whenever, in accordance with the terms of any contract, the accounting carrier is bound to contribute toward reimbursement of such losses.

(3) Losses on receivables, notes, or claims, that are not includible in Account 5950—Uncollectible Revenue (classes I and II), or Account 8100—Income From Noncarrier Operations (net) (class II), and Account 8120—Expense of Noncarrier Operations (class I).

(4) Amortization charges on the book cost of property included in Account 1310—Organization, Franchises and Permits (class II), and 1341—Other Intangible Property (class II), and in Accounts 1313 through 1341 (class I), which is not restricted to a fixed term, and other items among the carrier's assets. (See instruction 23(d).)

(5) Contributions for charitable, social, or community welfare purposes that do not have a direct or immediate relationship to the protection of the property, development of the business, or welfare of the carrier's employees. (See instruction 29, and Account 4690—Other General Supplies and Expenses.)

(6) Penalties and fines for violations of law except for violations of traffic regulations which are provided for in Account 4690—Other General Supplies and Expenses.

(7) The expense representing the excess of premiums for life insurance carried on the lives of officers and employees over the increase in the cash surrender value of the policies, when the carrier is the beneficiary. (See note A under instruction 22.) The excess of the proceeds of a policy over the cash surrender value upon the death of an insured officer or employee shall be credited to this account. (See, however, note B.)

(8) Other deductions from gross income.

**NOTE A.**—"Profits from the operations of others" does not include any dividends on stock. Income from dividends shall be credited to Account 8220—Dividend Income (classes I and II).

**NOTE B.**—Items described in this account shall be included in Account 8800—Extraordinary Items (class II) and Account 8810—Extraordinary Items (net) (class I) when qualifying as extraordinary pursuant to instruction 8.

**8410—Other Nonoperating Income (class I).**

This account shall include all income accrued to the accounting carrier in accordance with the terms of any contract by which the carrier is entitled to participate in the profits of others, and all other nonoperating income not provided for in accounts 8110, 8210, and 8220.

**8420—Other Nonoperating Deductions (class I).**

(a) Class I carriers may use this account as a control account for the following accounts 8421, 8422, 8423, and 8429.

(b) This account shall include all deductions from gross income not provided for in account 8120. (For items includible in this account, see account 8400.)

**8421—Bad Debts (class I).**

This account shall include losses on receivables, notes, or claims that are not includible in Account 5950—Uncollectible Revenue or Account 8120—Expenses of Noncarrier Operations.

**8422—Amortization (franchises, permits, and other) (class I).**

This account shall include amortization charges on the book cost of property included in Accounts 1313—Organization, 1321—Franchises, 1331—Permits and Patents, and 1341—Other Intangible Property, which is not restricted to a fixed term. (See instruction 23(d).)

**8423—Life Insurance Premiums (class I).**

This account shall include the expense representing the excess of premiums for life insurance carried on the lives of of-

ficers and employees over the increase in the cash surrender value of the policies, when the carrier is the beneficiary. (See note A under instruction 22.)

**8429—Other (nonoperating deductions) (class I).**

This account shall include all other deductions from gross income outlined in control account 8400 which are not includible in accounts 8410 through 8423.

**8500—Gain or Loss on Disposition of Other Assets (net) (classes I and II).**

(a) Class I carriers may use this account as a control account for account series 8500.

(b) Class II carriers may maintain records so as to show separately gains and losses on nonoperating assets, as well as permit ready analysis of each major gain or loss item.

(c) This account shall be used to record any gain or loss on retirement, sale, or trade-in of property used in other than carrier operations (including property acquired for use in carrier operations, but sold without being placed in service) and of intangible property which is not restricted to a fixed term. Accounting in this case shall be performed in accordance with instruction 21.

**8510—Nonoperating Gains on Disposition of Assets (class I).**

This account shall reflect the gain on each unit of retired, sold, or traded-in property, used in other than carrier operations, and on intangible property which is not restricted to a fixed term. (See instruction 21(b)(2).)

**8520—Nonoperating Losses on Disposition of Assets (class I).**

This account shall reflect the loss on each unit of retired, sold, or traded-in property, used in other than carrier operations, and on intangible property which is not restricted to a fixed term. (See instruction 21(b)(2).)

**8530—Gains on Disposition of Land and Structures (class I).**

This account shall reflect the gain on land which is sold or traded in and on structures which are retired, sold, or traded in. (See instruction 21(a)(4).)

**8540—Losses on Disposition of Land and Structures (class I).**

This account shall reflect the loss on land which is sold or traded in and on structures which are retired, sold, or traded in. (See instruction 21(a)(4).)

**8600—Interest and Amortization of Debt Discount and Expense and Premium.**

This account may be used as a control account for all accounts in the 8600 series.

**8610—Interest Expense—Equipment Obligations.**

This account group includes all interest accrued on equipment obligations issued or assumed by the carrier.

**NOTE A.**—This account shall not include interest on securities held by the carrier in



its treasury, in sinking or other special funds, or pledged as collateral.

**NOTE B.**—A short-term rate interest adjustment connected with the refinancing of old obligations shall be included in this account.

#### 8620—Interest Expense—Advances.

This account includes all interest accrued on advances issued or assumed by the carrier.

**NOTE A.**—This account shall not include interest on securities held by the carrier in its treasury, in sinking or other special funds, or pledged as collateral.

**NOTE B.**—See note B, account 8610.

#### 8630—Interest Expense—Bonds.

This account group includes all interest accrued on bonds issued or assumed by the carrier.

**NOTE A.**—This account shall not include interest on securities held by the carrier in its treasury, in sinking or other special funds, or pledged as collateral.

**NOTE B.**—See note B, account 8610.

#### 8640—Interest Expense—Other Long-term Obligations.

This account includes all interest accrued on other long-term obligations issued or assumed by the carrier.

**NOTE A.**—This account shall not include interest on securities held by the carrier in its treasury, in sinking or other special funds, or pledged as collateral.

**NOTE B.**—See note B, account 8610.

#### 8650—Interest Expense—Current Obligations.

This account group includes all interest accrued on current obligations issued or assumed by the carrier.

**NOTE A.**—This account shall not include interest on securities held by the carrier in its treasury, in sinking or other special funds, or pledged as collateral.

**NOTE B.**—See note B, account 8610.

#### 8660—Interest Expense—Matured Obligations.

This account group includes all interest accrued on matured obligations issued or assumed by the carrier.

**NOTE A.**—This account shall not include interest on securities held by the carrier in its treasury, in sinking or other special funds, or pledged as collateral.

**NOTE B.**—See note B, account 8610.

#### 8670—Amortization of Debt Discount and Expense.

This account group shall be charged each month with the applicable proportion of the unamortized discount and expense on outstanding long-term debt (see note A). Nonmaterial costs of tax stamps (for long-term notes, mortgages, etc.) shall be charged directly to this account.

**NOTE A.**—The proportion to be charged to this account each month shall be determined according to a rule, the uniform application of which during the interval between the issuance and maturity of any debt will completely amortize the discount at which such debt was issued and the debt expense connected therewith. Amounts charged to this account shall be concurrently credited to Account 1610—Deferred and Miscellaneous Debits (Class II) or Account 1611—Unamortized Debt Discount and Expense (Class I). (See instruction 17.)

#### 8680—Amortization of Premium on Debt—Credit.

This account shall be credited each month with the applicable proportion of the premium at which outstanding long-term debt was issued.

**NOTE A.**—The proportion to be credited to this account each month shall be determined according to a rule, the uniform application of which during the interval between the issuance and the maturity of any debt will completely amortize the premium at which such debt was issued. Amounts credited to this account shall be concurrently debited to Account 2410—Deferred credits (Class II) or Account 2411—Unamortized Premium on Debt (Class I).

#### 8700—Income Taxes on Ordinary Income (Classes I and II).

(a) Class I carriers may use this account as a control account for accounts 8710, 8720, and 8730.

(b) Class II carriers may subdivide this account to show separately amounts pertaining to: Federal income taxes, State income taxes, other income taxes.

(c) Monthly accruals for Federal, State, or other income taxes applicable to ordinary income shall be included in this account. (See texts of Account 8800—Extraordinary Items (class II), and Account 8850—Income Taxes on Extraordinary and Prior Period Items (class I), Account 2921—Other Credits to Retained Earnings (classes I and II), and Account 2961—Other Debits to Retained Earnings (classes I and II), for recording other income tax consequences.)

(d) Details pertaining to the tax consequences of other unusual and significant items, and also cases where the tax consequences are disproportionate to the related amounts included in income accounts, shall be submitted to the Commission for consideration and decision as to proper accounting.

(e) Income taxes which are refundable or reduced as the result of carryback or carryforward of operating loss shall be credited to this account, if a carryback, in the year in which the loss occurs or, if a carryforward, in the year in which such loss is applied to reduce taxes. However, when the amount constitutes an extraordinary item pursuant to instruction 8(a), it shall be included in Account 8800—Extraordinary and Prior Period Items (class II) and Account 8820—Prior Period Items (net) (class I).

**NOTE A.**—Personal income taxes of sole proprietors and members of partnerships shall not be charged to this account; if paid from funds of the business, the amounts thereof shall be charged to Account 2721—Drawings (classes I and II) (sole proprietorship equity), or 2821—Drawings (classes I and II) (partnership equity), as appropriate.

**NOTE B.**—In special income tax situations, not prescribed herein, the carrier should submit the proposed accounting to the Commission for consideration and advice. (See instruction 31.)

**NOTE C.**—Income taxes withheld at the source on dividends received shall be charged to this account.

#### 8710—Federal Income Taxes (class I).

This account shall be debited with the monthly accruals for Federal income

taxes which are estimated to be payable and which are applicable to ordinary income.

#### 8720—State Income Taxes (class I).

This account shall be debited with the monthly accruals for State income taxes, applicable to ordinary income.

#### 8730—Other Income Taxes (class I).

This account shall be debited with the monthly accruals for all other income taxes, applicable to ordinary income.

#### 8800—Extraordinary Items (classes I and II).

(a) Class I carriers may use this account as a control account for accounts 8810, 8820, and 8850.

(b) Class II carriers may record separately amounts described as extraordinary and prior period items and income taxes on such amounts.

(c) This account shall include extraordinary and prior period items accounted for during the current accounting year in accordance with instruction 8(a) upon approval of the Commission.

(d) Class II carriers shall also include in this account the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary.

(e) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

#### 8810—Extraordinary Items (net) (class I).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with instruction 8(a), upon approval of the Commission. Among the items which shall be included in this account are:

(1) Net gain or loss on sale of land used for transportation purposes.

(2) Net gain or loss on sale of securities acquired for long-term investment purposes.

(3) Net gain or loss on reacquisition of company bonds.

(4) Loss on retirement of transportation property because of abandonment or other cause for which depreciation reserve has not been provided.

(5) Changes in application of accounting principles.

(b) Income tax consequences of charges and credits to this account shall be included in Account 8850—Income Taxes on Extraordinary and Prior Period Items.

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

#### 8820—Prior Period Items (net) (class I).

(a) This account shall include unusual delayed items accounted for during the current accounting year in accordance with the text of instruction 8(a), upon approval of the Commission. Among the items which shall be included in this account are:

(1) Unusual adjustments, refunds, or assessments of income taxes of prior years.

(2) Similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year.

(b) Income tax consequences of charges and credits to this account shall be included in Account 8850—Income Taxes on Extraordinary and Prior Period Items.

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

#### 8850—Income Taxes on Extraordinary and Prior Period Items (class I).

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary and are includable in Account 8810—Extraordinary Items (net) or 8820—Prior Period Items (net), as appropriate.

**CLASS I AND CLASS II MOTOR CARRIERS CONVERSION TABLES**  
These conversion tables relate accounts under the present system effective January 1, 1974, with accounts of similar content under the former system effective prior to Jan. 1, 1974, to the system of accounts effective Jan. 1, 1974.

From the system of accounts effective prior to Jan. 1, 1974	System of accounts effective Jan. 1, 1974
No.	Account title
1000	Cash
1001	Working Funds
1002	Interest Special Deposits
1003	Dividend Special Deposits
1004	Miscellaneous Special Deposits
1005	Temporary Cash Investments
1006	Notes Receivable
1007	Notes Payable
1008	Notes Receivable, Officers, Stockholders and Other
1009	Notes Payable, Officers, Stockholders and Other
1010	Notes Receivable, Officers, Stockholders and Other
1011	Notes Payable, Officers, Stockholders and Other
1012	Notes Receivable, Officers, Stockholders and Other
1013	Notes Payable, Officers, Stockholders and Other
1014	Notes Receivable, Officers, Stockholders and Other
1015	Notes Payable, Officers, Stockholders and Other
1016	Notes Receivable, Officers, Stockholders and Other
1017	Notes Payable, Officers, Stockholders and Other
1018	Notes Receivable, Officers, Stockholders and Other
1019	Notes Payable, Officers, Stockholders and Other
1020	Notes Receivable, Officers, Stockholders and Other
1021	Notes Payable, Officers, Stockholders and Other
1022	Notes Receivable, Officers, Stockholders and Other
1023	Notes Payable, Officers, Stockholders and Other
1024	Notes Receivable, Officers, Stockholders and Other
1025	Notes Payable, Officers, Stockholders and Other
1026	Notes Receivable, Officers, Stockholders and Other
1027	Notes Payable, Officers, Stockholders and Other
1028	Notes Receivable, Officers, Stockholders and Other
1029	Notes Payable, Officers, Stockholders and Other
1030	Notes Receivable, Officers, Stockholders and Other
1031	Notes Payable, Officers, Stockholders and Other
1032	Notes Receivable, Officers, Stockholders and Other
1033	Notes Payable, Officers, Stockholders and Other
1034	Notes Receivable, Officers, Stockholders and Other
1035	Notes Payable, Officers, Stockholders and Other
1036	Notes Receivable, Officers, Stockholders and Other
1037	Notes Payable, Officers, Stockholders and Other
1038	Notes Receivable, Officers, Stockholders and Other
1039	Notes Payable, Officers, Stockholders and Other
1040	Notes Receivable, Officers, Stockholders and Other
1041	Notes Payable, Officers, Stockholders and Other
1042	Notes Receivable, Officers, Stockholders and Other
1043	Notes Payable, Officers, Stockholders and Other
1044	Notes Receivable, Officers, Stockholders and Other
1045	Notes Payable, Officers, Stockholders and Other
1046	Notes Receivable, Officers, Stockholders and Other
1047	Notes Payable, Officers, Stockholders and Other
1048	Notes Receivable, Officers, Stockholders and Other
1049	Notes Payable, Officers, Stockholders and Other
1050	Notes Receivable, Officers, Stockholders and Other
1051	Notes Payable, Officers, Stockholders and Other
1052	Notes Receivable, Officers, Stockholders and Other
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1065	Notes Payable, Officers, Stockholders and Other
1066	Notes Receivable, Officers, Stockholders and Other
1067	Notes Payable, Officers, Stockholders and Other
1068	Notes Receivable, Officers, Stockholders and Other
1069	Notes Payable, Officers, Stockholders and Other
1070	Notes Receivable, Officers, Stockholders and Other
1071	Notes Payable, Officers, Stockholders and Other
1072	Notes Receivable, Officers, Stockholders and Other
1073	Notes Payable, Officers, Stockholders and Other
1074	Notes Receivable, Officers, Stockholders and Other
1075	Notes Payable, Officers, Stockholders and Other
1076	Notes Receivable, Officers, Stockholders and Other
1077	Notes Payable, Officers, Stockholders and Other
1078	Notes Receivable, Officers, Stockholders and Other
1079	Notes Payable, Officers, Stockholders and Other
1080	Notes Receivable, Officers, Stockholders and Other
1081	Notes Payable, Officers, Stockholders and Other
1082	Notes Receivable, Officers, Stockholders and Other
1083	Notes Payable, Officers, Stockholders and Other
1084	Notes Receivable, Officers, Stockholders and Other
1085	Notes Payable, Officers, Stockholders and Other
1086	Notes Receivable, Officers, Stockholders and Other
1087	Notes Payable, Officers, Stockholders and Other
1088	Notes Receivable, Officers, Stockholders and Other
1089	Notes Payable, Officers, Stockholders and Other
1090	Notes Receivable, Officers, Stockholders and Other
1091	Notes Payable, Officers, Stockholders and Other
1092	Notes Receivable, Officers, Stockholders and Other
1093	Notes Payable, Officers, Stockholders and Other
1094	Notes Receivable, Officers, Stockholders and Other
1095	Notes Payable, Officers, Stockholders and Other
1096	Notes Receivable, Officers, Stockholders and Other
1097	Notes Payable, Officers, Stockholders and Other
1098	Notes Receivable, Officers, Stockholders and Other
1099	Notes Payable, Officers, Stockholders and Other
1100	Notes Receivable, Officers, Stockholders and Other

TABLE I-A—Continued

From the system of accounts effective prior to Jan. 1, 1974	System of accounts effective Jan. 1, 1974
No.	Account title
1101	Loans and Notes Receivable From Affiliated Companies
1102	Interest and Dividends Receivable From Affiliated Companies
1103	Accounts Receivable From Affiliated Companies
1104	Accounts Receivable; Customers, and Interline
1105	Accounts Receivable; Officers, Stockholders and Employees
1106	Accounts Receivable; Other
1107	Subscribers to Capital Stock
1108	Interest and Dividends Receivable
1109	Prepaid Taxes and Licenses
1110	Prepaid Insurance
1111	Prepaid Rents
1112	Prepaid Stationery and Printed Matter
1113	Prepaid Tires and Tubes
1114	Miscellaneous Prepayments
1115	Materials and Supplies
1116	Other Current Assets, Other
1117	Land
1118	Structures
1119	Revenue Equipment
1120	Service Cars and Equipment
1121	Shop and Garage Equipment
1122	Furniture and Office Equipment
1123	Miscellaneous Equipment
1124	Improvements to Leasehold Property
1125	Undistributed Property
1126	Undistributed Construction
1127	Carrier Operating Property Leased to Others
1128	Non-Carrier Property
1129	Organization
1130	Franchises
1131	Permits and Patents
1132	Other Intangible Property



RULES AND REGULATIONS

TABLE I-A—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.
Account title	No.	Account title	No.
<b>INVESTMENTS, SECURITIES AND ADVANCES—CONT.</b>			
<b>INVESTMENTS, SECURITIES AND ADVANCES</b>			
Investments and Advances; Affiliated Companies.	1600	1411 Common Stocks; Affiliated Companies.	1411
		1413 Preferred Stocks; Affiliated Companies.	1413
		1415 Bonds; Affiliated Companies.	1415
		1417 Notes; Affiliated Companies.	1417
		1419 Other Investments; Affiliated Companies.	1419
		1421 Advances; Affiliated Companies.	1421
Other Investments and Advances.	1650	1431 Common Stocks; Other.	1431
		1433 Preferred Stocks; Other.	1433
		1435 Bonds; Other.	1435
		1437 Notes; Other.	1437
		1439 Other Investments; Other.	1439
		1441 Advances; Other.	1441
<b>SPECIAL FUNDS</b>			
Sinking Funds.	1701	1451 Special Funds.	1451
Depreciation Funds.	1761		
Miscellaneous Special Funds.	1781		
<b>DEFERRED DEBITS</b>			
Unamortized Debt Discount and Expense.	1890	1511 Unamortized Debt Discount and Expense.	1511
Other Deferred Debits.	1890	1512 Other Deferred Debits.	1512
		1551 Clearing Accounts.	1551
<b>MISCELLANEOUS DEBIT ITEMS</b>			
Discount in Capital Stock.	1900	2632 Discount on Capital Stock.	2632
Commission and Expense on Capital Stock.	1910	2633 Commission and Expense on Capital Stock.	2633
Reacquired Securities.	1920	2341 Reacquired Long-Term Obligations.	2341
		2651 Treasury stock.	2651
Nominally Issued Securities.	1990	2621 Nominally Issued Securities.	2621
<b>LIABILITIES</b>			
<b>CURRENT LIABILITIES</b>			
Notes Payable.	2000	2011 Notes Payable.	2011
Matured Long-Term Obligations.	2020	2012 Matured Long-Term Obligations.	2012
Loans and Notes Payable to Affiliated Companies.	2031	2021 Loans and Notes Payable to Affiliated Companies.	2021
Interest and Dividends Payable to Affiliated Companies.	2035	2022 Interest and Dividends Payable to Affiliated Companies.	2022
Accounts Payable to Affiliated Companies.	2039	2023 Accounts Payable to Affiliated Companies.	2023
Accounts Payable—Officers, Stockholders and Employees.	2061	2031 Accounts Payable; Officers, Stockholders and Employees.	2031
Interline Account Balances.	2065	2032 Accounts Payable; Interline.	2032
Accounts Payable, Other.	2069	2033 Accounts Payable; Employee Withholding.	2033
Wages Payable.	2070	2034 Accounts Payable; Other.	2034
C.O.D.'s Unremitted.	2090	2041 Salaries and Wages Payable.	2041
Dividends Declared.	2100	2051 C.O.D.'s Unremitted.	2051
Taxes Accrued.	2120	2131 Dividends Payable.	2131
		2111 Gasoline, Other Fuel and Oil Taxes; Accrued.	2111
		2112 Vehicle Licenses and Registration Fees; Accrued.	2112
		2113 Real Estate and Personal Property Taxes; Accrued.	2113
		2114 Social Security Taxes; Accrued.	2114
		2115 Other Taxes; Accrued.	2115
		2121 Accrued Federal Income Taxes.	2121
		2122 Accrued State Income Taxes.	2122
		2123 Accrued Other Income Taxes.	2123
Interest Accrued.	2150	2141 Notes and Advances Payable (Interest Accrued).	2141
		2142 Equipment Obligations (Interest Accrued).	2142
		2143 Bonds and Debentures (Interest Accrued).	2143
		2144 Other Long-Term Obligations (Interest Accrued).	2144
		2145 Other Interest (Interest Accrued).	2145

RULES AND REGULATIONS

TABLE I-A—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.
Account title	No.	Account title	No.
<b>LIABILITIES—CONTINUED</b>			
<b>CURRENT LIABILITIES—CONTINUED</b>			
Matured Interest.	2160	2151 Notes and Advances Payable (Matured Interest).	2151
		2152 Equipment Obligations (Matured Interest).	2152
		2153 Bonds and Debentures (Matured Interest).	2153
		2154 Other Long-Term Obligations (Matured Interest).	2154
		2155 Other Interest (Matured Interest).	2155
Other Current Liabilities.	2190	2171 Self Insurance (Estimated Liabilities; Accrued).	2171
		2172 Personal Injuries, Property Damage Claims and Workmen's Compensation (Estimated Liabilities; Accrued).	2172
		2173 Cargo Loss and Damage Claims (Estimated Liabilities; Accrued).	2173
		2174 Overcharge Claims (Estimated Liabilities; Accrued).	2174
		2175 Other Estimated Liabilities (Estimated Liabilities; Accrued).	2175
		2181 Other Current Liabilities.	2181
<b>LONG-TERM DEBT DUE WITHIN 1 YEAR</b>			
Equipment Obligations and Other Debt Due Within 1 Year.	2190	2161 Current Equipment Obligations and Other Debt.	2161
<b>ADVANCES PAYABLE</b>			
Advances Payable, Affiliated Companies.	2300	2311 Notes Payable (Affiliated Companies).	2311
		2312 Open Accounts, Not Subject to Current Settlement (Affiliated Companies).	2312
		2313 Interest Accrued, Not Subject to Current Settlement (Affiliated Companies).	2313
Other Advances Payable.	2350	2321 Notes Payable (Other).	2321
		2322 Open Accounts, Not Subject to Current Settlement (Other).	2322
		2323 Interest Accrued, Not Subject to Current Settlement (Other).	2323
<b>EQUIPMENT AND OTHER LONG-TERM OBLIGATIONS</b>			
Equipment Obligations.	2300	2331 Equipment Obligations.	2331
Bonds.	2330	2332 Bonds and Debentures.	2332
Other Long-Term Obligations.	2360	2333 Capitalized Lease Obligations.	2333
		2334 Other Long-Term Obligations.	2334
<b>DEFERRED CREDITS</b>			
Unamortized Premium on Debt.	2400	2411 Unamortized Premium on Debt.	2411
Other Deferred Credits.	2450	2412 Other Deferred Credits.	2412
<b>RESERVES</b>			
Reserve for Depreciation—Structures.	2510	1214 Accumulated Depreciation—Structures.	1214
Reserve for Depreciation—Revenue Equipment.	2530	1222 Accumulated Depreciation—Revenue Equipment.	1222
Reserve for Depreciation—Service Cars and Equipment.	2530	1224 Accumulated Depreciation—Service Cars and Equipment.	1224
Reserve for Depreciation—Shop and Garage Equipment.	2540	1234 Accumulated Depreciation—Shop and Garage Equipment.	1234
Reserve for Depreciation—Furniture and Office Equipment.	2550	1236 Accumulated Depreciation—Furniture and Office Equipment.	1236
Reserve for Depreciation—Miscellaneous Equipment.	2560	1238 Accumulated Depreciation—Miscellaneous Equipment.	1238

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## RULES AND REGULATIONS

TABLE I-A—Continued

From the system of accounts effective prior to Jan. 1, 1974, to the system of accounts effective Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.
<b>RESERVES—continued</b>			
Reserve for Depreciation—Improvements to Lease-Hold Property.	2570	1242 Accumulated Depreciation—Improvements to Lease-Hold Property.	
Reserve for Depreciation—Undistributed Property.	2580	1244 Accumulated Depreciation—Undistributed Property.	
Reserve for Depreciation—Carrier Operating Property Leased to Others.	2590	1252 Accumulated Depreciation—Carrier Operating Property Leased to Others.	
Reserve for Amortization; Carrier Operating Property.	2600	1314 Accumulated Amortization—Organization.	
		1322 Accumulated Amortization—Franchises.	
		1332 Accumulated Amortization—Permits and Patents.	
		1342 Accumulated Amortization—Other Intangible Property.	
Reserve for Depreciation and Amortization; Other Property.	2610	1262 Accumulated Depreciation and Amortization—Property Used in Other Than Carrier Operations.	
Reserve for Adjustments; Investments and Advances.	2630	1428 Adjustments—Investments and Advances—Affiliated Companies.	
		1448 Adjustments—Other Investments and Advances.	
Reserve for Uncollectible Accounts.	2650	1138 Allowance for Uncollectible Accounts.	
Insurance Reserves.	2660	2611 Estimated Liabilities.	
Injuries, Loss and Damage Reserves.	2680		
Other Reserves.	2690		
<b>CAPITAL STOCK</b>			
Preferred Capital Stock.	2700	2611 Capital Stock—Preferred.	
Common Capital Stock.	2710	2612 Capital Stock—Common.	
Capital Stock Subscribed.	2730	2613 Subscribed Capital Stock.	
<b>PROPRIETOR'S CAPITAL</b>			
Sole Proprietorship Capital.	2800	2711 Sole Proprietorship Capital.	
		2721 Drawings.	
Partnership Capital.	2810	2731 Profit and Loss.	
		2811 Partnership Capital.	
		2821 Drawings.	
		2831 Profit and Loss.	
<b>CAPITAL SURPLUS</b>			
Premiums and Assessments on Capital Stock.	2900	2631 Premiums and Assessments on Capital Stock.	
Other Capital Surplus.	2910	2641 Other Capital in Excess of Par or Stated Value.	
<b>EARNED SURPLUS</b>			
Earned Surplus—Appropriated.	2920	2651 Retained Earnings—Appropriated.	
Earned Surplus—Unappropriated.	2930	2652 Retained Earnings—Unappropriated.	
Credit Balance Transferred from Income.	2932	2911 Credit Balance Transferred from Income.	
Other Credits to Earned Surplus.	2938	2921 Other Credits to Retained Earnings.	
Debit Balance Transferred from Income.	2942	2931 Debit Balance Transferred from Income.	
Dividend Appropriations.	2944	2941 Dividend Appropriations.	
Other Appropriations of Earned Surplus.	2946	2951 Other Appropriations of Retained Earnings.	
Other Debits to Earned Surplus.	2948	2961 Other Debits to Retained Earnings.	

## RULES AND REGULATIONS

TABLE I-B CLASS I MOTOR CARRIERS REVENUE AND EXPENSE ACCOUNT NUMBERS CONVERSION TABLE

From the system of accounts effective prior to Jan. 1, 1974, to the system of accounts effective Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.
<b>OPERATING REVENUES</b>			
Freight Revenue; Intercity Common Carrier.	3100	3100 Freight Revenue—Intercity Common Carrier.	
Freight Revenue; Intercity Contract Carrier.	3110	3200 Freight Revenue—Intercity Contract Carrier.	
Freight Revenue; Local Cartage.	3120	3300 Freight Revenue—Local Cartage.	
Intercity Transportation For Other Class I And Class II Motor Carriers.	3130	3400 Intercity Transportation For Other Motor Carriers.	
Other Operating Revenues.	3900	3900 Other Operating Revenue.	
<b>OPERATING EXPENSES</b>			
<b>EQUIPMENT MAINTENANCE</b>			
Supervision.	4110	4116 Salaries—Officers—Maintenance.	
		4126 Salaries—Department Managers—Maintenance.	
		4136 Salaries—Supervisory Personnel—Maintenance.	
		4216 Salaries and Wages—Clerical and Administrative—Maintenance.	
		4316 Miscellaneous Paid Time Off—Clerical and Administrative—Maintenance.	
Office and Other Expenses.	4120	4246 Salaries and Wages—Vehicle Repair and Service—Maintenance.	
Other Maintenance Expenses.	4180	4296 Salaries and Wages—Other Labor—Maintenance.	
		4346 Miscellaneous Paid Time Off—Vehicle Repair and Service—Maintenance.	
		4396 Miscellaneous Paid Time Off—Other Labor—Maintenance.	
		4516 Fuel for Motor Vehicles—Maintenance.	
		4526 Oil, Lubricants and Coolants for Motor Vehicles—Maintenance.	
		4536 Vehicle Parts—Maintenance.	
		4546 Vehicle Maintenance by Outside Vendors—Maintenance.	
		4556 Tires and Tubes—Maintenance.	
		4596 Other Operating Supplies—Maintenance.	
		4616 Office Supplies—Maintenance.	
		4666 Officers and Supervisory Personnel—Expenses—Maintenance.	
		4676 Other Employees' Expenses—Maintenance.	
		4696 Miscellaneous Expenses—Maintenance.	
		4716 Gasoline, Diesel Fuel and Oil Taxes (Federal)—Maintenance.	
		4726 Vehicle License and Registration Fees—Ownership (Federal)—Maintenance.	
		4736 Vehicle License and Registration Fees—Usage (Federal) Maintenance.	
		4766 Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Maintenance.	
		4776 Vehicle License and Registration Fees—Ownership (State and Other) Maintenance.	
		4796 Vehicle License and Registration Fees—Usage (State and Other) Maintenance.	
		5126 Utilities Expenses—Maintenance.	
		5526 Office Equipment Rents—Maintenance.	
Repairs and Servicing; Revenue Equipment—Line Haul.	4131	4241 Salaries and Wages—Vehicle Repair and Service—Line Haul.	
		4341 Miscellaneous Paid Time Off—Vehicle Repair and Service—Line Haul.	
		4521 Oil and Lubricants and Coolants for Motor Vehicles—Line Haul.	
		4531 Vehicle Parts—Line Haul.	
		4541 Vehicle Maintenance by Outside Vendors—Line Haul.	
Repairs and Servicing; Revenue Equipment—Pickup and Delivery.	4135	4242 Salaries and Wages—Vehicle Repairs and Service.	
		4342 Miscellaneous Paid Time Off—Vehicle Repair and Service—Pickup and Delivery.	
		4522 Oil, Lubricants and Coolants for Motor Vehicles—Pickup and Delivery.	

See footnotes at end of table.



## RULES AND REGULATIONS

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.	Account title
<b>TRANSPORTATION—continued</b>				
Drivers and Helpers—Pickup and Delivery.....	4235	4222 Salaries and Wages—Drivers and Helpers—Pickup and Delivery.....		
		4282 Salaries and Wages—Owner-Operator Drivers—Pickup and Delivery.....		
		4322 Miscellaneous Paid Time Off—Drivers and Helpers—Pickup and Delivery.....		
		4352 Miscellaneous Paid Time Off—Owner-Operator Drivers—Pickup and Delivery.....		
Employees' Welfare Expenses.....	4245	4401 Other Fringes—Line Haul. <sup>1</sup>		
Fuel for Revenue Equipment—Line Haul.....	4251	4402 Other Fringes—Pickup and Delivery. <sup>1</sup>		
Fuel for Revenue Equipment—Pickup and Delivery.....	4255	4511 Fuel for Motor Vehicles—Line Haul.		
Oil for Revenue Equipment—Line Haul.....	4261	4512 Fuel for Motor Vehicles—Pickup and Delivery.....		
Oil for Revenue Equipment—Pickup and Delivery.....	4265	4521* Oil, Lubricants and Coolants for Motor Vehicles—Line Haul. <sup>2</sup>		
Equipment Rents; Intercity; With Drivers.....	4271	4522 Oil, Lubricants and Coolants for Motor Vehicles—Pickup and Delivery. <sup>2</sup>		
Equipment Rents; Intercity; Without Drivers.....	4272	5411 Vehicle Rents With Driver—Line Haul.		
Other Purchased Transportation; Intercity.....	4273	5421 Vehicle Rents With Driver—Vehicle Portion Only—Line Haul.		
		5431 Vehicle Rents Without Driver—Line Haul.		
		5441 Other Purchased Transportation—Motor Carriers—Line Haul.		
		5451 Other Purchased Transportation—Railroads—Line Haul.		
		5461 Other Purchased Transportation—Water Carriers—Line Haul.		
		5471 Other Purchased Transportation—Air Lines and Other—Line Haul.		
Equipment Rents; Pickup and Delivery; With Drivers.....	4275	5412 Vehicle Rents With Driver—Pickup and Delivery.....		
Equipment Rents; Pickup and Delivery; Without Drivers.....	4276	5422 Vehicle Rents With Driver—Vehicle Portion Only—Pickup and Delivery.....		
Other Purchased Pickup and Delivery.....	4277	5432 Vehicle Rents Without Driver—Pickup and Delivery.....		
		5442 Other Purchased Transportation—Motor Carriers—Pickup and Delivery.....		
		5472 Other Purchased Transportation—Airlines and Other—Pickup and Delivery.....		
		5482 Allowances to Shippers—Pickup and Delivery.....		
Equipment Rents; Credit.....	4279	5491 Equipment Rents—Credit—Line Haul.		
Operating Rents.....	4285	5492 Equipment Rents—Credit—Pickup and Delivery.....		
<b>TERMINAL</b>				
Supervisory Salaries.....	4311	5519 Building Operating Rents.....		
		4113 Salaries—Officers—Billing and Collecting.		
		4114 Salaries—Officers—Platform.		
		4115 Salaries—Officers—Terminal.		
		4123 Salaries—Terminal and Department Managers—Billing and Collecting.		
		4124 Salaries—Terminal and Department Managers—Platform.		
		4125 Salaries—Terminal Managers.		
		4133 Salaries—Supervisory Personnel—Billing and Collecting.		
		4134 Salaries—Supervisory Personnel—Platform.		
		4135 Salaries—Supervisory and Administrative Personnel—Terminal.		
Salaries and Fees; Billing and Collecting.....	4312	4213 Salaries and Wages—Clerical and Administrative—Billing and Collecting.		
		4313 Miscellaneous Paid Time Off—Clerical and Administrative—Billing and Collecting.		
		4653 Outside Fees—Billing and Collecting.		

See footnotes at end of table.

## RULES AND REGULATIONS

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.	Account title
<b>OPERATING EXPENSES—Continued</b>				
<b>EQUIPMENT MAINTENANCE—continued</b>				
Employees Welfare Expenses.....	4145	4532 Vehicle Parts—Pickup and Delivery.....		
Tires and Tubes; Revenue Equipment—Line Haul.....	4161	4642 Vehicle Maintenance by Outside Vendors—Pickup and Delivery.....		
Tires and Tubes; Revenue Equipment—Pickup and Delivery.....	4165	4406 Other Fringes—Maintenance. <sup>3</sup>		
Operating Rents.....	4185	4551 Tires and Tubes—Line Haul.		
Joint Garage Expense; Debit.....	4191	4552 Tires and Tubes—Pickup and Delivery.....		
Joint Garage Expense; Credit.....	4196	5516 Building Operating Rents—Maintenance.		
<b>TRANSPORTATION</b>				
Supervision.....	4210	5916 Joint Facility Expense—Debit—Maintenance.		
		5926 Joint Facility Expense—Credit—Maintenance.		
Office and Other Expenses.....	4220	4111 Salaries—Officers—Line Haul.		
Other Transportation Expenses.....	4280	4112 Salaries—Officers—Pickup and Delivery.		
		4121 Salaries—Department Managers—Line Haul.		
		4122 Salaries—Terminal and Department Managers—Pickup and Delivery.		
		4131 Salaries—Supervisory Personnel—Line Haul.		
		4132 Salaries—Supervisory Personnel—Pickup and Delivery.		
		4211 Salaries and Wages—Clerical and Administrative—Line Haul.		
		4212 Salaries and Wages—Clerical and Administrative—Pickup and Delivery.		
		4311 Miscellaneous Paid Time Off—Clerical and Administrative—Line Haul.		
		4312 Miscellaneous Paid Time Off—Clerical and Administrative—Pickup and Delivery.		
		4291 Salaries and Wages—Other Labor—Line Haul. <sup>4</sup>		
		4292 Salaries and Wages—Other Labor—Pickup and Delivery.		
		4391 Miscellaneous Paid Time Off—Other Labor—Line Haul.		
		4392 Miscellaneous Paid Time Off—Other Labor—Pickup and Delivery.		
		4591 Other Operating Supplies—Line Haul.		
		4592 Other Operating Supplies—Pickup and Delivery.		
		4611 Office Supplies—Line Haul.		
		4612 Office Supplies—Pickup and Delivery.		
		4691 Officers and Supervisory Personnel Expenses—Line Haul.		
		4692 Officers and Supervisory Personnel Expenses—Pickup and Delivery.		
		4671 Other Employees' Expenses—Line Haul.		
		4672 Other Employees' Expenses—Pickup and Delivery.		
		4691 Miscellaneous Expenses—Line Haul.		
		4692 Miscellaneous Expenses—Pickup and Delivery.		
		5121 Utilities Expenses—Line Haul.		
		5122 Utilities Expenses—Pickup and Delivery.		
		5321 Office Equipment Rents—Line Haul.		
		5322 Office Equipment Rents—Pickup and Delivery.		
Drivers and Helpers—Line Haul.....	4291	4221 Salaries and Wages—Drivers and Helpers—Line Haul.		
		4251 Salaries and Wages—Owner-Operator Drivers—Line Haul.		
		4321 Miscellaneous Paid Time Off—Drivers and Helpers—Line Haul.		
		4351 Miscellaneous Paid Time Off—Owner-Operator Drivers—Line Haul.		

See footnotes at end of table.

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## RULES AND REGULATIONS

TABLE I-B—Continued.

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974			
System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.
Account title		Account title	
<b>TERMINAL—continued</b>			
Other Office Employees.....	4313	4214 Salaries and Wages—Clerical and Administrative—Platform.	
		4215 Salaries and Wages—Clerical and Administrative—Terminal.	
		4314 Miscellaneous Paid Time Off—Clerical and Administrative—Platform.	
		4315 Miscellaneous Paid Time Off—Clerical and Administrative—Terminal.	
Office and Other Expenses.....	4320	4244 Salaries and Wages—Vehicle Repair and Service—Platform.	
Other Terminal Expenses.....	4330	4245 Salaries and Wages—Vehicle Repair and Service—Terminal.	
		4515 Fuel for Motor Vehicles—Terminal.	
		4525 Oil, Lubricants and Coolants for Motor Vehicles—Terminal.	
		4535 Vehicle Parts—Terminal.	
		4545 Vehicle Maintenance by Outside Vendors—Terminal.	
		4555 Tires and Tubes—Terminal.	
		4594 Other Operating Supplies—Platform.	
		4595 Other Operating Supplies—Terminal.	
		4613 Office Supplies—Billing and Collecting.	
		4614 Office Supplies—Platform.	
		4615 Office Supplies—Terminal.	
		4663 Officers and Supervisory Personnel Expenses—Billing and Collecting.	
		4664 Officers and Supervisory Personnel Expenses—Platform.	
		4665 Officers and Supervisory Personnel Expenses—Terminal.	
		4673 Other Employees' Expenses—Billing and Collecting.	
		4674 Other Employees' Expenses—Platform.	
		4675 Other Employees' Expenses—Terminal.	
		4693 Miscellaneous Expenses—Billing and Collecting.	
		4694 Miscellaneous Expenses—Platform.	
		4695 Miscellaneous Expenses—Terminal.	
		4715 Gasoline, Diesel Fuels and Oil Taxes (Federal)—Terminal.	
		4725 Vehicle License and Registration Fees—Ownership (Federal)—Terminal.	
		4735 Vehicle License and Registration Fees—Usage (Federal)—Terminal.	
		4765 Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Terminal.	
		4775 Vehicle License and Registration Fees—Ownership (State and Other)—Terminal.	
		4785 Vehicle License and Registration Fees—Usage (State and Other)—Terminal.	
		5123 Utilities Expenses—Billing and Collecting.	
		5124 Utilities Expenses—Platform.	
		5125 Utilities Expenses—Terminal.	
		5523 Office Equipment Rents—Billing and Collecting.	
		5524 Office Equipment Rents—Platform.	
		5525 Office Equipment Rents—Terminal.	
Salaries and Wages; Platform Employees.....	4340	4234 Salaries and Wages—Cargo Handlers—Platform.	
		4384 Miscellaneous Paid Time Off—Cargo Handlers—Platform.	
Employees' Welfare Expenses.....	4345	4403 Other Fringes—Billing and Collecting.	
		4404 Other Fringes—Platform.	
		4405 Other Fringes—Terminal.	
Other Terminal Employees.....	4350	4298 Salaries and Wages—Other Labor—Billing and Collecting.	
		4299 Salaries and Wages—Other Labor—Platform.	
		4295 Salaries and Wages—Other Labor—Terminal.	
		4393 Miscellaneous Paid Time Off—Billing and Collecting.	
		4394 Miscellaneous Paid Time Off—Platform.	
		4395 Miscellaneous Paid Time Off—Terminal.	

See footnotes at end of table.

## RULES AND REGULATIONS

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974			
System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.
Account title		Account title	
<b>TERMINAL—continued</b>			
Commission Agents.....	4360	4641 Commission Agent Fees—Line Haul.	
		4642 Commission Agent Fees—Pickup and Delivery.	
		4643 Commission Agent Fees—Billing and Collecting.	
		4644 Commission Agent Fees—Platform.	
		4645 Commission Agent Fees—Terminal.	
		4647 Commission Agent Fees—Traffic and Sales.	
		4654 Outside Fees—Platform.	
Operating Rents.....	4385	5515 Building Operating Rents—Terminal.	
Joint Terminal Facilities; Debit.....	4391	5915 Joint Facility Expense—Debit—Terminal.	
Joint Terminal Facilities; Credit.....	4396	5925 Joint Facility Expense—Credit—Terminal.	
<b>TRAFFIC</b>			
Supervision.....	4410	4117 Salaries—Officers—Traffic and Sales.	
		4127 Salaries—Department and Division Managers—Traffic and Sales.	
		4137 Salaries—Supervisory and Administrative Personnel—Traffic and Sales.	
		4217 Salaries and Wages—Clerical and Administrative—Traffic and Sales.	
		4227 Salaries and Wages—Other Labor—Traffic and Sales.	
		4317 Miscellaneous Paid Time Off—Clerical and Administrative—Traffic and Sales.	
		4397 Miscellaneous Paid Time Off—Other Labor—Traffic and Sales.	
		4657 Outside Fees—Traffic and Sales.	
Office and Other Expenses.....	4420	4247 Salaries and Wages—Vehicle Repair and Service—Traffic and Sales.	
Other Traffic Expenses.....	4430	4537 Vehicle Parts—Traffic and Sales.	
		4547 Vehicle Maintenance by Outside Vendors—Traffic and Sales.	
		4557 Tires and Tubes—Traffic and Sales.	
		4617 Office Supplies—Traffic and Sales.	
		4667 Officers and Supervisory Personnel Expenses—Traffic and Sales.	
		4677 Other Employees' Expenses—Traffic and Sales.	
		4697 Miscellaneous Expenses—Traffic and Sales.	
		4727 Vehicle License and Registration Fees—Ownership (Federal)—Traffic and Sales.	
		4737 Vehicle License and Registration Fees—Usage (Federal)—Traffic and Sales.	
		4777 Vehicle License and Registration Fees—Ownership (State and Other)—Traffic and Sales.	
		4787 Vehicle License and Registration Fees—Usage (State and Other)—Traffic and Sales.	
		5127 Utilities Expenses—Traffic and Sales.	
		5527 Office Equipment Rents—Traffic and Sales.	
Tariffs and Schedules.....	4430	4627 Tariffs and Schedules—Traffic and Sales.	
Employees' Welfare Expenses.....	4445	4407 Other Fringes—Traffic and Sales.	
Advertising.....	4450	4637 Advertising—Traffic and Sales.	
Operating Rents.....	4485	5519 Building Operating Rents—General and Administrative.	
<b>INSURANCE AND SAFETY</b>			
Supervision.....	4510	4118 Salaries—Officers—Insurance and Safety.	
		4128 Salaries—Department and Division Managers—Insurance and Safety.	
		4138 Salaries—Supervisory and Administrative Personnel—Insurance and Safety.	
		4218 Salaries and Wages—Clerical and Administrative—Insurance and Safety.	
		4298 Salaries and Wages—Other Labor—Insurance and Safety.	

See footnotes at end of table.



RULES AND REGULATIONS

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.	Account title
INSURANCE AND SAFETY—continued				
Office and Other Expenses.....	4520	4318 Miscellaneous Paid Time Off—Clerical and Administrative—Insurance and Safety.		
Other Insurance and Safety Department Expenses.	4580	4398 Miscellaneous Paid Time Off—Other Labor—Insurance and Safety.		
		4248 Salaries and Wages—Vehicle Repair and Service—Insurance and Safety.		
		4538 Vehicle Parts—Insurance and Safety.		
		4548 Vehicle Maintenance by Outside Vendors—Insurance and Safety.		
		4558 Tires and Tubes—Insurance and Safety.		
		4618 Office Supplies—Insurance and Safety.		
		4668 Officers and Supervisory Personnel Expenses—Insurance and Safety.		
		4678 Other Employees' Expenses—Insurance and Safety.		
		4698 Miscellaneous Expenses—Insurance and Safety.		
		4728 Vehicle License and Registration Fees—Ownership (Federal)—Insurance and Safety.		
		4738 Vehicle License and Registration Fees—Usage (Federal)—Insurance and Safety.		
		4778 Vehicle License and Registration Fees—Ownership (State and Other)—Insurance and Safety.		
		4788 Vehicle License and Registration Fees—Usage (State and Other)—Insurance and Safety.		
		5128 Utilities Expenses—Insurance and Safety.		
		5528 Office Equipment Rents—Insurance and Safety.		
Public Liability and Property Damage.....	4530	4811 Public Liability and Property Damage Insurance—Line Haul.		
		4812 Public Liability and Property Damage Insurance—Pickup and Delivery.		
		4818 Public Liability and Property Damage Insurance and Safety.		
Workmen's Compensation.....	4540	4439 Workmen's Compensation—General and Administrative.		
Employees' Welfare Expenses.....	4545	4408 Other Fringes—Insurance and Safety. <sup>2</sup>		
Cargo Loss and Damage.....	4550	4821 Cargo Loss and Damage Insurance—Line Haul.		
		4825 Cargo Loss and Damage Insurance—Terminal.		
Fire, Theft, and Collision .....	4560	4831 Fire, Theft and Collision Insurance—Line Haul.		
Other Insurance Expense.....	4570	4832 Fire, Theft and Collision Insurance—Pickup and Delivery.		
		4833 Fire, Theft and Collision Insurance—Insurance and Safety.		
		4845 Insurance on Buildings and Structures—Terminal.		
		4846 Insurance on Buildings and Structures—Maintenance.		
		4848 Insurance on Buildings and Structures—Insurance and Safety.		
		4908 Other Insurance—Insurance and Safety.		
Operating Rents.....	4586	5530 Building Operating Rents—General and Administrative.		
ADMINISTRATIVE AND GENERAL				
Salaries; General Officers.....	4611	4119 Salaries—Officers—General and Administrative.		
		4129 Salaries—Department and Division Managers—General and Administrative.		
Salaries; Revenue Accounting.....	4612	4213 Salaries and Wages—Clerical and Administrative—Billing and Collecting.		
		4313 Miscellaneous Paid Time Off—Clerical and Administrative—Billing and Collecting.		
		4653 Outside Fees—Billing and Collecting.		

See footnotes at end of table.

RULES AND REGULATIONS

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.	Account title
ADMINISTRATIVE AND GENERAL—continued				
Salaries; Other General Office Employees.....	4613	4139 Salaries—Supervisory and Administrative Personnel—General and Administrative.		
Purchasing and Store Expenses.....	4675	4219 Salaries and Wages—Clerical and Administrative—General and Administrative.		
Other General Expenses.....	4680	4299 Salaries and Wages—Other Labor—General and Administrative.		
		4319 Miscellaneous Paid Time Off—Clerical and Administrative—General and Administrative.		
		4399 Miscellaneous Paid Time Off—Other Labor—General and Administrative.		
		4699 Other General Supplies and Expenses—General and Administrative.		
Expenses of General Officers.....	4621	4249 Salaries and Wages—Vehicle Repair and Service—General and Administrative.		
Expenses of General Office Employees.....	4622	4539 Vehicle Parts—General and Administrative.		
		4549 Vehicle Maintenance by Outside Vendors—General and Administrative.		
		4559 Tires and Tubes—General and Administrative.		
		4609 Officers and Supervisory Personnel Expenses—General and Administrative.		
		4629 Other Employees' Expenses—General and Administrative.		
		4729 Vehicle License and Registration Fees—Ownership (Federal)—General and Administrative.		
		4739 Vehicle License and Registration Fees—Usage (Federal)—General and Administrative.		
		4779 Vehicle License and Registration Fees—Ownership (State and Other)—General and Administrative.		
		4789 Vehicle License and Registration Fees—Usage (State and Other)—General and Administrative.		
Other General Office Expenses.....	4623	4619 Office Supplies—General and Administrative.		
		5129 Utilities Expenses—General and Administrative.		
		5529 Office Equipment and Rents—General and Administrative.		
Law Expenses.....	4630	5939 Professional Services—Debit—General and Administrative.		
Outside Auditing Expenses.....	4635	5949 Professional Services—Credit—General and Administrative.		
Management and Supervision Fees.....	4650			
Regulatory Expenses.....	4670	5111 Communication Expenses—Line Haul.		
Communication Service.....	4640	5112 Communication Expenses—Pickup and Delivery.		
		5113 Communication Expenses—Billing and Collecting.		
		5114 Communication Expenses—Platform.		
		5115 Communication Expenses—Terminal.		
		5116 Communication Expenses—Maintenance.		
		5117 Communication Expenses—Traffic and Sales.		
		5118 Communication Expenses—Insurance and Safety.		
		5119 Communication Expenses—General and Administrative.		
Employees' Welfare Expenses.....	4645	4409 Other Fringes—General and Administrative. <sup>2</sup>		
Uncollectible Revenues.....	4660	5959 Uncollectible Revenues.		
Operating Rents.....	4685	5619 Building Operating Rents—General and Administrative.		
Joint Operating Expense; Debit.....	4691	5919 Joint Facility Expense—Debit—General and Administrative.		
Joint Operating Expense; Credit.....	4696	5929 Joint Facility Expense—Credit—General and Administrative.		

See footnotes at end of table.

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## RULES AND REGULATIONS

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974			
System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.
Account title		Account title	
<b>DEPRECIATION EXPENSE</b>			
Depreciation of Structures.....	5010	5315 Depreciation Expense—Buildings and Structures—Terminal.....	
		5316 Depreciation Expense—Buildings and Structures—Maintenance.....	
		5319 Depreciation Expense—Building and Structures—General and Administrative.....	
Depreciation of Revenue Equipment—Line Haul.....	5021	5321 Depreciation Expense—Revenue Equipment—Line Haul.....	
Depreciation of Revenue Equipment—Pickup and Delivery.....	5025	5322 Depreciation Expense—Revenue Equipment—Pickup and Delivery.....	
Depreciation of Service Cars and Equipment.....	5030	5334 Depreciation Expense—Service Cars and Equipment—Platform.....	
		5335 Depreciation Expense—Service Cars and Equipment—Terminal.....	
		5336 Depreciation Expense—Service Cars and Equipment—Maintenance.....	
		5337 Depreciation Expense—Service Cars and Equipment—Traffic and Sales.....	
		5338 Depreciation Expense—Service Cars and Equipment—Insurance and Safety.....	
		5339 Depreciation Expense—Service Cars and Equipment—General and Administrative.....	
Depreciation of Shop and Garage Equipment.....	5040	5346 Depreciation Expense—Shop and Garage Equipment—Maintenance.....	
Depreciation of Furniture and Office Equipment.....	5050	5355 Depreciation Expense—Furniture and Office Equipment—Terminal.....	
		5356 Depreciation Expense—Furniture and Office Equipment—Maintenance.....	
		5359 Depreciation Expense—Furniture and Office Equipment—General and Administrative.....	
Depreciation of Miscellaneous Equipment.....	5060	5361 Depreciation Expense—Miscellaneous Equipment—Line Haul.....	
		5362 Depreciation Expense—Miscellaneous Equipment—Pickup and Delivery.....	
		5363 Depreciation Expense—Miscellaneous Equipment—Billing and Collecting.....	
		5364 Depreciation Expense—Miscellaneous Equipment—Platform.....	
		5365 Depreciation Expense—Miscellaneous Equipment—Terminal.....	
		5366 Depreciation Expense—Miscellaneous Equipment—Maintenance.....	
		5367 Depreciation Expense—Miscellaneous Equipment—Traffic and Sales.....	
		5368 Depreciation Expense—Miscellaneous Equipment—Insurance and Safety.....	
		5369 Depreciation Expense—Miscellaneous Equipment—General and Administrative.....	
Depreciation of Improvements to Leasehold Property.....	5070	5375 Amortization Expense—Improvements to Leasehold Property—Terminal.....	
		5376 Amortization Expense—Improvements to Leasehold Property—Maintenance.....	
		5379 Amortization Expense—Improvements to Leasehold Property—General and Administrative.....	
Depreciation of Undistributed Property.....	5080	5389 Depreciation Expense—Undistributed Property—General and Administrative.....	
Depreciation Adjustment.....	5100	5719 Gains on Disposition of Operating Assets—General and Administrative.....	
		5729 Losses on Disposition of Operating Assets—General and Administrative.....	

See footnotes at end of table.

## RULES AND REGULATIONS

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974			
System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.
Account title		Account title	
<b>AMORTIZATION EXPENSE</b>			
Amortization of Carrier Operating Property.....	5150	5390 Amortization Expense (Other)—General and Administrative.....	
		5719 Gains on Disposition of Operating Assets—General and Administrative.....	
		5729 Losses on Disposition of Operating Assets—General and Administrative.....	
Gasoline, Other Fuel and Oil Taxes—Line Haul Equipment.....	5211	4711 Gasoline, Diesel Fuel and Oil Taxes (Federal)—Line Haul.....	
Gasoline, Other Fuel and Oil Taxes—Pickup and Delivery Equipment.....	5215	4761 Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Line Haul.....	
Vehicle License and Registration Fees—Line Haul Equipment.....	5221	4712 Gasoline, Diesel Fuel and Oil Taxes (Federal)—Pickup and Delivery.....	
		4762 Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Pickup and Delivery.....	
Vehicle License and Registration Fees—Line Haul Equipment.....	5221	4721 Vehicle License and Registration Fees—Ownership (Federal)—Line Haul.....	
		4731 Vehicle License and Registration Fees—Usage (Federal)—Line Haul.....	
		4771 Vehicle License and Registration Fees—Ownership (State and Other)—Line Haul.....	
		4781 Vehicle License and Registration Fees—Usage (State and Other)—Line Haul.....	
Vehicle License and Registration Fees—Pickup and Delivery Equipment.....	5225	4722 Vehicle License and Registration Fees—Ownership (Federal)—Pickup and Delivery.....	
		4732 Vehicle License and Registration Fees—Usage (Federal)—Pickup and Delivery.....	
		4772 Vehicle License and Registration Fees—Ownership (State and Other)—Pickup and Delivery.....	
		4782 Vehicle License and Registration Fees—Usage (State and Other)—Pickup and Delivery.....	
Real Estate and Personal Property Taxes.....	5230	4755 Real Estate and Personal Property Taxes—Terminal.....	
		4756 Real Estate and Personal Property Taxes—Maintenance.....	
		4759 Real Estate and Personal Property Taxes—General and Administrative.....	
Social Security Taxes.....	5240	4419 Federal Payroll Taxes—General and Administrative.....	
		4429 State Payroll Taxes—General and Administrative.....	
Other Taxes.....	5250	4749 Other Taxes (Federal)—General and Administrative.....	
		4799 Other Taxes (State and Other)—General and Administrative.....	
Lease of Distinct Operating Unit; Debit.....	5400	8310 Lease of Distinct Operating Unit—Debit.....	
Lease of Distinct Operating Unit; Credit.....	5600	8320 Lease of Distinct Operating Unit—Credit.....	
<b>OTHER ORDINARY INCOME</b>			
Income From Noncarrier Operations; Net.....	6100	8100 Income From Noncarrier Operations (Net).....	
Interest Income.....	6300	8110 Income From Noncarrier Operations.....	
Dividend Income.....	6400	8120 Expenses of Noncarrier Operations.....	
Other Nonoperating Income.....	6500	8210 Interest Income.....	
		8220 Dividend Income.....	
		8410 Other Nonoperating Income.....	

See footnotes at end of table.



RULES AND REGULATIONS

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
<b>DEDUCTIONS FROM ORDINARY INCOME</b>			
Interest.....	7100	8610	Interest Expense—Equipment Obligations—General and Administrative.
		8620	Interest Expense—Advances—General and Administrative.
		8630	Interest Expense—Bonds—General and Administrative.
		8640	Interest Expense—Other Long-Term Obligations—General and Administrative.
		8650	Interest Expense—Current Obligations—General and Administrative.
		8660	Interest Expense—Matured Obligations—General and Administrative.
Amortization of Debt Discount and Expense.....	7300	8670	Amortization of Debt Discount and Expense.
Amortization of Premiums on Debt; Credit.....	7400	8680	Amortization of Premium on Debt—Credit.
Other Deductions.....	7500	8420	Other Nonoperating Deductions.
		8421	Bad Debts.
		8422	Amortization (Franchisees, Permits and Other).
		8423	Life Insurance Premiums (Nontax Deductible).
		8429	Other.
		8510	Nonoperating Gains on Disposition of Other Assets.
		8520	Nonoperating Losses on Disposition of Other Assets.
		8530	Gains on Disposition of Land and Structures.
		8540	Losses on Disposition of Land and Structures.
<b>INCOME TAXES</b>			
Federal Income Taxes.....	8810	8710	Federal Income Taxes.
State Income Taxes.....	8820	8720	State Income Taxes.
Other Income Taxes.....	8830	8730	Other Income Taxes.
<b>EXTRAORDINARY AND PRIOR PERIOD ITEMS</b>			
Extraordinary Items (Net).....	8910	8810	Extraordinary Items (Net).
Prior Period Items (Net).....	8930	8830	Prior Period Items (Net).
Income Taxes on Extraordinary and Prior Period Items.	8950	8850	Income Taxes on Extraordinary and Prior Period Items.

- <sup>1</sup> Applies to amounts for grease, lubricants, and coolants in this account.  
<sup>2</sup> Applies to amounts in this account which were redistributed from accounts 4449 through 4499.  
<sup>3</sup> Applies to amounts for oil in this account.  
<sup>4</sup> Applies to carrier operating property only.  
<sup>5</sup> Applies to fixed term intangible property only (see also account 7500).  
<sup>6</sup> Applies to amounts in this account prior to redistribution to the 4400 account series.

RULES AND REGULATIONS

TABLE II-A—CLASS II MOTOR CARRIERS BALANCE SHEET ACCOUNT NUMBERS CONVERSION TABLE  
From the system of accounts effective prior to Jan. 1, 1974, to the system of accounts effective Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
<b>ASSETS</b>			
<b>CURRENT ASSETS</b>			
Cash and Working Funds.....	100	1010	Cash and Working Funds.
Special Deposits.....	104	1020	Special Deposits.
Notes Receivable.....	108	1110	Notes Receivable.
Receivables from Affiliated Companies.....	110	1120	Receivables from Affiliated Companies.
Accounts Receivable—Other.....	112	1131	Accounts Receivable; Customers and Interline.
		1133	Accounts Receivable; Officers, Stockholders and Employees.
		1135	Accounts Receivable; Other.
Prepayments.....	117	1140	Prepayments.
Materials and Supplies.....	118	1161	Materials and Supplies.
Other Current Assets.....	119	1030	Temporary Cash Investments.
		1160	Other Current Assets.
<b>PROPERTY AND INVESTMENTS</b>			
Land and Structures.....	121	1210	Land and Structures.
Revenue Equipment.....	122	1221	Revenue Equipment.
Service Cars and Equipment.....	123	1223	Service Cars and Equipment.
Other Carrier Property.....	124	1230	Other Carrier Property.
Noncarrier Property.....	140	1261	Property Used in Other Than Carrier Operations.
Organization, Franchises and Permits.....	150	1210	Organization, Franchises and Permits.
Other Intangible Property.....	155	1241	Other Intangible Property.
Investments and Advances—Affiliated Companies.	160	1410	Investments and Advances—Affiliated Companies.
Other Investments, Advances and Special Funds.	165	1430	Other Investments and Advances.
		1451	Special Funds.
<b>DEFERRED AND MISCELLANEOUS DEBITS</b>			
Deferred and Miscellaneous Debits.....	185	1510	Deferred and Miscellaneous Debits.
		1561	Clearing Account.
		2032	Discount on Capital Stock.
		2033	Commission and Expense on Capital Stock.
Reacquired and Nominally Issued Securities.....	186	2041	Reacquired Long-term Obligations.
		2021	Nominally Issued Securities.
		2061	Treasury Stock.
<b>LIABILITIES</b>			
<b>CURRENT LIABILITIES</b>			
Notes Payable and Matured Obligations.....	200	2010	Notes Payable and Matured Obligations.
Payables to Affiliated Companies.....	208	2020	Payables to Affiliated Companies.
		2081	Accounts Payable; Officers, Stockholders and Employees.
Accounts Payable.....	205	2032	Accounts Payable; Interline.
		2033	Accounts Payable; Employee Withholding.
		2034	Accounts Payable; Other.
Salaries and Wages Payable.....	207	2041	Salaries and Wages Payable.
C.O.D.'s Unremitted.....	209	2051	C.O.D.'s Unremitted.
Taxes Accrued.....	212	2111	Gasoline, Other Fuel and Oil Taxes; Accrued.
		2112	Vehicle Licenses and Registration Fees; Accrued.
		2113	Real Estate and Personal Property Taxes; Accrued.
		2114	Social Security Taxes; Accrued.
		2115	Other Taxes; Accrued.
		2121	Accrued Federal Income Taxes.
		2122	Accrued State Income Taxes.
		2123	Accrued Other Income Taxes.
Other Current and Accrued Liabilities.....	218		

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## RULES AND REGULATIONS

TABLE II-A—Continued

From the system of accounts effective prior to Jan. 1, 1974, to the system of accounts effective Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.
Account title	No.	Account title	No.
<b>LONG-TERM DEBT DUE WITHIN 1 YEAR</b>			
Equipment Obligations and Other Debt.....	219	2130 Other Current and Accrued Liabilities.	
<b>EQUIPMENT AND OTHER LONG-TERM OBLIGATIONS</b>			
Advances Payable—Affiliated Companies.....	220	2310 Advances Payable—Affiliated Companies.	
Equipment and Other Long-term Obligations...	230	2320 Other Advances Payable.	
<b>DEFERRED CREDITS AND RESERVES</b>			
Deferred Credits.....	240	2331 Equipment Obligations.	
Reserve for Depreciation—Structures.....	251	2332 Bonds, and Debentures.	
Reserve for Depreciation—Revenue Equipment...	252	2333 Capitalized Lease Obligations.	
Reserve for Depreciation—Service Cars and Equipment.	253	2334 Other Long-term Obligations.	
Reserve for Depreciation—Other Carrier Property.	254	2410 Deferred Credits.	
Reserve for Amortization—Carrier Property.....	260	1214 Accumulated Depreciation—Structures.	
Reserve for Depreciation and Amortization—Noncarrier Property.	261	1222 Accumulated Depreciation—Revenue Equipment.	
Other Reserves.....	269	1224 Accumulated Depreciation—Service Cars and Equipment.	
<b>CAPITAL AND SURPLUS</b>			
Capital Stock.....	270	1232 Accumulated Depreciation and Amortization—Other Carrier Property.	
Sole Proprietorship Capital.....	280	1312 Accumulated Amortization—Organization, Franchises and Permits.	
Partnership—Capital.....	281	1342 Accumulated Amortization—Other Intangible Property.	
Premiums and Assessments on Capital Stock.....	290	1262 Accumulated Depreciation and Amortization—Property Used in Other Than Carrier Operations.	
Other Capital Surplus.....	291	1138 Allowance for Uncollectible Accounts.	
Earned Surplus—Appropriated.....	292	1428 Adjustments—Investments and Advances, Affiliated Companies.	
Earned Surplus—Unappropriated.....	293	1448 Adjustments—Other Investments and Advances.	
<b>EARNED SURPLUS ACCOUNTS TO BE CLOSED TO ACCOUNT 293—EARNED SURPLUS—UNAPPROPRIATED AT THE END OF EACH YEAR</b>			
Credit Balance Transferred From Income.....	2932	2611 Estimated Liabilities.	
Other Credits to Earned Surplus.....	2936	2610 Capital Stock.	
Debit Balance Transferred From Income.....	2942	2711 Sole Proprietorship Capital.	
Dividend Appropriations.....	2944	2721 Drawings.	
Other Appropriations of Earned Surplus.....	2946	2731 Profit and Loss.	
Other Debits to Earned Surplus.....	2948	2811 Partnership Capital.	
		2821 Drawings.	
		2831 Profit and Loss.	
		2631 Premiums and Assessments on Capital Stock.	
		2641 Other Capital in Excess of Par or Stated Value.	
		2651 Retained Earnings—Appropriated.	
		2652 Retained Earnings—Unappropriated.	
		<b>RETAINED EARNINGS ACCOUNTS TO BE CLOSED TO ACCOUNT 2652—RETAINED EARNINGS—UNAPPROPRIATED AT THE END OF EACH YEAR</b>	
		2911 Credit Balance Transferred From Income.	
		2921 Other Credits to Retained Earnings.	
		2931 Debit Balance Transferred From Income.	
		2941 Dividend Appropriations.	
		2941 Other Appropriations of Retained Earnings.	
		2961 Other Debits to Retained Earnings.	

## RULES AND REGULATIONS

TABLE II-B—CLASS II MOTOR CARRIERS REVENUE AND EXPENSE ACCOUNT NUMBERS CONVERSION TABLE

From the system of accounts effective prior to Jan. 1, 1974, to the system of accounts effective Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.
Account title	No.	Account title	No.
<b>OPERATING REVENUES</b>			
Freight Revenue—Intercity Common Carrier....	310	3100 Freight Revenue—Intercity Common Carrier.	
Freight Revenue—Intercity Contract Carrier....	311	3200 Freight Revenue—Intercity Contract Carrier.	
Freight Revenue—Local Cartage.....	312	3300 Freight Revenue—Local Cartage.	
Intercity Transportation For Other Class II and Class I Motor Carriers.	313	3400 Intercity Transportation For Other Motor Carriers.	
Other Operating Revenue.....	290	3900 Other Operating Revenue.	
<b>OPERATION AND MAINTENANCE</b>			
<b>EXPENSES</b>			
Supervision, Office and Other Expenses.....	411	4116 Salaries—Officers—Maintenance.	
Other Maintenance Expenses.....	418	4216 Salaries and Wages—Clerical and Administrative—Maintenance.	
		4246 Salaries and Wages—Vehicle Repair and Service—Maintenance.	
		4296 Salaries and Wages—Other Labor—Maintenance.	
		4306 Miscellaneous Paid Time Off—Maintenance.	
		4406 Other Fringes—Maintenance.	
		4516 Fuel for Motor Vehicles—Maintenance.	
		4536 Vehicle Parts—Maintenance.	
		4556 Tires and Tubes—Maintenance.	
		4596 Other Operating Supplies—Maintenance.	
		4616 Office Supplies—Maintenance.	
		4696 Miscellaneous Expenses—Maintenance.	
		4716 Gasoline, Diesel Fuel and Oil Taxes (Federal)—Maintenance.	
		4726 Vehicle License and Registration Fees—Ownership (Federal)—Maintenance.	
		4766 Gasoline, Diesel Fuel and Oil Taxes (State and other)—Maintenance.	
		4776 Vehicle License and Registration Fees—Ownership (State and other)—Maintenance.	
		5126 Utilities Expenses—Maintenance.	
		5506 Building and Office Equipment Rents—Maintenance.	
Joint Garage Expense—Net.....	419	5916 Joint Facility Expense—Debit—Maintenance.	
<b>TRANSPORTATION</b>			
Supervision, Office and Other Expenses.....	421	4111 Salaries—Officers—Line Haul.	
Other Transportation Expenses.....	426	4112 Salaries—Officers—Pickup and Delivery.	
		4211 Salaries and Wages—Clerical and Administrative—Line Haul.	
		4212 Salaries and Wages—Clerical and Administrative—Pickup and Delivery.	
		4291 Salaries and Wages—Other Labor—Line Haul.	
		4292 Salaries and Wages—Other Labor—Pickup and Delivery.	
		4301 Miscellaneous Paid Time Off—Line Haul.	
		4302 Miscellaneous Paid Time Off—Pickup and Delivery.	
		4401 Other Fringes—Line Haul.	
		4402 Other Fringes—Pickup and Delivery.	
		4591 Other Operating Supplies—Line Haul.	
		4592 Other Operating Supplies—Pickup and Delivery.	
		4611 Office Supplies—Line Haul.	
		4612 Office Supplies—Pickup and Delivery.	
		4691 Miscellaneous Expenses—Line Haul.	
		4692 Miscellaneous Expenses—Pickup and Delivery.	

See footnotes at end of table.



RULES AND REGULATIONS

TABLE II-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.	Account title
TRANSPORTATION—continued				
Repairs and Service—Revenue Equipment—Line Haul.	413.1	4121 Utilities Expenses—Line Haul.		
Repairs and Service—Revenue Equipment—Pickup and Delivery.	413.5	4122 Utilities Expenses—Pickup and Delivery.		
Tires and Tubes—Revenue Equipment—Line Haul.	416.1	4501 Building and Office Equipment Rents—Line Haul.		
Tires and Tubes—Revenue Equipment—Pickup and Delivery.	416.5	4502 Building and Office Equipment Rents—Pickup and Delivery.		
Drivers and Helpers—Line Haul.	423.1	4509 Building and Office Equipment Rents—General and Administrative.		
Drivers and Helpers—Pickup and Delivery.	423.5	4241 Salaries and Wages—Vehicle Repair and Service—Line Haul.		
Fuel and Oil—Revenue Equipment—Line Haul.	425.1	4301 Miscellaneous Paid Time Off—Line Haul. <sup>3</sup>		
Fuel and Oil—Revenue Equipment—Pickup and Delivery.	425.5	4511 Fuel for Motor Vehicles—Line Haul. <sup>3</sup>		
PURCHASED TRANSPORTATION				
Equipment Rents—Intercity—With Drivers.	427.1	4531 Vehicle Parts—Line Haul.		
Equipment Rents—Intercity—Without Drivers.	427.2	4242 Salaries and Wages—Vehicle Repair and Service—Pickup and Delivery.		
Other Purchased Transportation—Intercity.	427.3	4302 Miscellaneous Paid Time Off—Pickup and Delivery. <sup>4</sup>		
Equipment Rents—Pickup and Delivery—With Drivers.	427.5	4512 Fuel for Motor Vehicles—Pickup and Delivery. <sup>3</sup>		
Equipment Rents—Pickup and Delivery—Without Drivers.	427.6	4532 Vehicle Parts—Pickup and Delivery.		
Other Purchased Pickup and Delivery.	427.7	4551 Tires and Tubes—Line Haul.		
Equipment Rents—Credit.	427.9	4552 Tires and Tubes—Pickup and Delivery.		
		4221 Salaries and Wages—Drivers and Helpers—Line Haul.		
		4251 Salaries and Wages—Owner Operator Drivers—Line Haul.		
		4301 Miscellaneous Paid Time Off—Line Haul. <sup>7</sup>		
		4222 Salaries and Wages—Drivers and Helpers—Pickup and Delivery.		
		4252 Salaries and Wages—Owner Operator Drivers—Pickup and Delivery.		
		4302 Miscellaneous Paid Time Off—Pickup and Delivery. <sup>7</sup>		
		4511 Fuel for Motor Vehicles—Line Haul.		
		4512 Fuel for Motor Vehicles—Pickup and Delivery.		
		5411 Vehicle Rents With Driver—Line Haul.		
		5421 Vehicle Rents With Driver—Vehicle Portion Only—Line Haul.		
		5431 Vehicle Rents Without Driver—Line Haul.		
		5441 Other Purchased Transportation—Motor Carriers—Line Haul.		
		5451 Other Purchased Transportation—Railroads—Line Haul.		
		5461 Other Purchased Transportation—Water, Carriers—Line Haul.		
		5471 Other Purchased Transportation—Air Lines and Other—Line Haul.		
		5412 Vehicle Rents With Driver—Pickup and Delivery.		
		5422 Vehicle Rents With Driver—Vehicle Portion Only—Pickup and Delivery.		
		5432 Vehicle Rents Without Driver—Pickup and Delivery.		
		5442 Other Purchased Transportation—Motor Carriers—Pickup and Delivery.		
		5472 Other Purchased Transportation—Air Lines and Other—Pickup and Delivery.		
		5482 Allowances to Shippers—Pickup and Delivery.		
		5491 Equipment Rents—Credit—Line Haul.		
		5492 Equipment Rents—Credit—Pickup and Delivery.		

<sup>3</sup> See footnotes at end of table.

RULES AND REGULATIONS

TABLE II-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.	Account title
TERMINAL				
Supervisory Salaries.	431.1	4113 Salaries—Officers—Billing and Collecting.		
Salaries and Fees—Billing and Collecting.	431.2	4114 Salaries—Officers—Platform.		
Salaries—Revenue Accounting.	481.2	4115 Salaries—Officers—Terminal.		
Other Office Employees—Terminal.	431.3	4213 Salaries and Wages—Clerical and Administrative—Billing and Collecting.		
Office and Other Expenses—Terminal.	432	4303 Miscellaneous Paid Time Off—Billing and Collecting. <sup>9</sup>		
Other Terminal Expenses.	438	4643 Commission Agent Fees—Billing and Collecting.		
		4214 Salaries and Wages—Clerical and Administrative—Platform.		
		4215 Salaries and Wages—Clerical and Administrative—Terminal.		
		4304 Miscellaneous Paid Time Off—Platform. <sup>9</sup>		
		4305 Miscellaneous Paid Time Off—Terminal. <sup>9</sup>		
		4244 Salaries and Wages—Vehicle Repair and Service—Platform.		
		4245 Salaries and Wages—Vehicle Repair and Service—Terminal.		
		4403 Other Fringes—Billing and Collecting. <sup>1</sup>		
		4404 Other Fringes—Platform. <sup>1</sup>		
		4405 Other Fringes—Terminal. <sup>1</sup>		
		4515 Fuel for Motor Vehicles—Terminal.		
		4535 Vehicle Parts—Terminal.		
		4555 Tires and Tubes—Terminal.		
		4594 Other Operating Supplies—Platform.		
		4596 Other Operating Supplies—Terminal.		
		4618 Office Supplies—Billing and Collecting.		
		4614 Office Supplies—Platform.		
		4615 Office Supplies—Terminal.		
		4693 Miscellaneous Expenses—Billing and Collecting.		
		4694 Miscellaneous Expenses—Platform.		
		4695 Miscellaneous Expenses—Terminal.		
		4715 Gasoline, Diesel Fuel and Oil Taxes (Federal)—Terminal.		
		4725 Vehicle License and Registration Fees—Ownership (Federal)—Terminal.		
		4765 Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Terminal.		
		4775 Vehicle License and Registration Fees—Ownership (State and Other)—Terminal.		
		5123 Utilities Expenses—Billing and Collecting.		
		5124 Utilities Expenses—Platform.		
		5125 Utilities Expenses—Terminal.		
		5503 Building and Office Equipment Rents—Billing and Collecting.		
		5504 Building and Office Equipment Rents—Platform.		
		5505 Building and Office Equipment Rents—Terminal.		
Salaries and Wages—Platform Employees.	434	4234 Salaries and Wages—Cargo Handlers—Platform.		
Other Terminal Employees.	435	4304 Miscellaneous Paid Time Off—Platform. <sup>10</sup>		
		4644 Commission Agent Fees—Platform.		
		4293 Salaries and Wages—Other Labor—Billing and Collecting.		
		4294 Salaries and Wages—Other Labor—Platform.		
		4295 Salaries and Wages—Other Labor—Terminal.		
		4308 Miscellaneous Paid Time Off—Billing and Collecting. <sup>11</sup>		
		4304 Miscellaneous Paid Time Off—Platform. <sup>11</sup>		
		4305 Miscellaneous Paid Time Off—Terminal. <sup>11</sup>		
Commission Agents.	436	4641 Commission Agent Fees—Line Haul.		
		4642 Commission Agent Fees—Pickup and Delivery.		
		4643 Commission Agent Fees—Billing and Collecting.		
		4644 Commission Agent Fees—Platform.		
		4645 Commission Agent Fees—Terminal.		
		4647 Commission Agent Fees—Traffic and Sales.		
Joint Terminal Facilities—Net.	439	5015 Joint Facility expense—Debit—Terminal. <sup>12</sup>		

<sup>12</sup> See footnotes at end of table.

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RULES AND REGULATIONS

TABLE II-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.	Account title
Account title	No.	No.		Account title
<b>TRAFFIC</b>				
Supervision, Office and Other Expenses.....	441	4117 Salaries—Officers—Traffic and Sales.		
		4217 Salaries and Wages—Clerical and Administrative—Traffic and Sales.		
Other Traffic Expenses.....	448	4247 Salaries and Wages—Vehicle Repair and Service—Traffic and Sales.		
		4297 Salaries and Wages—Other Labor—Traffic and Sales.		
		4307 Miscellaneous Paid Time Off—Traffic and Sales.		
		4407 Other Fringes—Traffic and Sales. <sup>1</sup>		
		4537 Vehicle Parts—Traffic and Sales.		
		4557 Tires and Tubes—Traffic and Sales.		
		4617 Office Supplies—Traffic and Sales.		
		4627 Tariffs and Schedules—Traffic and Sales.		
		4647 Commission Agent Fees—Traffic and Sales.		
		4607 Miscellaneous Expenses—Traffic and Sales.		
		4727 Vehicle License and Registration Fees—Ownership (Federal)—Traffic and Sales.		
		4777 Vehicle License and Registration Fees—Ownership (State and Other)—Traffic and Sales.		
		5127 Utilities Expenses—Traffic and Sales.		
		5507 Building and Office Equipment Rents—Traffic and Sales.		
		5509 Building and Office Equipment Rents—General and Administrative. <sup>1</sup>		
Tariffs and Schedules.....	443	4627 Tariffs and Schedules—Traffic and Sales.		
<b>INSURANCE AND SAFETY</b>				
Supervision, Office and Other Expenses.....	451	4118 Salaries—Officers—Insurance and Safety.		
		4218 Salaries and Wages—Clerical and Administrative—Insurance and Safety.		
Other Insurance and Safety Department Expenses.	458	4248 Salaries and Wages—Vehicle Repair and Service—Insurance and Safety.		
		4298 Salaries and Wages—Other Labor—Insurance and Safety.		
		4308 Miscellaneous Paid Time Off—Insurance and Safety.		
		4408 Other Fringes—Insurance and Safety. <sup>1</sup>		
		4538 Vehicle Parts—Insurance and Safety.		
		4558 Tires and Tubes—Insurance and Safety.		
		4618 Office Supplies—Insurance and Safety.		
		4698 Miscellaneous Expenses—Insurance and Safety.		
		4728 Vehicle License and Registration Fees—Ownership (Federal)—Insurance and Safety.		
		4778 Vehicle License and Registration Fees—Ownership (State and Other)—Insurance and Safety.		
		5128 Utilities Expenses—Insurance and Safety.		
		5508 Building and Office Equipment Rents—Insurance and Safety.		
		5509 Building and Office Equipment Rents—General. <sup>1</sup>		
Public Liability and Property Damage.....	453	4811 Public Liability and Property Damage Insurance—Line Haul.		
		4812 Public Liability and Property Damage Insurance—Pickup and Delivery.		
		4818 Public Liability and Property Damage Insurance—Insurance and Safety.		
Workmen's Compensation.....	454	4439 Workmen's Compensation—General and Administrative. <sup>1</sup>		
Cargo Loss and Damage.....	455	4821 Cargo Loss and Damage Insurance—Line Haul.		
		4825 Cargo Loss and Damage Insurance—Terminal.		
Fire, Theft, and Collision.....	456	4831 Fire, Theft and Collision Insurance—Line Haul.		
		4832 Fire, Theft and Collision Insurance—Pickup and Delivery.		
Other Insurance Expense.....	457	4838 Fire, Theft and Collision Insurance—Insurance and Safety.		

See footnotes at end of table.

RULES AND REGULATIONS

TABLE II-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.	Account title
Account title	No.	No.		Account title
<b>INSURANCE AND SAFETY—continued</b>				
<b>ADMINISTRATIVE AND GENERAL</b>				
Salaries—General Officers.....	461.1	4119 Salaries—Officers—General and Administrative.		
Salaries, Other General Office Employees.....	461.3	4119 Salaries—Officers—General and Administrative.		
Law and Outside Auditing Expenses.....	463	4219 Salaries and Wages—Clerical and Administrative—General and Administrative.		
Regulatory Expenses.....	467	4299 Salaries and Wages—Other Labor—General and Administrative.		
Other General Expenses.....	468	4309 Miscellaneous Paid Time Off—General and Administrative.		
		4409 Other Fringes (Control)—General and Administrative. <sup>1</sup>		
		4499 Other Fringes—General and Administrative.		
Other General Office Expenses.....	462	5509 Building and Office equipment rents—General and Administrative. <sup>1</sup>		
		5530 Professional Services—Debit—General and Administrative. <sup>1</sup>		
		4249 Salaries and Wages—Vehicle Repair and Service—General and Administrative.		
		4539 Vehicle Parts—General and Administrative.		
		4559 Tires and Tubes—General and Administrative.		
		4619 Office Supplies—General and Administrative.		
		4699 Miscellaneous Expenses—General and Administrative.		
		4729 Vehicle License and Registration Fees—Ownership (Federal)—General and Administrative.		
		4779 Vehicle License and Registration Fees—Ownership (State and Other)—General and Administrative.		
		5129 Utilities Expenses—General and Administrative.		
		5509 Building and Office Equipment Rents—General and Administrative. <sup>1</sup>		
Communication Service.....	464	5121 Utilities Expenses—Line Haul.		
		5122 Utilities Expenses—Pickup and Delivery.		
		5123 Utilities Expenses—Billing and Collecting.		
		5124 Utilities Expenses—Platform.		
		5125 Utilities Expenses—Terminal.		
		5126 Utilities Expenses—Maintenance.		
		5127 Utilities Expenses—Traffic and Sales.		
		5128 Utilities Expenses—Insurance and Safety.		
		5129 Utilities Expenses—General and Administrative.		
Uncollectible Revenues.....	466	5980 Uncollectible Revenue—General and Administrative.		
Joint Operating Expense—Net.....	469	5919 Joint Facility Expense—Debit—General and Administrative. <sup>1</sup>		
<b>DEPRECIATION EXPENSE</b>				
Depreciation of Structures.....	501	4815 Depreciation Expense—Buildings and Structures—Terminal.		
		4816 Depreciation Expense—Buildings and Structures—Maintenance.		
		4819 Depreciation Expense—Buildings and Structures—General and Administrative.		
Depreciation of Revenue Equipment—Line Haul.	502.2	4821 Depreciation Expense—Revenue Equipment—Line Haul.		

See footnotes at end of table.

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RULES AND REGULATIONS

TABLE II-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.	Account title
DEPRECIATION EXPENSE—continued				
Depreciation of Revenue Equipment—Pickup and Delivery.	502.5	5322 Depreciation Expense—Revenue Equipment—Pickup and Delivery.		
Depreciation of Service Cars and Equipment....	503	5334 Depreciation Expense—Service Cars and Equipment—Platform.		
		5335 Depreciation Expense—Service Cars and Equipment—Terminal.		
		5336 Depreciation Expense—Service Cars and Equipment—Maintenance.		
		5337 Depreciation Expense—Service Cars and Equipment—Traffic and Sales.		
		5338 Depreciation Expense—Service Cars and Equipment—Insurance and Safety.		
		5339 Depreciation Expense—Service Cars and Equipment—General and Administrative.		
Depreciation of Shop and Garage Equipment....	504	5346 Depreciation Expense—Shop and Garage Equipment—Maintenance.		
Depreciation of Furniture and Office Equipment.	505	5355 Depreciation Expense—Furniture and Office Equipment—Terminal.		
		5356 Depreciation Expense—Furniture and Office Equipment—Maintenance.		
		5359 Depreciation Expense—Furniture and Office Equipment—General and Administrative.		
Depreciation of Miscellaneous Equipment.....	506	5361 Depreciation Expense—Miscellaneous Equipment—Line Haul.		
		5362 Depreciation Expense—Miscellaneous Equipment—Pickup and Delivery.		
		5363 Depreciation Expense—Miscellaneous Equipment—Billing and Collecting.		
		5364 Depreciation Expense—Miscellaneous Equipment—Platform.		
		5365 Depreciation Expense—Miscellaneous Equipment—Terminal.		
		5366 Depreciation Expense—Miscellaneous Equipment—Maintenance.		
		5367 Depreciation Expense—Miscellaneous Equipment—Traffic and Sales.		
		5368 Depreciation Expense—Miscellaneous Equipment—Insurance and Safety.		
		5369 Depreciation Expense—Miscellaneous Equipment—General and Administrative.		
Depreciation of Other Carrier Property.....	507	5375 Amortization Expense—Improvements to Leasehold Property—Terminal.		
		5376 Amortization Expense—Improvements to Leasehold Property—Maintenance.		
		5379 Amortization Expense—Improvements to Leasehold Property—General and Administrative.		
Depreciation Adjustment.....	510	5719 Gains on Disposition of Operating Assets—General and Administrative. <sup>1</sup>		
		5729 Losses on Disposition of Operating Assets—General and Administrative. <sup>1</sup>		
Amortization of Carrier Property.....	515	5390 Amortization Expense (Other)—General and Administrative.		
OPERATING TAXES AND LICENSES				
Gasoline, Other Fuel and Oil Taxes—Line Haul..	521.1	4711 Gasoline, Diesel Fuel and Oil Taxes (Federal)—Line Haul.		
		4761 Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Line Haul.		
Gasoline, Other Fuel and Oil Taxes—Pickup and Delivery.	521.5	4712 Gasoline, Diesel Fuel and Oil Taxes (Federal)—Pickup and Delivery.		
		4762 Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Pickup and Delivery.		

See footnotes at end of table.

RULES AND REGULATIONS

TABLE II-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974	No.	System of accounts effective Jan. 1, 1974	No.	Account title
OPERATING TAXES AND LICENSES—continued				
Vehicle License and Registration Fees—Line Haul.	522.1	4721 Vehicle License and Registration Fees—Ownership (Federal)—Line Haul.		
		4771 Vehicle License and Registration Fees—Ownership (State and Other)—Line Haul.		
Vehicle License and Registration Fees—Pickup and Delivery.	522.5	4722 Vehicle License and Registration Fees—Ownership (Federal)—Pickup and Delivery.		
		4772 Vehicle License and Registration Fees—Ownership (State and Other)—Pickup and Delivery.		
Real Estate and Personal Property Taxes.....	523	4755 Real Estate and Personal Property Taxes—Terminal.		
		4756 Real Estate and Personal Property Taxes—Maintenance.		
		4759 Real Estate and Personal Property Taxes—General and Administrative.		
Social Security Taxes.....	524	4419 Federal Payroll Taxes—General and Administrative. <sup>14</sup>		
		4429 State Payroll Taxes—General and Administrative. <sup>14</sup>		
Other Taxes.....	525	4749 Other Taxes (Federal)—General and Administrative.		
		4799 Other Taxes (State and Other)—General and Administrative.		
Lease of Distinct Operating Unit—Debit.....	540	8310 Lease of Distinct Operating Unit—Debit.		
Lease of Distinct Operating Unit—Credit.....	550	8330 Lease of Distinct Operating Unit—Credit.		
Income From Noncarrier Operations—Net.....	610	8100 Income From Noncarrier Operations—Net.		
Interest, Dividends and Other Nonoperating Income.	650	8200 Interest and Dividend Income (Control).		
		8300 Lease of Distinct Operating Units (Control).		
		8400 Other Nonoperating Income (Net).		
MISCELLANEOUS DEDUCTIONS FROM INCOME				
Interest.....	710	8610 Interest Expense—Equipment Obligations.		
		8620 Interest Expense—Advances.		
		8630 Interest Expense—Bonds.		
		8640 Interest Expense—Other Long-term Obligations.		
		8650 Interest Expense—Current Obligations.		
		8660 Interest Expense—Matured Obligations.		
Other Income Deductions.....	760	8600 Gain or Loss on Disposition of Other Assets (Net).		
		8670 Amortization of Debt Discount and Expense.		
		8680 Amortization of Premium on Debt-Credit.		
		8700 Income Taxes on Ordinary Income.		
Income Taxes on Ordinary Income.....	880			
EXTRAORDINARY AND PRIOR PERIOD ITEMS				
Extraordinary and Prior Period Items (Net)....	890	8800 Extraordinary Items.		

- <sup>1</sup> Applies to the portion in this account which was redistributed from account 4499.
- <sup>2</sup> Applies only to the portion relating to vehicle-repair and service labor, miscellaneous paid time off charged to the line-haul activity.
- <sup>3</sup> Applies to amounts for grease and lubricants in this account.
- <sup>4</sup> Applies only to the portion relating to vehicle repair and service labor, miscellaneous paid time off charged to pickup and delivery activity.
- <sup>5</sup> Applies only to the portion relating to clerical and administrative, miscellaneous paid time off charged to the line-haul or pickup and delivery activity.
- <sup>6</sup> Applies to the portion relating to building operating rents formerly charged to transportation.
- <sup>7</sup> Applies to the portion relating to drivers, helpers, and owner-operator, miscellaneous paid time off charged to the line-haul or pickup and delivery activity.
- <sup>8</sup> See matrix of operating expenses for combination of accounts for class II carriers.
- <sup>9</sup> Applies to the portion relating to clerical and administrative, miscellaneous paid time off charged to the billing and collecting, platform or terminal activity.
- <sup>10</sup> Applies to the portion relating to cargo handlers, miscellaneous paid time off charged to the platform activity.
- <sup>11</sup> Applies to the portion relating to other labor, miscellaneous paid time off charged to the billing and collecting, platform or terminal activity.
- <sup>12</sup> Applies to the portion relating to building operating rents formerly charged to traffic.
- <sup>13</sup> Applies to the portion relating to building operating rents formerly charged to insurance and safety.
- <sup>14</sup> Applies to amounts in this account prior to redistribution to account series 4400.
- <sup>15</sup> Applies to the portion relating to building operating rents formerly charged to administrative and general.
- <sup>16</sup> Applies to carrier operating property only.
- <sup>17</sup> Applies to fixed-term intangible property only (see also account 760 in system effective prior to Jan. 1, 1974).

CLASS I AND CLASS II HOUSEHOLD GOODS CARRIER CONVERSION TABLES

These conversion tables relate the household goods carrier operating accounts under the present system effective January 1, 1974, with accounts of similar content under the previous system. For instructions on using the tables, see the text which immediately precedes Table I-A, Class I Motor Carriers.

In referring to the conversion tables be sure to note any symbols following the account title. For example, account 5005 includes a pound sign (£) at the end of the account title. An explanation of the pound (£) sign and other symbols is provided in the "Guide to Symbols" which precedes each household goods carrier conversion table.

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## RULES AND REGULATIONS

TABLE III.—Class I household goods carriers—revenue and expense account number conversion table  
FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
<b>Operating revenues</b>			
Freight revenue; intercity common carrier.	3100	3111	Moving revenue—intercity common carrier, own rights, company driver—interstate moving.
		3112	Moving revenue—intercity common carrier, own rights, company driver—intrastate moving.
		3113	Moving revenue—intercity common carrier, own rights, company driver—overseas import and export.
		3121	Moving revenue—intercity common carrier, own rights, owner operator—interstate moving.
		3122	Moving revenue—intercity common carrier, own rights, owner operator—intrastate moving.
		3123	Moving revenue—intercity common carrier, own rights, owner operator—overseas import and export.
		3131	Moving revenue—intercity common carrier, own rights, agent—interstate moving.
		3132	Moving revenue—intercity common carrier, own rights, agent—intrastate moving.
		3133	Moving revenue—intercity common carrier, own rights, agent—overseas import and export.
		3611	Additional transportation charge—interstate moving.
		3612	Additional transportation charge—intrastate moving.
		3621	Extra stops, pickup, delivery interstate moving.
		3622	Extra stops, pickup, delivery intrastate moving.
		3631	Empty mileage—interstate moving.
		3632	Empty mileage—intrastate moving.
		3641	Miscellaneous supplementary transportation services—interstate moving.
		3642	Miscellaneous supplementary transportation services—intrastate moving.
Freight revenue; intercity contract carrier.	3110	3201	Moving revenue—intercity contract carrier, own rights interstate moving.
		3202	Moving revenue—intercity contract carrier, own rights intrastate moving.
		3203	Moving revenue—intercity contract carrier, own rights overseas import and export.
Freight revenue; local cartage.	3120	3303	Moving revenue—local moving.
		3303	Moving revenue—local overseas import and export.
		3641	Miscellaneous supplementary transportation service—interstate moving.
		3642	Miscellaneous supplementary transportation service—intrastate moving.
Intercity transportation for other Class I and Class II motor carriers.	3130	3411	Moving revenue—intercity transportation for other motor carriers, company driver—interstate moving.
		3412	Moving revenue—intercity transportation for other motor carriers, company driver—intrastate moving.
		3413	Moving revenue—intercity transportation for other motor carriers, company driver—overseas import and export.
		3421	Moving revenue—intercity transportation for other motor carriers, owner operator—interstate moving.
		3422	Moving revenue—intercity transportation for other motor carriers, owner operator—intrastate moving.
		3423	Moving revenue—intercity transportation for other motor carriers, owner operator—overseas import and export.
Other operating revenues.	3000	3516	Packing only—interstate—packing and crating.
		3528	Unpacking only—interstate—packing and crating.
		3536	Packing and unpacking—intrastate—packing and crating.
		3538	Additional charges—overseas shipments—overseas import and export.
		3641	Miscellaneous supplementary transportation service—interstate moving.
		3642	Miscellaneous supplementary transportation service—intrastate moving.
		3811	Booking commissions—interstate moving.
		3812	Booking commissions—intrastate moving.
		3821	Origin commissions—interstate moving.
		3822	Origin commissions—intrastate moving.
		3904	Other operating revenue—indirect operating—carrier only.
<b>Operating expenses, equipment maintenance</b>			
Supervision.	4110	4114	Salaries—supervisory and administrative personnel—indirect operating—carrier only.
		4124	Salaries—Clerical—indirect operating—carrier only.
		4174	Salaries—Officers—indirect operating—carrier only.
		4194	Salaries—department and division managers—indirect operating—carrier only.
		5004	Fringe benefits—indirect operating—carrier only.

See footnotes at end of table.

## RULES AND REGULATIONS

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Office and other expenses.	4120	4614	Repair Wages—Transportation Equipment only—indirect operating—carrier only.
Other maintenance expenses.	4130	4615	Other wages—indirect operating—carrier only.
		4616	Fringe benefits—indirect operating—carrier only.
		6124	Gasoline and diesel fuel—indirect operating—carrier only.
		6125	Motor oils and lubricants—indirect operating—carrier only.
		6204	Tires and tubes—indirect operating—carrier only.
		6304	Other vehicle supplies—indirect operating—carrier only.
		6404	Vehicle repair parts—indirect operating—carrier only.
		6514	Repair materials—building—indirect operating—carrier only.
		6524	Repair materials—equipment—indirect operating—carrier only.
		6534	Repair materials—furniture and fixtures—indirect operating—carrier only.
		6614	Printed forms and office supplies—indirect operating—carrier only.
		6804	Miscellaneous supplies—indirect operating—carrier only.
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only.
		7214	Outside services—building repairs—indirect operating—carrier only.
		7224	Outside services—equipment repairs—indirect operating—carrier only.
		7234	Outside services—furniture and fixture repairs—indirect operating—carrier only.
		7314	Other outside services—janitorial services—indirect operating—carrier only.
		7324	Other outside services—watch and alarm services—indirect operating—carrier only.
		7404	Utilities—indirect operating—carrier only.
		7504	Communication services—indirect operating—carrier only.
		7604	Travel expenses—company drivers and other operating employees—indirect operating—carrier only.
		7614	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only.
		7914	Subscriptions, books, and periodicals—indirect operating—carrier only.
		7945	Postage—general & administrative—carrier only.
		7994	Miscellaneous corporate expenses—indirect operating—carrier only.
		8234	Rent on office equipment—indirect operating—carrier only.
		8424	Vehicle licenses and registration fees—state and local indirect operating—carrier only.
		8434	Vehicle licenses and registration fees—federal—indirect operating—carrier only.
		8444	Gas, diesel fuel, and oil taxes—state and local—indirect operating—carrier only.
		8454	Gas, diesel fuel, and oil taxes—federal—indirect operating—carrier only.
Repairs and servicing; revenue equipment—line haul.	4131	4611	Repair wages—transportation equipment only—interstate moving.
		4612	Repair wages—transportation equipment only—intrastate moving.
		4613	Repair wages—transportation equipment only—local moving.
		5004	Fringe benefits—indirect operating—carrier only.
		6121	Motor oils and lubricants—interstate moving.
		6122	Motor oils and lubricants—intrastate moving.
		6123	Motor oils and lubricants—local moving.
		6201	Other vehicle supplies—interstate moving.
		6202	Other vehicle supplies—intrastate moving.
		6203	Other vehicle supplies—local moving.
		6401	Vehicle repair parts—interstate moving.
		6402	Vehicle repair parts—intrastate moving.
		6403	Vehicle repair parts—local moving.
		7101	Outside services—vehicle repairs and maintenance—interstate moving.
		7102	Outside services—vehicle repairs and maintenance—intrastate moving.
		7103	Outside services—vehicle repairs and maintenance—local moving.
Repairs and servicing; revenue equipment—pickup and delivery.	4135	4611	Repair wages—transportation equipment only—interstate moving.
		4612	Repair wages—transportation equipment only—intrastate moving.
		4613	Repair wages—transportation equipment only—local moving.
		5004	Fringe benefits—indirect operating—carrier only.
		6121	Motor oils and lubricants—interstate moving.
		6122	Motor oils and lubricants—intrastate moving.
		6123	Motor oils and lubricants—local moving.
		6201	Other vehicle supplies—interstate moving.
		6202	Other vehicle supplies—intrastate moving.
		6203	Other vehicle supplies—local moving.
		6401	Vehicle repair parts—interstate moving.
		6402	Vehicle repair parts—intrastate moving.
		6403	Vehicle repair parts—local moving.
		7101	Outside services—vehicle repairs and maintenance—interstate moving.
		7102	Outside services—vehicle repairs and maintenance—intrastate moving.
		7103	Outside services—vehicle repairs and maintenance—local moving.
Employees welfare expenses.	4145	5004	Fringe benefits—indirect operating—carrier only.

See footnotes at end of table.



RULES AND REGULATIONS

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Tires and tubes; revenue equipment—line haul.	4161	6201	Tires and tubes—interstate moving. <sup>1</sup>
		6202	Tires and tubes—intrastate moving. <sup>1</sup>
Tires and tubes; revenue equipment—pickup and delivery.	4165	6208	Tires and tubes—local moving. <sup>1</sup>
		6209	Tires and tubes—interstate moving. <sup>2</sup>
Operating rents.	4185	6203	Tires and tubes—intrastate moving. <sup>2</sup>
		6204	Tires and tubes—local moving. <sup>2</sup>
		8314	Rent on building property—indirect operating—carrier only. <sup>1</sup>
		8334	Rent on miscellaneous equipment—indirect operating—carrier only. <sup>1</sup>
Joint garage expense; debit.	4191		Intentionally left blank.
Joint garage expense; credit.	4196		Do.
Transportation			
Supervision.	4210	4111	Salaries—supervisory and administrative personnel—interstate moving.
		4112	Salaries—supervisory and administrative personnel—intrastate moving.
		4113	Salaries—supervisory and administrative personnel—local moving.
		4121	Salaries—clerical—interstate moving.
		4122	Salaries—clerical—intrastate moving.
		4123	Salaries—clerical—local moving.
		4171	Salaries—officers—interstate moving.
		4172	Salaries—officers—intrastate moving.
		4173	Salaries—officers—local moving.
		4191	Salaries—department and division managers—interstate moving.
		4192	Salaries—department and division managers—intrastate moving.
		4193	Salaries—department and division managers—local moving.
		5001	Fringe benefits—interstate moving. <sup>1</sup>
		5002	Fringe benefits—intrastate moving. <sup>1</sup>
		5003	Fringe benefits—local moving. <sup>1</sup>
Office and other expenses.	4220	4901	Other wages—interstate moving.
Other transportation expenses.	4230	4902	Other wages—intrastate moving.
		4903	Other wages—local moving.
		5001	Fringe benefits—interstate moving. <sup>1</sup>
		5002	Fringe benefits—intrastate moving. <sup>1</sup>
		5003	Fringe benefits—local moving. <sup>1</sup>
		6314	Repair material—building—indirect operating—carrier only. <sup>1</sup>
		6334	Repair materials—furniture and fixtures—indirect operating—carrier only. <sup>1</sup>
		6811	Printed forms and office supplies—interstate moving.
		6812	Printed forms and office supplies—intrastate moving.
		6813	Printed forms and office supplies—local moving.
		6801	Miscellaneous supplies—interstate moving.
		6802	Miscellaneous supplies—intrastate moving.
		6803	Miscellaneous supplies—local moving.
		7214	Outside services—building repairs—indirect operating—carrier only. <sup>1</sup>
		7224	Outside services—equipment repairs—indirect operating—carrier only. <sup>1</sup>
		7284	Outside services—furniture and fixture repairs—indirect operating—carrier only. <sup>1</sup>
		7814	Other outside services—janitorial services—indirect operating—carrier only. <sup>1</sup>
		7824	Other outside services—watch and alarm services—indirect operating—carrier only. <sup>1</sup>
		7404	Utilities—indirect operating—carrier only. <sup>1</sup>
		7661	Purchased labor—temporary help—interstate moving.
		7662	Purchased labor—temporary help—intrastate moving.
		7663	Purchased labor—temporary help—local moving.
		7664	Purchased labor—temporary help—indirect operating—carrier only. <sup>2</sup>
		7701	Travel expenses—company drivers and other operating employees—interstate moving.
		7702	Travel expenses—company drivers and other operating employees—intrastate moving.
		7703	Travel expenses—company drivers and other operating employees—local moving.
		7801	Travel and entertainment—sales, office and management personnel—interstate moving.
		7802	Travel and entertainment—sales, office and management personnel—intrastate moving.
		7803	Travel and entertainment—sales, office and management personnel—local moving.
		7914	Subscriptions, books, and periodicals—indirect operating—carrier only. <sup>1</sup>
		7924	Membership and dues—indirect operating—carrier only. <sup>1</sup>
		7994	Miscellaneous corporate expenses—indirect operating—carrier only. <sup>1</sup>
		8334	Rent on office equipment—indirect operating—carrier only. <sup>1</sup>
Drivers and helpers—line haul.	4231	4211	Operating wages—transportation only—intercity helpers—interstate moving.
		4212	Operating wages—transportation only—intercity helpers—intrastate moving.
		4214	Operating wages—transportation only—intercity helpers—local moving.

See footnotes at end of table.

RULES AND REGULATIONS

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
		4221	Operating wages—transportation only—intercity helpers—interstate moving.
		4222	Operating wages—transportation only—intercity helpers—intrastate moving.
		4224	Operating wages—transportation only—intercity helpers—indirect operating—carrier only. <sup>2</sup>
		4901	Other wages—interstate moving. <sup>1</sup>
		4902	Other wages—intrastate moving. <sup>1</sup>
		5001	Fringe benefits—interstate moving. <sup>1</sup>
		5002	Fringe benefits—intrastate moving. <sup>1</sup>
Drivers and helpers—pickup and delivery.	4235	4233	Operating wages—transportation only—driver—helper—local moving only—local moving.
		4234	Operating wages—transportation only—driver—helper—local indirect operating—carrier only. <sup>2</sup>
		4243	Operating wages—transportation only—drayage labor—overseas containers—local moving.
		4244	Operating wages—transportation only—drayage labor—overseas containers—indirect operating—carrier only. <sup>2</sup>
		4903	Other wages—local moving. <sup>1</sup>
		5003	Fringe benefits—local moving. <sup>1</sup>
Employees' welfare expenses.	4245	6001	Fringe benefits—interstate moving. <sup>1</sup>
		6002	Fringe benefits—intrastate moving. <sup>1</sup>
		6003	Fringe benefits—local moving. <sup>1</sup>
Fuel for revenue equipment—line haul.	4251	6111	Gasoline and diesel fuel—interstate moving.
Fuel for revenue equipment—pickup and delivery.	4255	6112	Gasoline and diesel fuel—intrastate moving.
Oil for revenue equipment—line haul.	4261	6121	Motor oils and lubricants—interstate moving. <sup>1</sup>
Oil for revenue equipment—pickup and delivery.	4265	6122	Motor oils and lubricants—intrastate moving. <sup>1</sup>
Equipment rents; intercity; with drivers.	4271	6123	Motor oils and lubricants—local moving. <sup>1</sup>
		7681	Purchased transportation—tractor rents with driver from owner operators—interstate moving.
		7682	Purchased transportation—tractor rents with driver from owner operators—intrastate moving.
		7684	Purchased transportation—tractor rents with driver—from owner operators—indirect operating—carrier only. <sup>2</sup>
		7688	Purchased transportation—tractor rents with driver from owner operators—overseas import and export.
		7651	Purchased transportation—tractor-trailer rents with driver—from owner operator—interstate moving.
		7652	Purchased transportation—tractor-trailer rents with driver—from owner operators—intrastate moving.
		7654	Purchased transportation—tractor-trailer rents with driver—from owner operator—indirect operating—carrier only. <sup>2</sup>
		7658	Purchased transportation—tractor-trailer rents with driver—from owner operators—overseas import and export.
Equipment rents; intercity; without driver.	4272	7611	Purchased transportation—equipment rents—without driver—interstate moving.
		7612	Purchased transportation—equipment rents—without driver—intrastate moving.
		7614	Purchased transportation—equipment rents—without driver—indirect operating—carrier only. <sup>2</sup>
Other purchased transportation; intercity.	4273	7621	Purchased transportation—tractor rents with driver—from agent—interstate moving.
		7622	Purchased transportation—tractor rents with driver—from agent—intrastate moving.
		7624	Purchased transportation—tractor rents with driver—from agent—indirect operating—carrier only. <sup>2</sup>
		7628	Purchased transportation—tractor rents with driver—from agent—overseas import and export.
		7641	Purchased transportation—tractor-trailer rents with driver—from agent—interstate moving.
		7642	Purchased transportation—tractor-trailer rents with driver—from agent—intrastate moving.
		7644	Purchased transportation—tractor-trailer rents with driver—from agent—indirect operating—carrier only. <sup>2</sup>
		7648	Purchased transportation—tractor-trailer rents with driver—from agent—overseas import and export.
		7681	Purchased transportation—other transportation modes—interstate moving.
		7682	Purchased transportation—other transportation modes—intrastate moving.
		7684	Purchased transportation—other transportation modes—indirect operating—carrier only. <sup>2</sup>
		7688	Purchased transportation—other transportation modes—overseas import and export.
Equipment rents; pickup and delivery; with drivers.	4275	7683	Purchased transportation—tractor rents with driver from owner operators—local moving.
		7685	Purchased transportation—tractor-trailer rents with driver—from owner operator—local moving.
Equipment rents; pickup and delivery; without drivers.	4276	7613	Purchased transportation—equipment rents—without drivers—local moving.
Other purchased pickup and delivery.	4277		Intentionally omitted.
Equipment rents; credit.	4279	7601	Purchased transportation—equipment rents—credit—interstate moving.
		7602	Purchased transportation—equipment rents—credit—intrastate moving.
		7604	Purchased transportation—equipment rents—credit—indirect operating—carrier only. <sup>2</sup>
Operating rents.	4285	8315	Rent on building property—general and administrative—carrier only.

See footnotes at end of table.

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RULES AND REGULATIONS

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Supervisory salaries.....	4311	4114	Salaries—supervisory and administrative personnel—indirect operating—carrier only. <sup>1,2</sup>
		4174	Salaries—officers—indirect operating—carrier only. <sup>1,2</sup>
		4194	Salaries—department and division managers—indirect operating—carrier only. <sup>1,2</sup>
Salaries & fees; billing and collecting....	4312	4125	Salaries—clerical—general and administrative—carrier only. <sup>1,2</sup>
		6005	Fringe benefits—general and administrative—carrier only. <sup>1,2</sup>
Other office employees.....	4313	4124	Salaries—clerical—indirect operating—carrier only. <sup>1,2</sup>
		6004	Salaries—clerical—indirect operating—carrier only. <sup>1,2</sup>
Office and other expenses.....	4320	4614	Repair wages—transportation equipment only—indirect operating—carrier only. <sup>1,2</sup>
Other terminal expenses.....	4380	6114	Gasoline and diesel fuel—indirect operating—carrier only. <sup>1,2</sup>
		6124	Motor oils and lubricants—indirect operating—carrier only. <sup>1,2</sup>
		6204	Tires and tubes—indirect operating—carrier only. <sup>1,2</sup>
		6304	Other vehicle supplies—indirect operating—carrier only. <sup>1,2</sup>
		6404	Vehicle repair parts—indirect operating—carrier only. <sup>1,2</sup>
		6514	Repair materials—building—indirect operating—carrier only. <sup>1,2</sup>
		6524	Repair materials—furniture and fixtures—indirect operating—carrier only. <sup>1,2</sup>
		6614	Printed forms and office supplies—indirect operating—carrier only. <sup>1,2</sup>
		6615	Printed forms and office supplies—general and administrative—carrier only. <sup>1,2</sup>
		6804	Miscellaneous supplies—indirect operating—carrier only. <sup>1,2</sup>
		8444	Gas, diesel fuel, and oil taxes—State and local—indirect operating—carrier only. <sup>1,2</sup>
		8454	Gas, diesel fuel and oil taxes—Federal—indirect operating—carrier only. <sup>1,2</sup>
Salaries & wages; platform employees..	4340	4114	Salaries—supervisory and administrative personnel—indirect operating—carrier only. <sup>1,2</sup>
		4904	Other wages—indirect operating—carrier only. <sup>1,2</sup>
		5004	Fringe benefits—indirect operating—carrier only. <sup>1,2</sup>
Employees' welfare expenses.....	4345	5004	Fringe benefits—indirect operating—carrier only. <sup>1,2</sup>
		5005	Fringe benefits—general & administrative—carrier only. <sup>1,2</sup>
Other terminal employees.....	4350	4904	Other wages—indirect operating—carrier only. <sup>1,2</sup>
		5004	Fringe benefits—general & administrative—carrier only. <sup>1,2</sup>
Commission agents.....	4360	4704	Commission agent fees—indirect operating—carrier only. <sup>1,2</sup>
Operating rents.....	4385	8314	Rent on building property—indirect operating—carrier only. <sup>1,2</sup>
Joint terminal facilities; debit.....	4391, 4396		Intentionally omitted.
Traffic			
Supervision.....	4410	4114	Salaries—supervisory and administrative personnel—indirect operating—carrier only. <sup>1,2</sup>
		4124	Salaries—clerical—indirect operating—carrier only. <sup>1,2</sup>
		4144	Salaries—sales salaries—employees—indirect operating—carrier only. <sup>1,2</sup>
		4174	Salaries—officers—indirect operating—carrier only. <sup>1,2</sup>
		4194	Salaries—department and division managers—indirect operating—carrier only. <sup>1,2</sup>
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only. <sup>1,2</sup>
		7214	Outside services—building repairs—indirect operating—carrier only. <sup>1,2</sup>
		7224	Outside services—equipment repairs—indirect operating—carrier only. <sup>1,2</sup>
		7224	Outside services—furniture and fixture repairs—indirect operating—carrier only. <sup>1,2</sup>
		7314	Other outside services—janitorial services—indirect operating—carrier only. <sup>1,2</sup>
		7324	Other outside services—janitorial services—indirect operating—carrier only. <sup>1,2</sup>
		7404	Utilities—indirect operating—carrier only. <sup>1,2</sup>
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only. <sup>1,2</sup>
		7914	Subscriptions, books, and periodicals—indirect operating—carrier only. <sup>1,2</sup>
		7924	Memberships and dues—indirect operating—carrier only. <sup>1,2</sup>
		7945	Postage—general & administrative—carrier only. <sup>1,2</sup>
		7994	Miscellaneous corporate expenses—indirect operating—carrier only. <sup>1,2</sup>
		8324	Rent on office equipment—indirect operating—carrier only. <sup>1,2</sup>
		8325	Rent on office equipment—general and administrative—carrier only. <sup>1,2</sup>
		8424	Vehicle licenses and registration fees—State and local—indirect operating—carrier only. <sup>1,2</sup>
		8434	Vehicle licenses and registration fees—Federal—indirect operating—carrier only. <sup>1,2</sup>
		8434	Vehicle licenses, and registration fees—Federal—indirect operating—carrier only. <sup>1,2</sup>
		4704	Commission agent fees—indirect operating—carrier only. <sup>1,2</sup>
		4904	Other wages—indirect operating—carrier only. <sup>1,2</sup>
		5004	Fringe benefits—indirect operating—carrier only. <sup>1,2</sup>

See footnotes at end of table.

RULES AND REGULATIONS

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Office and other expenses.....	4420	4614	Repair wages—transportation equipment only—indirect operating—carrier only. <sup>1,2</sup>
Other traffic expenses.....	4480	6114	Gasoline and diesel fuel—indirect operating—carrier only. <sup>1,2</sup>
		6124	Motor oils and lubricants—indirect operating—carrier only. <sup>1,2</sup>
		6204	Tires and tubes—indirect operating—carrier only. <sup>1,2</sup>
		6304	Other vehicle supplies—indirect operating—carrier only. <sup>1,2</sup>
		6404	Vehicle repair parts—indirect operating—carrier only. <sup>1,2</sup>
		6514	Printed forms and office supplies—indirect operating—carrier only. <sup>1,2</sup>
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only. <sup>1,2</sup>
		7404	Utilities—indirect operating—carrier only. <sup>1,2</sup>
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only. <sup>1,2</sup>
		7914	Subscriptions, books, and periodicals—indirect operating—carrier only. <sup>1,2</sup>
		7924	Memberships and dues—indirect operating—carrier only. <sup>1,2</sup>
		7945	Postage—general & administrative—carrier only. <sup>1,2</sup>
		7994	Miscellaneous corporate expenses—indirect operating—carrier only. <sup>1,2</sup>
		8324	Rent on office equipment—indirect operating—carrier only. <sup>1,2</sup>
		8424	Vehicle licenses and registration fees—State and local—indirect operating—carrier only. <sup>1,2</sup>
		8434	Vehicle licenses and registration fees—Federal—indirect operating—carrier only. <sup>1,2</sup>
Tariffs and schedules.....	4480	6021	Tariffs and schedules—interstate moving.
		6022	Tariffs and schedules—intrastate moving.
Employees' welfare expenses.....	4445	6004	Fringe Benefits—indirect operating—carrier only. <sup>1,2</sup>
Advertising.....	4450	7844	Advertising—agency—indirect operating—carrier only. <sup>1,2</sup>
		7854	Advertising—media—indirect operating—carrier only. <sup>1,2</sup>
		7864	Advertising—all other—indirect operating—carrier only. <sup>1,2</sup>
Operating rents.....	4485	8314	Rent on building property—indirect operating—carrier only. <sup>1,2</sup>
Insurance and safety			
Supervision.....	4510	4114	Salaries—supervisory and administrative personnel—indirect operating—carrier only. <sup>1,2</sup>
		4124	Salaries—clerical—indirect operating—carrier only. <sup>1,2</sup>
		4174	Salaries—officers—indirect operating—carrier only. <sup>1,2</sup>
		4194	Salaries—department and division managers—indirect operating—carrier only. <sup>1,2</sup>
		5004	Fringe Benefits—indirect operating—carrier only. <sup>1,2</sup>
		7834	Other outside services—professional services—indirect operating—carrier only. <sup>1,2</sup>
Office and other expenses.....	4520	4614	Repair wages—transportation equipment only—indirect operating—carrier only. <sup>1,2</sup>
Other insurance and safety department expenses.....	4560	6114	Gasoline and diesel fuel—indirect operating—carrier only. <sup>1,2</sup>
		6124	Motor oils and lubricants—indirect operating—carrier only. <sup>1,2</sup>
		6204	Tires and tubes—indirect operating—carrier only. <sup>1,2</sup>
		6304	Other vehicle supplies—indirect operating—carrier only. <sup>1,2</sup>
		6404	Vehicle repair parts—indirect operating—carrier only. <sup>1,2</sup>
		6514	Printed forms and office supplies—indirect operating—carrier only. <sup>1,2</sup>
		7104	Outside services—vehicles repairs and maintenance—indirect operating—carrier only. <sup>1,2</sup>
		7404	Utilities—indirect operating—carrier only. <sup>1,2</sup>
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only. <sup>1,2</sup>
		7914	Subscriptions, books, and periodicals—indirect operating—carrier only. <sup>1,2</sup>
		7924	Memberships and dues—indirect operating—carrier only. <sup>1,2</sup>
		7945	Postage—general & administrative—carrier only. <sup>1,2</sup>
		7994	Miscellaneous corporate expenses—indirect operating—carrier only. <sup>1,2</sup>
		8324	Rent on office equipment—indirect operating—carrier only. <sup>1,2</sup>
		8424	Vehicle licenses and registration fees—State and local—indirect operating—carrier only. <sup>1,2</sup>
		8434	Vehicle licenses and registration fees—Federal—indirect operating—carrier only. <sup>1,2</sup>
Public liability and property damage.....	4580	8621	Public liability and property damage—premiums paid—interstate moving.
		8622	Public liability and property damage—premiums paid—intrastate moving.
		8623	Public liability and property damage—premiums—paid local moving.
		8624	Public liability and property damage—premiums paid indirect operating—carrier only. <sup>1,2</sup>
		8631	Public liability and property damage—collections from haulers (credit)—interstate moving.
		8632	Public liability and property damage—collections from haulers (credit)—intrastate moving.

See footnotes at end of table.

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## RULES AND REGULATIONS

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
		8633	Public liability and property damage—collections from haulers (credit)—local moving.
		8634	Public liability and property damage—collections from haulers (credit)—indirect operating—carrier only. <sup>2</sup>
		8721	Provision for claims—self-insured portion—public liability and property damage—interstate moving.
		8722	Provision for claims—self-insured portion—public liability and property damage—intrastate moving.
		8723	Provision for claims—self-insured portion—public liability and property damage—local moving.
		8724	Provision for claims—self-insured portion—public liability and property damage—indirect operating—carrier only.
Workmen's compensation.....	4540	5035	Workmen's compensation—general and administrative—carrier only.
Employees' welfare expenses.....	4545	5004	Fringe benefits—indirect operating—carrier only. <sup>2</sup>
Cargo loss and damage.....	4550	8611	Cargo loss and damage insurance premiums paid—interstate moving.
		8612	Cargo loss and damage insurance—premiums paid—intrastate moving.
		8613	Cargo loss and damage insurance—premiums paid—local moving.
		8614	Cargo loss and damage insurance—premiums paid—indirect operating—carrier only. <sup>2</sup>
		8711	Provision for claims—self-insured portion—cargo loss and damage—interstate moving.
		8712	Provision for claims—self-insured portion—cargo loss and damage—intrastate moving.
		8713	Provision for claims—self-insured portion—cargo loss and damage—local moving.
		8714	Provision for claims—self-insured portion—cargo loss and damage—indirect operating—carrier only. <sup>2</sup>
Fire, theft and collision.....	4560	8641	Fire, theft, and collision insurance—premiums paid—interstate moving.
Other insurance expense.....	4570	8642	Fire, theft, and collision insurance—premiums paid—intrastate moving.
		8643	Fire, theft, and collision insurance—premiums paid—local moving.
		8644	Fire, theft, and collision insurance—premiums paid—indirect operating—carrier only. <sup>2</sup>
		8651	Fire, theft, collision—collections from haulers (credit)—interstate moving.
		8652	Fire, theft, and collision—collections from haulers (credit)—intrastate moving.
		8653	Fire, theft, and collision—collections from haulers (credit)—local moving.
		8654	Fire, theft, and collision insurance—collections from haulers (credit)—indirect operating—carrier only. <sup>2</sup>
		8686	Insurance on buildings and structures—general and administrative—carrier only.
		8695	Other insurance expenses—general and administrative—carrier only.
		8741	Provision for claims—self-insured portion—fire, theft, and collision—interstate moving.
		8742	Provision for claims—self-insured portion—fire, theft, and collision—intrastate moving.
		8743	Provision for claims—self-insured portion—fire, theft, and collision—local moving.
		8744	Provision for claims—self-insured portion—fire, theft, and collision—indirect operating—carrier only.
Operating rents.....	4585	8314	Rent on building property—indirect operating—carrier only (1).
<i>Administrative and general</i>			
Salaries; general officers.....	4611	4175	Salaries—officers—general and administrative—carrier only.
		4195	Salaries—department and division managers—general and administrative—carrier only.
Salaries; revenue accounting.....	4612	4125	Salaries—clerical—general and administrative—carrier only.
Salaries; other general office employees.....	4613	5006	Fringe benefits—general and administrative—carrier only. <sup>4</sup>
		4115	Salaries—supervisory and administrative personnel—general and administrative—carrier only.
Purchasing and store expenses.....	4675		
Other general expenses.....	4680	4125	Salaries—clerical—general and administrative—carrier only.
		4005	Other wages—general and administrative—carrier only.
		5005	Fringe benefits—general and administrative—carrier only. <sup>4</sup>
		4615	Repair materials—building—general and administrative—carrier only.
		7995	Miscellaneous corporate expenses.
Expenses of general officers.....	4621	4615	Repair wages—transportation equipment only—general and administrative—carrier only.
Expenses of general office employees.....	4622	6405	Vehicle repair parts—general and administrative—carrier only.
		7105	Outside services—vehicle repairs and maintenance—general and administrative—carrier only.
		7305	Travel and entertainment—sales, office, and management personnel—general and administrative—carrier only.
		7325	Membership and dues—general and administrative—carrier only.
		8425	Vehicle licenses and registration fees—State and local—general and administrative—carrier only.
		8435	Vehicle licenses and registration fees—Federal—general and administrative—carrier only.

See footnotes at end of table.

## RULES AND REGULATIONS

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Other general office expenses.....	4623	6625	Repair materials—equipment—general and administrative—carrier only.
		6585	Repair materials—furniture and fixtures—general and administrative—carrier only.
		6615	Printed forms and office supplies—general and administrative—carrier only.
		6805	Miscellaneous supplies—general and administrative—carrier only.
		7215	Outside services—building repairs—general and administrative—carrier only.
		7225	Outside services—equipment repairs—general and administrative—carrier only.
		7235	Outside services—furniture and fixtures repairs—general and administrative—carrier only.
		7315	Other outside services—janitorial services—general and administrative—carrier only.
		7325	Other outside services—watch and alarm services—general and administrative—carrier only.
		7405	Utilities—general and administrative—carrier only.
		7915	Subscriptions, books, and periodicals—general and administrative—carrier only.
		7945	Postage—general and administrative—carrier only.
		8325	Rent on office equipment—general and administrative—carrier only.
		7335	Other outside services—professional services—general and administrative—carrier only.
Law expenses.....	4630		
Outside auditing expenses.....	4635		
Management and supervision fees.....	4650		
Regulatory expenses.....	4670		
Communication service.....	4680	7504	Communication services—indirect operating—carrier only.
		7505	Communication services—general and administrative—carrier only.
Employee's welfare expenses.....	4645	5005	Fringe benefits—general and administrative—carrier only. <sup>4</sup>
Uncollectible revenues.....	4660	8805	Uncollectible revenues—general and administrative—carrier only.
Operating rents.....	4685	8314	Rent on building property—indirect operating—carrier only.
		8315	Rent on building property—general and administrative—carrier only.
Joint operating expenses; debit.....	4691		Intentionally omitted.
Joint operating expenses; credit.....	4695		Do.
<i>Depreciation expense</i>			
Depreciation of structures.....	5010	8145	Depreciation—building and structures—general and administrative—carrier only.
Depreciation of revenue equipment—line haul.....	5021	8111	Depreciation—revenue equipment—interstate moving.
		8112	Depreciation—revenue equipment—intrastate moving.
Depreciation of revenue equipment—pickup and delivery.....	6025	8113	Depreciation—revenue equipment—local moving.
Depreciation of service cars and equipment.....	5030	8134	Depreciation—service cars and equipment—indirect operating—carrier only.
		8135	Depreciation—service cars and equipment—indirect operating—carrier only.
Depreciation of shop and garage equipment.....	5040	8124	Depreciation—shop and garage equipment—indirect operating—carrier only.
Depreciation of furniture and office equipment.....	5060	8154	Depreciation—furniture and office equipment—indirect operating—carrier only.
		8155	Depreciation—furniture and office equipment—general and administrative—carrier only.
Depreciation of miscellaneous equipment.....	6060	8191	Depreciation—miscellaneous equipment—interstate moving.
		8192	Depreciation—miscellaneous equipment—intrastate moving.
		8193	Depreciation—miscellaneous equipment—local moving.
		8194	Depreciation—miscellaneous equipment—indirect operating—carrier only.
		8195	Depreciation—miscellaneous equipment—general and administrative—carrier only.
Depreciation of improvements to leasehold property.....	8070	8215	Amortization of leasehold improvements—general and administrative—carrier only.
Depreciation of undistributed property.....	8080	8174	Depreciation—undistributed property—general and administrative—carrier only.
Depreciation adjustment.....	8100	8915	Gains on disposition of operating assets—general and administrative—carrier only. <sup>1</sup>
		8925	Losses on disposition of operating assets—general and administrative—carrier only. <sup>1</sup>
<i>Amortization expense</i>			
Amortization of carrier operating property.....	8180	8225	Amortization expense (other) general and administrative—carrier only.
		8915	Gains on disposition of operating assets—general and administrative—carrier only. <sup>1</sup>
		8925	Losses on disposition of operating assets—general and administrative—carrier only. <sup>1</sup>
<i>Operating taxes and licenses</i>			
Gasoline, other fuel and oil taxes—line haul equipment.....	8211	8441	Gas, diesel fuel, and oil taxes—State and local—interstate moving.
		8442	Gas, diesel fuel and oil taxes—State and local—intrastate moving.
		8451	Gas, diesel fuel, and oil taxes—Federal—interstate moving.
		8452	Gas, diesel fuel and oil taxes—Federal—intrastate moving.
Gasoline, other fuel and oil taxes—pickup and delivery equipment.....	8215	8443	Gas, diesel fuel and oil taxes—State and local—local moving.
		8453	Gas, diesel fuel, and oil taxes—Federal—local moving.
Vehicle license and registration fees—line haul equipment.....	8221	8421	Vehicle licenses and registration fees—State and local—interstate moving.
		8422	Vehicle licenses and registration fees—State and local—intrastate moving.
		8431	Vehicle licenses and registration fees—Federal—interstate moving.
		8432	Vehicle licenses and registration fees—Federal—intrastate moving.

See footnotes at end of table.



RULES AND REGULATIONS

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	Account title	No.
Vehicle license and registration fees—pickup and delivery equipment.	8423	Vehicle licenses and registration fees—State and local—local moving.	8423
Real estate and personal property taxes.	8433	Vehicle licenses and registration fees—Federal—local moving.	8433
	8414	Real estate and personal property taxes—indirect operating—carrier only.	8414
	8415	Real estate and personal property taxes—general and administrative—carrier only.	8415
Social security taxes.	5240	FICA taxes—general and administrative—carrier only. <sup>11</sup>	5115
	5125	Federal unemployment taxes—general and administrative—carrier only. <sup>11</sup>	5125
	5125	State unemployment taxes—general and administrative—carrier only. <sup>11</sup>	5125
Other taxes.	5484	Gas, diesel fuel, and oil taxes—State and local—indirect operating—carrier only.	5484
	5485	Gas, diesel fuel, and oil taxes—State and local—general and administrative—carrier only.	5485
	5484	Other taxes—State and local—indirect operating—carrier only.	5484
	5495	Other taxes—State and local—general and administrative—carrier only.	5495
Lease of distinct operating unit; debit.	5400	Intentionally omitted.	
Lease of distinct operating unit; credit.	5500	Do.	
Other ordinary income			
Income from noncarrier operations; net.	6100	Packing only—interstate—packing and crating. <sup>2</sup>	3516
	3526	Unpacking only—interstate—packing and crating. <sup>2</sup>	3526
	3536	Packing and unpacking—interstate—packing and crating. <sup>2</sup>	3536
	3578	Thru-container packing and loading—overseas import and export.	3578
	3596	Other packing and crating service revenue—packing and crating.	3596
	3596	Other packing and crating service revenue—packing and crating.	3596
	3717	Storage household goods—SIT interstate—warehousing.	3717
	3727	Warehouse handling, in/out—SIT interstate—warehousing.	3727
	3737	Storage household goods—SIT intrastate—warehousing.	3737
	3747	Warehouse handling in/out—SIT intrastate—warehousing.	3747
	3757	Storage—other than carrier shipments—warehousing.	3757
	3767	Warehouse handling in/out—other than carrier shipments—warehousing.	3767
	3836	Packing commissions—packing and crating.	3836
	3908	Other operating revenue (classes I and II)—indirect operating—noncarrier.	3908
Because of the extensive list, the noncarrier operating expense accounts which become effective Jan. 1, 1974, are shown in appendix A to this conversion table.			
	9100	Income from noncarrier operations (net).	9100
	9110	Income from noncarrier operations.	9110
	9120	Expenses of noncarrier operations.	9120
Interest income.	6300	Interest income.	6300
Dividend income.	6400	Dividend income.	6400
Other nonoperating income.	6500	Other nonoperating income.	6500
Deductions from ordinary income			
Interest.	7100	Interest expense—equipment obligations—general and administrative.	9610
	9620	Interest expense—advances—general and administrative.	9620
	9630	Interest expense—bonds—general and administrative.	9630
	9640	Interest expense—other long-term obligations—general and administrative.	9640
	9650	Interest expense—current obligations—general and administrative.	9650
	9660	Interest expense—matured obligations—general and administrative.	9660
Amortization of debt discount and expense.	7800	Amortization of debt discount and expense.	9670
Amortization of premiums on debt—credit.	7400	Amortization of premium on debt—credit.	9680
Other deductions.	7500	Other nonoperating deductions.	9420
	9421	Bad debts.	9421
	9422	Amortization (franchises, permits, and other).	9422
	9423	Life insurance premiums (nontax deductible).	9423
	9429	Other.	9429
	9510	Nonoperating gains on disposition of other assets.	9510
	9520	Nonoperating losses on disposition of other assets.	9520
	9530	Gains on disposition of land and structures.	9530
	9540	Losses on disposition of land and structures.	9540
Income taxes			
Federal income taxes.	8816	Federal income taxes.	9710
State income taxes.	8826	State income taxes.	9726
Other income taxes.	8830	Other income taxes.	9730
Extraordinary and prior period items			
Extraordinary items (net).	8918	Extraordinary items (net).	9810
Prior period items (net).	8920	Prior period items (net).	9820
Income taxes on extraordinary and prior period items.	8950	Income taxes on extraordinary and prior period items.	9850

See footnotes at end of table.

RULES AND REGULATIONS

TABLE III.—GUIDE TO SYMBOLS—CLASS I

- <sup>1</sup> Applies only when service is performed by carrier personnel.  
<sup>2</sup> Applies only when service is performed by noncarrier personnel.  
<sup>3</sup> See detail account description. Applies only to certain amounts which were redistributed from accounts 3100, 3120, and 3600, of prior ICC regulatory System of Accounts.  
<sup>4</sup> Applies to amounts in this account which were redistributed from accounts 5055, 5056, and 5073.  
<sup>5</sup> Applies to amounts for grease, lubricants, and coolants in this account.  
<sup>6</sup> Applies to amounts in this account which were redistributed from accounts 5015, 5025, 5045, and 5055.  
<sup>7</sup> Applies to amounts for oil in this account.  
<sup>8</sup> Applies to expenditures which are not applicable to revenue vehicles.  
<sup>9</sup> Applies to carrier operating property only.  
<sup>10</sup> Applies to fixed term intangible property only (see also account 9120).  
<sup>11</sup> Applies to amounts in this account prior to redistribution to the 5100 account series.  
<sup>12</sup> Applies only to portion relating to equipment maintenance hourly supervisors and clerks.  
<sup>13</sup> Applies only to portion relating to services, supplies, structures, or equipment maintenance employees necessary for servicing equipment and vehicles in the equipment maintenance department.  
<sup>14</sup> Applies only to portion relating to services, supplies, or employees servicing line haul equipment.  
<sup>15</sup> Applies only to portion relating to services, supplies, or employees servicing pickup and delivery equipment.  
<sup>16</sup> Applies only to expenses of the transportation department relating to employees, services, supplies, or structures.  
<sup>17</sup> Applies only to nonproductive wages of drivers and helpers.  
<sup>18</sup> Applies only to portion of expenses relating to platform and/or terminal employees, services, supplies, structures.  
<sup>19</sup> Applies only to portion of expenses relating to the terminal billing and collection function.  
<sup>20</sup> Applies only to the portion of expenses relating to the traffic and sales function, such as employee wages, services, supplies, or structures.  
<sup>21</sup> Applies only to the portion of expenses relating to the insurance and safety function, such as employee wages, services, supplies, or structures.  
<sup>22</sup> Account is to be used only to record expenses from "motor carrier operation's other than household goods operations."

TABLE III.—Class I Household Goods Carriers

APPENDIX A.—CONVERSION OF NONCARRIER OPERATING EXPENSES<sup>1</sup>

Natural classification	Activities noncarrier			
	Packing and crating	Warehousing	Overseas import and export	Indirect operating
	6	7	8	9
411 Supervisory and administrative personnel.	4116	4117	4118	4119
412 Clerical.	4126	4127	4128	4129
414 Sales salaries—employees.				4149
417 Officers.	4176	4177	4178	4179
419 Department and division managers.	4196	4197	4198	4199
431 Packer wages—interstate moves.	4316			
432 Packer wages—interstate moves.	4326			
433 Packer wages—overseas shipments.			4338	
441 Warehouse labor—household.		4417		
442 Warehouse handling—SIT interstate.		4427		
443 Warehouse handling—SIT intrastate.		4437		
462 Other repair wages.	4626	4627	4628	4629
470 Commission agent fees.				4709
490 Other wages.	4906	4907	4908	4909
500 Fringe benefits.	5006	5007	5008	5009
501 Contributions to Union Welfare Funds.				5019
502 Employees' group insurance.				5029
503 Workmen's compensation.				5039
504 Pension and retirement plans.				5049
505 Vacation pay.				5059
506 Holiday pay.				5069
507 Miscellaneous paid time off.				5079
509 Other employee benefits.				5099
510 Payroll taxes.	5106	5107	5108	5109
511 FICA taxes.				5119
512 Federal unemployment taxes.				5129
513 State unemployment taxes.				5139
611 Gasoline and diesel fuel.	6116	6117		6119
612 Motor oil and lubricants.	6126	6127		6129
620 Tires and tubes.	6206	6207		6209
630 Other vehicle supplies.	6306	6307		6309
640 Vehicle repair parts.	6406	6407		6409
651 Repair materials—building.	6516	6517		6519
652 Repair materials—equipment.	6526	6527		6529
653 Repair materials—furniture and fixtures.	6536	6537	6538	6539
661 Printed forms and office supplies.	6616	6617	6618	6619
662 Tariffs and schedules.	6626	6627	6628	
670 Packing and crating materials and supplies.	6706	6707	6708	
680 Miscellaneous supplies.	6806	6807	6808	6809
710 Outside services—vehicle repairs (other than vehicles).	7106	7107		7109
721 Outside services—building repairs.	7216	7217	7218	7219
722 Outside services—equipment repairs.	7226	7227	7228	7229
723 Outside services—furniture and fixture repairs.	7236	7237	7238	7239
731 Janitorial services.	7316	7317	7318	7319
732 Watch and alarm services.	7326	7327	7328	7329
733 Professional services.				7339
734 Advertising—agency.				7349
735 Advertising—media.				7359
736 Advertising—all other.				7369
740 Utilities.		7407	7408	7409
750 Communications services.			7508	7509
770 Travel expenses—company drivers and other operating employees.	7706	7707	7708	7709
780 Travel and entertainment—sales, office, and management personnel.	7806	7807	7808	7809
791 Subscriptions, books, and periodicals.				7919
792 Memberships and dues.				7929
793 Conventions and meetings.				7939
794 Postage.				7949
799 Miscellaneous corporate expenses.				7999
811 Depreciation—revenue equipment.	8116			
812 Depreciation—shop and garage equipment.				8129
813 Depreciation—service cars and equipment.		8137	8138	8139
814 Depreciation—buildings and structures.	8146	8147	8148	8149

See footnotes at end of table.



## RULES AND REGULATIONS

TABLE IV.—GUIDE TO SYMBOLS—CLASS II

- <sup>1</sup> Applies only when service is performed by carrier personnel.  
<sup>2</sup> Applies only when service is performed by noncarrier personnel.  
<sup>3</sup> See detail account description. Applies only to certain amounts which were redistributed from accounts 3100, 3120, and 3900, of prior ICC regulatory System of Accounts.  
<sup>4</sup> Applies to amounts in this account which were redistributed from accounts 3025, 3045, 3075, and 3095.  
<sup>5</sup> Applies to amounts for grease, lubricants and coolants in this account.  
<sup>6</sup> Applies to amounts in this account which were redistributed from account 3075.  
<sup>7</sup> Does not apply to amounts for grease, lubricants, and coolants.  
<sup>8</sup> Applies to carrier operating property only.  
<sup>9</sup> Applies to fixed term intangible property only (see also account 9100).  
<sup>10</sup> Applies to amounts in this account prior to redistribution to the 5100 account series.  
<sup>11</sup> Applies only to portion relating to equipment maintenance hourly supervisors and clerks.  
<sup>12</sup> Applies only to portion relating to services, supplies, structures, or equipment maintenance employees necessary for servicing equipment and vehicles in the equipment maintenance department.  
<sup>13</sup> Applies only to portion relating to services, supplies, or employees servicing line haul equipment.  
<sup>14</sup> Applies only to portion relating to services, supplies, or employees servicing pickup and delivery equipment.  
<sup>15</sup> Applies only to expenses of the transportation department relating to employees, services, supplies, or structures.  
<sup>16</sup> Applies only to nonproductive wages of drivers and helpers.  
<sup>17</sup> Applies only to portion of expenses relating to platform and/or terminal employees, services, supplies, or structures.  
<sup>18</sup> Applies only to portion of clerical and administrative expenses relating to the terminal billing and collection function.  
<sup>19</sup> Applies only to the portion of expenses relating to the traffic and sales function, such as employee wages, services, supplies, or structures.  
<sup>20</sup> Applies only to the portion of expenses relating to the insurance and safety function, such as employee wages, services, supplies, or structures.  
<sup>21</sup> Account is to be used only to record expenses from "motor carrier operations other than household goods operations."  
<sup>22</sup> Applies only to printed forms and office supplies.  
<sup>23</sup> Applies only to office equipment.  
<sup>24</sup> Applies only to clerical and/or administrative employees for the terminal or platform functions.  
<sup>25</sup> Applies only to tariffs and schedules.  
<sup>26</sup> Applies only to postage.  
<sup>27</sup> Applies only to public liability and property damage.  
<sup>28</sup> Applies only to cargo loss and damage.  
<sup>29</sup> Applies only to fire, theft, and collision.  
<sup>30</sup> Applies only to officers, department, and division managers.  
<sup>31</sup> Applies only to clerical, supervisory, and administrative personnel.  
<sup>32</sup> Applies only to building property.  
<sup>33</sup> Applies only to miscellaneous corporate expenses.  
<sup>34</sup> Excludes miscellaneous corporate expenses.  
<sup>35</sup> Excludes building property.

TABLE III.—Class I Household Goods Carriers

APPENDIX A.—CONVERSION OF NONCARRIER OPERATING EXPENSES<sup>1</sup>

Natural classification	Activities noncarrier			
	Packing and crating	Warehousing	Overseas import and export	Indirect operating
	6	7	8	9
815 Depreciation—furniture and office equipment.....	8156	8157	8158	8159
817 Depreciation—undistributed property.....				8179
819 Depreciation—miscellaneous equipment.....	8196	8197	8198	8199
821 Amortization of leasehold improvements.....		8217	8218	8219
822 Amortization expense—other.....				8229
831 Rent on building property.....		8317	8318	8319
832 Rent on office equipment.....				8329
833 Rent on miscellaneous equipment.....	8336	8337	8338	8339
841 Real estate and personal property taxes.....		8417	8418	8419
842 Vehicle licenses and registration fees—State and local.....	8426			8429
843 Vehicle licenses and registration fees—Federal.....	8436			8439
844 Gas, diesel fuel, and oil taxes—State and local.....	8446			
845 Gas, diesel fuel, and oil taxes—Federal.....	8456			
846 Other taxes—Federal.....				8469
849 Other taxes—State and local.....				8499
861 Cargo loss and damage insurance—premiums paid.....		8617	8618	8619
862 Public liability and property damage—premiums paid.....	8626			8629
864 Fire, theft, and collision insurance—premiums paid.....	8646			8649
866 Insurance on buildings and structures.....		8667		8669
869 Other insurance expense.....		8697		8699
871 Claims for loss and damage.....		8717	8718	8719
872 Claims for loss and damage—public liability and property.....	8726			8729
874 Claims for loss and damage—fire, theft, and collision.....	8746	8747		8749
880 Uncollectible revenue.....				8809
891 Gains on disposition of operating assets.....				8919
892 Losses on disposition of operating assets.....				8929

<sup>1</sup> These expenses were previously recorded in one account, 8100. However, because the present accounts, effective Jan. 1, 1974, are so numerous they are listed here rather than within the conversion table. See account 8100 in the conversion table for the other details involved in converting the noncarrier operating expense accounts.

See footnotes at end of table.

## RULES AND REGULATIONS

TABLE IV.—Class II Household Goods Carriers—revenue and expense account number conversion table.  
FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	Account title	No.
<b>Operating revenues</b>			
Freight revenue; intercity common carrier.....	310	3111 Moving revenue—intercity common carrier, own rights, company driver—interstate moving.....	3111
		3112 Moving revenue—intercity common carrier, own rights, company driver—interstate moving.....	3112
		3113 Moving revenue—intercity common carrier, own rights, company driver—overseas import and export.....	3113
		3121 Moving revenue—intercity common carrier, own rights, owner operator—interstate moving.....	3121
		3122 Moving revenue—intercity common carrier, own rights, owner operator—interstate moving.....	3122
		3123 Moving revenue—intercity common carrier, own rights, owner operator—overseas import and export.....	3123
		3131 Moving revenue—intercity common carrier, own rights, agent—interstate moving.....	3131
		3132 Moving revenue—intercity common carrier, own rights, agent—interstate moving.....	3132
		3133 Moving revenue—intercity common carrier, own rights, agent—overseas import and export.....	3133
Freight revenue; intercity contract carrier.....	311	3201 Supplementary transportation service—interstate moving.....	3201
		3202 Supplementary transportation service—interstate moving.....	3202
		3203 Moving revenue—intercity contract carrier, own rights, interstate moving.....	3203
		3204 Moving revenue—intercity contract carrier, own rights, interstate moving.....	3204
		3205 Moving revenue—intercity contract carrier, own rights, interstate moving.....	3205
Freight revenue; local cartage.....	312	3301 Moving revenue—local, local moving.....	3301
		3302 Moving revenue—local, overseas import and export.....	3302
		3303 Supplementary transportation service—interstate moving.....	3303
		3304 Supplementary transportation service—interstate moving.....	3304
Intercity transportation for other Class II and Class I motor carriers.....	313	3411 Moving revenue—intercity transportation for other motor carriers, company driver—interstate moving.....	3411
		3412 Moving revenue—intercity transportation for other motor carriers, company driver—interstate moving.....	3412
		3413 Moving revenue—intercity transportation for other motor carriers, company driver—overseas import and export.....	3413
		3421 Motor revenue—intercity transportation for other motor carriers, owner operator—interstate moving.....	3421
		3422 Moving revenue—intercity transportation for other motor carriers, owner operator—interstate moving.....	3422
		3423 Moving revenue—intercity transportation for other motor carriers, owner operator—interstate moving.....	3423
		3424 Moving revenue—intercity transportation for other motor carriers, owner operator—overseas import and export.....	3424
Other operating revenues.....	330	3516 Packing only—interstate—packing and crating.....	3516
		3526 Unpacking only—interstate—packing and crating.....	3526
		3536 Packing and unpacking—interstate—packing and crating.....	3536
		3588 Additional charges—overseas shipments—overseas import and export.....	3588
		3601 Supplementary transportation service—interstate moving.....	3601
		3602 Supplementary transportation service—interstate moving.....	3602
		3611 Booking commissions—interstate moving.....	3611
		3612 Booking commissions—interstate moving.....	3612
		3621 Origin commissions—interstate moving.....	3621
		3622 Origin commissions—interstate moving.....	3622
		3904 Other operating revenue—indirect operating—carrier only.....	3904
<b>Operation and maintenance expenses</b>			
Supervision, office and other expenses.....	411	4104 Salaries—indirect operating—carrier only.....	4104
Other maintenance expenses.....	412	4614 Repair wages—transportation equipment only—indirect operating—carrier only.....	4614
		4904 Other wages—indirect operating—carrier only.....	4904
		4905 Fringe benefits—indirect operating—carrier only.....	4905
		6114 Gasoline and diesel fuel—indirect operating—carrier only.....	6114
		6204 Tires and tubes—indirect operating—carrier only.....	6204
		6304 Other vehicle supplies—indirect operating—carrier only.....	6304
		6404 Vehicle repair parts—indirect operating—carrier only.....	6404
		6504 Repair materials (other than vehicle)—indirect operating—carrier only.....	6504
		6804 Printing and office supplies—indirect operating—carrier only.....	6804
		6904 Miscellaneous supplies—indirect operating—carrier only.....	6904
		7304 Outside service—vehicle repairs and maintenance—indirect operating—carrier only.....	7304
		7305 Outside service—repairs (other than vehicles)—indirect operating—carrier only.....	7305
		7314 Other outside services—janitorial services—indirect operating—carrier only.....	7314
		7404 Utilities—indirect operating—carrier only.....	7404
		7504 Communication services—indirect operating—carrier only.....	7504
		7704 Travel expenses—company drivers and other operating employees—indirect operating—carrier only.....	7704
		7804 Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only.....	7804
		7904 General expenses—indirect operating—carrier only.....	7904
		7905 General expenses—general and administrative—carrier only.....	7905
		8204 Rent—other than revenue equipment—indirect operating—carrier only.....	8204
		8404 Vehicle licenses and registration fees—State and local—indirect operating—carrier only.....	8404
		8434 Vehicle licenses and registration fees—Federal—indirect operating—carrier only.....	8434
		8444 Gas, diesel fuel, and oil taxes—State and local—indirect operating—carrier only.....	8444
		8454 Gas, diesel fuel, and oil taxes—Federal—indirect operating—carrier only.....	8454

See footnotes at end of table.



FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Repairs and service—revenue equipment—line haul.	413.1	4611	Repair wages—transportation equipment only—interstate moving. <sup>13</sup>
		4612	Repair wages—transportation equipment only—intrastate moving. <sup>13</sup>
		4613	Repair wages—transportation equipment only—local moving. <sup>13</sup>
		5004	Fringe benefits—indirect operating—carrier only. <sup>13</sup>
		6111	Gasoline and diesel fuel—interstate moving. <sup>13</sup>
		6112	Gasoline and diesel fuel—intrastate moving. <sup>13</sup>
		6113	Gasoline and diesel fuel—local moving. <sup>13</sup>
		6301	Other vehicle supplies—interstate moving. <sup>13</sup>
		6302	Other vehicle supplies—intrastate moving. <sup>13</sup>
		6303	Other vehicle supplies—local moving. <sup>13</sup>
		6401	Vehicle repair parts—interstate moving. <sup>13</sup>
		6402	Vehicle repair parts—intrastate moving. <sup>13</sup>
		6403	Vehicle repair parts—local moving. <sup>13</sup>
		7101	Outside services—vehicle repairs and maintenance—interstate moving. <sup>13</sup>
		7102	Outside services—vehicle repairs and maintenance—intrastate moving. <sup>13</sup>
		7103	Outside services—vehicle repairs and maintenance—local moving. <sup>13</sup>
Repairs and service—revenue equipment—pickup and delivery.	413.5	4611	Repair wages—transportation equipment only—interstate moving. <sup>13</sup>
		4612	Repair wages—transportation equipment only—intrastate moving. <sup>13</sup>
		4613	Repair wages—transportation equipment only—local moving. <sup>13</sup>
		5004	Fringe benefits—indirect operating—carrier only. <sup>13</sup>
		6111	Gasoline and diesel fuel—interstate moving. <sup>13</sup>
		6112	Gasoline and diesel fuel—intrastate moving. <sup>13</sup>
		6113	Gasoline and diesel fuel—local moving. <sup>13</sup>
		6301	Other vehicle supplies—interstate moving. <sup>13</sup>
		6302	Other vehicle supplies—intrastate moving. <sup>13</sup>
		6303	Other vehicle supplies—local moving. <sup>13</sup>
		6401	Vehicle repair parts—interstate moving. <sup>13</sup>
		6402	Vehicle repair parts—intrastate moving. <sup>13</sup>
		6403	Vehicle repair parts—local moving. <sup>13</sup>
		7101	Outside services—vehicle repairs and maintenance—interstate moving. <sup>13</sup>
		7102	Outside services—vehicle repairs and maintenance—intrastate moving. <sup>13</sup>
		7103	Outside services—vehicle repairs and maintenance—local moving. <sup>13</sup>
Tires and tubes; revenue equipment—line haul.	416.1	6201	Tires and tubes—interstate moving. <sup>13</sup>
		6202	Tires and tubes—intrastate moving. <sup>13</sup>
		6203	Tires and tubes—local moving. <sup>13</sup>
Tires and tubes; revenue equipment—pickup and delivery.	416.5	6201	Tires and tubes—interstate moving. <sup>13</sup>
		6202	Tires and tubes—intrastate moving. <sup>13</sup>
		6203	Tires and tubes—local moving. <sup>13</sup>
Joint garage expense—net.....	4191	.....	Intentionally omitted.
Transportation			
Supervision, office and other expenses....	421	4101	Salaries—interstate moving.
		4102	Salaries—intrastate moving.
Other transportation expenses.....	423	4103	Salaries—local moving.
		4901	Other wages—interstate moving.
		4902	Other wages—intrastate moving.
		4903	Other wages—local moving.
		5001	Fringe benefits—interstate moving. <sup>13</sup>
		5002	Fringe benefits—intrastate moving. <sup>13</sup>
		5003	Fringe benefits—local moving. <sup>13</sup>
		6504	Repair materials (other than vehicle) indirect operating—carrier only. <sup>13</sup>
		6601	Printing and office supplies—interstate moving. <sup>13</sup>
		6602	Printing and office supplies—intrastate moving. <sup>13</sup>
		6603	Printing and office supplies—local moving. <sup>13</sup>
		6901	Miscellaneous supplies—interstate moving.
		6902	Miscellaneous supplies—intrastate moving.
		6903	Miscellaneous supplies—local moving.
		7204	Outside services—repairs (other than vehicle) indirect operating—carrier only. <sup>13</sup>
		7314	Other outside services—janitorial services—indirect operating—carrier only. <sup>13</sup>
		7404	Utilities—indirect operating—carrier only. <sup>13</sup>
		7601	Purchased labor—temporary help—interstate moving.
		7602	Purchased labor—temporary help—intrastate moving.
		7603	Purchased labor—temporary help—local moving.
		7604	Purchased labor—temporary help—indirect operating—carrier only. <sup>13</sup>
		7701	Travel expenses—company drivers and other operating employees—interstate moving.
		7702	Travel expenses—company drivers and other operating employees—intrastate moving.
		7703	Travel expenses—company drivers and other operating employees—local moving.
		7801	Travel and entertainment—sales, office, and management personnel—interstate moving.
		7802	Travel and entertainment—sales, office, and management personnel—intrastate moving.
		7803	Travel and entertainment—sales, office, and management personnel—local moving.
		7904	General expenses—indirect operating—carrier only. <sup>13</sup>
		8304	Rent—other than revenue equipment—indirect operating carrier only. <sup>13</sup>

See footnotes at end of table.

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Drivers and helpers—line haul.....	423.1	4211	Operating wages—transportation only—intercity drivers—interstate moving.
		4212	Operating wages—transportation only—intercity drivers—intrastate moving.
		4214	Operating wages—transportation only—intercity drivers—indirect operating—carrier only. <sup>13</sup>
		4221	Operating wages—transportation only—intercity helpers—interstate moving.
		4222	Operating wages—transportation only—intercity helpers—intrastate moving.
		4224	Operating wages—transportation only—intercity helpers—indirect operating—carrier only. <sup>13</sup>
		4901	Other wages—interstate moving. <sup>13</sup>
		4902	Other wages—intrastate moving. <sup>13</sup>
		5001	Fringe benefits—interstate moving. <sup>13</sup>
		5002	Fringe benefits—intrastate moving. <sup>13</sup>
Drivers and helpers—pickup and delivery.	423.5	4233	Operating wages—transportation only—driver—helper—local moving only—local moving.
		4234	Operating wages—transportation only—driver—helper—local—indirect operating—carrier only. <sup>13</sup>
		4243	Operating wages—transportation only—drayage labor—overseas containers—local moving.
		4244	Operating wages—transportation only—drayage labor—overseas containers—indirect operating—carrier only. <sup>13</sup>
		4903	Other wages—local moving. <sup>13</sup>
		5003	Fringe benefits—local moving. <sup>13</sup>
		6111	Gasoline and diesel fuel—interstate moving. <sup>13</sup>
Fuel and oil—revenue equipment—line haul.	424.1	6112	Gasoline and diesel fuel—intrastate moving. <sup>13</sup>
		6113	Gasoline and diesel fuel—local moving. <sup>13</sup>
Fuel and oil—revenue equipment—pickup and delivery.	424.5		
Equipment rents; intercity; with 427.1		7631	Purchased transportation—tractor rents with driver from owner operators—interstate moving.
drivers.		7632	Purchased transportation—tractor rents with driver from owner operators—intrastate moving.
		7634	Purchased transportation—tractor rents with driver from owner operators—indirect operating—carrier only. <sup>13</sup>
		7638	Purchased transportation—tractor rents with driver from owner operators—overseas import and export.
		7651	Purchased transportation—tractor-trailer rents with driver—interstate moving.
		7652	Purchased transportation—tractor-trailer rents with driver—intrastate moving.
		7654	Purchased transportation—tractor-trailer rents with driver—indirect operating—carrier only. <sup>13</sup>
		7658	Purchased transportation—tractor-trailer rents with driver—overseas import and export.
Equipment rents; intercity; without driver.	427.2	7611	Purchased transportation—equipment rents—without driver—interstate moving.
		7612	Purchased transportation—equipment rents—without driver—intrastate moving.
		7614	Purchased transportation—equipment rents—without driver—indirect operating—carrier only. <sup>13</sup>
Other purchased transportation; intercity.	427.3	7621	Purchased transportation—tractor rents with driver—interstate moving.
		7622	Purchased transportation—tractor rents with driver—intrastate moving.
		7624	Purchased transportation—tractor rents with driver—indirect operating—carrier only. <sup>13</sup>
		7628	Purchased transportation—tractor rents with driver—overseas import and export.
		7641	Purchased transportation—tractor-trailer rents with driver—interstate moving.
		7642	Purchased transportation—tractor-trailer rents with driver—intrastate moving.
		7644	Purchased transportation—tractor-trailer rents with driver—indirect operating—carrier only. <sup>13</sup>
		7648	Purchased transportation—tractor-trailer rents with driver—overseas import and export.
		7681	Purchased transportation—other transportation modes—interstate moving.
		7682	Purchased transportation—other transportation modes—intrastate moving.
		7684	Purchased transportation—other transportation modes—indirect operating—carrier only. <sup>13</sup>
		7688	Purchased transportation—other transportation modes—overseas import and export.
Equipment rents; pickup and delivery; with driver.	427.5	7633	Purchased transportation—tractor rents with driver from owner operators—local moving.
		7653	Purchased transportation—tractor-trailer rents with driver—local moving.
Equipment rents; pickup and delivery; without drivers.	427.6	7613	Purchased transportation—equipment rents—without drivers—local moving.
Other purchased pickup and delivery....	427.7	.....	Intentionally omitted.
Equipment rents; credit.....	427.9	7691	Purchased transportation—equipment rents—credit—interstate moving.
		7692	Purchased transportation—equipment rents—credit—intrastate moving.
		7694	Purchased transportation—equipment rents—credit—indirect operating—carrier only. <sup>13</sup>
Terminal			
Supervisory salaries.....	431.1	4104	Salaries—general and administrative—carrier only. <sup>13</sup>
Salaries & fees; billing and collecting....	431.2	4105	Salaries—general and administrative—carrier only. <sup>13</sup>
Salaries; revenue accounting.....	461.2	5005	Fringe benefits—general and administrative—carrier only. <sup>13</sup>

See footnotes at end of table.

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## RULES AND REGULATIONS

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Other office employees—terminal.....	431.3	4104	Salaries—indirect operating—carrier only. <sup>12</sup>
Office and other expenses.....	432	5004	Fringe benefits—indirect operating—carrier only. <sup>12</sup>
Other terminal expenses.....	438	4614	Repair wages—transportation equipment only—indirect operating—carrier only. <sup>12</sup>
		5004	Fringe benefits—indirect operating—carrier only. <sup>12</sup>
		5005	Fringe benefits—general and administrative—carrier only. <sup>12</sup>
		6114	Gasoline and diesel fuel—indirect operating—carrier only. <sup>12</sup>
		6204	Tires and tubes—indirect operating—carrier only. <sup>12</sup>
		6304	Other vehicle supplies—indirect operating—carrier only. <sup>12</sup>
		6404	Vehicle repair parts—indirect operating—carrier only. <sup>12</sup>
		6604	Repair materials (other than vehicle)—indirect operating—carrier only. <sup>12</sup>
		6604	Printing and office supplies—indirect operating—carrier only. <sup>12</sup>
		6605	Printing and office supplies—general and administrative—carrier only. <sup>12</sup>
		6604	Miscellaneous supplies—indirect operating—carrier only. <sup>12</sup>
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only. <sup>12</sup>
		7204	Outside services—pairs (other than vehicles)—indirect operating—carrier only. <sup>12</sup>
		7314	Other outside services—janitorial services—indirect operating—carrier only. <sup>12</sup>
		7404	Utilities—indirect operating—carrier only. <sup>12</sup>
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only. <sup>12</sup>
		7904	General expenses—indirect operating—carrier only. <sup>12</sup>
		7905	General expenses—general and administrative—carrier only. <sup>12</sup>
		8304	Rent—other than revenue equipment—indirect operating—carrier only. <sup>12</sup>
		8305	Rent—other than revenue equipment—general and administrative—carrier only. <sup>12</sup>
		8424	Vehicle licenses and registration fees—State and local—indirect operating—carrier only. <sup>12</sup>
		8434	Vehicle licenses and registration fees—Federal—indirect operating—carrier only. <sup>12</sup>
		8444	Gas, diesel fuel, and oil taxes—State and local—indirect operating—carrier only. <sup>12</sup>
		8454	Gas, diesel fuel, and oil taxes—Federal—indirect operating—carrier only. <sup>12</sup>
Salaries and wages; platform employees..	434	4104	Salaries—indirect operating—carrier only. <sup>12</sup>
Other terminal employees.....	435	4904	Other wages—indirect operating—carrier only. <sup>12</sup>
Commission agents.....	436	5004	Fringe benefits—indirect operating—carrier only. <sup>12</sup>
Joint terminal facilities—net.....	439	5004	Fringe benefits—general and administrative—carrier only. <sup>12</sup>
		4704	Commission agent fees—indirect operating—carrier only. <sup>12</sup>
			Intentionally omitted.
			Traffic
Supervision, office, and other expenses..	441	4104	Salaries—indirect operating—carrier only. <sup>12</sup>
Other traffic expenses.....	448	4614	Repair wages—transportation equipment only—indirect operating—carrier only. <sup>12</sup>
		4704	Commission agent fees—indirect operating—carrier only. <sup>12</sup>
		4904	Other wages—indirect operating—carrier only. <sup>12</sup>
		5004	Fringe benefits—indirect operating—carrier only. <sup>12</sup>
		6114	Gasoline and diesel fuel—indirect operating—carrier only. <sup>12</sup>
		6204	Tires and tubes—indirect operating—carrier only. <sup>12</sup>
		6304	Other vehicle supplies—indirect operating—carrier only. <sup>12</sup>
		6404	Vehicle repair parts—indirect operating—carrier only. <sup>12</sup>
		6604	Repair materials (other than vehicle)—indirect operating—carrier only. <sup>12</sup>
		6604	Printing and office supplies—indirect operating—carrier only. <sup>12</sup>
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only. <sup>12</sup>
		7204	Outside services—pairs (other than vehicles)—indirect operating—carrier only. <sup>12</sup>
		7304	Utilities—indirect operating—carrier only. <sup>12</sup>
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only. <sup>12</sup>
		7904	General expenses—indirect operating—carrier only. <sup>12</sup>
		7905	General expenses—general and administrative—carrier only. <sup>12</sup>
		8304	Rent—other than revenue equipment—indirect operating—carrier only. <sup>12</sup>
		8424	Vehicle licenses and registration fees—State and local—indirect operating—carrier only. <sup>12</sup>
		8434	Vehicle licenses and registration fees—Federal—indirect operating—carrier only. <sup>12</sup>
Tariffs and schedules.....	443	6603	Printing and office supplies—interstate moving. <sup>12</sup>
		6602	Printing and office supplies—intrastate moving. <sup>12</sup>
		6603	Printing and office supplies—local moving. <sup>12</sup>
			Insurance and safety
Supervision, office and other expenses..	451	4104	Salaries—indirect operating—carrier only. <sup>12</sup>
Other insurance and safety department expenses.	458	4614	Repair wages—transportation equipment only—indirect operating—carrier only. <sup>12</sup>
		5004	Fringe benefits—indirect operating—carrier only. <sup>12</sup>

See footnotes at end of table.

## RULES AND REGULATIONS

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
		6114	Gasoline and diesel fuel—indirect operating—carrier only. <sup>12</sup>
		6204	Tires and tubes—indirect operating—carrier only. <sup>12</sup>
		6304	Other vehicle supplies—indirect operating—carrier only. <sup>12</sup>
		6404	Vehicle repair parts—indirect operating—carrier only. <sup>12</sup>
		6604	Printing and office supplies—indirect operating—carrier only. <sup>12</sup>
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only. <sup>12</sup>
		7334	Other outside services—professional services—indirect operating—carrier only. <sup>12</sup>
		7404	Utilities—indirect operating—carrier only. <sup>12</sup>
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only. <sup>12</sup>
		7904	General expenses—indirect operating—carrier only. <sup>12</sup>
		7905	General expenses—general and administrative—carrier only. <sup>12</sup>
		8304	Rent—other than revenue equipment—indirect operating—carrier only. <sup>12</sup>
		8424	Vehicle licenses and registration fees—State and local—indirect operating—carrier only. <sup>12</sup>
		8434	Vehicle licenses and registration fees—Federal—indirect operating—carrier only. <sup>12</sup>
Public liability and property damage... 453		8621	Public liability and property damage—premiums paid—interstate moving. <sup>12</sup>
		8622	Public liability and property damage—premiums paid—intrastate moving. <sup>12</sup>
		8623	Public liability and property damage—premiums paid—local moving. <sup>12</sup>
		8624	Public liability and property damage—premiums paid—indirect operating—carrier only. <sup>12</sup>
		8701	Provision for claims—self-insured portion—interstate moving. <sup>12</sup>
		8702	Provisions for claims—self-insured portion—intrastate moving. <sup>12</sup>
		8703	Provisions for claims—self-insured portion—local moving. <sup>12</sup>
		8704	Provisions for claims—self-insured portion—indirect operating—carrier only. <sup>12</sup>
Workmen's compensation..... 454		8635	Workmen's compensation—general and administrative—carrier only. <sup>12</sup>
Cargo loss and damage..... 455		8611	Cargo loss and damage insurance premiums paid—interstate moving. <sup>12</sup>
		8612	Cargo loss and damage insurance premiums paid—intrastate moving. <sup>12</sup>
		8613	Cargo loss and damage insurance premiums paid—local moving. <sup>12</sup>
		8614	Cargo loss and damage insurance premiums paid—indirect operating—carrier only. <sup>12</sup>
		8701	Provision for claims—self-insured portion—interstate moving. <sup>12</sup>
		8702	Provision for claims—self-insured portion—intrastate moving. <sup>12</sup>
		8703	Provision for claims—self-insured portion—local moving. <sup>12</sup>
		8704	Provisions for claims—self-insured portion—indirect operating—carrier only. <sup>12</sup>
Fire, theft, and collision..... 456		8641	Fire, theft, and collision insurance—premiums paid—interstate moving. <sup>12</sup>
Other insurance expense..... 457		8642	Fire, theft, and collision insurance—premiums paid—intrastate moving. <sup>12</sup>
		8643	Fire, theft, and collision insurance—premiums paid—local moving. <sup>12</sup>
		8644	Fire, theft, and collision insurance—premiums paid—indirect operating—carrier only. <sup>12</sup>
		8665	Insurance on buildings and structures—general and administrative—carrier only. <sup>12</sup>
		8665	Other insurance expenses—general and administrative—carrier only. <sup>12</sup>
		8701	Provisions for claims—self-insured portion—interstate moving. <sup>12</sup>
		8702	Provision for claims—self-insured portion—intrastate moving. <sup>12</sup>
		8703	Provision for claims—self-insured portion—local moving. <sup>12</sup>
		8704	Provisions for claims—self-insured portion—indirect operating—carrier only. <sup>12</sup>
			Administrative and general
		461.1	Salaries; general officers.....
		461.3	Salaries; other general office employees.....
		463	Law and outside auditing expenses.....
		467	Regulatory expenses.....
		468	Other general expenses.....
		4105	Salaries—general and administrative—carrier only. <sup>12</sup>
		4905	Other wages—general and administrative—carrier only. <sup>12</sup>
		5005	Fringe benefits—general and administrative—carrier only. <sup>12</sup>
		6505	Repair materials (other than vehicle)—general and administrative—carrier only. <sup>12</sup>
		7335	Other outside services—professional services—general and administrative—carrier only. <sup>12</sup>
		7905	General expenses—general and administrative—carrier only. <sup>12</sup>
		8304	Rent—other than revenue equipment—indirect operating—carrier only. <sup>12</sup>
		8305	Rent—other than revenue equipment—general and administrative—carrier only. <sup>12</sup>
		4615	Repair wages—transportation equipment only—general and administrative—carrier only. <sup>12</sup>
		6405	Vehicle repair parts—general and administrative—carrier only. <sup>12</sup>
		6506	Repair materials (other than vehicle)—general and administrative—carrier only. <sup>12</sup>
		6606	Printing and office supplies—general and administrative—carrier only. <sup>12</sup>
		6805	Miscellaneous supplies—general and administrative—carrier only. <sup>12</sup>
		7105	Outside services—vehicle repairs and maintenance—general and administrative—carrier only. <sup>12</sup>

See footnotes at end of table.

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RULES AND REGULATIONS

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued			
System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
		7206	Outside services—repair (other than vehicles)—general and administrative—carrier only.
		7318	Other outside services—janitorial services—general and administrative—carrier only.
		7406	Utilities—general and administrative—carrier only.
		7806	Travel and entertainment—sales, office, and management personnel—general and administrative—carrier only.
		7906	General expenses—general and administrative—carrier only. <sup>24</sup>
		8306	Rent—other than revenue equipment—general and administrative—carrier only. <sup>25</sup>
		8426	Vehicle licenses and registration fees—State and local—general and administrative—carrier only.
		8436	Vehicle licenses and registration fees—Federal—general and administrative—carrier only.
Communication service.....	464	7504	Communication services—indirect operating—carrier only.
Uncollectible revenues.....	466	7606	Communication services—general and administrative—carrier only.
Joint operating expenses; net.....	469	8806	Uncollectible revenues—general and administrative—carrier only.
			Intentionally omitted.
Depreciation expense			
Depreciation of structure.....	501	8145	Depreciation—building and structures—general and administrative—carrier only.
Depreciation of revenue equipment—line haul.	502.1	8111	Depreciation—revenue equipment—interstate moving.
Depreciation of revenue equipment—pickup and delivery.	502.5	8112	Depreciation—revenue equipment—intrastate moving.
Depreciation of service cars and equipment.	503	8113	Depreciation—revenue equipment—local moving.
		8134	Depreciation—service cars and equipment—indirect operating—carrier only.
		8135	Depreciation—service cars and equipment—general and administrative—carrier only.
Depreciation of shop and garage equipment.	504	8124	Depreciation—shop and garage equipment—indirect operating—carrier only.
Depreciation of furniture and office equipment.	505	8151	Depreciation—furniture and office equipment—indirect operating—carrier only.
		8155	Depreciation—furniture and office equipment—general and administrative—carrier only.
Depreciation of miscellaneous equipment.	506	8191	Depreciation—miscellaneous equipment—interstate moving.
		8192	Depreciation—miscellaneous equipment—intrastate moving.
		8193	Depreciation—miscellaneous equipment—local moving.
		8194	Depreciation—miscellaneous equipment—indirect operating—carrier only.
		8195	Depreciation—miscellaneous equipment—general and administrative—carrier only.
Depreciation of other carrier property..	507	8175	Depreciation—undistributed property—general and administrative—carrier only.
		8215	Amortization of leasehold improvements—general and administrative—carrier only.
Depreciation adjustment.....	510	8915	Gains on disposition of operating assets—general and administrative—carrier only. <sup>1</sup>
		8925	Losses on disposition of operating assets—general and administrative—carrier only. <sup>1</sup>
Amortization expenses			
Amortization of carrier property.....	515	8225	Amortization expenses (other) general and administrative—carrier only.
		8915	Gains on disposition of operating assets—general and administrative—carrier only. <sup>1</sup>
		8925	Losses on disposition of operating assets—general and administrative—carrier only. <sup>1</sup>
Operating taxes and licenses			
Gasoline, other fuel and oil taxes—line haul.	521.1	8441	Gas, diesel fuel, and oil taxes—State and local—interstate moving.
		8442	Gas, diesel fuel, and oil taxes—State and local—intrastate moving.
		8451	Gas, diesel fuel, and oil taxes—Federal—interstate moving.
Gasoline, other fuel and oil taxes—pickup and delivery.	521.5	8452	Gas, diesel fuel, and oil taxes—Federal—intrastate moving.
		8443	Gas, diesel fuel, and oil taxes—State and local—local moving.
Vehicle license and registration fees—line haul.	522.1	8453	Gas, diesel fuel, and oil taxes—Federal—local moving.
		8421	Vehicle licenses and registration fees—State and local—interstate moving.
		8422	Vehicle licenses and registration fees—State and local—intrastate moving.
		8431	Vehicle licenses and registration fees—Federal—interstate moving.
		8432	Vehicle licenses and registration fees—Federal—intrastate moving.
Vehicle license and registration fees—pickup and delivery.	522.5	8423	Vehicle licenses and registration fees—State and local—local moving.
		8433	Vehicle licenses and registration fees—Federal—local moving.
Real estate and personal property taxes..	523	8414	Real estate and personal property taxes—indirect operating—carrier only.
		8415	Real estate and personal property taxes—general and administrative—carrier only.
Social security taxes.....	524	8115	FICA taxes—general and administrative—carrier only. <sup>26</sup>
		8126	Federal unemployment taxes—general and administrative—carrier only. <sup>1</sup>
		8136	State unemployment taxes—general and administrative—carrier only. <sup>1</sup>

<sup>1</sup> See footnotes at end of table.

RULES AND REGULATIONS

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued			
System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Other taxes.....	525	8484	Gas, diesel fuel, and oil taxes—State and local—indirect operating—carrier only.
		8485	Gas, diesel fuel, and oil taxes—State and local—general and administrative—carrier only.
		8494	Other taxes—State and local—indirect operating—carrier only.
		8495	Other taxes—State and local—general and administrative—carrier only.
Lease of distinct operating unit; debit..	540		Intentionally omitted.
Lease of distinct operating unit; credit..	550		Do.
Other ordinary income			
Income from non-carrier operations; net..	610	3516	Packing only—interstate—packing and crating. <sup>1</sup>
		3523	Unpacking only—interstate—packing and crating. <sup>1</sup>
		3539	Packing and unpacking—intrastate—packing and crating. <sup>1</sup>
		3579	Thru-container packing and loading—overseas import and export.
		3596	Other packing and crating service revenue—packing and crating.
		3598	Other packing and crating service revenue—overseas import and export.
		3717	Storage household goods—SIT interstate—warehousing.
		3727	Warehouse handling, in/out—SIT interstate—warehousing.
		3737	Storage household goods—SIT intrastate—warehousing.
		3747	Warehouse handling, in/out—SIT intrastate—warehousing.
		3757	Storage—other than carrier shipment—warehousing.
		3767	Warehouse handling, in/out—other than carrier shipments—warehousing.
		3836	Packing commissions—packing and crating.
		3909	Other operating revenue (class I and II)—indirect operating—noncarrier.
			Because of the extensive list, the noncarrier operating are
			penze accounts which become effective Jan. 1, 1974,
			shown in appendix A to this conversion table.
Interest, dividends and other non-	650	9100	Income from noncarrier operations—net.
operating income.		9200	Interest and dividend income (control).
		9300	Lease of distinct operating units (control).
		9400	Other nonoperating income (net).
Miscellaneous deductions from income			
Interest.....	710	9610	Interest expense—equipment obligations.
		9620	Interest expense—advances.
		9630	Interest expense—bonds.
		9640	Interest expense—other long-term obligations.
		9650	Interest expense—current obligations.
Other income deductions.....	750	9660	Interest expense—matured obligations.
		9670	Gain or loss on disposition of other assets (net).
Income taxes on ordinary income.....	890	9679	Amortization of debt discount and expense.
		9680	Amortization of premium on debt—credit.
		9700	Income taxes on ordinary income.
Extraordinary and prior period items			
Extraordinary and prior period items (net).	890	9800	Extraordinary items.
See footnotes at end of table.			

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## RULES AND REGULATIONS

TABLE IV. Class II household goods carriers  
APPENDIX A.—CONVERSION OF NONCARRIER OPERATING EXPENSES<sup>1</sup>

Natural classification	Activities			
	Packing and crating	Warehousing	Overseas import and export	Indirect operating
	6	7	8	9
410 Salaries.....	4106	4107	4108	4109
421 Packer wages—interstate moves.....	4216			
422 Packer wages—interstate moves.....	4226			
423 Packer wages—overseas shipments.....			4238	
441 Warehouse labor—household.....		4417		
442 Warehouse handling—SIT interstate.....		4427		
443 Warehouse handling—SIT intrastate.....		4437		
462 Other repair wages.....	4626	4627	4628	4629
700 Commission agent fees.....				4709
900 Other wages.....	4906	4907	4908	4909
900 Fringe benefits.....	5006	5007	5008	5009
502 Employees' group insurance.....				5029
504 Workmen's compensation.....				5049
504 Pension and retirement plans.....				5049
507 Miscellaneous paid time off.....				5079
509 Other employee benefits.....				5099
510 Payroll taxes.....	5106	5107	5108	5109
611 Gasoline and diesel fuel.....	6116	6117		6119
620 Tires and tubes.....	6206	6207		6209
630 Other vehicle supplies.....	6306	6307		6309
640 Vehicle repair parts.....	6406	6407		6409
650 Repair materials (other than vehicle).....	6506	6507		6509
660 Printing and office supplies.....	6606	6607	6608	6609
670 Packing and crating materials and supplies.....	6706	6707	6708	6709
680 Miscellaneous supplies.....	6806	6807	6808	6809
710 Outside services—vehicle repairs (other than vehicles).....	7106	7107		7109
720 Outside services—repairs (other than vehicles).....	7206	7207	7208	7209
731 Janitorial services.....	7316	7317	7318	7319
733 Professional services.....				7339
736 Advertising—all other.....				7369
740 Utilities.....		7407	7408	7409
750 Communications services.....			7508	7509
770 Travel expenses—company drivers and other operating employees.....	7706	7707	7708	7709
780 Travel and entertainment—sales, office, and management personnel.....	7806	7807	7808	7809
790 General expenses.....	8116			8119
811 Depreciation—revenue equipment.....				8119
812 Depreciation—shop and garage equipment.....		8127		8129
813 Depreciation—service cars and equipment.....		8137		8139
814 Depreciation—buildings and structures.....	8146	8147	8148	8149
815 Depreciation—furniture and office equipment.....	8156	8157	8158	8159
817 Depreciation—undistributed property.....				8179
819 Depreciation—miscellaneous equipment.....	8196	8197	8198	8199
821 Amortization of leasehold improvements.....		8217	8218	8219
822 Amortization expense—other.....				8229
830 Rent—other than revenue equipment.....	8306	8307	8308	8309
841 Real estate and personal property taxes.....		8417	8418	8419
842 Vehicle licenses and registration fees—State and local.....				8429
843 Vehicle license and registration fees—Federal.....	8436			8439
844 Gas, diesel fuel, and oil taxes—State and local.....	8446			
845 Gas, diesel fuel, and oil taxes—Federal.....	8456			
846 Other taxes—Federal.....				8469
849 Other taxes—State and local.....				8499
861 Cargo loss and damage insurance—premiums paid.....		8617	8618	8619
862 Public liability and property damage—premiums paid.....	8626			8629
864 Fire, theft, and collision insurance—premiums paid.....	8646			8649
866 Insurance on buildings and structures.....		8667		8669
869 Other insurance expense.....		8697		8699
870 Provision for claims—self-insured portion.....	8706	8707	8708	8709
880 Uncollectible revenue.....				8809
891 Gains on disposition of operating assets.....				8919
892 Losses on disposition of operating assets.....				8929

<sup>1</sup> These expenses were previously recorded in 1 account, 610. However, because the present accounts, effective Jan. 1, 1974, are so numerous they are listed here rather than within the conversion table. See account 610 in the conversion table for the other details involved in converting the noncarrier operating expense accounts.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4355 Filed 2-26-74; 8:45 am]

## RULES AND REGULATIONS

Title 7—Agriculture  
CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE  
SUBCHAPTER B—CONSERVATION OPERATIONS  
PART 611—SOIL SURVEYS

The purpose of this publication is to codify existing Soil Conservation Service general policy on soil surveys. Since the policy contained herein is well established, it was determined unnecessary, as provided by 5 U.S.C. 553, to invite public participation with respect to this publication.

Dated: February 19, 1974.

KENNETH E. GRANT,  
Administrator,  
Soil Conservation Service.

## Subpart A—General

- Sec. 611.1 Purpose and scope.  
611.2 Cooperative relationships.  
Subpart B—Soil Survey Operations  
611.10 Standards, guidelines, and plans.  
611.11 Reproduction and distribution of soil survey information.  
Subpart C—Cartographic Operations  
611.20 Function.  
611.21 Availability of aerial photography.  
611.22 Availability of satellite imagery.

AUTHORITY: Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590(a-f)); Pub. L. 89-580, 80 Stat. 706 (42 U.S.C. 3271-3274).

## Subpart A—General

## § 611.1 Purpose and scope.

(a) This part sets forth policy on soil survey operations of the Soil Conservation Service (SCS).

(b) SCS is responsible for soil survey activities of the U.S. Department of Agriculture (USDA). A soil survey provides (1) an orderly, on-the-ground, scientific inventory of soil resources according to their potentialities and problems of use, and (2) information about each kind of soil in sufficient detail to meet all reasonable needs of farmers, agricultural technicians, community planners, engineers, and scientists in planning and transferring the findings of research and experience to specific land areas.

## § 611.2 Cooperative relationships.

(a) Soil surveys on nonfederal lands are carried out cooperatively with state agricultural experiment stations and other state agencies. The cooperative effort is evidenced in a memorandum of understanding setting forth guidelines for actions to be taken by each cooperating party in the performance of soil surveys. Similar cooperative arrangements exist between SCS and other federal agencies for soil surveys on federal lands.

(b) Arrangements for nonfederal financial participation in the cost of soil surveys may be made with states, counties, soil conservation districts, planning agencies, and other local groups.

## Subpart B—Soil Survey Operations

## § 611.10 Standards, guidelines, and plans.

(a) SCS conducts soil surveys under national standards and guidelines for naming, classifying, and interpreting soils and for publishing soil surveys in the USDA series.

(b) A soil survey work plan of a county or area of similar size that is to be completed for publication is prepared prior to the start of each soil survey. The work plan provides information relevant to the conduct and publication of the soil survey. The plan is signed by representatives of SCS, land grant universities, and in some states representatives of other state agencies. Federal land administering agencies also sign the work plan if federal lands are included in the survey.

## § 611.11 Reproduction and distribution of soil survey information.

(a) Published soil surveys. (1) When soil survey field work is completed on a designated area, SCS publishes the soil survey as soon as possible so that the information will be available to the public. The published soil survey includes soil maps, soil descriptions, and soil interpretations for appropriate uses such as farming, engineering, range, woodland, recreation, and wildlife.

(2) Each party cooperating with SCS in a soil survey will receive without cost 50 copies of the published soil survey. Prior to publication each may order additional copies at printing cost by preparing a special amendment to the soil survey work plan.

(3) The number of copies to be published and the distribution of a published soil survey are coordinated by SCS with those cooperating in the survey and with the U.S. Senators from the state and the U.S. Representative from the congressional district in which the survey was made.

(4) Copies of published soil surveys are sent by the Superintendent of Documents, U.S. Printing Office, to depository libraries that have requested them. Copies also are sent to interested agencies that have requested them.

(5) Published soil surveys may be obtained from SCS field and state offices, state land grant universities, and the U.S. Senators from the state and the U.S. Representative from the congressional district. They also may be purchased from the Superintendent of Documents, U.S. Government Printing Office.

(b) Interim soil reports. (1) State and local units of government and others may need soil survey information for subdivision, town, or country planning, tax assessment, and other uses prior to the time a soil survey is published. SCS may prepare interim reports to provide soil survey information to meet these needs.

(2) Interim soil reports may include copies of soil survey field sheets, soil de-

scriptions, and soil interpretive maps and tables showing the general rating of each kind of soil for various uses such as farming, range, woodland, engineering, recreation, and wildlife.

(c) Resource conservation plan data. Information prepared specifically for use in developing resource conservation plans for soil conservation district cooperators is considered confidential. Soil maps and interpretations prepared for this use will not be made available to others without the consent of the landowner as well as the district governing body. However, copies of soil survey field sheets and related data from which the conservation plan was developed may be purchased from the local SCS field office with prior approval from the SCS state office. The purchase is subject to the fee schedule cited in § 1.2(b) of this title.

(d) Identity of advance reproductions. Advance reproductions of individual soil survey field sheets include the name of the soil survey area, the state, the names of the parties cooperating in the survey, date of survey, map scale, and necessary precautionary notes.

## Subpart C—Cartographic Operations

## § 611.20 Function.

The SCS Cartographic Division provides cartographic services needed to carry out SCS functions. Cartographic services include general cartography, photogrammetry, aerial photography, planimetric and topographic mapping, drafting, and specialized types of reproduction.

## § 611.21 Availability of aerial photography.

The Cartographic Division obtains necessary clearance for all aerial photography for SCS. New aerial photography of designated areas in the United States is obtained yearly by SCS through competitive contracting. This photography is obtained only after it is determined that imagery of these areas available from other sources does not meet SCS scale and quality requirements. Orders for reproductions of SCS aerial photography are subject to the fee schedule cited in § 1.2(b) of this title. Order reproductions from the Cartographic Division, USDA—Soil Conservation Service, Federal Center Building, No. 1, Hyattsville, Maryland 20782.

## § 611.22 Availability of satellite imagery.

Cloud-free maps of the United States based on imagery received from a satellite are prepared and released to the public by SCS. The maps offer the first image of the United States not obscured by clouds or distortions. Orders or requests for information should be directed to the Cartographic Division, USDA—Soil Conservation Service, Federal Center Building, No. 1, Hyattsville, Maryland 20782. Orders are subject to the fee schedule cited in § 1.2(b) of this title.

[FR Doc.74-4410 Filed 2-26-74; 8:45 am]



**CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE**  
**SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS**  
 [Amdt. 1a]

**PART 730—RICE**

**Increases in the 1974 National Acreage Allotment and Producer and Farm Acreage Allotments**

**Basis and purpose.** (a) The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of amending §§ 730.1502 and 730.1503 with respect to the national acreage allotment for 1974-crop rice and the apportionment of this allotment to the States.

Section 371(b) of the act provides that if the Secretary has reason to believe that because of a national emergency, or because of a material increase in export demand, any national marketing quota or acreage allotment for cotton, rice, peanuts, or tobacco, should be increased or terminated, he shall cause an immediate investigation to be made to determine whether the increase or termination is necessary to meet such emergency or increase in export demand. If on the basis of such investigation, the Secretary finds that such increase or termination is necessary, he shall immediately proclaim such findings (and if he finds an increase is necessary, the amount of the increase found by him to be necessary), and thereupon such quota or allotment shall be increased or terminated, as the case may be.

In accordance with the foregoing an investigation has been made and it has been determined that there is an increase in export demand since the announcement in the FEDERAL REGISTER of November 14, 1973 (38 FR 31409), of the national acreage allotment for the 1974 crop of rice. World demand for rice in 1974 is expected to continue strong, but world export availability is expected to be less than previously anticipated because of the need to replenish stocks in exporting countries. This has resulted in a material increase in export demand for rice produced in the U.S. above the level which was originally anticipated at the time of the announcement of the 1974 national rice acreage allotment.

In view of the material increase in export requirements from the 1974 crop of rice and after giving consideration to the desirability to maintain year-ending stocks at a more adequate level, it has been found that there is a need for increasing the national acreage allotment for the 1974 crop of rice.

The increased acreage allotment is expected to result in a total supply in 1974—

**RULES AND REGULATIONS**

75 of 112.6 million hundredweight of rough rice. Commercial and concessional exports from this supply are projected at 61.2 million hundredweight, rough, and year-ending stocks at 13.1 million hundredweight, rough. The increased allotment should result in availability of an additional quantity of 27.4 hundredweight for export requirements from that used in the previous determination of the allotment for the 1974 crop.

Section 371(c) of the act provides that in case any national acreage allotment for any commodity is increased under Section 371(b), each farm acreage allotment for the commodity shall be increased in the same ratio.

This amendment also changes the apportionment of the national acreage allotment among the States to reflect the increase provided in the national acreage allotment. The increased State allotments will result in a corresponding increase in farm allotments established in both farm and producer States and administrative areas. In producer States and administrative areas, the increased State allotments will be reflected first in the allotments established for producers and subsequently in allotments established for farms when the producer allotments are allocated to farms by producers. The farm allotment thus established will be increased in the same ratio as the increase in the national acreage allotment when compared with the allotments established on the basis of the previously published national acreage allotment.

1. Section 730.1502 is amended by adding the following at the end thereof:

§ 730.1502 National acreage allotment of rice for 1974.

Notwithstanding the foregoing, the national acreage allotment of rice for the calendar year 1974 is increased by 27.07 percent—from 1,652,596 acres to 2,100,000 acres pursuant to section 371(b) of the act.

2. Section 730.1503 is amended to read as follows:

§ 730.1503 Apportionment of 1972 national acreage allotment of rice among the several States.

The national acreage allotment proclaimed in § 730.1502 less a reserve of 381 acres, is hereby apportioned among the several rice producing States as follows:

State:	Apportionment of national allotment
Arizona	291
Arkansas	507,047
California	380,921
Florida	1,216
Illinois	26
Louisiana (areas)	608,696
Farm allotment	582,666
Producer allotment	21,540

State:	Apportionment of national allotment
Mississippi	59,301
Missouri	6,046
North Carolina	48
Oklahoma	189
South Carolina	3,617
Tennessee	657
Texas	836,646

Total apportioned to States. 2,089,619  
 Unapportioned national reserve. 381

U.S. total. 2,100,000

(Sec. 301, 352, 353, 371, 375, 52 Stat. 38, 60, 61, 66, as amended (7 U.S.C. 1301, 1352, 1353, 1371, 1375))

Farmers need to be advised as soon as possible in order to fully utilize the allotted acreage for production of needed supplies. Therefore, it is determined that compliance with the notice, public procedure, and thirty-day effective date provisions of 5 U.S.C. 553 is impracticable contrary to the public interest. Accordingly this amendment shall become effective upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on February 20, 1974.

GLENN A. WEIR,  
 Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 74-4437 Filed 2-25-74; 8:45 am]

[Amdt. 1]

**PART 731—CLOSING DATES FOR TRANSFER, AND FOR RELEASE AND REAPPORTIONMENT**

**Cotton, Peanuts, Rice, and Tobacco**

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). The purpose of this amendment is to change the closing dates for transfer and for release and reapportionment of cotton, peanuts, rice, and tobacco (except burley and flue-cured).

Since farmers need to know the dates for effecting transfers, release and reapportionment of 1974 marketing quotas and farm acreage allotments as soon as possible, it is hereby determined that compliance with the notice, procedure, and effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest, and this document shall become effective upon the date of its filing with the Director, Office of the Federal Register.

The regulations for establishing closing dates for transfer and for release and reapportionment under Part 731 (37 FR 28124), is amended by changing the closing dates in § 731.2 for Arizona, Arkansas, California, Georgia, Mississippi, Nevada, New Mexico, South Carolina, and Texas as follows:

**§ 731.2 Closing dates.**

State	Closing date for transfer by lease, sale, or contract (except burley and flue-cured tobacco); release and reapportionment requests	Final date for reapportionment
(1)	(2)	(3)
Arizona	February 15	1 month following applicable closing dates for transfer, release, and requesting reapportionment.
Arkansas	March 1	Do.
California	March 15	Do.
Georgia	February 28	Do.
Mississippi	March 4	Do.
Nevada	February 15	Do.
New Mexico	March 1	Do.
South Carolina	April 5	Do.
Texas (Zone I)	March 1	Do.
Texas (Zone II)	April 1	Do.
Texas (Zone III)	May 1	Do.

<sup>1</sup> Counties: Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Brazoria, Brooks, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Dimmitt, Duval, Fayette, Fort Bend, Frio, Garza, Gillespie, Gonzales, Guadalupe, Hardin, Harris, Hays, Hidalgo, Jackson, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kinney, Kleberg, LaSalle, Lavaca, Liberty, Live Oak, McMullen, Maverick, Matagorda, Medina, Montgomery, Nueces, Orange, Bexar, San Patricio, Starr, Travis, Uvalde, Val Verde, Victoria, Walker, Webb, Wharton, Willacy, Wilson, Zapata, Zavala.

<sup>2</sup> Counties: Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Carson, Castro, Childress, Cochran, Coke, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hartman, Haskell, Hemphill, Hockley, Howard, Hutchinson, Irion, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Farmer, Potter, Randall, Reagan, Roberts, Runnels, Scurry, Sherman, Sterling, Stonewall, Swisher, Taylor, Terry, Throckmorton, Upton, Wheeler, Wichita, Wilbarger, Yoakum, Young.

(Secs. 313, 316, 318, 319, 344, 344a, 347, 350, 353, 358, 359a, 375, 378, 52 Stat. 47, as amended, 75 Stat. 469, as amended, 61 Stat. 120, as amended, 65 Stat. 23, 62 Stat. 57, as amended, 79 Stat. 1197, as amended, 62 Stat. 59, as amended, 61, as amended, 55 Stat. 83, as amended, 81 Stat. 856, as amended, 62 Stat. 66, as amended, 72 Stat. 995, as amended; 7 U.S.C. 1313, 1314b, 1314d, 1314e, 1344, 1344b, 1347, 1350, 1353, 1358, 1358a, 1375, 1378)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on February 20, 1974.

GLENN A. WEIR,  
 Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 74-4503 Filed 2-26-74; 8:45 am]

**RULES AND REGULATIONS**

**TITLE 16—Commercial Practices**  
**CHAPTER I—FEDERAL TRADE COMMISSION**

[Docket No. C-9457]

**PART 13—PROHIBITED TRADE PRACTICES**

**Baton Rouge Athletic Club and Health Spa, Inc., et al.**

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*. Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records*; § 13.1051-20 *Adequate*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety*; § 13.1895 *Scientific or other relevant facts*. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 *Scientific or other relevant facts*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 6, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Baton Rouge Athletic Club and Health Spa, Inc., et al., Baton Rouge, La., Docket C-2487, Jan. 28, 1974]

*In the Matter of Baton Rouge Athletic Club and Health Spa, Inc. (Formerly Baton Rouge Health Club Management, Inc.) a Corporation, and Baton Rouge Health Club Management, Inc. Number Two, a Corporation, and Guy M. Bellelo and Raymond K. Roy, Individually and as Officers of Said Corporations*

Consent order requiring two Baton Rouge, La., health spas to warn clearly that any body wrapping device or treatment offered by them may be dangerous to health, and that prospective users should seek a physician's advice before using any such wrap.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Baton Rouge Athletic Club and Health Spa, Inc. (formerly Baton Rouge Health Club Management, Inc.) and Baton Rouge Health Club Management, Inc. Number Two, corporations, and Guy M. Bellelo and Raymond K. Roy, individually and as officers of said corporations, their successors and assigns, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of Health Spa memberships, related services or products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, offering for sale, or selling, any body wrapping device, procedure, method, treatment or service unless each advertisement and sales presentation clearly and conspicuously includes the following warning:

Warning. Body wrapping may be dangerous to your health. You should seek the advice of your physician before using any such wrap.

If dimming, swelling, skin irritation or other symptom occurs, use should be discontinued immediately.

Said "Warning" shall be oral in cases of oral presentations and in writing in cases of written presentations.

In advertisements in newspapers or other periodicals, said "Warning" shall be printed in at least eleven point type.

2. Failing to conspicuously disclose the "Warning" stated above in subsection 1 to each prospective user of any body wrapping device, procedure, method, treatment or service, reasonably prior to such persons entering into an agreement for the purchase and/or use of such device, procedure, method, treatment or service by:

(a) Delivering to each such person a card 5 inches by 8 inches on which is printed said "Warning" and nothing else with the captioned word "WARNING" printed in 18 point bold face type and the other language of said "Warning" in 11 point type.

(b) Posting in a prominent place at all locations where offers of sale, sales or uses of said body wrapping device, procedure, method, treatment or service take place, a sign on which is printed said "Warning" and nothing else, with the captioned word "WARNING" printed in letters 2 inches high and with the other language in letters one inch high.

3. Failing to obtain from each prospective user of any body wrapping device, procedure, method, treatment or service a signed and dated statement receipting for the "Warning" card delivered pursuant to subsection 2(a) above.

4. Failing to maintain for a period of two (2) years said signed and dated receipts and other adequate records from which respondents' compliance with the requirements of this Order can be ascertained, and to permit the inspection and copying thereof by Commission representatives.

5. Failing to deliver a copy of this order to cease and desist to all persons now engaged, or who become engaged, in the advertising or sale of respondents' health spa memberships, services or products, and failing to secure from each said person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment or sale, resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each individual respondent named herein promptly notify the Commission of the



discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

*It is further ordered*, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth, in detail, the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: January 28, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.  
[FR Doc.74-4400 Filed 2-25-74; 9:45 am]

[Docket No. 8903]

#### PART 13—PROHIBITED TRADE PRACTICES

PepsiCo, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets*; 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731 as amended; 15 U.S.C. 45, 18) [Cease and desist and divestiture order, PepsiCo, Inc., Purchase, N.Y., Docket 8903, Jan. 25, 1974]

*In the Matter of PepsiCo, Inc., a Corporation*

Consent order requiring PepsiCo, Inc., to divest within 18 months, as a package, the soft drink concentrate business, Flavette, it acquired as a result of its acquisition of Rheingold Corp., along with the soft drink bottling plant (Union Bottling Works, Inc.) owned and operated by a PepsiCo subsidiary in St. Louis, Mo. Excluding the seven leading firms from consideration, approval of a substantial soft drink bottler and/or soft drink concentrate manufacturer as a proposed acquirer would not be withheld. Further, PepsiCo is required to purchase soft drink concentrate from Flavette for its Los Angeles bottler for a period of three years; and for a ten-year period, PepsiCo is prohibited from acquiring any manufacturer or seller of concentrate without FTC approval.

The order of divestiture and to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondent, PepsiCo, Inc., a corporation, its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns (hereinafter "PepsiCo") shall, within eighteen (18) months from the date of service upon it of this Order, divest absolutely and in good faith to a single acquirer, subject to the approval of the Federal Trade Commission (hereinafter the "Commission"): (a) The soft

drink bottling plant owned and operated by a PepsiCo subsidiary in St. Louis, Missouri; and (b) the soft drink concentrate business acquired by PepsiCo as a result of its acquisition of the stock of Rheingold Corp., including, but not limited to, the soft drink concentrate business conducted by Rheingold Corp. through its subsidiary, Flavette Corporation and its divisions, Mason & Mason and Beverage Developers. The St. Louis soft drink bottling plant to be divested hereunder shall consist of the land, buildings and soft drink bottling machinery and equipment owned and operated by Union Bottling Works, Inc., a subsidiary of PepsiCo, at 647 Tower Grove Avenue, St. Louis, Missouri, together with all assets (subject to liabilities), properties, rights and privileges, tangible and intangible, associated with said plant, including, but not limited to, inventory, customer lists, route trucks, and good will (hereinafter the "St. Louis bottler"). The soft drink concentrate business to be divested hereunder shall consist of all assets (subject to liabilities), properties, rights and privileges, tangible and intangible, including, but not limited to, all machinery and equipment, inventory, customer lists, franchises, franchising rights, trade names, trademarks and good will owned and used by Rheingold Corp. in the production and sale of soft drink concentrate, together with all additions and improvements to said operations since their acquisition by PepsiCo (hereinafter "Flavette").

II. *It is further ordered*, That approval of a proposed divestiture hereunder shall not be withheld solely on the ground that the proposed acquirer is a substantial soft drink bottler and/or a soft drink concentrate manufacturer; provided, however, that PepsiCo shall not divest any of the above-described assets to any of the following companies: The Coca-Cola Co.; Royal Crown Cola Co.; Seven-Up Co.; Dr. Pepper Co.; Canada Dry Corp.; Cott Corp.; Crush International Ltd.

III. *It is further ordered*, That pending divestiture of the St. Louis bottler and Flavette, and for a period of three (3) years following divestiture, PepsiCo will purchase from Flavette soft drink concentrate sufficient to enable the Pepsi-Cola Bottling Company of Los Angeles to produce soft drinks under one or more of the Flavette trademarks or trade names at a level at least equal to the sales of such products (measured in cases of twenty-four (24) eight (8) ounce equivalents) by said company during the twelve (12) months ending December 31, 1972, and further, at a level sufficient to increase sales at a cumulative annual rate at least equal to the rate of growth of the national soft drink industry in the preceding year, as reported by the National Soft Drink Association. PepsiCo will use its best efforts to effect such sales by the Pepsi-Cola Bottling Company of Los Angeles.

IV. *It is further ordered*, That pending divestiture pursuant to this Order, PepsiCo shall make no changes in the St. Louis

bottler and Flavette which would impair their respective capacities for the production and sale of soft drinks and soft drink concentrate, unless such capacity is restored prior to divestiture; provided, however, that nothing in the Order shall prevent PepsiCo from exercising good faith business judgment with respect to the operation and management of the St. Louis bottler and Flavette.

V. *It is further ordered*, That the St. Louis bottler and Flavette shall not be sold or transferred, directly or indirectly, to any acquirer who, at the time of divestiture, is an officer, director or employee, or under the control of PepsiCo or who owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of PepsiCo's common stock; provided, however, that nothing herein shall preclude divestiture to an acquirer who is an independent PepsiCo franchised bottler so long as such bottler does not own or control, directly or indirectly, more than one (1) percent of the outstanding shares of PepsiCo's common stock.

VI. *It is further ordered*, That if PepsiCo is unable to sell or dispose of the St. Louis bottler and Flavette entirely for cash, nothing in this Order shall be deemed to prohibit PepsiCo from retaining, accepting and enforcing in good faith any security interest therein for the sole purpose of securing to PepsiCo full payment of the price, with interest, at which the St. Louis bottler and Flavette are sold or disposed of; provided, however, that if, after a good faith divestiture pursuant to this Order, the acquirer fails to perform its obligations and PepsiCo regains ownership and control by enforcement of any such security interest, PepsiCo shall redive within one (1) year.

VII. *It is further ordered*, That for a period of ten (10) years from the date of service upon it of this Order, PepsiCo shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Commission, the whole or any part of the stock or share capital of any concern engaged at the time of such acquisition in the manufacture and/or sale of soft drink concentrate in the United States, or the assets of any such concern (other than assets purchased or sold in the ordinary course of business) which are related to the manufacture and/or sale of soft drink concentrate in the United States.

VIII. *It is further ordered*, That PepsiCo shall, within ninety (90) days from the date of service upon it of this Order, and every ninety (90) days thereafter until the divestiture required by paragraph I of this Order has been completed, submit in writing to the Commission a report setting forth in detail its plans, actions and progress in complying with the divestiture required by paragraph I of this Order. Such compliance reports shall include, in addition to such other information and documentation as may hereafter be required to show compliance with this Order, a summary of all discussions and negotiations with prospective acquirers

of the assets involved, the identity of all such prospective acquirers, and copies of all written communications to and from such persons. PepsiCo shall within one (1) year from the date of service upon it of this Order, and every year thereafter, submit in writing to the Commission a report setting forth in detail the manner and form in which it has complied and is complying with paragraphs III and VII of this Order.

IX. *It is further ordered*, That PepsiCo shall notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

Issued: January 25, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.74-4399 Filed 2-25-74; 8:45 am]

[Docket No. C-2488]

#### PART 13—PROHIBITED TRADE PRACTICES

Swan's, etc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements*; 13.73-92 Truth in Lending Act; § 13.155 *Prices*; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements*; 13.1623-95 Truth in Lending Act. Prices: § 13.1823 *Terms and conditions*; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions*; 13.1905-80 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 144, 147 (15 U.S.C. 45, 1901-1905)) [Cease and desist order, Sherwood Swan and Company trading as Swan's, etc., et al., Oakland, Calif., Docket C-2488, Jan. 28, 1974]

*In the Matter of Sherwood Swan and Company, a Corporation Doing Business as Swan's, and Sherwood Swan Co., a Corporation, and Edward G. Morin, Individually and as an Officer of Said Corporations, and Sherley Swan Ketsdever, Individually and as an Officers of Sherwood Swan Co.*

Consent order requiring an Oakland, Calif., company, doing business as a department store, and as a finance company, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Sherwood Swan and Company, a corporation; Sherwood Swan Co., a corporation; their successors and assigns, and their officers, and Edward G. Morin, individually and as an officer of said corporations, and Sherley Swan Ketsdever, individually and as an officer of said Sherwood Swan Co., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device (hereinafter, in this and other paragraphs of this order, referred to as "respondents"), in connection with any extension or arrangement of consumer credit or advertisement to aid, promote, or assist directly or indirectly any arrangement or extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c) (7) of Regulation Z.

2. Failing to disclose the sum of all charges required by Section 226.4 of Regulation Z to be included in the finance charge, and to describe that sum as the "finance charge," as required by § 226.8(c) (8) (i) of Regulation Z.

3. Failing to disclose the sum of the payments scheduled to repay the indebtedness, and to describe the sum as the "total of payments," as required by § 226.8(b) (3) of Regulation Z.

4. Failing to disclose the number and amount of payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

5. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form, and amount required by Sections 226.6, 226.8 and 226.10 of Regulation Z.

*It is further ordered*, That respondents deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

*It is further ordered*, That respondents notify the Commission at least thirty (30) days prior to any proposed change in either of the corporate respondents, such as dissolution, assignment, or sales, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered*, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a

new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

*It is further ordered*, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 28, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.74-4398 Filed 2-25-74; 8:45 am]

#### Title 18—Conservation of Power and Water Resources

##### CHAPTER I—FEDERAL POWER COMMISSION

##### SUBCHAPTER A—GENERAL RULES

[Docket No. RM74-13; Order No. 508]

#### PART 1—RULES OF PRACTICE AND PROCEDURE

##### Revision of Spacing Requirements for Typewritten Pleadings, Documents and Other Papers Filed in Proceedings

FEBRUARY 20, 1974.

This order amends Part 1, Chapter I, Title 18 of the Code of Federal Regulations to require single-spacing in typewritten pleadings, documents and other papers filed in proceedings before this agency. The amendment is adopted to conserve paper during the paper shortage and for budgetary purposes.

The Commission finds:

(1) The notice, public procedure and effective date provisions of 5 U.S.C. 553 do not apply with respect to the amendment here adopted.

(2) In view of the purpose, intent and effect of the amendment herein ordered, good cause exists for making it effective upon issuance of this order.

(3) The amendment here adopted is in the public interest and is necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly section 309 (49 Stat. 858; 16 U.S.C. 825h) and the provisions of the Natural Gas Act, as amended particularly section 16 (52 Stat. 830 (15 U.S.C. 7170)), orders:

(A) Paragraph (c) (1) of § 1.15 in Part 1, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 1.15 Formal requirements as to pleadings, documents and other papers filed in proceedings.

(c) *Form*—(1) *Typewritten*. Pleadings, documents or other papers filed in proceedings if not printed, shall be typewritten on paper cut or folded to letter



size, 8 to 8½ inches wide by 10½ to 11 inches long, with left-hand margin not less than 1½ inches wide and other margins not less than 1 inch. The impression shall be on only one side of the paper, unless there are more than four pages, and shall be single spaced, except that quotations in excess of a few lines shall be indented. Mimeographed, multi-graphed, hectographed, or planographed copies will be accepted as typewritten, provided all copies are clearly legible.

(B) The amendment adopted herein shall be effective upon issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,  
Acting Secretary.

[FR Doc. 74-4435 Filed 2-25-74; 8:45 am]

#### Title 21—Food and Drugs

### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES AND PROCEDURES

##### Subpart H—Delegations of Authority

#### DELEGATION OF AUTHORITY RELATING TO BLOOD AND BLOOD PRODUCTS TO THE COMMISSIONER OF FOOD AND DRUGS

##### Correction

In FR Doc. 74-1822, appearing at page 2479 in the issue for Tuesday, January 22, 1974, the effective date now reading "January 28, 1974" should be changed to read "January 22, 1974".

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

##### PART 121—FOOD ADDITIVES

#### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

##### BENOMYL

A petition (FAP 3H5033) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) for combined residues of the fungicide benomyl (and its metabolites) (and its metabolites) containing the benzimidazole moiety (calculated as benomyl) in dried citrus pulp at 50 parts per million when present therein as a result of application (preharvest and/or postharvest) of the fungicide to the raw agricultural commodity citrus fruits. (For a related document, see this issue of the FEDERAL REGISTER, page 7422.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection

Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the Act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 121.343 is amended by adding the new paragraph, "50 parts per million . . ." after the paragraph, "70 parts per million . . ." as follows:

§ 121.343 Benomyl.

50 parts per million in dried citrus pulp when present therein as a result of application (preharvest and/or postharvest) of the fungicide to the raw agricultural commodity citrus fruits.

Any person who will be adversely affected by the foregoing order may at any time on or before March 28, 1974 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on February 26, 1974.

(Sec. 409(c) (1), (4), 72 Stat. 1786 (21 U.S.C. 348(c) (1), (4)))

Dated: February 20, 1974.

HENRY J. KOPF,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 74-4389 Filed 2-25-74; 8:45 am]

#### PART 121—FOOD ADDITIVES

##### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

##### NYLON RESINS

Notice was given in the FEDERAL REGISTER of June 22, 1971 (36 FR 11875), that a petition (FAP 1B2685) had been filed by Monsanto Co., 1101 17th St., NW., Washington, DC 20036, proposing that § 121.2502 *Nylon resins* (21 CFR 121.2502) be amended to provide for the safe use in food-contact articles of an additional nylon resin manufactured from nylon 66 resins and resins obtained by the condensation of hexamethylenediamine and terephthalic acid.

Also, notice was given in the FEDERAL REGISTER of October 14, 1971 (36 FR 19996); that a petition (FAP 2B2738) had been filed by Monsanto Co. proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the use of cuprous iodide as a heat stabilizer for the above-described nylon resin.

The Commissioner of Food and Drugs, having evaluated the data in these petitions and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of the subject additives under the preferred description and nomenclature as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)) and under authority delegated to the Commissioner (21 CFR 2120), Part 121 is amended as follows:

1. In § 121.2502 by adding a new paragraph (a) (7) and by adding a new item 7 to the table in paragraph (b) as follows:

§ 121.2502 *Nylon resins.*

(a) . . .

(7) Nylon 66T resins are manufactured by the condensation of hexamethylenediamine, adipic acid, and terephthalic acid such that composition in terms of ingredients is 43.1±0.2 weight percent hexamethylenediamine, 35.3±1.2 weight percent adipic acid, and 21.6±1.2 weight percent terephthalic acid.

(b) Specifications:

Nylon resins	Specific gravity	Melting point	Solubility in boiling 4.5 N HCl	Maximum extractable fraction in selected solvents (expressed as percent by weight of resin)			
				Water	95 percent ethyl alcohol	Ethyl acetate	Benzene
				Percent	Percent	Percent	Percent
7. Nylon 66T resins for use only in food-contact films having an average thickness not to exceed 0.001 inch.	1.10±0.015	482-518	Insoluble after 1 hour.	1.0	1.0	0.25	0.25

2. In § 121.2566(b) by alphabetically inserting in the list of substances a new item as follows:

§ 121.2566 *Antioxidants and/or stabilizers for polymers.*

(b) List of substances:

##### Limitations

Cuprous iodide.

For use at levels not exceeding 0.01 percent cuprous iodide by weight of nylon 66T resins complying with § 121.2502; the finished resins are used or are intended to be used to contain foods during oven baking or oven cooking at temperatures above 250° F. The average thickness of such resins in the form in which they contact food shall not exceed 0.001 inch.

Any person who will be adversely affected by the foregoing order may at any time on or before March 28, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

**Effective date.** This order shall become effective on February 26, 1974.

(Sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1))

Dated: February 15, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 74-4302 Filed 2-25-74; 8:45 am]

#### Title 29—Labor

### SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

#### PART 91—ADJUSTMENT ASSISTANCE FOR WORKERS AFTER CERTIFICATION

##### Vacation and Holiday Pay

To more clearly specify the circumstances in which adversely affected workers who have received vacation or holiday pay are and are not qualified for adjustment assistance under Chapter 3

of Title III of the Trade Expansion Act of 1962, 76 Stat. 872, 892; 19 U.S.C. 1931-1978, I have concluded it is necessary to amend 29 CFR 91.3 as set out below.

The provisions of 5 U.S.C. 553 relating to notice of proposed rule making, opportunity for public participation, and delay in effective date do not apply because this amendment is interpretive and prescribes rules of procedure.

This amendment shall be effective February 1, 1974.

1. Section 91.3 is amended by adding a new paragraph (e) reading as follows:

##### § 91.3 Qualifications.

(e) *Vacation or holiday pay.* (1) An adversely affected worker is not unemployed because of lack of work for purposes of § 91.1(mm) during a week for which he applies for a trade readjustment allowance if he—

(i) Was on leave for vacation or holiday purposes during all or part of such week, and

(ii) Received vacation or holiday pay for the period of leave which, when allocated to all or part of such week pursuant to paragraph (e) (2) of this paragraph, equalled or exceeded the amount of a trade readjustment allowance which, but for this paragraph, would be payable with respect to such week.

(2) Vacation or holiday pay shall be allocated in equal amounts to each day on which the worker was on leave for vacation or holiday purposes.

(3) Vacation or holiday pay which is paid in connection with a total separation from employment (including a lay-off without a definite date of return to work) shall be disregarded in determining whether an individual has experienced a week of unemployment, whether payment occurs before or after separation.

(4) As used in this paragraph "vacation or holiday pay" means wages paid in connection with leave for vacation or holiday purposes and not representing remuneration for services performed during a week for which application is made for a trade readjustment allowance.

(Sec. 401, 76 Stat. 902 (19 U.S.C. 1802))

Signed at Washington, D.C., this 14th day of February 1974.

BEN BURDETSKY,  
Deputy Assistant Secretary  
for Manpower.

[FR Doc. 74-4436 Filed 2-25-74; 8:45 am]

#### Title 40—Protection of Environment

### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

#### SUBCHAPTER E—PESTICIDE PROGRAMS

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Phorate

A petition (PP 3F1403) was filed by American Cyanamid Co., Princeton, NJ

08540, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the insecticide phorate (O,O-diethyl S-(ethylthio) methyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on Bermuda grass straw at 0.5 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. The established tolerances for residues in eggs, meat, milk, and poultry are adequate to cover residues resulting from the proposed and established uses, and § 180.6(a) (2) applies. However, the established tolerances for residues in eggs, meat, and poultry were omitted from the Code of Federal Regulations and are hereby reestablished in this order.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.206 is hereby amended by revising the introductory paragraph and the paragraph "0.5 part per million . . ." and by adding the new paragraph "0.05 part per million . . .", as follows:

§ 180.206 Phorate; tolerances for residues.

Tolerances are established for combined residues of the insecticide phorate (O,O-diethyl S-(ethylthio) methyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on raw agricultural commodities as follows:

0.5 part per million in or on alfalfa (fresh), bean vines, Bermuda grass straw, corn forage, hops, and potatoes.

0.05 part per million (negligible residues) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep and in eggs.

Any person who will be adversely affected by the foregoing order may at any time by March 28, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state



the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on February 26, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)).

Dated: February 20, 1974.

HENRY J. KOPP,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.74-4407 Filed 2-25-74; 8:45 am]

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Alachlor

A petition (PP 3F1372) was filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide alachlor (2-chloro-2',6'-diethyl-N-(methoxymethyl)acetanilide) and its metabolites (calculated as 2-chloro-2',6'-diethyl-N-(methoxymethyl)acetanilide) in or on the raw agricultural commodity potatoes at 0.2 part per million.

Subsequently, the petitioner amended the petition by reducing the proposed tolerance from 0.2 part per million for residues in or on potatoes to 0.1 part per million (negligible residue).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerance is being established.

2. Established tolerances for residues of alachlor in eggs, meat, milk, or poultry are adequate to cover residues resulting from the proposed and established uses. The proposed use is in the category specified in § 180.6(a)(2).

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.249 is amended by adding the following new paragraph after the paragraph "0.2 part per million . . .":

§ 180.249 Alachlor; tolerances for residues.

0.1 part per million (negligible residue) in or on potatoes.

Any person who will be adversely affected by the foregoing order may at any time by March 28, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on February 26, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)).

Dated: February 20, 1974.

HENRY J. KOPP,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.74-4408 Filed 2-25-74; 8:45 am]

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Benomyl

A petition (PP 3F1410) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity citrus fruits at 10 parts per million (from preharvest and/or post harvest application). For a related document, see this issue of the FEDERAL REGISTER, page 7420.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerance is being established.

2. Established tolerances for residues in meat and milk are adequate to cover residues resulting from the proposed and established uses and § 180.6(a)(2) applies. Residues from the proposed use are not expected in eggs and poultry (§ 180.6(a)(3) applies).

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant

Administrator for Pesticide Programs (36 FR 9038), § 180.294 is amended by revising the paragraph "10 parts per million . . ." to read as follows:

§ 180.294 Benomyl; tolerances for residues.

10 parts per million in or on citrus fruits (from preharvest and/or postharvest application), grapes, and mushrooms.

Any person who will be adversely affected by the foregoing order may at any time by March 28, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on February 26, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)).

Dated: February 20, 1974.

HENRY J. KOPP,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.74-4388 Filed 2-25-74; 8:45 am]

#### Title 45—Public Welfare

##### CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### PART 103—RESEARCH AND TRAINING, EXEMPLARY AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

###### Appendix B—Research Projects in Vocational Education Additional Criteria

On December 5, 1973 there was published in the FEDERAL REGISTER at 38 FR 33586-33587, a Notice of Proposed Rule Making which set forth additional criteria and closing date for applications for grants under Part C of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1281(a). The additional criteria were set forth in a proposed Appendix B to Part 103 of the regulations, 45 CFR Part 103. The General Provisions Regulations (45 CFR Part 100a) published in the FEDERAL REGISTER on November 6, 1973 (38 FR 30654, 30658, 30662-30678) and effective December 6, 1973 are also applicable to these grants.

Interested persons were given until December 26, 1973 to submit comments, suggestions, or objections to the proposed criteria. No comments were received relating to the criteria; therefore

the proposed rule is republished without substantive change.

The criteria in Appendix B are reissued without change, as forth below.

**Effective date.** The criteria are effective on February 26, 1974.

Dated February 5, 1974.

JOHN OTTINA,  
U.S. Commissioner of Education.

Approved: February 21, 1974.

CASPAR W. WEINBERGER,  
Secretary of Health, Education,  
and Welfare.

(Catalog of Federal Domestic Assistance Program Number 13.498; Vocational Education Research)

###### APPENDIX B

##### RESEARCH PROJECTS IN VOCATIONAL EDUCATION ADDITIONAL CRITERIA

In the making of awards from funds available for the program (in addition to consideration of the criteria in 45 CFR 100a.26(b)) priority will be given to applications which rank high on the basis of such criteria and which propose projects in one or more of the priority areas described below. In addition, special consideration will be given to programs or projects of national, regional, or interstate significance in one or more of the priority areas described below. The results of these projects should improve and extend existing Federally supported vocational education programs.

**Curriculum Studies.** Information is needed to undergird curriculum planning and curriculum development activities. Applied studies will be supported to produce information: (1) For developing individualized and performance oriented curricula, including the state-of-the-art, effectiveness, cost, and cost-effectiveness information, (2) that identifies emerging occupations and explicates the curriculum and manpower needs for the area or areas, and (3) that identifies common core of basic skills for one or more occupational cluster areas.

**Disadvantaged, Handicapped, and Minority.** Information is needed to improve vocational education and vocational education opportunities for disadvantaged, handicapped, and minority populations. Applied studies will be supported to produce information that is designed for use by decision makers at the Federal, State, and local levels. These studies should produce information which will: (1) Improve the utilization of existing vocational education resources for target populations, (2) improve the image of vocational education for target populations, and (3) provide a basis for improving access to the field or fields of employment for which individuals in a target group or groups have been trained.

**Alternative Work Experience Programs.** Information is needed to improve and extend work experience programs. Applied studies will be supported to produce information that: (1) identifies more creative work experience ap-

proaches with business, industry, and community and civic organizations, (2) provides a basis for improving student and employer satisfaction in work experience programs, (3) clarifies legal and other barriers to work experience programs, (4) provides a basis for establishing standards for work experience programs, and (5) identifies alternative work experience programs and describes actual or projected costs and cost-benefits of the programs.

**Guidance, Counseling, Placement, and Student Followup Services.** Comprehensive systems of guidance, counseling, placement, and followup services for students and adults need to be improved. Applied studies will be supported which produce information that: (1) provides the basis for improving career planning for target populations selected by the applicant, (2) provides the basis for improving student assessment capabilities, and (3) determines the state-of-the-art, impact, cost, and cost-effectiveness information regarding components of comprehensive systems of guidance, counseling, placement, and student followup services.

In addition, several large scale efforts will be supported to develop components of comprehensive systems of guidance, counseling, placement, and followup services for students and adults. These development efforts should focus on: (1) developing procedures to utilize employment information, (2) developing job placement and followup services for students, and (3) producing in-service training materials designed to improve the skills of professionals and support personnel in utilizing employment information, and providing job placement and student followup services.

**Manpower Information and System for Education.** Job, manpower, labor market, and demographic data are required by public, private, and proprietary educational administrators, planners, evaluators, curriculum developers, career counselors, teachers, and students. Manpower information needs to be current and appropriately presented if vocational education programs are to be responsive to existing and projected employment opportunities. Applied studies will be supported to improve manpower, job, labor market, and demographic information relevant to the needs of Federal, State, and local educational administrators, planners, evaluators, and other user groups. These studies should produce information which will: (1) Provide a basis for improving manpower projections for educational uses at the State and local levels, (2) provide a basis for matching job requirements to the skills of prospective workers, (3) provide a basis for improving the accuracy of manpower projections for jobs, (4) translate manpower forecasts into program and specific curriculum requirements, and (5) provide the basis for vocational education to interface with economic development groups and to assist in job development approaches.

In applying the above stated criteria the Commissioner will seek to provide assistance to programs or projects in all the above described areas.

(20 U.S.C. 1248(1), 1281(a), 1282, 1283)

[FR Doc.74-4490 Filed 2-25-74; 8:45 am]

#### Title 47—Telecommunication

##### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-143]

##### RADIO APPLICATION PROCEDURES

**Order.** In the matter of amendment of Parts 0, 1 and 13 of the Commission's rules regarding radio application procedures.

1. The Commission has before it proposals to delete Section 0.311(a)(13), amend §§ 1.83(a)(1) and (2), 13.4(c), 13.11(b)(1)(iii), (b)(2), 13.28, 13.71(a) and (b), and adding new § 13.11(b)(3), relating to (a) alien application forms; (b) extension of the term of alien restricted radiotelephone operator permits; (c) deletion of the requirement for waiver of the geographical restriction for alien pilots; and (d) elimination of requirement for Commission staff to certify commercial radio operator posting statements.

2. Authority for amendment is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, and Section 552 of the Administrative Procedure Act. Because the amendments are procedural in nature, the prior notice and effective date provisions of Section 553 of the Administrative Procedure Act do not apply.

3. It is ordered, Effective June 26, 1974, that Parts 0, 1 and 13 of the rules be amended as set forth in the Appendix hereto.

Adopted: February 13, 1974.

Released: February 19, 1974.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

###### APPENDIX A

##### PART 0—COMMISSION ORGANIZATION

Parts 0, 1 & 13 of the Commissions Rules is amended as follows:

§ 0.311 [Amended]

1. In § 0.311(a) subparagraph (13) is deleted and designated [Reserved].

##### PART 1—PRACTICE AND PROCEDURE

2. In § 1.83(a) subparagraphs (1) & (2) are amended, and subparagraph (3) deleted to read as follows:

§ 1.83 Application for radio operator license.

(a) . . .  
(1) Restricted radiotelephone operator permit. (1) Applications for a Re-



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stricted Radiotelephone Operator Permit filed by U.S. Citizens or Nationals shall be on FCC Form 753-A entitled "Application for Restricted Radiotelephone Operator Permit by Declaration".<sup>1</sup> (ii) Applications for Restricted Radiotelephone Operator Permits and requests for waiver of the nationality requirements pursuant to section 303(1) of the Communications Act filed by an alien aircraft pilot (see § 13.4(c)) shall be filed on FCC Form 155<sup>1</sup> entitled "Application for Restricted Radiotelephone Operator Permit by Alien Aircraft Pilots".

(2) All others. Application for a new, renewed, replacement or duplicate commercial operator license or for a verification card (FCC Form 758-F) shall be filed on FCC Form 756 entitled "Application for Radio Operator License".

3. In § 13.4, paragraph (c) is amended to read as follows:

§ 13.4 Term of licenses.

(c) A commercial operator license or permit granted to an alien aircraft pilot under a waiver of the U.S. nationality provisions of section 303(1) of the Communications Act will normally be issued for a term of five (5) years from the date of issuance. An operator license or permit issued to an alien shall be valid only if the operator continues to hold a valid aircraft pilot certificate issued by the Federal Aviation Administration or one of its predecessor agencies.

## PART 13—COMMERCIAL RADIO OPERATORS

4. In § 13.11(b), subparagraph (1) (iii) and subparagraphs (2) and (3) are amended as follows:

§ 13.11 Procedure.

(b) . . .

(1) . . .

(iii). When the applicant is an alien aircraft pilot (see § 13.4(c)), the application shall be submitted on FCC Form 755 in person or by mail to the Federal Communications Commission, Washington, D.C. 20554.

(2) An application for an operator license or permit of any other class, or for a verification card, shall be submitted in person or by mail to the field office at which the applicant desires his application to be considered and acted upon, and which office will make final arrangements for conducting any required examination. Whenever an examination is required to be taken at a designated examination point away from a field office, the application shall be submitted in advance of the examination to the field office having jurisdiction over the area in which the examination is to be given.

(3) The form entitled "Verification of Operator License or Permit" (FCC

Form 759)<sup>1</sup> may be obtained from any of the Commission's field offices. The certification under Part B of the form shall be completed by the licensee or general manager of the radio station where the statement is to be posted. When the FCC Form 759 is properly validated, it may be posted in lieu of the original radio operator license or permit when the holder of that license or permit is employed at more than one station.

5. Section 13.28 is amended to read as follows:

§ 13.28 Renewal service requirements, renewal examinations and exceptions.

A restricted radiotelephone operator permit normally is issued for the lifetime of the holder and need not be renewed, EXCEPT that alien restricted radiotelephone operator permits are normally issued for a five year term and are normally renewable. A temporary limited radio telegraph second class operator license is not renewable. A license of any other class may be renewed without examination provided that the service record on the reverse side of the license (see §§ 13.91 to 13.94) shows at least two years of satisfactory service in the aggregate during the license term and while actually employed as a radio operator under the license. If this two-year renewal service requirement is not fulfilled, but the service record shows at least one year of satisfactory service in the aggregate during the last three years of the license term and while actually employed as a radio operator under that license, the license may be renewed upon the successful completion of a renewal examination, which may be taken at any time during the final year of the license term or during a one-year period of grace after the date of expiration of the license sought to be renewed. The renewal examination will consist of the highest numbered examination element normally required for a new license of the class sought to be renewed, plus the code test (if any) required for such a new license. If the renewal examination is not successfully completed before expiration of the aforementioned one year period of grace, the license will not be renewed on any basis.

NOTE: By order dated and effective April 4, 1951, the Commission temporarily waived the requirement of prior service as a radio operator or examination for renewal in the case of any applicant for renewal of his commercial radio operator license. This order is applicable to commercial radio operator licenses which expired after June 30, 1950 until further order of the Commission.

6. Section 13.71 is amended to read as follows:

§ 13.71 Issue of duplicate or replacement licenses.

(a) An operator whose license or permit has been lost, mutilated, or destroyed

<sup>1</sup> Filed as part of the original document.

shall immediately notify the Commission. If the authorization is of the diploma form, a properly executed application for duplicate should be submitted to the office of issue. If the authorization is of the card form (Restricted Radiotelephone Operator Permit), a properly executed application for replacement should be submitted to the Federal Communications Commission, Gettysburg, Pa. 17325, EXCEPT for alien restricted radiotelephone operator permit applications, which must be submitted to Federal Communications Commission, Washington, D.C. 20554. In either case, the application shall embody a statement of the circumstances involved in the loss, mutilation, or destruction of the license or permit. If the authorization has been lost, the applicant must state that reasonable search has been made for it, and further, that in the event it be found, either the original or the duplicate (or replacement) will be returned for cancellation. If the authorization is of the diploma form, the applicant should also submit documentary evidence of the service that has been obtained under the original authorization, or a statement embodying that information.

(b) The holder of any license or permit whose name is legally changed may make application for a replacement document to indicate the new legal name by submitting a properly executed application accompanied by the license or permit affected. If the authorization is of the diploma form, the application should be submitted to the office where it was issued. If the authorization is of the card form (Restricted Radiotelephone Operator Permit) it should be submitted to the Federal Communications Commission, Gettysburg, Pa. 17325, EXCEPT for alien restricted radiotelephone operator permit applications, which must be submitted to Federal Communications Commission, Washington, D.C. 20554.

[FR Doc.74-4451 Filed 2-25-74; 8:45 am]

## Title 49—Transportation

### SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-86]

### PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

#### Delegations of Authority With Respect to the United States Railway Association

The purpose of this amendment is to designate the Under Secretary as the representative of the Secretary, and the General Counsel as the alternate representative of the Secretary when so designated by the Under Secretary, as incorporator, member of the acting Board of Directors, member of the Board of Directors, and member of the executive committee of the Board of Directors, of the United States Railway Association and to delegate to each when so serving the functions vested in the Secretary in each capacity by title II of the Regional

Rail Reorganization Act of 1973 (January 2, 1974, Public Law 93-236).

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective on or before March 28, 1974.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

1. In § 1.53, a new paragraph (m) is added to read as follows:

§ 1.53 Delegations to Under Secretary.

(m) Serve as the representative of the Secretary as incorporator, member of the acting Board of Directors, member of the Board of Directors, and member of the executive committee of the Board of Directors, of the United States Railway Association and when so serving carry out the functions vested in the Secretary in each capacity by title II of the Regional Rail Reorganization Act of 1973 (Public Law 93-236).

2. In § 1.59, a new paragraph (o) is added to read as follows:

§ 1.59 Delegations to General Counsel.

(o) Serve as the alternate representative of the Secretary, when so designated by the Under Secretary, as incorporator, member of the acting Board of Directors, member of the Board of Directors, and member of the executive committee of the Board of Directors, of the United States Railway Association and when so serving carry out the functions vested in the Secretary in each capacity by title II of the Regional Rail Reorganization Act of 1973 (Public Law 93-236).

Effective date. This amendment is effective February 26, 1974.

(Section 9(e), Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on February 20, 1974.

CLAUDE S. BRINEGAR,  
Secretary of Transportation.

[FR Doc.74-4379 Filed 2-25-74; 8:45 am]

## CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 1-5; Notice 10]

### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

#### Reconsideration of the Brake Hose Standard

This notice responds to petitions for reconsideration of amended Standard 106, Brake hoses, 49 CFR 571.106, published November 13, 1973 (38 FR 31302). In response to comments by 36 manufacturers and users of brake hoses, the National Highway Traffic Safety Administration (NHTSA) amends the definitions, labeling, and performance provisions of the standard in several respects.

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The Motor Vehicle Manufacturers Association, the American Trucking Association, and three manufacturers questioned the applicability of the standard to nylon and thermoplastic tubing used in the chassis plumbing of air brake systems. They asserted that Notice 7 offered no opportunity for comment on the properties and use of this material and that no safety need could justify its inclusion in the standard. The comments point to a distinction in industry terminology between "tubing" and "hose" to argue that NHTSA use of the term "hose" limited the proposal to traditional applications of six SAE hose types at articulating points in the air brake system.

The NHTSA considers that the broad definitions of "Airbrake hose" provided an opportunity to comment on the issue of tubing. Notice 7 defined "Airbrake hose" as "a flexible hose for use in an airbrake system . . ." and it clarified this definition in the preamble to the notice.

Major revisions have been made in the airbrake hose portion of the proposal by eliminating the six types previously specified. Thus an airbrake hose under the proposal may be manufactured from any material as long as the hose can meet the performance requirements of the standard.

The NHTSA included "flexible" in its definition of hose, despite the common meaning of hose as flexible pipe or tubing, to emphasize the exclusion of relatively inflexible elements of an airbrake system such as copper tubing commonly found in chassis plumbing. Finally, the broad term "airbrake system" adequately gives notice of the standard's applicability to the chassis plumbing portion of that system. The NHTSA determined that a safety need exists to include flexible chassis plumbing in this standard because it is used in the same environment as hose located at articulating points and is subject to many of the same types of stress, including heat, cold, and pressure. A failure of either flexible conduit creates as great a safety hazard. For these reasons, the petitions that tubing be excluded from the standard are denied.

Manufacturers who commented on the use of nylon and thermoplastic in air brake systems expressed confidence that their products, which are in widespread use as chassis plumbing, will meet the requirements of the standard. They requested additional testing to exclude inadequate materials which might also meet the present requirements. The NHTSA expects to propose additional requirements after review and testing demonstrate that traditional hose materials presently in use will not be excluded arbitrarily. In the interim, the NHTSA's safety defect authority can prevent the use of inadequate materials.

To accommodate the inclusion of nylon and thermoplastic, the comments also requested a revision of the tensile strength value for the smaller nylon and thermoplastic hose. This change has

been made. It should be stressed that the applicability of this standard to nylon and thermoplastic tubing does not affect tubing construction or characteristics.

"Brake hose" is defined in the final rule as "a flexible conduit that transmits or contains the fluid pressure or vacuum used to apply force to a vehicle's brakes." Wagner Electric and several other manufacturers argued that a definition like this which differs from accepted industry terminology should include a list of the parts of the brake system it covers. Actually, the use of general language different from industry terminology is specifically intended to avoid identification with specific designs and thereby permit the definition to accommodate future designs as they develop. The preamble refers to specific lines only in response to manufacturer requests for interpretations, and the NHTSA will continue to provide interpretations to interested persons upon request. The NHTSA interprets the term "flexible" to exclude copper or steel tubing. In response to Chrysler, General Motors, Ford, and Mercedes-Benz, the NHTSA reiterates that the vacuum and hydraulic booster lines that service power brake systems transmit or contain pressure used to apply force to a vehicle's brakes within the meaning of the definition. Accessory air lines such as those to the power air horn and windshield wipers are, of course, excluded.

The definition of "brake hose assembly" in the rule covered both combinations of clamps and hose and combinations of end fittings and hose. The NHTSA has deleted reference to clamps, in agreement with manufacturers who pointed out that the mounting of a slip-on clamp and hose is an essentially different manufacturing operation that, if regulated, should be subject to different performance requirements from brake hose assemblies. The clamp assemblies are subject to NHTSA safety defect authority. Comments disagreed for various reasons on the exclusion of hose assemblies containing used components from the standard. The NHTSA concludes that the exclusion is realistic and justified.

The standard now defines "permanently attached and fitting" to make clear that 3-piece hose fittings which utilize sacrificial sleeves or ferrules are permanently attached end fittings and that the hose used with them is not prohibited by S7.1. In addition to the action taken with respect to the definition, 3/4-in and 1/2-in hose sizes have been added to Table III under both Type I and Type II hose in order that their use may be continued.

The definition of "rupture" has been modified slightly to make clear that the two types of failure included in the definition are "separation of the hose from its end fitting" and "leakage". Both a small leak and a hose burst constitute "leakage" under this definition.

Manufacturers of brake hose assemblies and vehicles petitioned for numerous variations in the labeling provisions. The many proposed changes in brake

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hose assembly labeling illustrate the importance of uniform labeling in a field where differing combinations of responsibility exist between manufacturers and installers of hose assembly components.

The NHTSA has determined that the basic assembly banding techniques set forth in Notice 8 remains the clearest uniform identification method for assembly manufacturers. The band may be freely attached at any point on the assembly to minimize binding and wear as long as it is retained by the end fittings. An exception to the banding requirement has been made for the vehicle manufacturer who assembles and installs his own brake hose assemblies, because his assemblies are integrally related to the vehicle, and the vehicle certification and identification information serves to identify and certify the hose assembly. The manufacturer may choose to band those hose assemblies subject to being rebuilt, to delimit his responsibility in the event a rebuilt assembly fails.

Manufacturers will be permitted to mark the date of manufacture by day or month on the assembly and hose. The identification code required on each component is not yet available for issuance and therefore an amendment of the standard has already been issued to permit use of a manufacturer designation in place of the code (39 FR 3680, January 29, 1974). That language has been revised to allow the use of a manufacturer designation that does not consist of the block capital letters otherwise required by S5.2.2, S5.2.3, and S5.2.4.

The labeling requirements now reflect the use of nominal inside and outside diameter designations. The hose labeling interval has been modified from "not less than 6 inches" to "not more than 6 inches" in response to many requests. Toyota's request for one-stripe labeling of required and optional information has been denied, to ensure that the required information appears at least once on hose as short as 4 inches. The NHTSA has denied requests for rearrangements of the required information, concluding that they would not make it clearer to the user. In response to Midland-Ross' request for clarification, it is reiterated that, while the NHTSA requires certain safety-related information expressed in a certain format, it does not prohibit the addition of other information elsewhere on hydraulic, air, or vacuum hose.

Several manufacturers of hydraulic brake hose assemblies argued that end-fitting labeling information becomes meaningless once a fitting is permanently attached to a hose. They reasoned that the crimping process deforms the fitting, its coating, and possibly the lettering, so that no fitting manufacturer would certify his product to the assembler, and that the responsibility for the fitting's conformity would in any case fall on the assembler.

While the NHTSA expects the labeling information to serve a useful purpose on reusable and 3-piece permanently attached end fittings, the limited benefit

of markings on a crimped fitting justifies their elimination. In fact the one performance requirement that applies to fittings has been modified to reflect the crimping process and it effectively becomes the assembler's responsibility to meet this corrosion resistance provision.

There were several general comments on the performance requirements and the test procedures. There were requests for physical tolerances, especially for the expansion test apparatus, and related accommodations for test purposes. These arise from misunderstanding of the legal nature of the safety standards, which are performance levels that each vehicle or item of motor vehicle equipment must meet, and not instructions for manufacturer testing. In the case of a calibration factor, for example, the NHTSA set an exact performance level by stating its requirement without a tolerance. Then, in compliance testing, it determines the calibration factor of its equipment and gives the benefit of that factor to the manufacturer in assessing the test results. Correspondingly, the manufacturer should deal with an exact performance level by determining the calibration factor of his equipment and penalizing his test results by that amount. Manufacturer testing should be directed at proving the equipment's capability in the exercise of due care, by testing under conditions at least as adverse as any that could be established in accordance with the procedures. For example, to accept Goodyear's suggested room temperature range of 65° to 90° F. would permit the NHTSA to test at any temperature within the range, and a manufacturer would correspondingly have to test to assure himself that his product would conform at every point within the range.

Toyota expressed some confusion about sequential testing. As stated in S5.3, S7.3, and S9.2, a particular hose, end fitting, or hose assembly need not meet further requirements after having met the construction requirements and any one other requirement listed. A particular hose assembly, therefore, would have to meet the construction requirement in each case and then one other selected requirement, of which S5.3.6, *Water absorption and tensile strength*, is one example.

The constriction requirement requires that any cross section which the NHTSA chooses to examine will be a certain percentage of the nominal diameter. Again the manufacturer may utilize whatever test method convinces him in the exercise of due care that his product conforms to the constriction requirement. Chrysler objected to the application of the constriction test to hose assemblies, citing situations where restrictions are designed into brake systems for pressure control. The NHTSA has determined that the established percentages limit constrictions to a safe level.

With regard to the requirements as a group, it is noted that, while a hose must conform to any of the requirements, it need not be tested to requirements that are obviously inapplicable. For instance, thermoplastic tubing need not be sub-

jected to the adhesion test because it is obvious that there are no layers in this construction which could fail to adhere.

Numerous comments were addressed to specific hydraulic performance requirements. The expansion and burst strength requirement included a 30-minute waiting period, which has been eliminated as unnecessary. The procedure is modified to better describe the test sequence, and two values in Table I are corrected.

With regard to mounting hose assemblies having L-shaped end fittings in a flexing machine, the test procedures have been modified to permit the use of adapters to secure the assembly to the machine with the same orientation as a straight assembly.

The low-temperature resistance test for hydraulic hose has been modified from -65°F. to -40°F. in line with air and vacuum hose test values.

A hydraulic hose assembler objected that use of SAE RM-1 compatibility fluid had not been proposed in Notice 7 and therefore could not be specified in the final rule. Notice 7 proposed use of "brake fluid conforming to Standard No. 116." This means that the NHTSA could have chosen any such fluid for use in its tests, and that the manufacturer would have to test with each fluid or otherwise assure himself in the exercise of due care that his hose assembly could meet the requirements using each fluid conforming to Standard No. 116. Specification of a single fluid is therefore a relaxation of the proposed requirement. The Society of Automotive Engineers Referee Materials Subcommittee, which contracts for production of RM-1 fluid, has assured the NHTSA of its continued availability for at least the next 3 years. A modification of the requirements has been made for mineral-type systems.

The NHTSA agrees with Wagner Electric that the end fitting corrosion requirement must accommodate the crimping and labeling process, and the requirement is amended to permit displacement of the protective coating necessary to mark the fittings and attach it to a hose.

Several comments were addressed to the air brake hose requirements. Clarifying language has been added to make clear that air brake hose assemblies may be constructed with permanent or reusable end fittings. Table III now includes A- and B-type hose in 3/4- and 1/2-in special diameters to assure its continued availability, particularly for replacement purposes. The constriction test value of 66 percent remains unchanged because the calculation method is already consistent with the hydraulic value of 64 percent.

Table IV is revised to include outside dimensions. New, smaller radii for tubing tests cannot be adopted, however, until there has been notice and opportunity to comment. In answer to Toyota's request for interpretation, it is correct that the test cylinder radii are directly proportional to the diameter of the hose being tested. Suggestions to examine the

inner as well as outer layers of hose subjected to the low-temperature resistance test will be considered in future rulemaking, since interested persons should be given notice and opportunity to comment. The same considerations apply to Samuel Moore Company's suggested higher test temperature in the oil-resistance requirement, more demanding percentages in the length change requirement and the high-temperature burst strength test. The oil resistance test specimen has been modified to one-third of an inch in width because 1/2-in specimens cannot be cut from the smaller hose sizes. The burst strength value is reduced to 800 psi to accommodate nylon and thermoplastic tubing while retaining a safety performance level five times that of normal operating conditions.

The application of air pressure has been retained in the length change test and the air pressure test, despite requests for "optional" pressure sources. Hidden options of this type are generally undesirable in the safety standards, since they make uncertain the level of required performance, and complicate the comparison of manufacturer and NHTSA test results. The manufacturer is free to use pressure sources other than air as long as his results assure him that the hose would meet the requirement if air were used.

Manufacturers proposed alternative means of testing the adhesion of hose layers because of the difficulty associated with testing wire-braided and small diameter hose. As pointed out in the petitions, sufficient care in conducting the present test will prevent these difficulties. Any manufacturer who believes that the alternative procedure has significant advantages should submit a petition for rulemaking with supporting data.

Some comments on the adhesion test argued for the averaging of test results without specifying any objection to the present procedure. At this time, it does not appear that averaging would be desirable for purposes of this standard. In another area, some tensile strength test values have been reduced in recognition of the use of tubing in non-articulating applications. The distinction between permanent and reusable fittings is eliminated, consistent with the rationale that the components may operate under the same conditions.

The NHTSA denies Wagner Electric's requested re-establishment of the air pressure test procedures which appeared in Notice 7. These procedures were modified because comments objected to the measuring technique. As noted previously, the manufacturer may use any test method which assures him the equipment meets the requirement as stated.

One significant question was raised with regard to the vacuum hose requirements. Table V inadvertently listed the same hose lengths and cylinder radii for the low and high temperature resistance tests. A new column of values is added to that table.

Because of the additional leadtime required to purchase conforming brake

hose and assemblies for use in vehicles which must also conform to the standard, the effective date of the standard as it applies to vehicles is delayed 4 months to January 1, 1975. An amendment to the presently-effective Standard 106 permits compliance either with that standard or with this standard, as it is effective September 1, 1974.

Interested persons are reminded that, in addition to the amendments set forth below, an amendment of Standard 106 has already been issued which permits the use of a manufacturer designation in place of the identification code called for in the rule as first issued. (39 F.R. 3680, January 29, 1974.)

In consideration of the foregoing, both Standard No. 106, 49 CFR 571.106, in its presently effective form and Standard No. 106 as it is effective September 1, 1974, and January 1, 1975, are amended.

The present Standard No. 106 is amended by the addition of a new paragraph to read as follows:

**S4. Optional compliance.** Hydraulic brake hose may meet the requirements of this standard or, at the option of the manufacturer, the requirements of Standard No. 106, *Brake hoses* (effective September 1, 1974; January 1, 1974), (49 CFR § 571.106).

Standard 106 (effective September 1, 1974; January 1, 1975) (49 CFR 571.106) is amended as follows:

1. The standard's title is amended to read: § 571.106, *Standard No. 106; brake hoses (effective September 1, 1974, and January 1, 1975)*.

2. In S4. *Definitions*., two definitions are amended and one definition is added, to read:

"Brake hose assembly" means a brake hose, with or without armor, equipped with end fittings for use in a brake system, but does not include an assembly containing used components.

"Permanently attached end fitting" means a two-piece end fitting that is attached by deformation of the fitting about the hose by crimping or swaging, or a three-piece end fitting that is attached by use of a sacrificial sleeve or ferrule that requires replacement each time a hose assembly is rebuilt.

"Rupture" means any failure that results in separation of a brake hose from its end fitting or in leakage.

3. In S4. *Definitions*., the last sentence is amended to read:

For hose, a dimensional description such as "1/4-inch hose" refers to the nominal inside diameter. For tubing, a dimensional description such as "1/4-in tubing" refers to the nominal outside diameter.

4. In S5.2 *Labeling*., paragraphs S5.2.2, S5.2.3, and S5.2.4 are amended in part to read:

**S5.2 Labeling.**

**S5.2.2** Each hydraulic brake hose shall be permanently labeled at intervals of not more than 6 inches, measured from the end of one legend to the beginning of the next, in block capital letters and numerals at least one-eighth of an

inch high, with the following information in the order listed:

(b) A designation that identifies the manufacturer of the hose, which shall be filed in writing with: Office of Standards Enforcement, "Brake Hose Identification," National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. The marking may consist of a designation other than block capital letters required by S5.2.2.

(c) The month, day, and year, or the month and year, of manufacture, expressed in numerals. For example, 10/1/74 means October 1, 1974.

(d) The nominal inside diameter of the hose expressed in inches or fractions of inches, or the nominal outside diameter of the tube expressed in inches or fractions of inches followed by the letters OD. (Example of inside diameter: 1/2, 1/2 SP. Example of outside diameter: 1/2 OD.)

**S5.2.3** Except for two-piece end fittings that are attached by deformation of the fitting about a hose by crimping or swaging, each hydraulic brake hose end fitting shall be permanently etched, embossed, or stamped, in block capital letters and numerals at least one-sixteenth of an inch high with the following information:

(a) A designation that identifies the manufacturer of the fitting, which shall be filed in writing with: Office of Standards Enforcement, "Brake Hose Identification," National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. The marking may consist of a designation other than block capital letters required by S5.2.3.

(d) The nominal inside diameter of the hose to which the fitting is properly attached expressed in inches or fractions of inches, or the outside diameter of the tube to which the fitting is properly attached expressed in inches or fractions of inches followed by the letters OD. (See examples in S5.2.2(d).)

**S5.2.4** Each hydraulic brake hose assembly, except those assembled and installed by a vehicle manufacturer in vehicles manufactured by him, shall be labeled by means of a band around the brake hose assembly. The band may at the manufacturer's option be attached so as to move freely along the length of the assembly, as long as it is retained by the end fittings. The band shall be permanently etched, embossed, or stamped, in block capital letters and numerals at least one-eighth of an inch high, with the following information:

(b) A designation that identifies the manufacturer of the hose assembly, which shall be filed in writing with: Office of Standards Enforcement, "Brake Hose Identification," National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C.

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20590. The marking may consist of a designation other than block capital letters required by S5.2.4.

(c) The month, day, and year, or the month and year, of assembly, expressed in numerals. For example, 10/1/74 means October 1, 1974.

5. S5.3.2 is amended as follows:

(A) In S5.3.2, the second sentence is amended to read:

"The hydraulic brake hose assembly shall then withstand water pressure of 4,000 psi for 2 minutes without rupture, and shall not rupture at less than 5,000 psi (S6.2)."

(B) In Table I, the value "0.70" is changed to "0.79" and the value "1.10" is changed to "1.17".

6. S5.3.4 is amended to read:

S5.3.4 *Tensile strength*. A hydraulic brake hose assembly shall not rupture when subjected to a pull of 325 pounds. (S6.4)

7. S5.3.6 is amended to read:

S5.3.6 *Water absorption and tensile strength*. A hydraulic brake hose assembly, after immersion in water for 70 hours (S6.5), shall not rupture when subjected to a pull of 325 pounds. (S6.4)

8. S5.3.8 is amended to read:

S5.3.8 *Low-temperature resistance*. A hydraulic brake hose conditioned at minus 40°F. for 70 hours shall not show cracks visible without magnification when bent around a cylinder as specified in S6.6. (S6.6)

9. S5.3.9 is amended to read:

S5.3.9 *Brake fluid compatibility, construction, and burst strength*. Except for brake hose assemblies designed for use with mineral or petroleum-based brake fluids, a hydraulic brake hose assembly shall meet the construction requirement of S5.3.1 after having been subjected to a temperature of 200°F. for 70 hours while filled with SAE RM-1 compatibility brake fluid (S6.7). It shall then withstand water pressure of 4,000 psi for 2 minutes and thereafter shall not rupture at less than 5,000 psi (S6.2).

10. S5.3.11 is amended to read:

S5.3.11 *End fitting corrosion resistance*. After 24 hours of exposure to salt spray, a hydraulic brake hose end fitting shall show no base metal corrosion on the end fitting surface except where crimping or the application of labeling information has caused displacement of the protective coating. (S6.9)

11. S6.1.1.(b) is amended by the deletion of the word "distilled".

12. S6.1.3(f) is deleted.

13. In S6.2(b) the word "onset" is deleted.

14. S6.3.2 is amended as follows:

(A) In S6.3.2(c), a second sentence is added which reads:

"The manufacturer may, at his option, adapt the fitting attachment points to permit mounting hose assemblies equipped with angled or other special fittings in the same orientation as hose assemblies equipped with straight fittings."

(B) In Table II, the line which reads—

8 to 15 1/4, inclusive.....	1.750	1.000
8 to 15 1/4, inclusive.....	1.750	1.000
10 to 15 1/2, inclusive.....	1.750	1.000

is replaced with two lines which read—

8 to 15 1/4, inclusive.....	1.750	1.000
10 to 15 1/2, inclusive.....	1.750	1.000

15. In S6.6.1, "minus 65° F." is replaced with "minus 40° F." wherever it appears.

16. S6.6.2 is amended to read:

S6.6.2 *Flexibility testing*. Bend the conditioned hose 180 degrees around the conditioned cylinder at a steady rate in a period of 3 to 5 seconds. Examine without magnification for cracks.

17. In S6.7.1(a) the word "can" is deleted and in Figure 2, the word "can" is replaced by the word "reservoir" wherever it appears.

18. S6.8.1 is amended to read:

S6.8.1 *Preparation*. After removing any armor, bind a hydraulic brake hose 360° around the cylinder. In the case of hose shorter than the circumference of the cylinder, bend the hose so that as much of its length as possible is in contact.

19. S7.1 is amended to read:

S7.1 *Construction*. Each air brake hose assembly shall be equipped with permanently attached brake hose end fittings or reusable brake hose end fittings. Each air brake hose intended for use with reusable end fittings shall conform to the dimensional requirements specified in Table III.

20. Table III is amended by the addition of dimensions for 3/8-in hose (located between the entries for 1/2-in and 3/4-in hose) and 1/2-in special hose (located below the entry for 3/8-in hose) which read:

3/8-in.....	±0.028	0.719	0.781	0.719	0.781
1/2-in special.....	±0.031	.844	.906	.844	.906

21. In table IV, the word "inside" is replaced by the word "nominal."

22. § 7.3.9 is amended to read:

§ 7.3.9 *Burst strength*. An air brake hose assembly shall not rupture when exposed to hydrostatic pressure of 800 psi (§ 8.8).

23. § 7.3.10 is amended to read:

§ 7.3.10 *Tensile strength*. An air brake hose assembly designed for use in applications where there is relative motion of vehicle components shall not rupture when subjected to a pull of 250 pounds if it is 1/4 in or less, or a pull of 325 pounds if it is larger than 1/4 in. An air brake hose assembly designed for use in applications where there is no relative motion of vehicle components shall not rupture when subjected to a pull of 50 pounds if it is 1/4 in or less, 150 pounds if it is 3/8 or 1/2 in, or 325 pounds if it is larger than 1/2 in (§ 8.9).

24. § 7.3.11 is amended to read:

§ 7.3.11 *Water absorption and tensile strength*. After immersion in distilled water for 70 hours (§ 8.10), an air brake hose assembly designed for use in applications where there is relative motion of vehicle components shall not rupture,

when subjected to a pull of 250 pounds if it is 1/4 in or less, or a pull of 325 pounds if it is larger than 1/4 in. After immersion in distilled water for 70 hours (§ 8.10), an air brake hose assembly designed for use in applications where there is no relative motion of vehicle components shall not rupture when subjected to a pull of 50 pounds if it is 1/4 in or less, 150 pounds if it is 3/8 or 1/2 in, or 325 pounds if it is larger than 1/2 in (§ 8.9).

25. § 8.3.1 is amended to read:

S8.3.1 *Preparation*. Fashion a test specimen by cutting a rectangular block 2 inches long and not less than one-third of an inch in width, having a thickness of not more than one-sixteenth inch, from the brake hose and buff the specimen on both faces to ensure smooth surfaces.

26. S8.6.3 is revoked and is designated "Reserved."

27. In Table V, the column titled "Temperature resistance" is retitled "High temperature resistance" and a new column is added between the present "Temperature resistance" and "Bend" columns to read:

Low temperature resistance	
Hose length, inches:	Radius of cylinder, inches
17 1/2.....	3
17 1/2.....	3
17 1/2.....	3 1/2
19.....	3 1/2
19.....	3 1/2
20 1/2.....	4
20 1/2.....	4
22.....	4 1/2
24.....	5
28 1/2.....	6 1/2

28. S9.2.9 is amended to read:

S9.2.9 *Adhesion*. A vacuum brake hose shall withstand a force of 8 pounds per inch of length before separation of the outer cover from the tube.

29. In the column titled "D(inch)" in Table VI, the value "3/4" appearing in the fourth line is replaced by the value "3/8".

*Effective dates*. September 1, 1974, for equipment covered by the standard; January 1, 1975, for vehicles to which the standard applies.

(Secs. 103, 119, Pub. L. 93-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on February 20, 1974.

JAMES B. GREGORY,  
Administrator.

[FR Doc.74-4380 Filed 2-21-74; 11:13 am]

#### TITLE 10—Energy

#### CHAPTER II—FEDERAL ENERGY OFFICE

#### PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

#### Definition of Passenger Transportation Service

Section 211.51 of the mandatory petroleum allocation regulations is

amended in the definition of "Passenger transportation service." This amendment makes clear that "Passenger transportation services" includes bus transportation of pupils to any school-sponsored activity as well as to and from school.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum allocation rules and regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11740, 38 FR 19345; Cost of Living Council Order 47, 39 FR 24)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., on February 25, 1974.

WILLIAM N. WALKER,  
General Counsel,  
Federal Energy Office.

Section 211.51 is revised in the definition of "Passenger transportation service" to read as follows:

#### § 211.51 General Definitions.

"Passenger transportation services" means (a) surface, including water and rail facilities and services for carrying passengers whether publicly or privately owned, including tour and charter buses which serve the general public; and (b) bus transportation of pupils to and from school and to school sponsored activities.

[FR Doc.74-4711 Filed 2-25-74; 12:09 pm]

#### PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

#### PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

#### Benzene and Toluene Amendments

These amendments are designed to provide an incentive for refiners to increase the production of benzene and toluene and to clarify and revise the regulation changes with respect to the pricing of benzene and toluene that were issued January 31, 1974.

This action revises the definitions of Part 211 to make clear that benzene is to be treated as a petrochemical feedstock, subject to allocation under Subpart J.

The special price rules for benzene and toluene adopted on January 31, 1974, did not distinguish between benzene and toluene. Due to the different uses of these products and the fact that toluene is one of the raw materials used to produce benzene, separate pricing provisions are now provided for these items. An amendment to the refiner's base price provisions of § 212.82 permits a maximum addition of 33.7 cents per gallon to be included in the base prices for benzene

while a maximum addition of 28.8 cents per gallon may be included in the base prices of toluene.

The prior amendment to the refiner's product cost allocation formula on January 31, 1974 also did not have the intended effect of stimulating an increase in benzene and toluene production. Therefore, § 212.83(c)(2) is revised to require a downward movement in the base prices of covered products other than special products and crude petroleum in an amount that is keyed to the amount of benzene and toluene produced, and which is designed to insure that the current level of benzene and toluene production is maintained. This change also provides an added incentive for the production of a larger percentage yield per barrel of crude oil refined than was produced in May, 1973.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum allocation and price rules and regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11740, 38 FR 19345; Cost of Living Council Order 47, 39 FR 24)

In consideration of the foregoing, Parts 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations are amended as set forth below, effective immediately.

Issued in Washington, D.C., February 25, 1974.

WILLIAM N. WALKER,  
General Counsel,  
Federal Energy Office.

1. Section 211.183 is amended in the definitions of "petrochemical feedstocks" and "petrochemicals" to read as follows:

#### § 211.183 Definitions.

"Petrochemical feedstocks" means crude oil, residual fuel oil, and refined petroleum products which can be processed in petrochemical plants, including benzene, naphtha, gas oil, kerosene, and heavy aromatic gas oil used for production of carbon black. Petrochemical feedstocks do not include ethylene, propylene, butylene, or any product otherwise defined as a petrochemical or natural gas.

"Petrochemicals" means the items defined as such (except benzene) in section 25A of Oil Import Regulation 1 (Revision 5) (32A CFR OI Reg. 1, § 25A). For the purpose of this subpart, synthetic natural gas is not included in the definition of "petrochemicals."

2. Section 212.82 is amended in paragraph (f)(3) to read as follows:

#### § 212.82 Price rules.

(f) *Base Price*. . . .

(3) *Benzene and toluene*. Notwithstanding the provisions of paragraph

(f)(1) of this section, the base price for sales of benzene and toluene by a refiner is the weighted average price at which such an item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973, and measured pursuant to the provisions of § 212.83, plus a maximum of \$.337 per gallon for benzene, and \$.288 per gallon for toluene.

3. Section 212.82 is amended in paragraph (f)(1)(iii) to read as follows:

#### § 212.82 Price rule.

(f) *Base price*—(1) *General rule*. . . .

(iii) Notwithstanding the general rule in paragraph (f)(1)(i) of this section, with respect to an allocation sale made pursuant to § 211.186 of this chapter, the base price of a petrochemical feedstock (except benzene and toluene) is 115 percent of the price calculated pursuant to paragraph (f)(1)(i) provided that in the calculation of the increased product costs for petrochemical feedstocks in § 212.83, the refiner uses the formula for special products set forth in § 212.83(c)(2)(i).

4. Section 212.83 is amended in paragraph (c)(2) at the description of "D<sub>1</sub>" to read as follows:

#### § 212.83 Allocation of refiner's increased product costs.

(c) *Allocation of increased costs*. . . .

(2) *General formulae*. . . .

D<sub>1</sub>=The total dollar amount a refiner may apportion in the period "u" (the current month) to covered products of the type "i" in whatever amounts it deems appropriate to each particular covered product other than a special product, provided that the total dollar amount is reduced by an amount equal to the total number of gallons of benzene and toluene sold by the refiner during the month of May 1973 multiplied by \$.20 and further multiplied by an amount equal to the total number of barrels of refinery input to crude oil distillation units processed during the month of measurement and measured in accordance with Bureau of Mines form 6-1300-M divided by the total number of such barrels processed during the month of May 1973. The formula for covered products other than special products will only be computed for i=3 (all covered products other than a special product and crude petroleum).

5. Section 212.93 is amended in paragraph (b)(2) to read as follows:

#### § 212.93 Price rule.

(b) Notwithstanding the provisions of paragraph (a) of this section:

(2) With respect to an allocation sale of petrochemical feedstocks (except benzene and toluene) made pursuant to § 211.186, the maximum price that may be charged is 115 percent of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section.

[FR Doc.74-4710 Filed 2-25-74; 12:09 pm]



## Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

### DEPARTMENT OF AGRICULTURE

#### Commodity Credit Corporation

##### [ 7 CFR Part 1427 ]

##### SEED COTTON

#### Regulations for 1974 Loan Program

The Commodity Credit Corporation is reviewing current regulations which contain the detailed operating provisions necessary to carry out the loan program for upland and American-Pima seed cotton. Current provisions may be found in Cotton Loan Program Regulations (7 CFR 1427.160-181), as amended by 38 FR 16631).

Consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton, Rice and Oilseeds Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than March 12, 1974. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 5725 South Building, 14th and Independence Avenue, S.W., Washington, D.C.

Signed at Washington, D.C. on February 21, 1974.

GLENN A. WEIR,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[FR Doc.74-4504 Filed 2-25-74; 8:45 am]

#### Food and Nutrition Service

##### [ 7 CFR Part 225 ]

#### SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

##### Notice of Proposed Rulemaking

Notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend the regulations governing the operations of the Special Food Service Program for Children.

The principal changes affect § 225.2, § 225.9, § 225.10, § 225.12, and § 225.18 to: (1) Define administrative and operating costs; (2) remove the butter or fortified margarine requirement in the meal patterns; (3) eliminate the summer meal and prohibit the service of supplemental food if the service institution also participates in the Special Milk Program for Children; (4) increase the rates of reimbursement, and in regard to the Special Summer Program, set aside a per

meal amount for administrative costs; (5) establish a deadline for the submission of "Reimbursement Vouchers"; and (6) require those States electing to conduct audits to submit an updated audit plan every three years for approval by the Department. The changes are proposed to be effective July 1 for the year-round program and April 15, 1974, for the special summer program.

Comments, suggestions, or objections are invited and in order to be sure of being considered should be delivered to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than March 28, 1974. Communications should identify the regulations section and paragraph on which comments, etc., are offered. All comments, suggestions, or objections will be considered before the final amendments are published. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, during the regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

1. In § 225.2, paragraphs (a-1) and (a-2) are redesignated (a-2) and (a-3), respectively, and paragraphs (a-1) and (1-1) are added as follows:

##### § 225.2 Definitions.

(a-1) "Administrative costs" means those operating costs directly related to planning, organizing, and supervising the program.

(1-1) "Operating costs" means costs of obtaining, preparing, and serving food (including the fair evaluation of in-kind contributions but excluding the rental or purchase of land, buildings, or office space).

2. In § 225.7a, the first sentence of paragraph (a) is revised to read as follows:

##### § 225.7a Responsibilities of State agencies.

(a) The State agency, or FNSRO where applicable, shall use the following minimum criteria for the approval of service institutions.

##### § 225.7a [Amended]

3. In § 225.7a, paragraph (d) is amended to delete "May 11," wherever it appears and to insert "April 15" in lieu thereof.

4. In § 225.7b, paragraph (d) is deleted and paragraphs (b) and (b1) are revised to read as follows:

##### § 225.7b Requirements for participation.

(b) At a minimum, applications of service institutions applying for program assistance shall contain the following information: (1) Name and address of service institution; (2) name and title of administrator; (3) estimated total number of children to be served; (4) if it is a special summer program not planning to use school food service facilities, the reasons why such use is not feasible; (5) estimated food service budget including, but not limited to: (i) Estimated cash expenditures for food, (ii) estimated cash expenditures for food service operations at the site(s), (iii) estimated cash expenditures for administration, (iv) estimated value of in-kind goods and services, (v) funds available to the service institution at the beginning of food service operations, (vi) estimated food service income other than Special Food Service Program reimbursement including children's payments and adult's payments for meals; (6) sponsor personnel information including: (i) Title of each position, (ii) number of personnel in each position, (iii) number of hours per day spent on food service, (iv) specific food service duty, (v) salary per hour or if volunteer estimated value per hour; (7) if a private service institution, Internal Revenue Service nonprofit certification shall be attached to the service institution application.

(b-1) Each service institution shall attach to its application an information sheet on each food service site. Such information sheet shall include, as a minimum, the following: (1) Name and address of food service site; (2) name and title of supervisor at food service site if known; (3) period of operation including: (i) Beginning date, (ii) closing date, (iii) total days of operation, (iv) hours of operation; (4) estimated number of children to be served; (5) estimated percentage of attending children from low income families; (6) estimated percentage of attending children with working mothers; (7) type of meal(s) to be served and hour of meal service; (8) meal charges to children for full price and reduced price meals; (9) method by which meals will be provided; (10) data to document that the site will serve children from areas where poor economic conditions exist or data to demonstrate that the site will serve children from areas of high concentrations of working mothers; (11) a description of organized activities and the location of such activities if other

than at food service site; (12) a description of the food service area to include: (i) Feeding capacity, (ii) food holding and storage facilities, including arrangements for storage of excess meals delivered to sites, (iii) if an outdoor site, arrangements for food service in inclement weather; (13) a description of the means of communication between the site supervisor and the service institution; (14) site personnel information including: (i) Title of each position, (ii) number of personnel in each position, (iii) number of hours per day spent on food service, (iv) specific food service duty, (v) salary per hour or if volunteer, estimated value per hour.

5. In § 225.8, paragraph (b) is revised to read as follows:

##### § 225.8 Free and reduced price meals.

(b) Each approved service institution shall make available to the informational media in the area from which the service institution draws its attendance, a public release announcing the availability of free and reduced price meals to children meeting the approved eligibility criteria, regardless of race, color or national origin.

6. § 225.9 is amended by deleting the words "½ teaspoon of butter or fortified margarine" and "1 teaspoon of butter or fortified margarine" wherever they appear, paragraph (b) (2) (v) is deleted, and paragraphs (a) (4) and (b-1) are revised to read as follows:

##### § 225.9 Requirements for meals.

(a) . . . . .  
(4) supplemental food served between such other meals, except that supplemental food shall not be approved if the service institution also participates in the Special Milk Program for Children (7 CFR Part 215).

(b-1) Each service institution participating in the special summer program shall serve one or more of the following meals as provided in its approved application (1) a regular meal, (2) supplemental food, except that supplemental food shall not be approved if the service institution also participates in the Special Milk Program for Children (7 CFR Part 215).

7. In § 225.10, paragraphs (b), (8-1), and (e), are revised to read as follows:

##### § 225.10 Reimbursement payments.

(b) The maximum rates of reimbursement for meals served in year-round programs shall be 34 cents for a lunch or supper, 17 cents for a breakfast, and 11 cents for supplemental food.

(b-1) Reimbursement shall be paid to service institutions participating in the special summer program only in connection with types of meals specified in approved applications, and meeting the requirements of § 225.9(b-2). The maxi-

mum rates of reimbursement for meals served in special summer programs shall be 34 cents for a regular meal, and 11 cents for supplemental food.

(e) Notwithstanding any other provision of this section, where all or nearly all the attending children are in need of free meals and the service institution is financially unable to meet this need, the State agency, or FNSRO where applicable, may authorize financial assistance to such service institution, in lieu of reimbursement for meals, in an amount not to exceed 80 per centum of the operating cost of its food service, or 100 per centum of the cash expenditure for such operating cost, less cash income to the program, whichever is the lesser: *Provided, however*, That (1) for meals served in the year-round program, such financial assistance shall not exceed 70 cents for a lunch or supper, 23 cents for a breakfast, and 18 cents for supplemental food, and (2) for meals served in the summer program, such financial assistance shall not exceed 70 cents for a regular meal, of which 6 cents may be used only for administrative costs, and shall not exceed 18 cents for supplemental food, of which 1.5 cents may be used only for administrative costs. In no event may administrative costs in the summer program exceed 6 cents for the regular meal or 1.5 cents for supplemental food or be claimed for more than one meal service in a multiple meal service operation.

8. In § 225.12, paragraph (a) is amended by adding a sentence at the end thereof, as follows:

##### § 225.12 Reimbursement procedure.

(a) . . . . . Any claim for reimbursement for any fiscal year not received by the State agency, or FNSRO where applicable, within 90 days after the closing date of the fiscal year, may be disqualified from payment, except where the State agency, or FNSRO where applicable, considers that a Reimbursement Voucher has been filed late because of circumstances beyond the control of the service institution.

9. In § 225.18, the word "monitor" in the first sentence in paragraph (e-1) is deleted and the word "review" is inserted in lieu thereof, and paragraph (f) is revised to read as follows:

##### § 225.18 Special responsibilities of State agencies.

(f) *State-conducted audit programs.* (1) A State agency may submit for approval by the Department a plan whereby it will provide for the conduct of audits of the Program. State agencies shall request OIG Regional Offices (32 FR 8822 as amended by 34 FR 2139) to assist in the development of these plans, which shall incorporate provisions for organization, financing, direction and coordination of the State audit functions. Audits performed under the plan may be conducted by the State agencies; by

the State Auditor, Office of State Controller, or comparable State audit staff; or by Certified Public Accountants or State licensed public accountants. All approved State audit plans shall be updated and be resubmitted for approval by the Department every third year from the anniversary date of the last such approval, except that any State agency plan approved prior to July 1, 1974, must be resubmitted for approval by the Department in accordance with this paragraph prior to July 1, 1975.

(2) An audit guide furnished by OIG, and as amended by OIG from time to time, shall be used in the State agency-sponsored audits of service institutions. The audits shall be performed in accordance with audit standards, guidelines and procedures prescribed by OIG in the audit guide; and shall be reviewed by OIG to the extent necessary to determine compliance therewith.

(3) While OIG shall rely to the fullest extent feasible on State-conducted audits, it shall have the right, whenever considered necessary, to (i) make audits on a statewide basis, (ii) perform on-site test audits, and (iii) review audit reports and related working papers of audits performed by or for the State agencies. With respect to State-conducted audits, OIG shall also have the rights available to it under the provisions of § 225.20.

(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services)

Dated: February 22, 1974.

CLAYTON YEUTTER,  
Assistant Secretary.

[FR Doc.74-4540 Filed 2-25-74; 8:45 am]

### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

##### [ 14 CFR Part 91 ]

[Docket No. 13547; Notice No. 74-8]

#### TWO-WAY RADIO COMMUNICATIONS FAILURE DURING IFR OPERATIONS

##### Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending § 91.127(c) (4) of the Federal Aviation Regulations to provide that, when holding instructions have been received, a pilot who has lost two-way communications under IFR must either leave the holding fix at the expect-further-clearance time received or, if an expect-approach-clearance time has been received, commence the approach at the expect-approach-clearance time received.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW.,

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## PROPOSED RULES

Washington, D.C. 20591. All communications received on or before April 29, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

FAR § 91.127 prescribes the flight procedures to be followed by a pilot flying under Instrument Flight Rules after a two-way radio communications failure has occurred. Paragraph (c)(4) of that section specifies the time when an aircraft having two-way radio communications failure must leave a holding fix under IFR conditions. This subparagraph as currently worded covers the situation in which an expect-approach-clearance time is issued to pilots who have received holding instructions. That subparagraph provides, among other things, that each pilot who has been given an expect-approach-clearance time shall "leave the holding fix in order to arrive over the fix from which the approach begins as close as possible to the expected-approach-clearance time."

However, current Air Traffic Control procedures provide that controllers will issue an expect-approach-clearance time only when the clearance limit (holding fix) is a designated initial, intermediate, or final approach fix for the approach in use. An expect-further-clearance time is issued when the clearance limit is a fix not designated as a part of the approach procedure in use.

In view of the above, it appears that revision of subparagraph (4) is needed to clarify the procedures regarding holding and commencing of the approach as related to use of expect-further-clearance and expect-approach-clearance times. The provision in subparagraph (4), for leaving the holding fix to arrive over the fix from which the approach begins is not applicable since a pilot holding at another fix would not be issued an expect-approach-clearance time but would instead be issued an expect-further-clearance time.

(Section 307 of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act (80 Stat. 937, 49 U.S.C. 1655(c)).

In consideration of the foregoing, the Federal Aviation Administration proposes to amend paragraph (c)(4) of § 91.127 of Part 91 of the Federal Aviation Regulations as hereinafter set forth:

§ 91.127 IFR operations; two-way radio communications failure.

(c) . . . .

(4) *Holding.* If holding instructions have been received, leave the holding fix at the expect-further-clearance time received or, if an expect-approach-clearance time has been received, commence the approach at the expect-approach-clearance time received.

Issued in Washington, D.C. on February 14, 1974.

RAYMOND G. BELANGER,  
Director,  
Air Traffic Service.

[FR Doc. 74-4373 Filed 2-25-74; 8:45 am]

#### Hazardous Materials Regulations Board [49 CFR Parts 173, 179]

[Docket No. HM-90; Notice No. 74-2]

#### BOTTOM OUTLETS ON FLAMMABLE COMPRESSED GAS TANK CARS

##### Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amendments to §§ 173.314, 179.102-3, and 179.103-5 of the Department's Hazardous Materials Regulations pertaining to prohibiting bottom outlet devices on DOT Class 114A tank car tanks used for the transportation of liquefied flammable compressed gases.

The Board on August 25, 1971, in Docket Number HM-90, Notice 71-24 (36 FR 16880) proposed amendments to § 179.103-5 dealing with bottom outlet devices on DOT Class 114A tank cars. By a supplemental notice published on September 23, 1971 (36 FR 18873), this proposed amendment was deleted and withdrawn from the docket after the Board determined from comments received that the amendment proposed should be the subject of a separate rule-making proceeding.

There are approximately 175,000 tank cars approved for the rail transportation of hazardous materials and other non-regulated commodities. Of this total there are approximately 650 specification 114A-W tank cars, equipped with bottom fittings used for the transport of compressed gases.

The Railway Progress Institute/Association of American Railroads "Tank Car Safety Research and Test Project" study of railroad accidents during the period of 1965-1972 indicates that there were 2,624 reported accidents involving some 4,385 tank cars. The lading loss (monetary) from tank cars attributable to accidents during 1965-1970 amounted to more than \$300,000; not including resultant property and other damages, etc.

The Board, in the interim, has become increasingly aware of the poor safety performance record of bottom fittings currently authorized on DOT Class 114A tank cars. Incident reports received by the Board indicate that there has been an increase in the number of liquefied flammable compressed gas leaks occurring through tank car bottom outlet devices even when the tank car has not been involved in any accident.

There have been eight reported leakage incidents of flammable compressed gas from specification 114A-W type tank cars, six of which occurred during 1972. Two leakage incidents were attributable to derailments. There is currently an industry study of the feasibility, as well as

the design features, for bottom outlet devices and fittings for tank cars used to transport hazardous materials.

The Board's review of the leakage incident reports indicates that in large part, the failure of these devices is due to their inadequate maintenance or a deficiency in their design. As a result of these findings and in view of the serious threat to the public safety, the Board proposes to prohibit bottom outlets on DOT Class 114A tank cars. The proposed changes would not become effective (mandatory) until 6 months after issuance of the final rules.

Pursuant to the provisions of Section 102(2)(c) of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Board has considered the requirements of that Act concerning Environmental Impact Statements and has determined that the amendments proposed in this notice would not have a significant impact upon the environment. Accordingly, an Environmental Impact Statement is not necessary and will not be issued with respect to the proposed amendments.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 179 as follows:

#### PART 173—SHIPPERS

In the Table contained in paragraph (c) of § 173.314, Note 23 would be added and reference thereto made in Column 1 of the Table in the following entries:

§ 173.314 Requirements for compressed gases in tank cars.

(c) . . . .

Butadiene (pressure not exceeding 255 pounds per square inch at 115° F.), inhibited; Note 23.

Butadiene (pressure not exceeding 300 pounds per square inch at 115° F.), inhibited; Note 23.

Liquefied petroleum gas (pressure not exceeding 255 pounds per square inch at 115° F.); Note 23.

Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 115° F.); Note 23.

Methylacetylene-propadiene, stabilized; Note 23.

Note 23: Bottom unloading of flammable compressed gas is prohibited, and bottom outlets must be sealed and rendered inoperative in such a manner as to preclude their use for bottom unloading.

#### PART 179—SPECIFICATIONS FOR TANK CARS

(A) In § 179.102-3, paragraph (a)(4) would be added to read as follows:

§ 179.102 Special commodity requirements for pressure tank car tanks.

§ 179.102-3 Liquefied flammable gases.

(a) . . . .

(4) Bottom unloading of flammable compressed gas is prohibited. Bottom outlets must be sealed and rendered inoperative in such a manner as to preclude their use for bottom unloading.

(B) In § 179.103-5, the introductory text of paragraph (a) and paragraphs

(a)(1) and (a)(2) would be amended to read as follows:

§ 179.103 Special requirements for class 114A . . . tank car tanks.

§ 179.103-5 Bottom outlets.

(a) Tanks may be equipped with approved bottom outlet valves in addition to, or in place of the venting, loading, and unloading valves, measuring and sampling devices as prescribed in § 179.103-3 of this section. For flammable compressed gases see § 179.102-3(a)(4). If applied, bottom outlet valves must meet the following requirements:

(1) When an external bottom outlet valve without interior pipes is used, the valve opening must be closed with an internal bolted or self-energizing closure of approved design. Protective housing around the external bottom outlet valve is not required. On cars with center sills, a ball valve may be welded to the outside bottom of the tank or mounted on a pad or nozzle with a tongue and groove or male and female flange attachment, but in no case shall the breakage groove or its equivalent extend below the bottom flange of the center sill. On cars without continuous center sills, a ball valve may be welded to the outside bottom of the tank or mounted with a tongue and groove or male and female flange attachment on a pad attached to the outside bottom of the tank. The mounting pad must have a maximum thickness of 2½ inches measured on the longitudinal centerline of the tank. The valve operating mechanism must be provided with a suitable locking arrangement to insure positive closure during transit.

(2) When an internal bottom outlet valve is used, the outlet of the valve must be equipped with an excess flow valve of approved design, except when a quick-closing internal valve of approved design is used. Protective housing for the internal bottom outlet valve is not required.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received before May 28, 1974, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215, Buzzards Point Building, Second and V Streets, SW., Washington, D.C., both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of Title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on February 20, 1974.

MAC E. ROGERS,  
Board Member, for the  
Federal Railroad Administration.

[FR Doc. 74-4371 Filed 2-25-74; 8:45 am]

## PROPOSED RULES

#### ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

#### APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

##### Revisions to Washington Implementation Plan

On May 31, 1972 (37 FR 10900), the Administrator approved, with certain exceptions, "A Plan for the Implementation, Maintenance and Enforcement of National Ambient Air Quality Standards in the State of Washington." Contained in that Plan are selected chapters of the Washington Administrative Code dealing with the control of air pollution in the State by the Department of Ecology.

On February 15, 1973, the Governor of the State submitted amendments to Washington Administrative Code (WAC) chapters 18-40 (Suspended Particulates), 18-12 (Open Burning), and 18-04 (General). A new chapter, 18-06 (Sensitive Areas) was added. WAC 18-12 as amended on February 15, 1973, has been superseded by new supplemental amendments to WAC 18-12 submitted to EPA on September 10, 1973. Comments have already been requested on the new amendments.

The amended chapter 18-04 provides for adoption of a generalized compliance schedule for all sources subject to future-effective standards in the regulation. The new chapter 18-06 sets more stringent requirements than those contained in the general regulation for wigwam burners in designated sensitive areas.

The submitted revisions have been reviewed by the Administrator and are found to be consistent with the approved implementation plan. Amended chapters of the Washington Administrative Code 18-04, 18-40, 18-06—submitted on February 15, 1973, are proposed to be approved as revisions to the State of Washington Implementation Plan.

Copies of the proposed revisions are available for public inspection during normal business hours at the Office of EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101; at the Department of Ecology, St. Martins College, Olympia, Washington 98504; and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101. Attention: J. Akins. Relevant comments received by March 28, 1974 will be considered, and will be available during normal working hours at the Region X Office.

This notice of proposed rulemaking is issued under authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: February 15, 1974.

JOHN QUARLES,  
Acting Administrator,  
Environmental Protection Agency.

[FR Doc. 74-4486 Filed 2-25-74; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19540; FCC 74-165]

#### FM BROADCAST STATIONS IN NEW ENGLAND

##### Proposed Table of Assignments

Order to show cause. In the matter of amendment of § 73.202(b), Table of assignments, FM Broadcast Stations. (Winchendon, Mass.; Plymouth and Newport, New Hampshire; and Skowhegan, Maine), Docket No. 19540, RM-1791.

1. A Notice of Proposed Rule Making (FCC 62-603, 37 Fed. Reg. 14240) was released in this matter on July 11, 1972. The Notice proposed amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) as follows:

City	Channel No.	
	Present	Proposed
Winchendon, Mass.		249A
Plymouth, N.H.	261A	287
Newport, N.H.	285A	269A
Skowhegan, Maine	286	194

There were voluminous comments by several parties in response to the Notice.

2. The Commission has intensively studied the entire record in the proceeding, but has reached no conclusions with respect to the assignments proposed in the Notice. The key proposal is the request of Lakes Region Broadcasting Corporation for the assignment of Class C Channel 287 to Plymouth, New Hampshire. In order to assign Channel 287 to Plymouth, it will require the modification of the licenses of Station WGHM-FM, Skowhegan, Maine, and Station WCNL-FM, Newport, New Hampshire, by assigning different channels to the respective cities in the FM Table of Assignments. And, final disposition of the Winchendon proposal is connected with our decision on the Plymouth request.

3. Kennebec Valley Broadcasting System, Inc., the licensee of Station WGHM-FM, Skowhegan, has stated that it would not object to a modification to operate on Channel 284 provided the ultimate occupant of Channel 287 at Plymouth is required to reimburse it for the reasonable cost of the shift. We also note that Lakes Region has stated in its comments that it was authorized to state that Eastminster Broadcasting Corporation, licensee of Station WCNL-FM, Newport, New Hampshire, would not object to a modification of its license by a shift of channels at Newport, provided it received reasonable reimbursement for the change from the party receiving the construction permit on Channel 287 at Plymouth. However, Station WCNL-FM has not directly indicated that it would accept such modification, and therefore it is necessary to issue an Order directed to Station WCNL-FM to show cause why its license on Channel 285A should not be modified to specify operation on Channel 269A.



## PROPOSED RULES

4. It is ordered, That, pursuant to Section 316 of the Communications Act of 1934, as amended, Eastminster Broadcasting Corporation, licensee of Station WCNL-FM, Newport, New Hampshire, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 269A instead of Channel 285A if the Commission in this proceeding finds it in the public interest to assign Channel 287 to Plymouth, New Hampshire, and to substitute Channel 269A for Channel 285A at Newport, New Hampshire, this order being made with the understanding that the permittee of Channel 287 at Plymouth, New Hampshire, will pay reasonable reimbursement of expenses incurred in the change of channel of operation of Station WCNL-FM at Newport, New Hampshire.

5. Pursuant to § 1.87 of the Commission's rules and regulations, the licensee of Station WCNL-FM, may, not later than February 28, 1974, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived Eastminster Broadcasting Corporation may, not later than March 7, 1974, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the Order to Show Cause. In this case, the Commission may call on Eastminster Broadcasting Corporation to furnish additional information, designate the matter for hearing, or issue without further proceeding an order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Eastminster Broadcasting Corporation will be deemed to consent to modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission.

Adopted: February 13, 1974.

Released: February 20, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 74-4452 Filed 2-25-74; 8:45 am]

## [47 CFR Part 74]

[Docket No. 19918]

## FM RADIO BROADCAST TRANSLATOR STATIONS

## Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 74, subpart L of the Commission's rules pertaining to FM radio broadcast translator stations, Docket No. 19918, RM-2235.

1. On January 4, 1974, the Commission adopted a notice of proposed rule-making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on January 15, 1974, 39 Fed. Reg. 1867. The dates for filing comments and reply comments are presently Feb-

ruary 19 and February 28, 1974, respectively.

2. On February 13, 1974, B. W. St. Clair, President of Television Technology Corporation requested that the time for filing comments be extended for two weeks. Mr. St. Clair states that he finds it necessary to make a thorough investigation of application, both granted and pending which have been submitted to the Federal Communications Commission.

3. We believe the requested extension is warranted. Accordingly, it is ordered, That the dates for filing comments and reply comments are extended to and including March 5, and March 15, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: February 15, 1974.

Released: February 19, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 74-4454 Filed 2-25-74; 8:45 am]

## [47 CFR Part 87]

[Docket No. 19847; FCC 74-145]

## AIRCRAFT STATIONS

## Visual Indicator of Transmitter Radiation; Order Terminating Proceeding

In the matter of petition for Amendment of § 87.75(d)(1) of the rules to require aircraft stations to be equipped with a visual indicator of transmitter radiation, Docket No. 19847, RM-1800.

1. By letter dated May 11, 1971, the Federal Aviation Administration (FAA) requested the Commission to amend § 87.75(d)(1) of the Commission's rules to require aircraft stations to be equipped with a visual indicator of transmitter operation. A series of filings and Orders ensued due to the complex and controversial nature of this request, including finally the release by the Commission of a Notice of Proposed Rule Making.

2. As a result of the filings received in response to the Commission's Notice of Proposed Rule Making, the petitioner, FAA, has reconsidered its request and determined that the matter warrants additional study and exploration of alternatives prior to recommending a solution to this complex and controversial matter.

3. Accordingly, the FAA by letter dated January 18, 1974, has requested that it be permitted to withdraw its request without prejudice to its right to refile at a later date if subsequent study and analysis warrants.

4. The Commission agrees that the request of the FAA warrants further study by the petitioner. Accordingly, its request will be granted, its petition dismissed without prejudice and this proceeding will be terminated.

5. In view of the above, It is ordered, That the petition for rule making filed by the Federal Aviation Administration in the above captioned proceeding is dismissed and this proceeding is terminated.

Adopted: February 13, 1974.

Released: February 19, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 74-4453 Filed 2-25-74; 8:45 am]

## FEDERAL DEPOSIT INSURANCE CORPORATION

## [12 CFR Part 340]

PUBLIC ISSUANCE OF BANK SECURITIES  
Offering Circular Requirements

Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to the authority contained in section 9 [Tenth] of the Federal Deposit Insurance Act (the "Act") (12 U.S.C. sec. 1819 [Tenth]) is considering the addition of a new Part 340 to Title 12 of the Code of Federal Regulations. The proposed Part 340 would establish minimum standards for disclosure of material facts to be required in connection with the offer and sale by or on behalf of an insured State nonmember bank of securities issued by the bank where such offer and sale meet certain criteria specified in the regulation. Essentially, those criteria are that the securities offering must be of a public nature; must, when aggregated with any other securities offerings of a similar nature during the two years preceding the offering, exceed the lesser of \$500,000 or 50% of the bank's combined equity capital and surplus (exclusive of the proceeds of the offering); and must not be subject to comparable State regulation.

The proposed Part 340 is designed to protect insured State nonmember banks and, ultimately, the Federal deposit insurance fund against possible serious adverse consequences which might result from violations of the antifraud provisions of the Federal securities laws where substantial public offerings of securities issued by the banks are made without adequate disclosure of material information.

Although securities issued by a bank are exempt from the registration and prospectus-delivery provisions of the Securities Act of 1933 (15 U.S.C. sec. 77a, et seq.), they are subject to the general antifraud provisions of section 17(a) of that Act (15 U.S.C. sec. 77q(a)) and Rule 10b-5 of the Securities and Exchange Commission (17 CFR 240.10b-5) promulgated under section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. sec. 78j(b)). See *Lehigh Valley Trust Co. v. Central National Bank of Jacksonville*, 409 F. 2d 989 (5th Cir. 1969). Current principles of Federal securities antifraud law dictate that persons issuing securities

must make affirmative disclosure of material facts sufficient to enable a prospective purchaser to make an informed investment decision relating to the securities. Notwithstanding these disclosure requirements, the Corporation's Board of Directors has observed numerous instances in which inadequate information relating to the business and condition of an insured State nonmember bank has been provided to prospective investors in public offerings of the bank's securities. Failure to comply with the foregoing securities antifraud provisions can result in legal liability leading to a judgment for damages or rescission of the securities transaction. In such a situation an insured State nonmember bank would be involved in a violation of law and, in certain circumstances, in an unsafe or unsound practice in conducting the business of the bank, thereby warranting enforcement action by the Corporation under section 8(b) of the Act (12 U.S.C. sec. 1818(b)).

The Corporation has also experienced an increasing number of securities antifraud lawsuits in connection with its receivership functions for insolvent insured banks and believes that the incidence of such suits may multiply consistent with the general proliferation of securities antifraud litigation. In this context, a study by the Corporation's staff indicates that securities antifraud lawsuits often involve class actions and frequently result in large monetary judgments against the issuer. In the majority of cases involving the Corporation's receivership functions, the closed bank has been an insured State nonmember bank.

In addition, the normal subordination of capital investors in an insured State nonmember bank to claims of its depositors and other creditors could be defeated by a court judgment holding the offering of the bank's securities legally deficient because the bank failed to provide investors with adequate material information. See *Oppenheimer v. Harri-man National Bank and Trust Co.*, 301 U.S. 206 (1937). Such a result could also interfere with the Corporations' general responsibility under section 18(i)(1) of the Act (12 U.S.C. sec. 1828(i)(1)) to decide whether to approve any proposed reduction in capital by an insured State nonmember bank.

Moreover, it is anticipated that increased disclosure of material facts in connection with substantial public offerings of securities issued by insured State nonmember banks could prove of positive value in enhancing public investor confidence in such securities offerings and thus facilitate the raising of capital by the banks.

The Board has determined that it is necessary to establish clear and explicit procedures for ensuring that substantial public offerings of securities of insured State nonmember banks are accompanied by disclosure of material facts sufficient to form the basis for an intelligent investment decision.

In addition, in view of the provisions of section 5 of the Act (12 U.S.C. sec. 1815)

## PROPOSED RULES

which require the Corporation's Board of Directors, in deciding whether to approve an application for Federal deposit insurance, to consider, among other factors, "the adequacy of [the bank's] capital structure" (section 6 of the Act (12 U.S.C. sec. 1816)), the Board has determined that its review of such an application by a recently organized State nonmember bank which had raised or proposes to raise capital publicly should include consideration of whether investors are provided sufficient disclosure of material facts. If the proposed regulation is adopted, its disclosure standards would serve as a general frame of reference for such determination.

## SUMMARY OF PROPOSED REGULATION

The regulation as proposed would apply to any insured State nonmember bank which offers or sells securities issued by it in a transaction that is not exempted under § 340.4 of the regulation. That Section would exempt any offering of a bank's securities which is not of a public nature and any public offering where the dollar amount in terms of the actual offering price of the securities, when aggregated with the amount of any similar sales within the two years preceding commencement of the offering, does not exceed the lesser of \$500,000 or 50 percent of the bank's equity capital and surplus (excluding the proceeds of the offering). The proposed regulation would also not apply to securities offerings in States where the Corporation has determined that comparable State regulation exists.

As noted, offerings of securities which are not of a public nature would not be covered by the regulation. An interpretative section for use in determining whether such a nonpublic offering exists (Section 340.101) sets forth certain criteria, including: Sales must be directly negotiated between the bank and the purchasers; purchasers or their representatives must be sophisticated investors who have access to information comparable to that which would be required by the proposed regulation; the offering must be made to not more than 35 persons in any 12-month period; and the securities must not be intended for redistribution. In addition, issuers claiming an exemption based upon the nonpublic nature of an offering would be required to file a notice of proposed sale containing prescribed information fifteen days prior to any actual sale (§ 340.4(a)).

With respect to those offerings subject to the proposed regulation, under § 340.3 no offer to sell a security could be made except through the use of an offering circular substantially conforming to the regulation's requirements "which had been filed with the Corporation. In addition, no sale of such a security could be consummated unless the purchaser had received an offering circular which had become effective pursuant to the regulation (§ 340.9).

The disclosure requirements for the offering circular are set forth at § 340.31.

The general items of information covered are similar to those required to be described in connection with public securities offerings subject to the jurisdiction of other governmental bodies, most notably the Securities and Exchange Commission.

In addition to the offering circular, the regulation would require filing of a notification that includes as exhibits documents and other materials set out in § 340.61. The proposed regulation also establishes conditions for advertisements relating to a securities offering subject to the regulation (§ 340.8) and would prohibit any misrepresentations or omissions of material facts in connection with such an offering (§ 340.5).

All interested persons are invited to submit comments in writing on or before April 30, 1974 to Alan R. Miller, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. All written comments will be made available for public inspection during regular business hours at the office of the Executive Secretary, Room 6108 at the above address.

The proposed new Part 340 reads as follows:

## PART 340—MINIMUM OFFERING CIRCULAR REQUIREMENTS FOR PUBLIC DISTRIBUTION OF BANK SECURITIES

## § 340.1 Definitions.

Generally, terms and concepts applicable to this part are to be understood in light of principles developed under the federal securities laws, particularly the Securities Act of 1933, 15 U.S.C. Section 77a, et seq., and the Securities Exchange Act of 1934, 15 U.S.C. Section 78a, et seq. For the purposes of this part, however, certain fundamental terms are specifically defined as follows:

(a) "Bank" means an insured State nonmember bank as defined in the Federal Deposit Insurance Act, 12 U.S.C. section 1811, et seq., and includes for the purposes of this Part any person acting on behalf of the bank.

(b) "Corporation" means the Federal Deposit Insurance Corporation.

(c) "Equity capital and surplus" means accounts allocated to capital stock and surplus (excluding undivided profits and other segregations of capital).

(d) "Filed": All documents required to be filed under this part shall be deemed filed when received by the Corporation at its Washington office.

(e) "Offer to sell," "offer for sale," or "offer" include every attempt to sell or solicitation of an offer to buy a security, or interest in a security, for value.

(f) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust, any unincorporated organization, or a government or political subdivision thereof.

(g) "Sale" or "sell" means every contract of sale or exchange or other disposition of a security or interest in a security, for value, including every merger, consolidation, purchase and assumption transaction, or other reorganization of a bank.

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## PROPOSED RULES

(h) "Security" means any interest or instrument commonly known as a "security," whether in the nature of debt or equity, including any stock, bond, note, debenture, evidence of indebtedness, investment contract or any participation in or right to subscribe to or purchase any of the foregoing. The term "security" does not include a deposit as defined in section 3(1) of the Federal Deposit Insurance Act, 12 U.S.C. section 1813(1).

(i) "Verified" has the same meaning as that contained in § 335.2(dd) of this chapter.

## § 340.2 Scope.

The provisions of this part apply to any bank which offers or sells any security issued by it in any transaction which is not exempted under § 340.4 hereof.

## § 340.3 Requirement of Offering Circular.

Except in the case of an offering which meets the requirements of § 340.4,

(a) No offer to sell a security issued by a bank shall be made by or on behalf of the bank unless such offer is made through the use of an offering circular filed pursuant to and containing substantially the information required by this part.

(b) No sale of a security issued by a bank shall be made by or on behalf of the bank unless at or prior to the time of the sale the purchaser has received an offering circular which has become effective pursuant to § 340.9.

(c) Any bank engaged in a public offering of its securities subject to this part shall utilize an offering circular prepared in accordance with this part until the offering is completed.

(d) An offering circular may be amended at any time by filing the proposed amendments and any supporting documents necessary to a full understanding of the import of the amendments. The revised circular shall then be utilized in accordance with this part. Where there has been a material change in any matter required to be described in an offering circular pursuant to this part, the offering circular must be appropriately amended to reflect such change. In any event an offering circular shall remain effective for no more than 12 months after its effective date.

## § 340.4 Exempted transactions.

(a) The provisions of this part shall not apply to any offering which is not of a public nature: *Provided, however,* No sale of a security in reliance exclusively on the exemption provided by this paragraph (a) shall be made unless the bank shall have filed a notice containing the information required by § 340.41 of this part with the Corporation at least 15 calendar days prior to such sale.

*Provided further,* That the notice requirement of the preceding sentence does not apply in respect to any transaction with another bank, as defined at § 329.10(b) (1) of this chapter, acting for

<sup>1</sup> See Interpretations § 340.101.

its own account in the ordinary course of banking business.

(b) The requirements of this part shall not apply to any offering where the dollar amount in terms of the actual offering price of the securities publicly offered when aggregated with the amount of any similar sales within the two years preceding commencement of the subject offering, does not exceed the lesser of (1) \$500,000 or (2) 50% of the bank's total equity capital and surplus (excluding the proceeds of the offering).

(c) State exemption: The Corporation may on the basis of an application by any state or territory and on other available information determine that a class or classes of securities of a bank are subject to requirements under laws or regulations of its chartering state or territory which are substantially identical to those imposed hereunder, and that such state or territory has made adequate provision for enforcement of such laws or regulations.

(d) Upon such a determination the Corporation may by order, regulation, or rule of decision exempt the offer and sale of such class or classes of bank securities in the state or territory from compliance with the requirements of this part for a period of 12 months if it shall appear that such securities are in fact subject to requirements of the state or territory that are substantially identical to the requirements of this part. This 12-month exemption shall be subject to renewal upon application by the state or territory which application shall include a showing that its laws or regulations remain substantially identical to the requirements of this part and that during the prior year there has been adequate enforcement of such laws or regulations.

(2) This exemption shall apply only to offerings of securities of a bank where such securities are sold entirely within the boundaries of the bank's chartering state or territory. Any exemption granted hereunder does not apply to the requirements of the Securities Exchange Act of 1934 or the Corporation's regulations promulgated thereunder. The Corporation reserves the right to revoke any exemption if at any time it determines that the law or regulation of the state or territory does not in fact impose requirements of the Securities Exchange Act of 1934 or those imposed by this Part or that there is not in fact adequate provision for enforcement.

(3) In the case of any offer or sale of bank securities pursuant to this exemption, the bank shall file one copy of the final offering circular with the Corporation for informational purposes.

*NOTE.*—If the Corporation determines on the basis of the information before it that under the law or regulations of a state or territory any class of securities is subject to requirements substantially identical to those imposed hereunder and that there is adequate provision for enforcement, such class of securities in that state or territory will be exempted from the applicable requirements of this Part in the following manner and subject to the following conditions:

(1) Notice of the exemption and any conditions subject thereto will be published in

the FEDERAL REGISTER, and the Corporation will furnish a copy of such notice to the official of the state or territory who made application for such exemption.

(2) The appropriate official of any state or territory which receives an exemption shall inform the Corporation within 90 days of the occurrence of any change in its related law or regulations. The report of any change shall contain copies of the full text of the change together with statements, information and opinions with respect to the effect of such change.

(3) The appropriate official of any state or territory which has received an exemption shall file with the Corporation from time to time such reports as the Corporation may require.

(4) The Corporation will inform the appropriate official of any state or territory which receives an exemption of any subsequent amendments to the applicable provisions of this Part (including the implementing provisions and any formal interpretations) which might call for amendment of state or territory law, regulations, or formal interpretations.

(5) If the Corporation finds on the basis of the information before it that it cannot make a favorable determination in connection with the application of any state or territory the Corporation will notify the appropriate state or territorial official of the facts upon which such findings are based and shall afford such state or territory a reasonable opportunity to demonstrate or achieve compliance.

(6) If, after having afforded the state or territory such opportunity to demonstrate or achieve compliance, the Corporation finds on the basis of the information before it that it still cannot make a favorable determination in connection with the application, the Corporation will publish in the FEDERAL REGISTER a notice of its decision with respect to such application and will furnish a copy of such notice to the official who made application for such exemption.

## § 340.5 Prohibition of misrepresentation or omission of material fact.

In connection with the offer or sale of a security issued by a bank by or on behalf of the bank, it shall be unlawful to make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

## § 340.6 Filing and notification.

The offering circular required by this part shall be filed in accordance with the requirements of § 340.31. At the time of filing the offering circular there shall also be filed a notification containing the information and accompanied by the documents specified in § 340.61.

## § 340.7 Undertaking.

Every notification required to be filed pursuant to this part shall contain an undertaking that immediately upon completion or termination of the offering, the bank shall so notify the Corporation by letter.

## § 340.8 Advertisements relating to securities.

No bank shall make any advertisement referring to a current or proposed offering of securities issued by it until after

the filing of an offering circular covering the securities to be offered which contains substantially the information required by this part. In addition any such advertisement must contain the following information and no more:

(a) The name of the bank issuing the security and the address of its principal place of business;

(b) The full title of the security, the aggregate dollar amount and number of securities being offered, and the per-unit offering price;

(c) The name(s) of the managing underwriter(s), if any; and

(d) That a copy of the offering circular is available and where it may be obtained.

## § 340.9 Effective date of offering circular.

An offering circular filed under this part shall become effective forty-five days after the filing of the original circular or any amendment thereto, unless the Corporation shall determine that the offering circular may become effective at an earlier date.

## § 340.31 Offering circular.

## GENERAL INSTRUCTIONS

(a) Each offering circular required under this part shall, to the extent applicable, include at the minimum the information called for under each of the items below. In the preparation of the offering circular particular attention should be given to the definitions contained in §§ 335.2 and 340.1 of this chapter.

(b) This form is not to be used as a blank form to be filled in but only as a guide in the preparation of an offering circular. Any additional information deemed necessary to clarify or explain, or make the information contained in the offering circular not misleading, should also be included.

(c) Six copies of each offering circular shall be filed with the Corporation at its Washington office, 550 17th Street, NW., Washington, D.C. 20429.

(d) The body of a printed offering circular shall be in Roman type at least as large as 10-point modern type. To the extent necessary for convenient presentation, however, financial statements and other statistical or tabular data and the notes thereto may be in type at least as large as 8-point modern type. All type shall be at least two points leaded.

(e) If the offering circular is not printed, all copies shall be clear, easily readable, and suitable for repeated photocopying.

(f) If an offering circular is printed in a foreign language, each copy filed with the Corporation shall be accompanied by a certified translation into English.

## INFORMATION REQUIRED IN OFFERING CIRCULAR

Item 1. *Cover page information.* The following information shall be contained on the outside front cover page of the offering circular:

A. Until an offering circular has become effective pursuant to § 340.9 of this

## PROPOSED RULES

Part, in red ink, the caption "Preliminary Offering Circular," the date of its issuance, and the following statement printed in type as large as that used generally in the body of the offering circular:

This offering circular and a related notification have been filed with the Federal Deposit Insurance Corporation but the offering circular has not yet become effective. Information contained herein is subject to completion or amendment. These securities may not be sold nor may offers to buy be accepted until the purchaser has received a definitive offering circular which has become effective.

B. The exact name and the address of the principal place of business of the issuing bank.

C. The following information printed in capital letters in boldface Roman type—

(1) These securities are not deposits and will not be insured by the Federal Deposit Insurance Corporation;

(2) These securities have not been approved or disapproved by the Federal Deposit Insurance Corporation nor has the Corporation passed upon the accuracy or adequacy of this offering circular;

(3) These securities may not be used as collateral to secure a loan from the issuing bank;

(4) None of these securities may be repurchased by the issuing bank or otherwise retired without prior approval of the Federal Deposit Insurance Corporation.

## INSTRUCTIONS AS TO ITEM 1B(4)

1. The specified statement need only be made where the securities issued constitute capital of the bank subject to Section 18(1) of the Federal Deposit Insurance Act, 12 U.S.C. § 1828(1) (1).

2. In the appropriate case the bank may indicate that such approval has already been obtained. However, if such approval only relates to one of several methods under which the securities may be retired, state which methods have been approved and which methods have not been approved. *NOTE.*—Wherever any clause related to acceleration of the stated maturity or other similar provision relating to retirement prior to stated maturity is referred to in other parts of the offering circular required by this Part, it shall be accompanied by appropriate cross-reference to description of the general requirement for Corporation approval of actual repayment.

(5) In the case of debt securities also state to the extent applicable that the securities are subordinate in right of payment to depositors and general creditors.

D. State in tabular form: (a) The number of and dollar amount of securities being offered; (b) the per-security and aggregate offering price; (c) the per-security and aggregate proceeds to be received by the bank; (d) the expenses to be incurred by the bank in connection with the offering; and (e) the respective amounts of proceeds and expenses attributable to the bank and any other person(s) on whose behalf the offering is made.

Item 2. *Recently Organized Banks.* If the bank was incorporated or organized

within the last three years, state the date of incorporation or organization; the percentage of outstanding securities of the bank which will be held by directors, officers and promoters, as a group, and the percentage of such securities which will be held by the public, if all of the securities to be offered are sold; and the aggregate and per share amount of cash and other consideration paid therefor by such group and by the public.

Item 3. *Underwriting arrangements.*

(a) If the securities are to be offered through underwriters, state the names of the principal underwriters and the respective amounts underwritten. Identify each such underwriter having a material relationship to the bank and state the nature of the relationship. State briefly the nature of the underwriters' obligations to take the securities. Any finders' fees or similar payments should be appropriately disclosed.

(b) State the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts or other consideration to be received by any dealer in connection with the sale of the securities.

(c) Where the securities are not to be offered through an underwriter, give the proposed means of distribution and the expenses to be incurred in connection therewith.

Item 4. *Sales for Security Holders.* If any of the securities offered are to be sold for the account of any person(s) other than the bank, state the name and address of each such security holder; his relationship to the bank; the total amount of each class of the bank's securities which he presently owns; the amount of each such class to be offered for his account; the amount of each such class to be owned after the offering; and the amount of expenses he will incur in connection with the offering.

Item 5. *Use of Proceeds.* State briefly the principal purposes for which the net proceeds to the bank from the securities to be offered are intended to be used, and the approximate amount intended to be used for each such purpose.

## INSTRUCTIONS

1. Include a statement as to the use to which the actual proceeds will be applied if they are not sufficient to accomplish the purposes set forth and the order of priority in which they will be applied.

2. If any material amount of the proceeds is to be used to acquire assets, otherwise than in the ordinary course of business, briefly describe the assets and give the names of the persons from whom they are to be acquired. State the cost of the assets to the bank and the principle followed in determining such cost.

Item 6. *Sales otherwise than for cash.* If any of the securities are to be offered otherwise than for cash, state briefly the general purposes of the offering; the basis upon which the securities are to be offered including the method of evaluating the securities or other property for which the securities of the issuing bank are to be exchanged; and the amount of compensation and other expenses of the

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offering and by whom they are to be borne.

## INSTRUCTIONS

1. If the offering is to be made pursuant to a plan of merger, consolidation, purchase and assumption, or other reorganization, the offering circular shall include the information required by Items 14 and 15(b) of § 335.51 of this Chapter of the Corporation's regulations.

In such cases, and where applicable, this offering circular may be used to satisfy the requirements of § 335.5 of this Chapter provided the circular also complies with the requirements of that section and appropriately indicates that it is to be used both as an offering circular and a proxy statement.

2. In the case of a bank organized within the preceding three years, where appropriate, set forth a comparison, in percentages, of the securities to be offered to the public for cash and those issued or to be issued to promoters, directors, officers, controlling persons and underwriters for cash, property and services, describing the basis on which the transactions have been entered into.

**Item 7. Business of the bank.** (a) Briefly describe the business done and intended to be done by the bank and its subsidiaries and the general development of such business during the past five years, or such shorter period as the bank may have been engaged in business.

(b) State briefly, to the extent material, the services offered or to be offered by the bank; the general competitive conditions for such services in the area in which the bank operates or intends to operate; and the relative position of the bank in the area.

(c) Briefly describe the bank premises and other facilities, including the right in which the property is held, and describe any major encumbrances thereon.

## INSTRUCTION

In the case of a bank which has been incorporated or organized within 3 years of the offering summarize any factors which make the offering of the securities speculative.

**Item 8. Pending legal proceedings.** Describe briefly any material pending legal proceedings, other than ordinary routine proceedings incidental to the business, to which the bank or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings were instituted, the date instituted, and the principal parties thereto.

Any material proceedings to which any director, officer, or affiliate of the bank, or person who owns of record or beneficially 10 percent or more of the outstanding capital stock of the bank, or any associate of any such director, officer or securityholder, is a party adverse to the bank or any of its subsidiaries shall also be described.

**Item 9. Description of securities.** (a) In the case of equity securities, briefly describe all material terms and restrictions relating to the securities, including any dividend, voting, liquidation, preemptive, and conversion rights, redemption and sinking fund provisions, liability to further calls or to assessments and restrictions on repurchase of securities issued by the bank, pursuant to section

18(i)(1) of the Federal Deposit Insurance Act, 12 U.S.C. section 1828(i)(1), or any other applicable law, regulation or contract.

(b) In the case of debt securities, briefly describe all material terms and restrictions relating to the securities including:

(i) Any provision with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement;

(ii) Any provision restricting the declaration of dividends on equity securities of the bank or requiring the maintenance of any ratio of assets, creation or maintenance of reserves or the maintenance of properties;

(iii) Any provision governing the issuance of additional securities, withdrawal of cash deposited against such issuance, incurring of additional debt, release or substitution of assets securing the issue, and modification of the terms of the security;

(iv) Any requirements affecting the securities under section 18(i)(1) of the Federal Deposit Insurance Act, 12 U.S.C. section 1828(i)(1), and the Corporation's Regulation § 329.10 (12 CFR) or any other applicable law, regulation or contract;

(v) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to the compliance with the terms of the indenture.

## INSTRUCTION

In describing any terms relating to reduction or retirement of the issue, including terms relating to default or acceleration of payment, there shall be appropriate cross-reference to description of the general requirement for Corporation approval for reduction or retirement pursuant to section 18(i)(1) of the Federal Deposit Insurance Act, 12 U.S.C. section 1828(i)(1).

(vi) If there is a trustee for the issue, state the name of the trustee and the nature of any material relationship which the trustee may have with the registrant or any of its affiliates, the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the terms of the indenture.

(c) In the case of any other type of security, furnish appropriate information of a character comparable to that required by subsections (a) and (b) of this Item 9.

**Item 10. Capitalization.** State in tabular form as of a specified date within 90 days of filing, the title of and amount in each category of the bank's capital accounts, the amount authorized or to be authorized, and the amount to be outstanding, assuming all the securities being offered are sold.

**Item 11. Summary of earnings.** Furnish in comparative form a summary of earnings for the bank or for the bank and its subsidiaries consolidated, or both, as appropriate, for each of the last three fiscal years of the bank (or for the life

of the bank and its immediate predecessors, if less) and for any period between the end of the latest of such fiscal years and the date of the latest interim balance sheet furnished pursuant to Item 16 of this regulation, and for the corresponding period of the preceding fiscal year. In connection with such summary, whenever necessary, reflect information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the offering circular.

(a) If common stock is being registered, the summary shall be prepared to present earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be included unless inappropriate.

(b) If long-term debt or preferred stock is being registered, there shall be shown the annual interest requirements on such long-term debt or the annual dividend requirements on such preferred stock. To the extent that an issue represents refunding or refinancing, only the additional annual interest or dividend requirements shall be stated.

## INSTRUCTIONS

1. Historical statements of income in their entirety, as required by Item 16, may be furnished in lieu of the summary of earnings.

2. If summary earnings information is presented, show, as a minimum, operating revenues, operating expenses, income before income taxes and securities gains (losses), applicable income taxes, income before securities gains (losses), securities gains (losses), and net income. The summary shall reflect retroactive adjustments of any material items affecting the comparability of the results.

3. In connection with any summary of earnings for an interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable prior period, state that all adjustments necessary to a fair statement of the results for such interim period or periods have been included and results of the interim period for the current year are not necessarily indicative of results for the entire year. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the offering circular, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

**Item 12. Management.** (a) State the full name of all present or proposed directors and principal officers. Indicate all positions and offices held with the bank during the past five years by each such person named and their principal occupations during that period. If the bank was organized within the past three years, give the full name and addresses of the promoters and indicate all positions and offices with the bank now held or proposed to be held by each such promoter.

(b) Furnish the following information in tabular form as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year

to the following persons for services in all capacities:

(1) Each director of the bank whose aggregate direct remuneration exceeded \$30,000; and each of the two highest paid officers of the bank whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

(2) All directors and principal officers of the bank as a group, without naming them, but stating the number of persons included.

(c) Briefly describe any present or contemplated bonus, retirement, pension, stock option, or other similar plan or provisions and the class of persons covered, and state in tabular form the amount set aside or accrued during the bank's last fiscal year for directors or principal officers whose annual remuneration exceeds \$30,000.

## INSTRUCTION

The term "principal officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policymaking functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President) as well as a number of "Vice Presidents", some or all "Vice Presidents" do not participate in major policymaking functions, and such persons are not principal officers for the purposes of this Part.

**Item 13. Options or warrants.** Briefly describe all options, warrants or rights presently outstanding or proposed to be granted to purchase securities of the bank. State separately the amount of options, warrants or rights held or to be held by each director or principal officer of the bank, each associate of such director or principal officer and each other person who received or is to receive 5 percent or more of such options, warrants or rights. Each such person shall be named. In addition, state the total amount of such options, warrants or rights held or to be held by all directors and principal officers of the bank as a group, without naming them.

**Item 14. Principal security holders.** To the extent known:

(a) Give the name and relationship to the bank of any person who owns of record or beneficially 10 percent or more of the outstanding capital stock of the bank, stating the amount of such securities owned by such person.

(b) State the percentage of outstanding securities which will be held as a group, by directors and principal officers of the bank, without naming them. State the percentage of the bank's outstanding equity securities which will be held by the public if all the securities to be offered are sold.

## INSTRUCTION

If, to the knowledge of the bank or any principal underwriter of the securities to be offered, more than 10 percent of any class of voting securities of the bank are held or are to be held subject to any voting trust or other similar agreement, state the title of

such securities, the amount held or to be held, and the duration of the agreement. Give the names and addresses of the voting trustees and outline briefly their voting rights and other powers under the agreement.

**Item 15. Interest of management and others in certain transactions.** Describe briefly, and where practicable state the approximate amount of any material interest, direct or indirect, of any of the following persons in any material transaction occurring during the preceding three-year period, or in any material proposed transaction, to which the bank or its subsidiaries was or is to be a party:

1. Any director or principal officer of the bank;

2. Any person who owns of record or beneficially 10 percent or more of the outstanding capital stock of the bank;

3. Any promoter named in response to Item 12(a); or

4. Any associate of any of the foregoing persons.

## INSTRUCTIONS

1. The applicable definition of the term "associate" is contained in § 335.2(d) of this Chapter of the Corporation's rules and regulations.

2. Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated. Where the transaction involves an extension of credit, state the applicable approximate amounts in terms of the high and low points for the preceding year, and the current balance.

3. As to any transaction involving the purchase or sale of assets by or to the bank or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within 2 years prior to the transaction.

4. No information need be given under this paragraph as to any remuneration or other transaction specifically reported in response to any other Item of this Part 340.

5. No information need be given under this paragraph as to any transaction or any interest therein where:

(i) The rates or charges involved in the transaction are fixed by law or determined by competitive bids;

(ii) The interest of the specified person in the transaction is solely that of a director of another corporation which is a party to the transaction;

(iii) The specified person is subject to this Item 15 solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director, officer of, and/or owner of less than 10 percent interest in, another person that is a party to the transaction;

(iv) The transaction consists of extensions of credit by the bank in the ordinary course of its business that (a) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than specified persons, (b) at no time exceed 10 percent of the equity capital accounts of the bank, or \$10 million, whichever is less, and (c) do not involve more than the normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, if aggregate extensions of credit to the specified persons, as a group, exceeded

20 percent of the equity capital accounts of the bank at any time during the preceding year, (1) the aggregate amount of such extensions of credit shall be disclosed, and (2) a statement shall be included, to the extent applicable, that the bank has had, and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others. For the purpose of determining "aggregate extensions of credit" in this instruction, transactions which are exempted from disclosure pursuant to other paragraphs of this Instruction 5 may be excluded;

(v) The transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or other similar services; or

(vi) The interest of the specified person, including all periodic installments in the case of any lease or other agreement providing for periodic installments, does not exceed \$30,000.

6. Information shall be furnished under this paragraph with respect to transactions not excluded above which involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership individually and in the aggregate of less than a 10 percent interest in another person furnishing the services to the bank or its subsidiaries.

**Item 16. Financial statements.** (a) As to the offering of securities subject to this Part, by a bank that has been in operation for more than 12 months, provide the information called for in § 340.71.

## INSTRUCTIONS

1. If the securities to be offered are debt securities, provide in tabular form for each fiscal year or other period as to which financial statements are filed the ratio of net operating income before taxes and before securities gains or losses to fixed charges for such debt securities. A pro forma ratio of net operating income so computed to the fixed charges, adjusted to give effect to the issuance of the debt securities to be offered, shall also be shown for the latest fiscal year.

2. The bank shall file as an exhibit under § 340.61(c)(11) a statement setting forth in reasonable detail the computations of the ratios required by Instruction 1.

(b) As to banks that have not yet commenced operations, or have commenced operations within the past 12 months, in lieu of the statements required by paragraph (a) of this Item 16, furnish a tabular presentation of the pro forma and/or existing capitalization indicating the bank's plan of operation for the remainder of the fiscal year or, if the offering circular is filed in the second half of the fiscal year, the bank's plan of operation through the first half of the next fiscal year. Where material furnish a statement of cash receipts and disbursements to date. Include a narrative statement indicating the bank's opinion as to the period of time that the proceeds of the offering will satisfy its cash requirements and whether in the next six months the bank will have to raise additional funds to meet its expenditures. The basis of such opinion must be stated.

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Where such statement is based on a cash budget, such budget will be furnished to the Corporation as supplemental information, but need not be filed as a part of the offering circular.

Item 17. *Counsel and accountant.* State the name and address of counsel for the bank and for the underwriters in connection with the offering and of the accountant for the bank.

#### § 340.41 Notice of nonpublic sales.

The notice required by § 340.4(a) shall contain the following information:

(a) *Issuer.* The name and address of the principal place of business of the bank.

(b) *Class of security.* The class of security to be sold.

(c) *Number of offerees.* The number of persons to whom the securities were or are to be offered.

(d) *Offering price.* The offering price of the securities on an aggregate basis and on a per share or per security basis.

(e) *Basis of exemption.* A general description of the facts and circumstances on which the claim of exemption is based. In this regard attention should be addressed to the conditions set out in § 340.101.

(f) *Signature.* This notice shall be signed and dated by a duly authorized representative of the bank.

#### § 340.61 Contents of notification to the corporation.

The notification filed pursuant to this Part shall contain the following information:

(a) *Issuer.* The name and address of the principal place of business of the issuing bank, and reference to the particular offering circular to which the notification relates.

(b) *Prior sales.* The title and amount of any securities issued within the last three years by the bank or any of its predecessors or affiliated issuers, and a description of the transaction or transactions in which such securities were issued. With respect to a transaction as to which a notice was filed pursuant to § 340.4(a) of this Part, in lieu of a description of the transaction, only the date of such notice need be given.

(c) *Exhibits.* As exhibits to the notification there shall be filed the following documents (except that any such documents previously supplied to the Corporation in connection with another offering circular may be omitted where reference is made to such filing):

(1) Copies of any underwriting contract with a principal underwriter, any syndicate agreement and any purchase, sub-underwriting or selling group agreement or letter pursuant to which the securities being offered are to be distributed or, if the terms of such documents are not determined, the proposed forms thereof.

(2) Copies of any plan of merger, consolidation, purchase and assumption, or other reorganization, described in answer to Item 6 of § 340.31.

(3) If not previously submitted pursuant to this Part, composite copies of the bank's articles of incorporation and bylaws or comparable instruments as pres-

ently in effect or any amendments thereto since the date of the last such submission. All such copies shall be certified by a bank official as conformed and up to date.

(4) Specimens or copies of all securities being offered hereunder and copies of all constituent instruments defining the rights of holders of long-term debt of the bank and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed.

(5) Copies of any plan setting forth the terms and conditions upon which outstanding options, warrants or rights to purchase securities of the bank or its subsidiaries have been issued, together with specimen copies of such options, warrants, or rights; or, if not issued pursuant to such a plan, copies of each such option, warrant or right.

(6) An opinion of counsel, as to the legality of the securities being offered, indicating whether they will when sold be legally issued, fully paid and whether and in what respect the securities are assessable, and, if debt securities, whether they will be binding obligations of the bank.

(7) Copies of any voting trust or similar agreement referred to in answer to Item 14 of § 340.31.

(8) Copies of all pension, retirement or other deferred compensation plans, contracts, or arrangements. If any such plan, contract or arrangement is not set forth in a formal document, furnish a reasonably detailed description thereof. Copies of any available booklet or other written description of any such plan, contract or arrangement shall also be filed.

(9) Copies of every material contract not supplied in response to any foregoing instruction which was not made in the ordinary course of business and which is to be performed in whole or in part at or after the filing of the offering circular or which was made not more than two years before filing.

#### INSTRUCTIONS

1. Only contracts need be filed as to which the bank or a subsidiary of the bank is a party or has succeeded to a party by assumption or assignment, or in which the bank or such subsidiary has a beneficial interest.

2. If the contract is such as ordinarily accompanies the kind of business conducted by the bank and its subsidiaries, it is made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance: (a) directors, officers, promoters, voting trustees, securityholders named in answer to Item 14(a) of § 340.31 of this Part or underwriters are parties thereto except where the contract is subject to paragraph (d) of this § 340.61 or where it merely involves purchase or sale of current assets having a determinable market price, at such price; (b) it is of such materiality as to call for specific reference to it in the offering circular; (c) it calls for the acquisition or sale of fixed assets for a consideration exceeding 15% of all fixed assets of the bank and its subsidiaries; (d) it is a lease under which a significant part of the property described under Item 7(c) of § 340.31 of this Part is held by the bank; or (e) the amount of the contract, or its importance to the business of the bank and its subsidiaries, are material,

and the terms and conditions are of a nature of which investors reasonably should be informed.

(10) If any of the securities proposed to be offered hereunder are to be offered for the account of any person other than the bank, a written statement signed by the bank representing that the proposed offering will not interfere with any needed financing by the bank.

(11) The statement required by the second instruction to Item 16(a) of § 340.31, if applicable.

(12) The undertaking required by § 340.7.

(d) The following documents shall be filed but will not be treated as exhibits and the bank may request that such documents be kept confidential: any management contract or bonus or profit-sharing plan, contract or arrangement (or if not set forth in any formal document, a written description thereof).

#### SIGNATURES

The bank has duly caused this offering circular and notification to be signed on its behalf by the undersigned thereunto duly authorized.

\_\_\_\_\_  
(Name of bank)  
\_\_\_\_\_  
(Date)

#### § 340.71 Financial statements.

(a) *Required statements.* Every offering circular filed pursuant to this Part shall contain the following financial statements:

(1) *Balance sheets.* A balance sheet as of the preceding fiscal year-end. If the preceding fiscal year ended more than 90 days prior to the filing of the offering circular, also provide a balance sheet as of an interim date no more than 90 days prior to the filing date of the offering circular. In the case of a substantially amended offering circular, such interim statements shall be as of a date no more than 90 days prior to the filing date of a substantially amended offering circular.

(2) *Statement of income.* Statements of income for the preceding three fiscal years. If an interim date balance sheet is provided, also provide an income statement covering (i) the period between the preceding fiscal year and the date of the interim date balance sheet and (ii) the corresponding comparable interim period of the prior year.

(3) *Statement of changes in capital accounts.* A statement of changes in capital accounts for each period for which a statement of income is provided.

(4) *Statement of changes in financial position.* A statement of changes in financial position for each period for which a statement of income is provided.

(5) *Schedules.* Where applicable, a schedule of allowance for possible loan losses and a schedule of reserves on securities for each period for which a statement of income is provided.

(b) *Preparation of statements.*—(1) *Banks filing under the Securities Exchange Act.* Banks which have filed registration statements pursuant to Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. sec. 78l) shall prepare the financial statements required by this Part

in accordance with the requirements of Part 335 of this Chapter, to the extent applicable, and shall follow the requirements of subsection (2) hereof as to the statement of changes in financial position.

(2) *Banks not filing under the Securities Exchange Act.* Banks which have not filed a registration statement pursuant to Section 12 of the Securities Exchange Act of 1934 shall prepare financial statements required by this part as follows:

(i) *Balance sheets and statements of income.* Balance sheets shall be prepared in accordance with the instructions to FDIC Form 64, Report of Condition, and statements of income shall be prepared in accordance with the instructions to FDIC Form 73, Report of Income, to the extent applicable.

*Note.*—Banks which do not file Forms 64 and 73 on the basis of accrual accounting will be required to reflect accrual accounting in the financial statements filed pursuant to this Part if the accrual basis statements reflect financial position or results of operations which differ materially from non-accrual statements.

(ii) *Statement of changes in capital accounts.* The statement of changes in capital accounts shall set forth, opposite descriptive captions, the additions to and deductions from the accounts. Each capital account shall be reconciled separately. For guidelines as to format, refer to § 335.71, Form F-9C of this chapter.

(iii) *Statement of changes in financial position.* (A) The statement of changes in financial position shall summarize the sources from which funds have been obtained and their disposition. The statement should disclose separately the financing and investing aspects of all significant transactions during the period. (B) Material changes in the components of net funds shall be shown on the statement.

(C) The statement may be in balanced form or in a form expressing the changes in financial position in terms of a specific account or specific accounts. As a minimum, the following shall be reported:

(1) *Source of funds.* (i) Current operations (showing separately net income or loss and the addition and deduction of specific items which did not require the expenditure or receipt of funds; e.g., depreciation and amortization, deferred income taxes, undistributed earnings or losses of unconsolidated persons, etc.).

(ii) Sale of noncurrent assets (identifying separately such items as investments, fixed assets, intangibles, etc.).

(iii) Issuance of debt securities or other long-term debt.

(iv) Issuance or sale of capital stock.

(2) *Disposition of funds.* (i) Purchase of noncurrent assets (identifying separately such items as investments, fixed assets, intangibles, etc.).

(ii) Redemption or repayment of debt securities or other long-term debt.

(iii) Redemption or purchase of capital stock.

(iv) Dividends.

(3) *Increase (decrease) in net funds.*

(3) *Allowance for possible loan losses.* Present a comparative reconciliation in tabular form similar to that prescribed

at § 335.71, Form F-9D, Schedule VII of this Chapter.

(4) *Reserves on securities.* Present a comparative reconciliation in tabular form similar to that prescribed at § 335.71, Form F-9D, Schedule VIII of this Chapter.

*Note.*—This schedule is presented only in support of a valuation reserve account which has been established through charges against income. Refer to § 335.71, Form F-9A, Item 21 of this chapter, to determine when this schedule is required.

#### INSTRUCTIONS

1. A note to the financial statements, which includes a summary in tabular form and which discloses the information required by one of the foregoing schedules may be substituted in the offering circular in lieu of such schedule.

2. Schedules should be referenced against appropriate financial statement captions.

(c) *Notes to Financial Statements.* In addition to information specifically required, all supplementary information necessary to a proper understanding of each financial statement shall be provided in notes presented at the end of the statement, numbered sequentially, and cross referenced against appropriate statement captions. At minimum, the following areas should be considered when preparing notes: inconsistent application of accounting principles; material retroactive adjustments; conversion basis of foreign currency; asset and lease commitments; inter-company profits and losses; preferred shares; pension and retirement plans; stock options; surplus or dividend restrictions; contingencies; depreciation and amortization; consolidations; basis of book value of investment securities; hypothecation of securities and liens on assets; market value of investment securities, if significantly different from book value; valuation of trading account securities; basis of accounting for fixed assets acquired before January 1, 1960; market value and cost adjustments of other real estate owned; mortgages payable; capital notes and debentures; description of the method of accounting for loan losses and disclosure of the portion of the reserve which arose from operating charges and is therefore considered a valuation reserve; earnings per share basis; and variation from statutory income tax rate.

(d) *General instructions.* (1) Financial statements shall be prepared in accordance with generally accepted accounting principles and practices applicable to banks.

(2) In addition to those financial statements specifically required above, there shall be filed such other financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise.

(3) The Corporation may, upon the request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution thereof of appropriate statements of comparable character. The Corporation may also require the filing of other statements in addition to,

or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

(4) To the extent practical, financial data shall be presented in comparative, columnar form.

(5) Statements shall be verified as provided at § 335.7(b) of this chapter.

#### INTERPRETATIONS

##### § 340.101 Public offering concept.

(a) Section 340.4(a) exempts from the offering circular provisions of this Part the offer and sale of securities of insured State nonmember banks which are issued by or on behalf of the bank in a transaction which is not of a public nature provided that a timely notice conforming to the requirements of § 340.41 of this Part is filed with the Corporation. The instructions to § 340.1 of this Part state that principles developed under the federal securities laws, including the Securities Act of 1933 (15 U.S.C. sec. 77a, et seq.) are to be followed in defining concepts used in the Part. Certain basic principles to be followed in determining whether an offering is public are here generalized for guidance, and they should be addressed when preparing the notice outlined in § 340.41.

(b) A public offering will not generally be deemed to exist if all the following conditions are met:

(1) The offer and sale of the securities are made by means of direct communications between the bank or anyone acting on its behalf and the purchaser or his authorized representative.

(2) The prospective purchasers or their authorized representatives are, prior to sale, provided or have access to the same kind of information that the offering circular required by this Part would provide and also have access to any additional information necessary to verify the accuracy of such information.

(3) All persons to whom the securities are offered, or their authorized representatives, have such knowledge and experience in financial and business matters that they are capable of using the information given them to evaluate the risks of the prospective investment, are capable of making an informed investment decision, and are able to bear the economic risks of the investment.

(4) The securities are not offered to more than 35 persons in any twelve-month period.

(5) The purchaser or purchasers of the securities presently intend to hold the securities for investment and do not presently intend to redistribute the securities. The certificates evidencing the securities must bear a conspicuous restrictive legend to that effect.

By order of the Board of Directors, February 8, 1974.

FEDERAL DEPOSIT INSURANCE CORPORATION,  
[SEAL] ALAN R. MILLER,  
Executive Secretary.  
[FR Doc.74-4490 Filed 2-25-74; 8:45 am]



## Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Food and Drug Administration ADVISORY COMMITTEES Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, and place	Type of meeting and contact person
1. Panel on Review of Sedative, Tranquillizer, and Sleep Aid Drugs.	Mar. 1 and 2, 9 a.m., room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open Mar. 1, 9 a.m. to 10 a.m., closed Mar. 1 after 10 a.m., closed Mar. 2, Michael D. Kennedy, room 10B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, or sleep aid drugs.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, and place	Type of meeting and contact person
2. Board of Tea Experts.	Mar. 4, 10 a.m., room 700, 380 2d Ave., Brooklyn, N.Y.	Open—Robert H. Dick, Food and Drug Administration, 860 3d Ave., Brooklyn, N.Y. 11232, 212-789-1339.

**Purpose.** Advises the Secretary regarding establishment of uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States and makes appropriate recommendations with respect thereto.

**Agenda.** Comments and presentations by interested persons; selection of tea standards. Interested persons may present relevant information or views orally or in writing to the Board for its consideration.

Committee name	Date, time, and place	Type of meeting and contact person
3. Panel on Review of Obstetrical and Gynecology Devices.	Mar. 4 and 5, 9:30 a.m., room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open Mar. 4, 9:30 a.m. to 10:30 a.m., closed Mar. 4 after 10:30 a.m., closed Mar. 5, David M. Link, HFM-120, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3660.

**Purpose.** Reviews and evaluates all available data concerning the safety, effectiveness, and reliability of obstetrical and gynecology devices currently in use.

**Agenda.** Open session: Comments and presentations by interested persons; round table discussion of obstetrical and gynecology monitoring devices. Closed session: Continuing review and classification of obstetrical and gynecology devices.

Committee name	Date, time, and place	Type of meeting and contact person
4. Panel on Review of Dental Devices.	Mar. 4 and 5, 9 a.m., room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open Mar. 4, 9 a.m. to 10 a.m., closed Mar. 4 after 10 a.m., closed Mar. 5, David M. Link, HFM-120, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

**Purpose.** Reviews and evaluates available data concerning the safety, effectiveness, and reliability of dental devices currently in use.

**Agenda.** Open session: Comments and presentations by interested persons; device classification; and device legislation. Closed session: Continuing review and classification of dental devices.

Committee name	Date, time, and place	Type of meeting and contact person
5. Panel on Review of Topical Analgesics.	Mar. 6 and 7, 9 a.m., conference room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Mar. 6, 9 a.m. to 10 a.m., closed Mar. 6 after 10 a.m., closed Mar. 7, Lee Geismar, room 10B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluate available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing topical analgesic agents, and the adequacy of their labeling.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, and place	Type of meeting and contact person
6. Panel on Review of Contraceptives and Other Vaginal Drug Products.	Mar. 8 and 9, 9 a.m., conference room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Mar. 8, 9 a.m. to 10 a.m., closed Mar. 8 after 10 a.m., closed Mar. 9, Armond Welch, room 10B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, and place	Type of meeting and contact person
7. Panel on Review of Hemorrhoidal Drug Products.	Mar. 9 and 10, 9 a.m., Conference Room, Holiday Inn, Bethesda, Md.	Open Mar. 9, 9 a.m. to 10 a.m., closed Mar. 9 after 10 a.m., closed Mar. 10, Thomas De Cillis, room 10B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products for hemorrhoidal application.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continued review of over-the-counter hemorrhoidal drug products under investigation.

Committee name	Date, time, and place	Type of meeting and contact person
8. Panel on Review of Internal Analgesic Including Antirheumatic Drugs.	Mar. 11 and 12, 9 a.m., conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed Mar. 11, 9 a.m. to 2 p.m., open Mar. 11, after 2 p.m., closed Mar. 12, Lee Geismar, room 10B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing internal analgesic agents.

**Agenda.** Closed session: Continuing review of nonprescription internal analgesic drugs under investigation. Open session: Comments and presentations by interested persons; presentation by industry representatives.

Committee name	Date, time, and place	Type of meeting and contact person
9. Panel on Review of Anesthesiology Devices.	Mar. 14 and 15, 1 p.m., San Francisco Regional Office of FDA, Federal Office Bldg., room 506, 50 Fulton St., San Francisco, Calif.	Open Mar. 14, 1 p.m. to 2 p.m., closed after 2 p.m. Mar. 14, closed Mar. 15, David M. Link, HFM-120, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

**Purpose.** Reviews and evaluates available information concerning the safety, effectiveness, and reliability of anesthesiology devices currently in use in order to determine the nature of the regulatory category most appropriate for the adequate control of these devices.

**Agenda.** Open session: Comments and presentations by interested persons; discussion regarding status of panel's classification activities; and evaluation of uniform reporting format for presenting classification findings. Closed session: Continuing review and classification of anesthesiology devices.

Committee name	Date, time, and place	Type of meeting and contact person
10. Surgical Drugs Advisory Committee.	Mar. 15, 9 a.m., conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Mar. 15, 9 a.m. to 10 a.m., closed Mar. 15 after 10 a.m., Samuel J. Sonnenblick, M.D., HFD-100, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3560.

**Purpose.** Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in surgery.

**Agenda.** Open session: Comments and presentations by interested persons; presentation by FDA staff on the role of advisory committees in decision making. Closed session: Discussion of IND-8331 (presentation by representatives of Avicon, Inc.); IND-3608 (presentation by representatives of Unilabs); IND-8183 and 8184 (report of subcommittee and report on actions taken by FDA); and IND-1004 (report of subcommittee on current status).

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Committee name	Date, time, and place	Type of meeting and contact person
11. Panel on Review of Antiperspirant Drug Products.	Mar. 15, 9 a.m., conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. Lee Geismar, room 10B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use containing antiperspirant drug products, and adequacy of their labeling.

**Agenda.** Open session: Presentations by FDA staff on procedural guidelines and panel organization and discussion of panel's responsibilities and review system. Closed session: Initiate review of antiperspirant drug products.

Committee name	Date, time, and place	Type of meeting and contact person
12. Panel on Review of Cardiovascular Devices.	Mar. 15, 9:30 a.m., room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Glen A. Rahmoeller, HFM-120, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

**Purpose.** Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices currently in use.

**Agenda.** Open session: Comments and presentations by interested persons; discussion regarding status of panel reorganization and task groups. Closed session: Identification of standards which need to be developed for those cardiovascular devices classified in the standards category; suggestion of consultants for task groups dealing with scientific review; and review of material concerning prosthetic heart valve problems (a regulatory matter).

Committee name	Date, time, and place	Type of meeting and contact person
13. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antilasthmatic Drugs.	Mar. 19 and 20, 9 a.m., room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open Mar. 19, 9 a.m. to 10 a.m., closed Mar. 19 after 10 a.m., closed Mar. 20, Thomas DeCillis, room 10B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antilasthmatic drug products.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, and place	Type of meeting and contact person
14. Microbiology Subcommittee of Diagnostic Products Advisory Committee.	Mar. 21 and 22, 9 a.m., building 1, room 207, Center for Disease Control, Atlanta, Ga.	Open Mar. 21, 9 a.m. to 10 a.m., closed Mar. 21 after 10 a.m., closed Mar. 22, Eloise Eavenson, Ph. D., room 16B-32, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4500.

**Purpose.** Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on currently marketed products for standard setting by FDA.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Review of microbiological product class standards and development of basis for establishing each product class standard. Discussion will involve preliminary information regarding development of standards.

Committee name	Date, time, and place	Type of meeting and contact person
15. National Advisory Food Committee.	Mar. 25 and 26, 9:30 a.m., conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Robert A. Littleford, Ph. D., room 7-67, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4468.

**Purpose.** Advises the Commissioner of Food and Drugs on policy matters of national significance as they relate to assuring safety of foods, reviews and makes recommendations on application for grants-in-aid, and serves as a forum for the exchange of views and recommendations.

**Agenda.** Review of the current status of iron enrichment in bread; review of the current status of DES; discussion of the possibility of defining foods based on the source of origin; and review of research grant applications.



## NOTICES

Committee name	Date, time, and place	Type of meeting and contact person
16. Medical Radiation Advisory Committee.	Mar. 25 and 26, 9 a.m., Massachusetts General Hospital, Boston, Mass.	Open—William S. Cole, M.D., HFX-4, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-6220.

**Purpose.** Advises and consults with the Bureau of Radiological Health in the formulation of policy and the development of a coordinated program related to application of ionizing radiation in the healing arts.

**Agenda.** Nuclear medicine subcommittee report; dental subcommittee report; training and medical applications subcommittee report; personnel radiation dosimeters; radiation exposure guidelines; and Massachusetts General Hospital computer project review.

Committee name	Date, time, and place	Type of meeting and contact person
17. Dental Drug Products Advisory Committee.	Mar. 27, 9 a.m., conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Clarence C. Gilkes, D.D.S., room 18B-19, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3560.

**Purpose.** Advises the Commissioner regarding safety and efficacy of drugs and related products employed in the practice of dentistry and the current advances, changing concepts, and trends in the field.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Discussion of L. D. Caulk Co. submission on self-applied fluoride; discussion of NDA-12-645; and discussion of fluoride tablets and fluoride home-treatment kits and confidential material submitted by sponsors as a result of a call for data which appeared in the FEDERAL REGISTER of April 5, 1973 (38 FR 8684) on these preparations.

Committee name	Date, time, and place	Type of meeting and contact person
18. National Advisory Veterinary Medicine Committee.	Mar. 28 and 29, 9 a.m., conference room G, Parklawn Bldg., 5600 Lane, Rockville, Md.	Open—Kenneth E. Taylor, D.V.M., HFS-40, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4600.

**Purpose.** Advises the Commissioner of Food and Drugs on policy matters of national significance as they relate to assuring safety and efficacy of drugs, medical feeds, and food additives used in veterinary medicine and animal production; truthful labeling and wholesomeness of animal foods; animal nutrition; and the safety of food from animals that have been treated with drugs or fed drugs or other additives.

**Agenda.** Report on antibacterials in animal feed program; discussion of Citizens Commission on Science, Law, and

the Food Supply; prescription versus over-the-counter drug use, report on method sensitivity criteria for zero tolerance drugs; status report on diethylstilbestrol; grant/contract program, veterinary education program.

Committee name	Date, time, and place	Type of meeting and contact person
19. Panel on Review of Contraceptives and Other Vaginal Drug Products.	Mar. 29 and 30, 9 a.m., Georgia Room, Holiday Inn, Bethesda, Md.	Open Mar. 29, 9 a.m. to 10 a.m., closed Mar. 29 after 10 a.m., closed Mar. 30. Armond Welch, room 10B-65, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**Purpose.** Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

**Agenda.** Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, and place	Type of meeting and contact person
20. Panel on Review of Bacterial Vaccines and Bacterial Antigens.	Mar. 29 and 30, 9 a.m., room 121, building 29, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Open Mar. 29, 9 a.m. to 10 a.m., closed Mar. 29 after 10 a.m., closed Mar. 30. Jack Gertzog, HFB-5, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1676.

**Purpose.** Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and bacterial antigens with standards of potency.

**Agenda.** Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continued review and discussion of committee position papers.

**Agenda items** are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus

necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the

## NOTICES

deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: February 21, 1974.

A. M. SCHMIDT,  
Commissioner of Food and Drugs.  
[FR Doc. 74-4530 Filed 2-25-74; 8:45 am]

## BIOLOGICAL PRODUCTS; SKIN TEST ANTIGENS

## Request for Data and Information and Nominations for Safety, Effectiveness, and Labeling Review Panel

The Food and Drug Administration is continuing its review of all licensed biological products to determine that they are safe, effective, and not misbranded under prescribed, recommended or suggested conditions of use. The final order outlining the procedures and explaining the purpose of this review was published in the FEDERAL REGISTER of February 13, 1973 (38 FR 4319), pursuant to the addition of § 273.245 to Part 273 (now § 601.25 (21 CFR 601.25) of Part 601, Subchapter J reclassified in the FEDERAL REGISTER of November 20, 1973 (38 FR 32053)).

Skin test antigens are the next products to be reviewed. This review will utilize an advisory panel composed of independent experts who will provide their conclusions and recommendations to the Commissioner of Food and Drugs. The panel will be comprised of voting-member experts in the field and two non-voting member representatives.

Notice is hereby provided for all interested persons to nominate qualified physicians or scientists to serve on this panel. Nominations for these qualified experts are invited from individuals and from consumer, industry, and professional organizations, and should be sent to:

Dr. Morris Schaeffer  
Food and Drug Administration  
Bureau of Biologics (HFB-5)  
Office of Efficacy Review  
Building 29, Room 124  
5600 Fishers Lane  
Bethesda, MD 20814

Nominations must state that the person nominated is aware of the nomination, is interested in becoming involved in this effort, and appears to have no conflict of interest. A complete curriculum vitae must be enclosed with each nomination. Nominees shall be qualified by training, education and experience in the field and have particular expert knowledge in the specialty area concerned.

In addition to qualified experts, the Commissioner has concluded that the panel should also include one non-voting representative of consumer interests, and one non-voting representative of the regulated industry as has been the case in the first four biologics review panels.

Accordingly, any group or organization interested in participating in the selection of an appropriate representative of consumer interests for the panel should send nominations to:

Mr. Alexander Grant  
Food and Drug Administration  
Director, Consumer Affairs (HPT-1)  
5600 Fishers Lane  
Rockville, MD 20852

A brief background sketch of each nominee's experience should be included along with a statement indicating whether the nominee will represent the views and interests of an organization, association, or group. A description of the nominee's activities related to his potential contribution to or interest in the review panel should be included. The nominee should be willing to serve at 2-day meetings which will occur at intervals of 6 to 8 weeks for a period of one to two years. After receipt of such nominations, a list of nominees for consumer interests for the panel will be compiled and submitted to each consumer group or organization responding along with a voting sheet which will be filled in and returned to the Food and Drug Administration. The nominee with the highest number of votes will be the consumer representative for that panel.

Similarly, any group or organization interested in participating in the selection of an appropriate representative of

the regulated industry for the panel should send such nominations to Dr. Morris Schaeffer at the address given above. After receipt of such nominations, a list of nominees for the industry representative for the panel will be compiled and submitted to each industry group or organization responding. The responding parties, after deliberating among themselves, will select the industry representative. If the responding parties do not provide the name of the industry representative for the panel by a predetermined date, the Food and Drug Administration will choose the industry representative.

It will be the responsibility of the non-voting consumer and industry members of the panel to represent consumer and industry interests in all deliberations.

To be considered, nominations of experts to serve on the panel now being formed, and letters from consumer and industry groups and organizations expressing an interest in participating in the selection of a consumer and an industry non-voting member for each panel, must be received on or before April 12, 1974.

To facilitate the review as outlined and explained in the FEDERAL REGISTER of February 13, 1973, and to provide all interested persons an opportunity to present, for the consideration of the reviewing panel, the best information available to support the stated claims for this category of biological products, submission of data, published and unpublished and other information pertinent to the products listed, is hereby solicited.

Accordingly, notice is hereby given that all data and information regarding the safety and effectiveness of skin test antigens, the fifth category of licensed biological products to be reviewed, shall be submitted. Included within this category are:

Coccidioidin  
Diphtheria Toxin for Schick Test  
Histoplasmin  
Lymphogranuloma Venereum Antigen  
Mumps Skin Test Antigen  
Schick Test Control  
Trichinella Extract  
Tuberculin, Old  
Tuberculin, Purified Protein Derivative

The format of the submission shall be in accordance with § 601.25(b) (3) (21 CFR 601.25(b) (3)) except as changed in this FEDERAL REGISTER notice. The Commissioner has concluded that some changes and clarifications are required for products in this category if the panel is to obtain the information needed for this review. The data required by these changes are necessary since differences in propagation techniques and manufacturing processes are critical in determining the quality and specifications of each particular finished product. Generic descriptions of production methods for a particular biological product in this category, or data and studies relating to the same product processed by a different manufacturer may not always be sufficient to support the safety or effectiveness of any particular product. It has been the experience of the first three biologics review panels that, unless spe-



cifically required, this type of information is often not submitted.

Therefore, the submissions for this category, shall follow the prescribed format incorporating the following changes and clarifications as applicable:

1. Items I and II are unchanged.

2. For item III, manufacturers of the products shall provide, in addition to the complete quantitative composition:

(a) A description of the step-by-step manufacturing procedures;

(b) Data on any preservatives, stabilizers or adjuncts used either in the final product or employed in the manufacturing process;

(c) A complete description of the biologic source(s) of all raw materials giving the current types or strains of microorganisms used, their passage history, cultivation procedures, extraction or concentration techniques, storage methods and any changes in these matters since original product licensure;

(d) A description of the test methods used to demonstrate specificity, potency, purity, safety, and stability; and

(e) Data indicating the means employed to assure that the culture medium used for propagation of the microorganism does not contain ingredients capable of producing allergenic effects in human subjects.

3. For items IV, V, and VI, manufacturers shall provide all existing data which are applicable to, or in direct support of, the specific product as currently produced by the manufacturer. When published literature or other reference data is cited, it shall be made clear whether it refers to specific studies which apply to the company's product as described in the submission or whether it is a part of the general literature pertaining to the product generically. If a manufacturer's current finished product is produced in any manner other than referenced in the literature or other data submitted in support of a similar product, the equivalency of the qualitative and quantitative compositions shall be identified and compared. A concise summary of the data contained in the reference material and a precise statement of how it supports the claims made for the product shall accompany the list of references.

4. In the matter of documented case reports for item V, "Human safety data," and item VI, "Efficacy data," numerous citations of individual case reports are not necessary. Instead, a tabular summary of data available, including the salient features concerning the patients tested, the results obtained, the types of reactions observed, and the confirming diagnoses shall be provided for use by the panel. However, the raw data shall be available for inspection, or duplication for submission, should the panel find it necessary at a later date.

5. In submitting pertinent marketing experience as required in item V, paragraph C.4, each manufacturer shall list the number of skin test doses distributed annually for the past five years.

6. Items VII and VIII are unchanged.

To assure a complete and fully informed review of this category, the panel may request additional data or information from producers of the licensed products under review.

To be considered, 12 copies of the data and information, presented in the prescribed format, must be submitted on or before May 28, 1974 to:

Office of Efficacy Review  
Bureau of Biologics (HFB-5)  
Building 29, Room 124  
8800 Rockville Pike  
Bethesda, MD 20014

Any other data and information which is available and pertinent to this category of biological products is solicited from all interested persons.

Dated: February 19, 1974.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.74-4438 Filed 2-25-74; 8:45 am]

#### Health Resources Administration

##### HEALTH PROFESSION STUDENT LOANS

List of Areas Designated for Practice as a Physician (M.D. or D.O.), Dentist, Optometrist, Pharmacist, Podiatrist, or Veterinarian

Section 741(f) of the Public Health Service Act provides that the Secretary of Health, Education, and Welfare may enter into an agreement with any individual holding a degree of doctor of medicine, doctor of osteopathy, doctor of dentistry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, doctor of optometry or an equivalent degree, bachelor of science in pharmacy or an equivalent degree, or doctor of podiatry or an equivalent degree, who obtained one or more educational loans for his costs at a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, or podiatry, whereby in exchange for the Secretary's agreement to repay a portion of his educational loans, he agrees to practice his profession (as a member of the National Health Service Corps or otherwise) for a period of at least two consecutive years in an area in a State designated by the Secretary as having a shortage of and need for persons trained in his profession. On February 7, 1974, regulations implementing Subpart I of Part C of Title VII of the Public Health Service Act, "Loans to Students Studying in the United States" which includes the authority for the agreement described above, were published in the FEDERAL REGISTER (39 FR 4770). Section 57.216 (a) (5) of these regulations requires that the Secretary publish a list of shortage areas in which a borrower may agree to practice in order to be eligible for such repayment by the Secretary. These areas were to be determined after consultation with the Director of the agency responsible for administering or supervising the administration of the State plan for health services under section 314(d) of the Act (hereinafter referred to as the

"State health authority") and were to be based upon consideration of (i) the latest reliable statistical data available to the Secretary regarding numbers of health professions practitioners and the population to be served by such practitioners; (ii) inaccessibility of medical services to the residents of the area; and (iii) particular local health problems. Such consultation has taken place and notice is hereby given that the areas listed below have been designated by the Secretary of Health, Education, and Welfare for purposes of the agreement provision authorized by section 741(f), as having a shortage of physicians, dentists, veterinarians, optometrists, pharmacists, or podiatrists, as indicated.

This list was developed as follows: First, all areas were included in which the ratio of practicing health professionals (based upon the latest statistical data available from the Bureau of Census, appropriate professional associations, and other health statistic sources)<sup>1</sup> to the most recent available estimated population in a county was lower than the following ratios:

Physicians (M.D. or D.O.)	1:1,500.
Dentists	1:3,000.
Optometrists	1:15,000.
Pharmacists	1:4,500. <sup>2</sup>
Podiatrists	1:25,000.
Veterinarians	1:15,000. <sup>3</sup>

Second, State health authorities were asked to provide information on and recommend areas in which there were problems of inaccessibility of medical services to the residents of such areas and particular local health problems. Such consultation resulted in the designation of additional areas based on such factors as the age or incapacity of health professionals serving in an area, the distance residents must travel to obtain health services, the economic or income levels of communities, and the availability of transportation.

In addition to the availability of repayment pursuant to the agreement described above, individuals who had received health professions student loans prior to November 18, 1971, may elect in the alternative to receive partial cancellation of such loans under the predecessor forgiveness authority for engaging in the practice of medicine, osteopathy, dentistry, or optometry in an area in a

<sup>1</sup> Information on the specific sources used for each of the disciplines is available upon request from the Office of Grants Policy, Bureau of Health Resources Development, HRA, Bldg. 31, Room 5B36, 9000 Rockville Pike, Bethesda, MD 20014 (Area Code 301, 496-5214).

<sup>2</sup> In addition, any hospital with 100 or more beds and without the services of a full-time pharmacist was designated as a shortage area for pharmacists.

<sup>3</sup> Shortage areas for veterinarians were determined by utilizing a ratio of veterinarians to human population, but with special emphasis on the following fields of principal veterinary medical practice: (1) Research, (2) public health, (3) laboratory animal medicine, (4) food animal medicine, (5) regulatory (meat, poultry, etc.) inspection, and (6) other veterinary practice (e.g., fiber-producing animal practice).

State designated by the State health authority as having a shortage of such health professionals, if his practice is certified by the State health authority as helping to meet the need for and shortage of such health professional services. The criteria for State health authority area designation are set forth in section 57.216(b) (1) of the aforementioned regulations. The attached list also contains the areas so designated.

Furthermore, such individuals, i.e., those who received health professions student loans prior to November 18, 1971, may under this predecessor authority receive cancellation of such loans at a higher rate and with a higher maximum cancellation benefit where their practice is in a shortage area determined by the Secretary to be a rural area characterized by a low-family income. The criteria for this determination are set forth in § 57.216(b) (2) (i) of the regulations. The areas so designated are indicated on the attached list by the addition of an asterisk.

Dated: February 19, 1974.

K. M. ENDICOTT,  
Administrator,  
Health Resources Administration.

LIST OF AREAS DESIGNATED UNDER SECTION 741(f) OF THE PHS ACT FOR PRACTICE AS A PHYSICIAN (M.D. or D.O.), DENTIST, OPTOMETRIST, PHARMACIST, PODIATRIST, OR VETERINARIAN

Areas asterisked represent those areas determined to be rural areas characterized by low family income for purposes of section 741(f) of the PHS Act as in effect prior to Pub. L. 92-157.

#### PHYSICIANS

##### ALABAMA

Autauga  
\*Baldwin  
\*Barbour  
\*Bibb  
\*Blount  
\*Bullock  
\*Butler  
Calhoun  
\*Chambers  
\*Cherokee  
\*Chilton  
\*Choctaw  
\*Clarke  
\*Clay  
\*Cieburne  
Coffee  
Colbert  
\*Conecuh  
\*Coosa  
Covington  
\*Crenshaw  
\*Cullman  
Dale

Selma—(Good Samaritan Hosp.) \*Dallas County

\*De Kalb  
\*Elmore  
\*Escambia  
\*Fayette  
\*Franklin  
\*Geneva  
\*Greene  
\*Hale  
\*Henry  
\*Jackson  
\*Lamar  
\*Lawrence  
Lee  
\*Limestone  
\*Lowndes  
\*Macon  
\*Marengo  
\*Marion  
\*Marshall  
\*Monroe  
\*Perry  
\*Pickens  
\*Randolph  
Russell

##### ARIZONA

Kalbar census sub-division of Coconino County and North census sub-division of Mohave County  
Globe census sub-division of Gila County  
Winkelman census sub-division of Gila County  
Pima census sub-division of \*Graham County

Gila Bend census sub-division of Maricopa County  
Buckeye census sub-division of Maricopa County  
Phoenix—Maricopa County—Community Health Network  
Kingman South sub-division of Mohave County

Little Colorado census sub-division of \*Navajo County  
Snowflake census sub-division of \*Navajo County  
Pima County—Marana Community Clinic  
Casa Grande and Maricopa-Stanfield census subdivisions of \*Pinal County  
Eloy census sub-division of \*Pinal County  
Superior Ray census sub-division of \*Pinal County

Ashfork census sub-division of Yavapai County  
Congress census sub-division of Yavapai County  
Humboldt and Verde census sub-divisions of Yavapai County  
Parker census sub-division of Yuma County  
Weldon census sub-division of Yuma County

##### ARKANSAS

\*Ashley  
Benton  
\*Bradley  
\*Calhoun  
\*Carroll  
Chicot  
\*Clark  
\*Clay  
\*Cleveland  
\*Columbia  
\*Conway  
\*Crawford  
Crittenden  
\*Cross  
\*Desha  
\*Drew  
Faulkner  
\*Franklin  
Grant  
\*Hempstead  
Hot Spring  
\*Howard  
\*Independence

Melbourne—(Izard Co. Mem. Hosp.) \*Izard County

\*Jackson  
\*Johnson  
\*Lafayette  
\*Lee  
\*Lincoln  
\*Little River  
\*Logan  
\*Lonoke  
\*Madison  
\*Marion  
\*Mississippi  
\*Monroe  
\*Montgomery  
\*Nevada  
\*Newton  
\*Perry  
Phillips  
\*Pike  
\*Polk  
\*Poinsett  
\*Polk  
\*Prairie  
\*St. Francis  
\*Scott  
\*Searcy  
\*Sharp  
\*Stone  
\*Van Buren  
\*Woodruff

##### CALIFORNIA

Oakland—(La Clinica De La Raza) and Union City—Alameda County  
Brentwood—Contra Costa County (Specific Health Center)  
Fresno (Specific Divisions)  
Glenn (Specific Divisions)  
Humboldt (Specific Divisions)  
Imperial (Specific Divisions)  
Inyo (Specific Divisions)  
Kern (Specific Divisions)  
Kings (Specific Divisions)  
\*Madera (Specific Divisions)  
Mariposa (Specific Divisions)  
Mendocino (Specific Divisions)  
Merced (Specific Divisions)  
Modoc  
Mono (Specific Divisions)  
Monterey (Specific Divisions)  
Riverside (Specific Divisions)  
Isleton and Rio Linda—Sacramento County  
San Benito  
San Bernardino (Specific Divisions)  
San Diego (Specific Divisions)  
San Francisco (City) (Specific Section)  
Santa Barbara (Specific Divisions)  
Shasta (Specific Divisions)  
Siskiyou (Specific Divisions)  
Sonoma (Specific Divisions)

Stanislaus (Specific Divisions)  
Tehama (Specific Divisions)  
Trinity (Specific Divisions)  
Tulare (Specific Divisions)  
Tuolumne (Specific Divisions)

##### COLORADO

Adams  
Pagosa Springs—Archuleta County  
Clear Creek  
\*Conejos  
\*Costilla  
\*Custer  
Dolores  
Eagle  
Elbert  
Gunnison  
Hinsdale  
Kiowa  
Kit Carson  
\*Las Animas  
Lincoln  
Mineral  
Morgan  
\*Saguache

Yuma (City)—Yuma County

##### CONNECTICUT

CHP Area—Capital (Special Municipalities)  
CHP Area—Central Naugatuck (Specific Municipalities)  
CHP Area—Greater Bridgeport (Specific Municipalities)  
CHP Area—Housatonic Valley (Special Municipalities)  
CHP Area—Litchfield Hills (Specific Municipalities)  
CHP Area—Midstate (Specific Municipalities)  
CHP Area—South Central (Specific Municipalities)  
CHP Area—Southeastern  
CHP Area—Windham

##### DELAWARE

Northern half of Kent County (exclude Dover area) and southern tip of New Castle County (Below the Chesapeake and Delaware Canal)  
Southern half of Kent County and Northern half of Sussex County  
Eastern half of Southern portion of Sussex County

##### DISTRICT OF COLUMBIA

Area 1—Census tracts 17, 19, 21.1, 21.2, 22.2, 23.1  
Area 3  
Area 4  
Area 5  
Area 6—Census tracts 83.1, 83.2, 84, 85, 86, 88.1, 88.2  
Shaw Section of Area 7

##### FLORIDA

Bay  
\*Bradford  
Brevard  
Immokalee—Collier County Health Dept.  
\*Calhoun  
\*Citrus  
\*De Sota  
\*Dixie  
\*Flagler  
\*Franklin  
\*Gadsden  
\*Gilchrist  
\*Glades  
\*Gulf  
\*Hamilton  
\*Hardee  
Hendry  
\*Hernando  
\*Holmes  
\*Jackson  
\*Jefferson  
\*Lafayette  
\*Lake  
\*Lee  
\*Levy  
\*Liberty  
\*Madison  
Manatee  
\*Marion  
Nassau  
Okaloosa  
\*Okeechobee  
\*Osceola

Belle Glade Health Center  
Palm Beach County  
\*Pasco

Frostproof—Polk County

\*Putnam  
\*St. Johns  
St. Lucie  
Santa Rosa  
Seminole  
\*Sumter  
\*Suwannee  
\*Taylor  
\*Union  
\*Wakulla  
\*Walton  
\*Washington



## NOTICES

**GEORGIA**

Appling  
Atkinson  
Bacon  
Baker  
Banks  
Barrow  
Bartow  
Ben Hill  
Berrien  
Bleckley  
Brantley  
Brooks  
Bryan  
Bulloch  
Burke  
Butts  
Calhoun  
Camden

Carroll  
Catoosa  
Charlton  
Chattahoochee  
Chattahoochee  
Cherokee  
Clay  
Clayton  
Cline  
Coffee  
Colquitt  
Columbia  
Cook  
Crawford  
Crisp  
Dade  
Dawson  
Decatur

Fremont (also see Montana—Yellowstone Park)

Gem  
Idaho  
Jefferson  
Jerome  
Lewis  
Lincoln  
Madison

Minidoka  
Oneida  
Owyhee  
Payette  
Shoshone  
Teton  
Washington

**ILLINOIS**

Bond  
Boone  
Brown  
Bureau  
Calhoun  
Carroll  
Chicago—Cook County (Specific Section)

Cumberland  
De Witt  
Douglas  
Edgar  
Edwards  
Fayette  
Franklin  
Fulton  
Greene  
Grund

Christian  
Clark  
Clay  
Clinton  
Coles

Hamilton  
Hancock  
Hardin  
Henderson  
Henry  
Iroquois  
Jasper  
Jersey  
Jo Daviess  
Johnson

Kankakee (City) Kankakee County (Specific Section)

Kendall  
Kewanee—Lake County (Specific Section)

Lawrence  
McHenry  
Macoupin  
Madison  
Marshall  
Mason  
Massac  
Menard  
Mercer  
Monroe

Montgomery  
Ogle  
Perry  
Piatt  
Pike  
Polk  
Putnam  
Quitman  
Rabun  
Randolph  
Rockdale  
Schley  
Screven  
Stewart  
Talbot  
Taliaferro  
Tattnell  
Taylor  
Telfair  
Terrell  
Toombs  
Towns  
Trenton  
Turner  
Twigg  
Union  
Walker  
Walton  
Warren  
Washington  
Webster  
Wheeler  
Wilcox  
Wilkes  
Wilkinson  
Worth

**INDIANA**

Adams  
Brown  
Carroll  
Clay  
Clinton  
Crawford  
Davies  
Dearborn  
De Kalb  
Fayette  
Fountain  
Franklin  
Gibson  
Greene  
Hamilton  
Harrison  
Hendricks  
Huntington  
Jackson  
Jasper  
Jay  
Jennings  
Kosciusko  
La Grange  
Indianapolis—Marion County (Specific Health Center)

Montgomery  
Morgan  
Newton  
Noble  
Ohio  
Orange  
Owen  
Parke  
Perry  
Pike  
Posey  
Pulaski  
Randolph  
Ripley  
Rush  
Scott  
Shelby  
Spencer  
Starke  
Steuben  
Sullivan  
Switzerland  
Tipton  
Union  
Vermillion  
Warren  
Warrick  
Washington  
White  
Whitley

**IDAHO**

Bingham  
Boise  
Camas  
Caribou  
Clark

Clearwater  
Custer  
Elmore  
Franklin

## IOWA

Adair  
Adams  
Allamakee  
Appanoose  
Audubon  
Benton  
Boone  
Buena Vista  
Butler  
Cedar  
Chickasaw  
Clay  
Clayton  
Crawford  
Delaware  
Franklin  
Grundy  
Hancock  
Hardin  
Harrison  
Howard  
Humboldt  
Ida  
Jasper

Jones  
Keokuk  
Kossuth  
Louisa  
Lucas  
Madison  
Mills  
Monona  
Muscatine  
Osceola  
Palo Alto  
Plymouth  
Pocahontas  
Ringgold  
Sac  
Shelby  
Sioux  
Tama  
Warren  
Washington  
Winnebago  
Winnesiek  
Worth

**KANSAS**

Allen  
Atchison  
Barber  
Brown  
Butler  
Chase  
Chautauqua  
Cherokee  
Cheyenne  
Clark  
Clay  
Coffey  
Comanche  
Crawford  
Decatur  
Dickinson  
Doniphan  
Edwards  
Ellis  
Ellsworth  
Finney  
Franklin  
Geary  
Gove  
Graham  
Grant  
Gray  
Greeley  
Greenwood  
Hamilton  
Haskell  
Hodgeman  
Jackson  
Jefferson  
Jewell  
Kearny  
Kingman  
Kiowa  
Lane

Leavenworth  
Lincoln  
Linn  
Logan  
McPherson  
Marion  
Marshall  
Meade  
Miami  
Montgomery  
Morton  
Nemaha  
Neosho  
Osborne  
Ottawa  
Phillips  
Rawlins  
Haven—Reno County

Rice  
Roaks  
Rush  
Russell  
Scott  
Seward  
Sheridan  
Sherman  
Smith  
Stanton  
Stevens  
Thomas  
Trego  
Wabaunsee  
Wallace  
Washington  
Wichita  
Wilson  
Woodson

**KENTUCKY**

Adair  
Allen  
Anderson  
Ballard  
Bath  
Boone  
Bracken  
Breathitt  
Breckinridge  
Butler  
Caldwell  
Carlisle  
Carroll  
Carter  
Casey  
Clark

Clay  
Clinton  
Crittenden  
Cumberland  
Edmonson  
Elliott  
Estill  
Fleming  
Floyd  
Gallatin  
Garrard  
Grant  
Graves  
Grayson  
Greenup  
Hancock  
Harden

## NOTICES

## Evarts Clover-Fork Area—Harlan County

Hart  
Henry

Hickman  
Jackson

Louisville—(Specific Sections) Jefferson

Park Duvalle Area of Louisville

Jessamine  
Johnson  
Knott  
Knox  
Larue  
Laurel  
Lee  
Leslie  
Lewis  
Lincoln  
Livingston  
Logan  
McCreary  
Madison  
Magoffin  
Marion  
Marshall  
Mason  
Meade  
Menifee  
Metcalfe  
Monroe  
Morgan

Muhlenberg  
Nelson  
Nicholas  
Ohio  
Owen  
Owsley  
Pendleton  
Pike  
Powell  
Robertson  
Rockcastle  
Russell  
Scott  
Shelby  
Simpson  
Taylor  
Todd  
Trigg  
Trimble  
Union  
Washington  
Wayne  
Webster  
Wolfe

**LOUISIANA**

Allen  
Ascension  
Assumption  
Avoyelles  
Beauregard  
Bossier  
Caldwell  
Cameron  
Catahoula  
Concordia  
De Soto  
East Carroll

Evangeline  
Franklin  
Grant  
Iberville  
Jackson  
Jefferson Davis  
Lafourche  
La Salle  
Livingston  
Madison  
Morehouse  
Natchitoches

**MAINE**

Aroostook  
Piscataquis  
Sagadahoc

Somerset  
Washington

**MARYLAND**

Prossburg Area—Allegany County

Baltimore  
Baltimore City: District 2 (O'Donnell Heights), District 3, 4, 5, 6, 7, 10, 13, 15

Calvert  
Caroline  
Sykesville, Taneytown—Carroll County

Cecil  
Charles  
Adamstown, Brunswick, Middletown, New Market, Urbana, Walkersville—Frederick County

Garrett

Northeast Health Center (Sandy Spring)—Montgomery County

## Rural Southern portion outside the Beltway and South of Central Avenue—Prince Georges County

Model Neighborhood—bounded by D.C. line, Central Ave, Beltway U.S. Highway 50—Prince Georges County

Chillum, Brentwood, No. Brentwood, Capitol Heights—Prince Georges County

Queen Annes  
St. Marys  
Somerset

Easton—Talbot County

Western and Southern portions of Washington County

Northwest and Eastern portions of Wilcomico County

Worcester

## MASSACHUSETTS

Response forthcoming.

No shortage areas anticipated.

MICHIGAN

Alcona  
Alger  
Allegan  
Antrim  
Arenac  
Barry  
Cass  
Charlevoix  
Clare

Clinton  
Delta  
Eaton  
Gladwin  
Gogebic  
Hillsdale  
Ionia  
Hale—Iosco County  
Iron

Kalamazoo—Kalamazoo County Family Health Center

Kalkaska  
Keweenaw  
Lake

Leelanau  
Livingston

Luce (Specific Section)

Menominee  
Missaukee  
Monroe  
Montmorency  
Newaygo

Oceana  
Ogemaw  
Ontonagon  
Osceola  
Presque Isle

Rushville—Rush County

Schoolcraft  
Shiawassee

Tuscola

Detroit—Wayne County Macomb-Oakland (Ghetto Area)

MINNESOTA

Aitkin  
Becker

Beltrami  
Benton

Clinton—Big Stone County

Carlton  
Cass  
Chisago  
Clay

Murray  
Nicollet  
Norman  
Pine

Clearwater  
Cottonwood  
Dodge  
Fillmore  
Houston  
Hubbard

Pipestone  
Polk  
Pope  
Red Lake  
Redwood  
Renville  
Rice  
Rock  
Roseau  
Sherburne  
Sibley  
Stevens  
Swift  
Todd  
Traverse  
Wabasha  
Wadena  
Watsonwan  
Wilkin  
Wright  
Yellow Medicine

MISSISSIPPI

Alcorn  
Amite  
Attala  
Benton  
Bolivar  
Calhoun  
Carroll  
Chickasaw  
Choctaw  
Claiborne

Clarke  
Clay  
Coahoma  
Copiah  
Covington  
De Soto  
Franklin  
George  
Greene  
Hancock

Jackson—Hinds County (Specific Health Center)

Holmes  
Humphreys  
Issaquena  
Itawamba  
Jackson  
Jasper  
Jefferson  
Jefferson Davis  
Kemper  
Lamar  
Lawrence  
Leake  
Lowndes  
Madison  
Marion  
Marshall  
Monroe  
Montgomery  
Neshoba  
Newton  
Noxubee  
Oktibbeha  
Panola  
Pearl River

Perry  
Pontotoc  
Prentiss  
Quitman  
Rankin  
Scott  
Sharkey  
Simpson  
Smith  
Stone  
Sunflower  
Tallahatchie  
Tate  
Tippah  
Tishomingo  
Tunica  
Union  
Walthall  
Wayne  
Webster  
Wilkinson  
Winston  
Yalobusha  
Yazoo

**MISSOURI**

Andrew  
Atchison  
Barry  
Benton  
Bohlinger  
Caldwell  
Camden  
Carter  
Cass  
Cedar  
Christian  
Clark  
Crawford  
Dade

Dallas  
De Kalb  
Dent  
Douglas  
Dunklin  
Franklin  
Gentry  
Grundy  
Harrison  
Hickory  
Howard  
Howell  
Iron

Kansas City—Wayne-Miner Neighborhood Health Center

Jefferson  
Johnson  
Laclede  
Lewis  
Lincoln  
McDonald  
Madison  
Marion  
Miller  
Moniteau  
Montgomery  
New Madrid  
Nodaway  
Oregon  
Osage  
Ozark  
Pemisot  
Perry  
Phelps

Platte  
Polk  
Ralls  
Ray  
Reynolds  
Ripley  
St. Charles  
Ste. Genevieve  
Schuyler  
Shannon  
Stoddard  
Stone  
Sullivan  
Texas  
Warren  
Washington  
Wayne  
Webster  
Wright

Beaverhead  
Big Horn  
Blaine

Carbon  
Carter  
Chauteau

FEDERAL REGISTER, VOL. 39, NO. 39—TUESDAY, FEBRUARY 26, 1974

FEDERAL REGISTER, VOL. 39, NO. 39—TUESDAY, FEBRUARY 26, 1974

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## NOTICES

## Miles City—Custer County

Daniels Fallon  
Dawson Fergus  
Deer Lodge

## West Yellowstone—Gallatin County

Garfield Granite  
\*Glacier Jefferson  
Golden Valley Judith Basin

## Chester—Liberty County

Lincoln Powell  
McCone Prairie  
\*Meagher Richland  
Mineral Roosevelt  
Musselshell \*Rosebud  
Petroleum Sheridan  
Phillips Stillwater  
Pondera Teton  
Powder River

## Shelby—Toole County

\*Treasure Wibaux  
Valley Yellowstone Park

## NEBRASKA

Antelope Chase  
Arthur Cherry  
Banner Clay  
Blaine Colfax  
Boone Cuming  
\*Brown Custer  
Burt Dakota  
Butler Deuel  
Cass Dixon  
\*Cedar

## North Bend—Dodge County

Fillmore Franklin

## Curtis—Frontier County

Gosper Kimball  
Grant Knox  
\*Greeley Logan  
Harlan Loup  
\*Hayes McPherson  
\*Hitchcock Merrick  
\*Holt Nance  
Johnson Nemaha  
Keith Nuckolls  
\*Keya Paha

## Talmage—Otoe County

Platte Richardson

## Bassett—\*Rock County

Saline Saunders

## Rushville—Sheridan County

\*Sherman Thurston  
\*Sioux Washington  
\*Stanton Wayne  
Thayer Wheeler  
Thomas

## NEVADA

Churchill Lyon  
Douglas Mineral  
Elko Nye  
Esmeralda Pershing  
Humboldt Storey  
Lincoln White Pine

## NEW HAMPSHIRE

North Conway—Carroll County  
Berlin—Coos County  
Rockingham  
Sullivan

## NEW JERSEY

Cumberland  
Newark—Essex County  
Jersey City—Hudson County  
Toms River—Ocean County  
Plainfield—Union County

\*Includes Yellowstone National Park, Fremont County, Idaho.

## NEW MEXICO

Catron  
Curry  
Dona Ana  
\*Guadalupe  
\*Harding  
\*Hidalgo  
\*Luna  
\*McKinley  
\*Mora  
Otero  
\*Quay

## NEW YORK

Allegheny  
Morristown, Mott Haven, Lincoln Hospital,  
South Bronx—Area 34, Pelham Bay—Bronx  
County

Allegheny Village—Cattaraugus County

Cato—Cayuga County

Norwich—Chenango County

Delaware

Chateaugay—Franklin County

Greene

Herkimer

Bushwick, Gravesend, Williamsburg—Green-

point, Brownsville (Brooklyn Borough)—

Kings County

Lewis

Livingston

Madison

Rochester—Monroe County (Specific Health

Center)

Central Harlem—(Manhattan Borough)—

New York County

Utica—Faxon Hospital and Boonville—

Oneida County

Orleans

Oswego

Mariners Harbor (Staten Island) Richmond

County

Saratoga

Schoharie

Schuyler

Perkinsville — Project Reach — Steuben

County

Tioga

Washington

Wayne

Wyoming

## NORTH CAROLINA

Alamance (Specific Townships)

Alexander

\*Alleghany (Specific Townships)

\*Anson

\*Ashe

\*Avery (Specific Township)

\*Beaufort (Specific Township)

\*Bertie

\*Bladen

\*Brunswick

Buncombe (Specific Townships)

Burke (Specific Townships)

Cabarrus (Specific Townships)

Caldwell

\*Camden

Carteret (Specific Townships)

\*Caswell

Catawba

Chatham

\*Cherokee

\*Chowan (Specific Townships)

\*Clay

Cleveland (Specific Townships)

\*Columbus

Craven (Specific Townships)

Cumberland

\*Currituck

Dare

Davidson

Davis

\*Duplin

Durham (Specific Townships)

\*Edgecombe

## Perry (Specific Townships)

\*Franklin

Gaston

\*Gates

\*Graham

\*Granville (Specific Townships)

\*Greene

Guilford (Specific Townships)

\*Halifax

\*Harnett

Haywood (Specific Townships)

Henderson

\*Hertford

\*Hoke

\*Hyde

Iredell

\*Jackson (Specific Townships)

\*Johnston

\*Jones

\*Lee (Specific Townships)

\*Lenoir (Specific Townships)

Lincoln

\*McDowell

\*Macon

\*Madison

\*Martin

Mecklenburg (Specific Townships)

\*Mitchell

\*Montgomery

\*Moore (Specific Townships)

\*Nash (Specific Townships)

New Hanover (Specific Townships)

\*Northampton

Onslow

Orange (Specific Townships)

\*Pamlico

Pasquotank (Specific Townships)

\*Pender

\*Perquimans

\*Person

\*Pitt (Specific Townships)

\*Polk (Specific Townships)

Randolph

\*Richmond

\*Robeson

Rockingham

\*Rowan (Specific Townships)

Rutherford

\*Sampson

\*Scotland (Specific Townships)

Stanly

\*Stokes

\*Surrey

\*Swain

Transylvania (Specific Townships)

\*Tyrrell

Union

\*Vance

Wake (Specific Townships) Raleigh-

Dorothea Dix Mental Hospital

\*Warren

\*Washington

\*Watauga (Specific Townships)

\*Wayne (Specific Townships)

\*Wilkes

Wilson (Specific Townships)

\*Yadkin

\*Yancey

## NORTH DAKOTA

Adams

Barnes

\*Benson

\*Billings

Bottineau

Bowman

Burke

Cavalier

Cackle (Comm. Hosp.)

\*McHenry

McIntosh

McKenzie

\*McLean

Mercer

Morton

\*Mountrail

Nelson

\*Oliver

\*Pembina

\*Renville

\*Rollette

Sargent

\*Sheridan

\*Sioux

Slope

Steele

Towner

Kenmare and Des Lacs—Ward County  
Wells

## OHIO

\*Adams Auglaize  
Barnesville—Belmont County  
Brown Coshocton  
Carroll Darke  
Champaign Delaware  
Clermont Fayette

Columbus—Ecco Family Health Center—  
Franklin County

Fulton Noble  
Geauga Ottawa  
Harrison Paulding  
Henry Perry  
Hocking Pickaway  
Holmes Portage  
\*Jackson Preble  
Lawrence Putnam  
\*Meigs Shelby  
Mercer \*Vinton  
Monroe Warren  
Morgan Wood  
Morrow Wyandot

## OKLAHOMA

\*Adair  
Alfalfa  
\*Atoka  
\*Bryan  
\*Caddo  
Canadian  
\*Cherokee  
\*Choctaw  
Cimarron  
Grant

## Laverne—Harper County

\*Haskell Jackson

## Ringling—\*Jefferson County

\*Johnson Osage  
Kingfisher Ottawa  
\*Kiowa Pawnee  
\*LeFlore \*Pushmataha  
Lincoln \*Roger Mills  
\*Logan Rogers  
\*Love Seminole  
McCain Sequoyah  
\*McCurtain Stephens  
\*McIntosh Texas  
Noble Tillman  
Nowata Wagoner  
\*Okfuskee Washita  
Woods

## OREGON

Baker Gilliam  
Curry Jefferson  
Salem—Marion County  
Morrow Sherman  
Polk  
Fossil—Wheeler County

## PENNSYLVANIA

Adams  
Montefiore Hospital and Mercy Hospital Pitts-  
burgh—Allegheny County  
Armstrong Butler  
Bedford Cameron  
Jim Thorpe—Carbon County  
Snow Shoe—Centre County  
Clarion Fulton  
Clearfield Greene  
Fayette

Orleansia, Broad Top—Petersburg—Hunting-  
don County  
Indiana McKean  
Junata  
Penns Valley—Montgomery County  
Northumberland Perry  
Pennsylvania Hospital, Peoples Neighborhood  
Med. Center, Episcopal Hospital—Phila-  
delphia

Pike Sullivan  
Pottler Susquehanna  
Snyder Tioga  
Somerset

## NOTICES

## RHODE ISLAND

Area I—All of Washington County except

Town of Westerly

Area II—Towns of Coventry, West Green-

wich, Gloucester, and Scituate

Area III—Town of New Shoreham (Block

Island)

Area IV—Towns of Tiverton and Little

Compton

## SOUTH CAROLINA

Abbeville  
Aiken  
\*Allendale  
\*Beaufort (City)—Beaufort County (Spe-  
cial Section)  
\*Berkeley  
Charleston (City), Union Heights—Accabee  
area (Census Tracts N 43, 44, and 45)—  
McClellanville, St. Pauls, Wadmalaw  
Island, John's Island Divisions—Charles-  
ton County

\*Cherokee  
\*Chester  
\*Chesterfield  
\*Clarendon  
\*Colleton  
\*Darlington  
\*Dillon  
\*Dorchester  
\*Edgefield  
\*Fairfield  
\*Georgetown  
\*Hampton  
\*Jasper

## TEXAS

Bethune Div.—Kershaw County  
Lancaster  
Laurens  
\*Lee  
Lexington  
Neeses, North, Springfield, Branchville, Bow-  
man, Ellmore, Holly Hill, Vance, and  
Eutawville Divisions — \*Orangeburg  
County

Pickens  
Blytheville, Camp Ground, Dutch Fort,  
Eastover, Horrell Hill, Hopkins and Pon-  
tiac Divisions—Richland County  
\*Saluda  
\*Sumter  
Union  
\*Williamsburg  
York

## SOUTH DAKOTA

\*Aurora  
Martin—\*Bennett County  
Bon Homme  
Brookings  
\*Buffalo  
Butte  
\*Campbell  
\*Charles Mix  
\*Clark  
\*Corson  
Deuel  
\*Dewey  
\*Douglas  
Faulk  
Grant  
\*Gregory  
\*Haakon  
Hamilton  
\*Hand  
\*Hanson  
\*Harding  
\*Hyde  
\*Jerauld  
Jones  
Lincoln

\*Lyman  
\*McCook  
\*McPherson  
\*Marshall  
Meade  
\*Mellette  
\*Miner  
Moody  
Perkins  
Potter  
\*Roberts  
\*Sanborn  
\*Shannon  
Spink  
Stanley  
\*Sully  
\*Todd  
Tripp  
Turner  
Union  
Walworth  
\*Washabaugh  
\*Ziebach

## TENNESSEE

Bedford  
Benton  
\*Bledsoe  
Bradley  
\*Campbell  
Cannon  
Carroll  
Carter  
Cheatham  
\*Chester  
\*Clatsborne  
\*Clay  
\*Cocke  
Coffee  
\*Crockett  
\*Cumberland  
Decatur  
\*De Kalb  
Dickson  
\*Fayette  
\*Fentress  
Franklin  
Gibson  
Giles  
\*Grainger  
Greene  
\*Grundy  
Hancock

## \*Hardeman

\*Hardin

\*Hawkins

Erin—\*Houston County

Humphreys

\*Jackson

\*Jefferson

\*Johnson

\*Lake

\*Lauderdale

\*Lawrence

\*Lewis

\*Lincoln

Loudon

McMinn

\*McNairy

\*Macon

\*Marion

Marshall

\*Meigs

\*Monroe

Montgomery

\*Moore

\*Morgan

Obion

\*Overton

\*Perry

Andrews

Claude—Armstrong County

Archer

\*Atascosa

\*Austin

\*Bailey

Bandera

\*Bastrop

\*Baylor

Bee

Borden

Harlingen—Cameron County (Specific Sec-  
tion)

\*Cass

\*Castro







## NOTICES

KANSAS			Algiers-Fischer Community— New Orleans—Orleans Parish	Lafayette Lamar Lawrence Leake Lincoln Madison Marion Marshall Monroe Montgomery Neshoba Newton Noxubee Oktibbeha Panola Pearl River Perry Pontotoc Prentiss Quitman	Rankin Scott Sharkey Simpson Smith Stone Sunflower Tallahatchie Tate Tippah Tishomingo Tunica Union Walthall Warren Webster Wilkinson Winston Yalobusha Yazoo
Anderson Atchison Brown Chase Cherokee Coffey Comanche Crawford Doniphan Finney Gentry Gove Graham Gray Greeley Greenwood Hamilton Haskell Hodgeman Jackson Jefferson Jewel Kearny Kiowa Lane Leavenworth	Lincoln Linn Logan Meade Miami Morris Morton Nemaha Ness Osage Osborne Ottawa Pottawatomie Rawlins Rooks Scott Sheridan Smith Stafford Stanton Trego Wabaunsee Wallace Wichita Wilson Woodson	St. Tammany Tangipahoa Tensas Terrebonne Union Vermilion Vernon Washington Webster West Baton Rouge West Carroll West Feliciana Winn	MAINE Penobscot Piscataquis Sagadahoc Somerset Waldo Washington York	Andrew Audrain Bollinger Buchanan Caldwell Callaway Camden Carroll Carter Cass Chariton Christian Clark Crawford Kaysinger Basin Area <sup>1</sup> (Specific Sections) Knox Lafayette Lewis Lincoln McDonald Macon Madison Marles Mercer Miller Mississippi Moniteau Monroe Montgomery New Madrid Newton Nodaway Oregon Osage Ozark Penniscot Platte	
KENTUCKY			Anne Arundel Baltimore Calvert Caroline Carroll Capitol Heights Area—Prince George County Queen Annes St. Marys Southern and Western areas of Washington County Eastern and Northwestern portion of Wil- comico County Worcester	MISSOURI Dade Dallas Davies De Kalb Dent Douglas Franklin Gentry Harrison Holt Howard Iron Jefferson Johnson Pulaski Ralls Randolph Ray Reynolds St. Francois St. Charles Scotland Scott Shannon Shelby Stoddard Stone Sullivan Texas Warren Washington Wayne Webster Wright	
Anderson Ballard Barren Bath Bell Bourbon Bracken Breathitt Breckinridge Bullitt Butler Campbell Carlisle Carter Casey Christian Clay Clinton	Edmondson Elliott Estill Floyd Garrard Grant Graves Grayson Green Greenup Hancock Harden Harlan Hart Henderson Hopkins Jackson	MASSACHUSETTS Response forthcoming. No shortage areas anticipated.	MICHIGAN Hale— Iosco County Isabella Keweenaw Missaukee Monroe Montmorency Osceola Oscoda Presque Isle Sanilac Tuscola	Montana Musselshell Petroleum Phillips Powder River Prairie Roosevelt Rosebud Sanders Treasure Wibaux	
Louisville Park Duvalle Area — Jefferson County Jessamine Johnson Knott Knox Larue Laurel Leslie Letcher Lewis Lincoln Livingston Logan McCreary McLean Magoffin Marion Marshall Martin Mason Meade Menifee Metcalfe	Montgomery Muhlenberg Nelson Ohio Oldham Eaton Gladwin Owsley Pendleton Perry Pike Powell Pulaski Robertson Rockcastle Rowan Scott Shelby Spencer Todd Trimble Wayne Webster	MINNESOTA Benton Clinton—Big Stone County Clearwater Cottonwood Dodge Hubbard Mahnomen	MISSISSIPPI Amite Attala Benton Bollivar Calhoun Carroll Chickasaw Choctaw Clalborne Clarke Clay Coshoma Copliah Covington	NEBRASKA Blaine	
Acadia Ascension Assumption Beauregard Bienville Bossier Caldwell Cameron Catahoula Claiborne Concordia De Soto	East Carroll East Feliciana Evangeline Franklin Grant Iberville Jackson Lincoln Livingston Madison Morehouse Natchitoches	De Soto Franklin Greene Grenada Hancock Holmes Humphreys Issaquena Itawamba Jackson Jasper Jefferson Jones Kemper	Includes 7 counties: Bates, Benton, Cedar, Henry, Hickory, St. Clair, Ver- non.	Arthur Banner City of Omaha—Census Trucks 5 thru 10; 21 thru 24; 29 thru 52—Douglas County Garfield Grant Greeley	

## NOTICES

Logan McPherson Loup Pawnee Pierce Rock	Sioux Stanton Thayer Thomas Thurston Wheeler	Iredell (Specific Townships) Jackson (Specific Townships) Johnston Jones Lenoir (Specific Townships) Lincoln Macon (Specific Townships) Madison Martin Mitchell (Specific Townships) Montgomery Moore (Specific Townships) Nash New Hanover (Specific Townships) Northampton Orange (Specific Townships) Providence Township—Pasquotank County Pender Perquimans Polk (Specific Townships) Randolph Richmond Robeson Rowan Rutherford Surry (Specific Townships) Charleston Township—Swain County Transylvania (Specific Townships) Tyrrell Union Vance (Specific Townships) Wake (Specific Townships) Warren Washington Wayne	Roger Mills Seminole Sequoyah	Tillman Wagoner Washita
Elko Esmeralda Eureka Humboldt Lander Lincoln	Lyon Mineral Nye Pershing White Pine	NEVADA Cheshire Haverhill and Lincoln—Grafton County Sullivan	OREGON Sherman Wheeler	PENNSYLVANIA Snow Shoe—Centre County East Brady and Foxburg—Clarion County Clinton Elk Forest Orbisonia, Petersburg and Broad Top City— Huntingdon County Juniata Peoples Neighborhood Medical Center— Philadelphia Sullivan Tioga
Cumberland Toms River—Ocean County Plainfield—Union County	NEW HAMPSHIRE Coos Gloucester Sullivan	NEW JERSEY Gloucester Sullivan	RHODE ISLAND Area I—All of Washington County except Town of Westerly Area II—Towns of Coventry and West Green- wich—Kent County and Gloucester, Foster and Scituate—Providence County Area IV—Towns of Tiverton and Little Compton—Newport County	SOUTH CAROLINA Abbeville Aiken Allendale Anderson Bamberg Barnwell Berkeley Calhoun Cherokee Chester Chesterfield Clarendon Colleton Darlington Dillon Dorchester Edgefield Fairfield Florence Georgetown
South Bronx, area 34 Chateaugay—Franklin County Hamilton Lewis Northeast portion of Rensselaer County St. Lawrence Saratoga Schoharie	NEW MEXICO Otero Quay Rio Arriba Dona Ana Eddy Grant Guadalupe Harding Hidalgo Lea Luna McKinley Mora	NEW YORK Clinton Cortland Orleans	NORTH DAKOTA Benton Billings Bottineau Steele—Kidder County Logan McHenry McKenzie McLean Nelson Oliver	SOUTH DAKOTA Aurora Buffalo Campbell Charles Mix Clark Corson Custer Deuel Dewey Douglas Edmunds Faulk Grant Gregory Haakon Hand Hanson
Alamance (Specific Townships) Alexander Alleghany Avery (Specific Townships) Beaufort Bertie Buncombe (Specific Townships) Burke Cabarrus Caldwell Catawba (Specific Townships) Chatham Chowan (Specific Townships) Clay Cleveland Craven (Specific Townships) Cumberland Currituck Dare Durham (Specific Townships) Edgecombe (Specific Townships) Forsyth (Specific Townships) Franklin Gaston Gates Guilford (Specific Townships) Halifax Pigeon Township—Haywood County Henderson (Specific Townships) Hertford Hoke	NORTH CAROLINA Anson Ashe Bladen Brunswick Camden Carteret Caswell Cherokee Cherokee Columbus	OHIO Adams Brown Carroll Hough—Norwood area in Cleveland— Cuyahoga County Darke Geauga Greene Toledo—Lucas County (Specific Section) Monroe Morrow Noble Paulding Pickaway Pike Portage	OKLAHOMA Adair Atoka Beaver Bryan Caddo Canadian Cherokee Choctaw Coal Creek Delaware Dewey Ellis Grady Harmon Haskell Hertford Hughes Jackson	TENNESSEE Decatur De Kalb Dickson Fayette Fentress Franklin Gibson Giles Grainger Grundy Hancock Hartman Hardin Hawkins Haywood Henderson



## NOTICES

\*Henry  
\*Hickman  
\*Houston  
\*Humphreys  
\*Jackson  
\*Jefferson  
\*Johnson  
\*Lake  
\*Lauderdale  
\*Lawrence  
\*Lewis  
\*Lincoln  
\*Loudon  
\*McMinn  
\*McNairy  
\*Macon  
\*Marion  
\*Marshall  
\*Maury  
\*Meigs  
\*Monroe  
\*Montgomery

Anderson  
Andrews  
\*Aransas  
Archer  
Armstrong  
\*Atascosa  
Bandera  
\*Bastrop  
Bell  
Brazoria  
Brazos  
\*Briscoe  
\*Brooks  
\*Burlison  
\*Callahan  
Cameron  
Carson  
\*Castro  
Clay  
\*Cochran  
\*Coke  
\*Collingsworth  
\*Comanche  
\*Concho  
Coryell  
\*Crosby  
Dawson  
Deaf Smith  
\*Delta  
\*Dickens  
\*Dimmit  
\*Duval  
Ector  
\*Edwards  
Ella  
El Paso  
\*Fannin  
\*Fisher  
\*Floyd  
\*Foard  
Ford Bend  
\*Franklin  
\*Freestone  
\*Frio  
\*Gaines  
\*Garza  
\*Goliad  
\*Grimes  
Hale  
\*Hall  
Hardeman  
Hardin  
Harrison  
\*Haskell  
Hays  
\*Henderson  
Hidalgo  
\*Hill  
Hockley  
\*Hudspeth  
\*Irion  
\*Jeff Davis  
\*Jim Hogg  
\*Jim Wells  
Johnson

\*Moore  
\*Morgan  
Obion  
\*Perry  
\*Pickett  
\*Putnam  
\*Robertson  
\*Scott  
\*Sequatchie  
\*Sevier  
Smith  
\*Stewart  
Sumner  
\*Tipton  
\*Unicoi  
\*Union  
\*Van Buren  
\*Wayne  
Weakley  
\*White  
Williamson  
Wilson

## TEXAS

Kaufman  
Kendall  
\*Kenedy  
\*Kent  
\*Kimble  
King  
\*Kinney  
Kleberg  
\*Knox  
\*Lamb  
\*Lampasas  
\*La Salle  
\*Lavaca  
\*Lee  
\*Leon  
\*Liberty  
Lipscomb  
\*Live Oak  
Loving  
\*Lynn  
\*McMullen  
\*Marion  
\*Martin  
\*Matagorda  
Maverick  
\*Medina  
Midland  
Montague  
Moore  
\*Morris  
\*Motley  
Nacogdoches  
\*Newton  
Oldham  
Orange  
Panola  
Parker  
\*Parmer  
Pecos  
\*Polk  
\*Rains  
Randall  
\*Red River  
Roberts  
\*Roberson  
\*Rusk  
\*Sabine  
\*San Jacinto  
\*San Patricio  
Scurry  
\*Shelby  
Somervell  
\*Starr  
\*Sterling  
\*Terrell  
\*Terry  
Throckmorton  
\*Trinity  
\*Upshur  
Uvalde  
Val Verde  
Van Zandt  
\*Waller  
Ward  
Webb

\*Wellacy  
\*Williamson  
Wilson  
Winkler

## UTAH

Helper—Carbon County  
Duchesne  
Grand

## VERMONT

Addison  
Bennington  
Essex  
Franklin

## VIRGINIA

\*Accomack  
\*Amelia  
Amherst  
Appomattox  
\*Bath  
Bedford  
\*Carroll County, Galax City and County  
\*Charles City  
\*Charlotte  
\*Cumberland  
\*Dickenson  
Floyd  
\*Greensville County and City of Emporia  
\*Halifax County and City of South Boston  
Hanover  
Henry County and City of Martinsville  
\*Isle of Wight  
\*King and Queen  
King George  
\*Lancaster  
\*Lee  
Montgomery County and City of Radford  
\*Nansemond County and City of Suffolk  
\*Nelson  
\*New Kent  
\*Northampton  
Page  
Patrick  
Powhatan  
Prince William  
\*Southampton County and City of Franklin  
\*Surry  
\*Sussex  
\*Washington County and City of Bristol  
\*Westmoreland  
\*Wise County and City of Norton  
York

## WASHINGTON

Asotin  
Ferry  
Seattle Indian Health Board—King County  
Federal Way—King County  
Kittitas  
Twisp—Okanogan County  
\*Pend Oreille  
Skamania  
Franklin

## WEST VIRGINIA

\*Barbour  
\*Boone  
Huntington—Cabell County (Specific Section)  
\*Calhoun  
\*Clay  
\*Doddridge  
\*Payette  
\*Gilmer  
\*Hampshire  
\*Hardy  
Jefferson  
Blacksburg—Monongalia County  
\*Monroe  
Morgan  
\*Nicholas  
Pleasants  
\*Pocahontas  
\*Preston  
Putnam  
Richie  
\*Roane  
\*Braxton  
Brooke  
\*Lewis  
\*Lincoln  
\*Logan  
\*McDowell  
\*Marshall  
\*Mason  
\*Mingo  
\*Summers  
\*Taylor  
\*Tucker  
Tyler  
\*Upshur  
\*Wayne  
\*Webster  
\*Wyoming

## WISCONSIN

Adams  
Bayfield  
\*Burnett  
Calumet  
\*Florence  
Lafarge—Vernon County

## WYOMING

Campbell  
Carbon  
Converse

## PUERTO RICO

Response forthcoming.

## VIRGIN ISLANDS

St. Croix  
St. John

## OPTOMETRISTS

ALABAMA

Autauga  
\*Bibb  
\*Blount  
\*Bullock  
\*Chambers  
\*Cherokee  
\*Chilton  
\*Clarke  
\*Clay  
\*Cleburne  
Colbert  
\*Conecuh  
\*Cousa  
\*Cullman  
Dale  
\*Dallas  
\*De Kalb  
\*Elmore  
\*Franklin  
\*Geneva  
\*Greene  
\*Hale  
Henry  
Jefferson  
\*Lamar  
\*Lawrence  
Lee  
\*Limestone  
\*Macon  
Madison  
\*Marion  
\*Marshall  
Mobile  
\*Monroe  
\*Perry  
\*Pickens  
\*Randolph  
Russell  
\*St. Clair  
Shelby  
\*Sumter  
Tuscaloosa  
\*Walker  
\*Washington  
\*Wilcox

## ALASKA

Aleutian Islands  
Anchorage (B)  
Bethel  
Wrangell-Petersburg

## ARIZONA

Puerco, St. Johns, Round Valley and McNary census sub-divisions—Apache County  
Gila Co. excluding the Globe sub-division  
Greenlee  
Buckeye and Gila sub-divisions—Maricopa County  
Pima Co. excluding Tucson Arivacs and Davis-Monthan sub-divisions  
Florence, San Manuel and Superior-Ray sub-divisions—Pinal County  
Parker and Wellton sub-divisions—Yuma County

## ARKANSAS

\*Calhoun  
\*Cleburne  
\*Cleveland  
\*Crawford  
\*Franklin  
\*Fulton  
Grant  
\*Izard  
\*Lafayette  
\*Lee  
\*Lincoln  
\*Little River  
\*Lonoke  
\*Madison  
\*Marion  
Miller  
\*Montgomery  
\*Nevada  
\*Newton  
\*Perry  
\*Pike  
\*Prairie  
\*St. Francis  
\*Searcy  
\*Sharp  
\*Van Buren

## CALIFORNIA

Alpine  
Mariposa  
Mono  
Sierra

## COLORADO

Response forthcoming.

## CONNECTICUT

Capital CHP Area (Specific Sections)  
Central Naugatuck Valley CHP Area (Specific Sections)  
Greater Bridgeport CHP Area (Specific Sections)  
Housatonic Valley CHP Area (Specific Sections)  
Litchfield Hills—Northwestern (Specific Sections)  
Meriden—Wallingford CHP Area (Specific Sections)  
Mid-State Connecticut River Estuary CHP Area (Specific Sections)  
Southeastern Connecticut CHP Area (Specific Sections)  
Southwestern Connecticut CHP Area (Specific Sections)  
Windham Northeastern CHP Area (Specific Sections)

## DELAWARE

New Castle

## DISTRICT OF COLUMBIA

Area 1  
Area 2  
Area 3  
Area 4

## FLORIDA

Alachua  
Baker  
\*Calhoun  
Charlotte  
Collier  
\*Dixie  
Duval  
Escambia  
\*Flagler  
\*Franklin  
\*Gadsden  
\*Gilchrist  
\*Glades  
\*Gulf  
\*Hamilton  
Hillsborough  
\*Holmes  
\*Jefferson  
\*Lafayette  
Leon  
\*Liberty  
Monroe  
Okaloosa  
Polk  
\*St. Johns  
St. Lucie  
Santa Rosa  
\*Sumter  
\*Wakulla  
\*Walton  
\*Washington

## GEORGIA

\*Ben Hill  
\*Berrien  
Bibb  
\*Bleckley  
\*Burke  
\*Butts  
Camden  
Carroll  
Catoosa  
Chatham  
Chattahoochee  
Chattooga  
Clarke  
Clayton  
Cobb  
\*Colquitt  
Cobb  
Coweta  
\*Dade  
De Kalb  
Dougherty  
Douglas  
Effingham  
Fayette  
Forsyth  
\*Gwinnett  
\*Hancock  
\*Harris  
Henry  
Houston  
\*Irwin  
Jackson  
\*Jefferson  
\*Jenkins  
\*Johnson  
Jones  
Lamar  
\*Lumpkin  
\*Macon  
Madison  
\*Meriwether  
\*Monroe  
Morgan  
Muscogee  
Newton  
\*Oconee  
\*Oglethorpe  
Paulding  
Pickens  
\*Pierce  
\*Pike  
\*Pulaski  
\*Rabun  
\*Randolph  
Richmond  
Rockdale  
Sumter  
\*Tattnall  
\*Taylor  
\*Terrell  
\*Twigg  
Walton  
\*White  
\*Wilkinson  
\*Worth

## HAWAII

Hana—Island of Maui and Island of Molokai—Maui County

Benewah  
Blaine  
Caribou

## IDAHO

Brown  
Bureau  
Calhoun  
Chicago—Cook County (Specific Section)

## ILLINOIS

Cumberland  
Gallatin  
Henderson  
Kendall  
Menard

## INDIANA

Crawford  
Fountain  
Harrison  
Jennings  
La Grange

## IOWA

Butler  
Clayton  
Davis  
Dubuque  
Fremont  
Guthrie  
Ida

## KANSAS

Allen  
Anderson  
Barber  
Barton  
Bourbon  
Butler  
Chase  
\*Chautauqua  
\*Cherokee  
Cheyenne  
Clark  
\*Coffey  
Comanche  
Crawford  
Doniphan  
Douglas  
\*Elk  
Ellsworth  
Geary  
\*Gove  
Graham  
Gray  
Greeley  
Greenwood  
Hamilton  
Harper  
Harvey  
Haskell  
\*Hodgeman  
Jackson  
Jefferson  
Jewell  
Johnson

## KENTUCKY

Ballard  
\*Bath  
Boone  
\*Bracken  
Bullitt  
Butler  
Carter  
Christian  
\*Clay  
\*Cumberland  
\*Edmonson  
\*Elliott  
Fayette  
\*Floyd  
\*Gallatin

## NOTICES

## IDAHO

Benewah  
Blaine  
Caribou

## ILLINOIS

Cumberland  
Gallatin  
Henderson  
Kendall  
Menard

## INDIANA

Crawford  
Fountain  
Harrison  
Jennings  
La Grange

## IOWA

Butler  
Clayton  
Davis  
Dubuque  
Fremont  
Guthrie  
Ida

## KANSAS

Allen  
Anderson  
Barber  
Barton  
Bourbon  
Butler  
Chase  
\*Chautauqua  
\*Cherokee  
Cheyenne  
Clark  
\*Coffey  
Comanche  
Crawford  
Doniphan  
Douglas  
\*Elk  
Ellsworth  
Geary  
\*Gove  
Graham  
Gray  
Greeley  
Greenwood  
Hamilton  
Harper  
Harvey  
Haskell  
\*Hodgeman  
Jackson  
Jefferson  
Jewell  
Johnson

## KENTUCKY

Ballard  
\*Bath  
Boone  
\*Bracken  
Bullitt  
Butler  
Carter  
Christian  
\*Clay  
\*Cumberland  
\*Edmonson  
\*Elliott  
Fayette  
\*Floyd  
\*Gallatin

\*Lyon  
\*McCreary  
McLean  
\*Magoffin  
\*Martin  
Meade  
\*Menifee  
\*Metcalfe  
Oldham

## ILLINOIS

Cumberland  
Gallatin  
Henderson  
Kendall  
Menard

## INDIANA

Crawford  
Fountain  
Harrison  
Jennings  
La Grange

## IOWA

Butler  
Clayton  
Davis  
Dubuque  
Fremont  
Guthrie  
Ida

## KANSAS

Allen  
Anderson  
Barber  
Barton  
Bourbon  
Butler  
Chase  
\*Chautauqua  
\*Cherokee  
Cheyenne  
Clark  
\*Coffey  
Comanche  
Crawford  
Doniphan  
Douglas  
\*Elk  
Ellsworth  
Geary  
\*Gove  
Graham  
Gray  
Greeley  
Greenwood  
Hamilton  
Harper  
Harvey  
Haskell  
\*Hodgeman  
Jackson  
Jefferson  
Jewell  
Johnson

## KENTUCKY

Ballard  
\*Bath  
Boone  
\*Bracken  
Bullitt  
Butler  
Carter  
Christian  
\*Clay  
\*Cumberland  
\*Edmonson  
\*Elliott  
Fayette  
\*Floyd  
\*Gallatin

\*Owen  
\*Owsley  
\*Powers  
\*Rockcastle  
\*Russell  
\*Spencer  
\*Todd  
\*Trimble  
\*Wolfe

## ILLINOIS

Cumberland  
Gallatin  
Henderson  
Kendall  
Menard

## INDIANA

Crawford  
Fountain  
Harrison  
Jennings  
La Grange

## IOWA

Butler  
Clayton  
Davis  
Dubuque  
Fremont  
Guthrie  
Ida

## KANSAS

Allen  
Anderson  
Barber  
Barton  
Bourbon  
Butler  
Chase  
\*Chautauqua  
\*Cherokee  
Cheyenne  
Clark  
\*Coffey  
Comanche  
Crawford  
Doniphan  
Douglas  
\*Elk  
Ellsworth  
Geary  
\*Gove  
Graham  
Gray  
Greeley  
Greenwood  
Hamilton  
Harper  
Harvey  
Haskell  
\*Hodgeman  
Jackson  
Jefferson  
Jewell  
Johnson

## KENTUCKY

Ballard  
\*Bath  
Boone  
\*Bracken  
Bullitt  
Butler  
Carter  
Christian  
\*Clay  
\*Cumberland  
\*Edmonson  
\*Elliott  
Fayette  
\*Floyd  
\*Gallatin

\*Assumption  
\*Catahoula  
\*Concordia  
\*De Soto  
\*East  
\*Felician  
\*Grant  
Iberia  
\*Iberia  
\*Lafayette  
Lafayette  
\*Pointe Coupee  
\*Richland  
\*Sabine

## ILLINOIS

Cumberland  
Gallatin  
Henderson  
Kendall  
Menard

## INDIANA

Crawford  
Fountain  
Harrison  
Jennings  
La Grange

## IOWA

Butler  
Clayton  
Davis  
Dubuque  
Fremont  
Guthrie  
Ida

## KANSAS

Allen  
Anderson  
Barber  
Barton  
Bourbon  
Butler  
Chase  
\*Chautauqua  
\*Cherokee  
Cheyenne  
Clark  
\*Coffey  
Comanche  
Crawford  
Doniphan  
Douglas  
\*Elk  
Ellsworth  
Geary  
\*Gove  
Graham  
Gray  
Greeley  
Greenwood  
Hamilton  
Harper  
Harvey  
Haskell  
\*Hodgeman  
Jackson  
Jefferson  
Jewell  
Johnson

## KENTUCKY

Ballard  
\*Bath  
Boone  
\*Bracken  
Bullitt  
Butler  
Carter  
Christian  
\*Clay  
\*Cumberland  
\*Edmonson  
\*Elliott  
Fayette  
\*Floyd  
\*Gallatin

## MAINE

Piscataquis

## MARYLAND

Anne Arundell  
Baltimore  
Calvert  
Cecil  
Charles  
Frederick  
\*Garrett

## MASSACHUSETTS

Response forthcoming. No shortage areas anticipated.

## MICHIGAN

Alcona  
Antrim  
Barry  
Chippewa  
Gogebic  
Iosco  
Isabella  
Jackson

## MINNESOTA

Chisago  
Dodge  
\*Hubbard  
Lake  
\*Lake of the Woods

## MISSISSIPPI

\*Lamar  
Lauderdale  
\*Lawrence  
\*Leake  
\*Lee  
Leflore  
Lowndes  
\*Madison  
\*Marion  
\*Norfolk  
Oktibbeha  
\*Panola  
\*Perry  
\*Pike  
\*Pontotoc  
Quitman  
Rankin  
\*Scott  
\*Sharkey  
\*Simpson  
\*Smith  
\*Sunflower  
\*Tallahatchie  
\*Tate  
\*Tippah

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## NOTICES

## NEVADA

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## NEW HAMPSHIRE

Cheshire

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## NEW JERSEY

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## NEW MEXICO

Response forthcoming.

## NEW YORK

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## NORTH CAROLINA

Anson  
Ashe  
Avery  
Brunswick  
Camden  
Caswell  
Chatham  
Craven  
Currituck  
Edgecombe  
Gates

## NORTH DAKOTA

Oliver  
Sioux

## OHIO

Portage  
Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## OKLAHOMA

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## OREGON

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## PENNSYLVANIA

Adams  
Susquehanna

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## RHODE ISLAND

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## SOUTH CAROLINA

Berkeley  
Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## SOUTH DAKOTA

Buffalo  
Dewey  
Hanson  
Jackson

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## TENNESSEE

Carter  
Fayette  
Fentress  
Grainger

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## TEXAS

Randall  
Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## UTAH

Response forthcoming.

## VERMONT

Western Portion of Addison County  
Essex  
Wallingford—Rutland County  
Southwest and Northeast portion of—Washington County  
Townshend—Windham County  
Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## VIRGINIA

Amelia  
Bland  
Botetourt  
Carroll and Grayson Counties and Galax City  
Charles City  
Cumberland  
Greene  
Isle of Wight  
King and Queen  
King George  
York

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## WASHINGTON

Douglas

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## WEST VIRGINIA

Clay  
Grant  
Hampshire  
Hardy  
Lincoln  
Logan  
McDowell  
Morgan

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## WISCONSIN

Florence  
Lafayette

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## WYOMING

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## PUERTO RICO

Response forthcoming.

## VIRGIN ISLANDS

Hospitals with 100 or more beds without a full-time pharmacist. Employment subject to approval of the hospital.

## ALABAMA

## PODIATRISTS

## ALASKA

Anchorage (B)  
Fairbanks (B)  
Juneau (B)

## ARIZONA

Apache  
Cochise  
Cocconino  
Gila  
Graham  
Mohave

## ARKANSAS

Johnson  
Lawrence  
Lee  
Lincoln  
Logan  
Lonoke  
Mississippi  
Monroe  
Ouachita  
Phillips  
Poinsett  
Polk  
Pope  
Pulaski  
Randolph  
St. Francis  
Saline  
Sebastian  
Union  
Wempstead  
Hot Spring  
Jackson  
Jefferson

## CALIFORNIA

Butte  
Colusa  
Contra Costa  
Del Norte  
El Dorado  
Fresno  
Glenn  
Humboldt  
Imperial  
Inyo  
Kern  
Fannin  
Kings  
Lake  
Lassen  
Madera  
Mendocino  
Merced  
Monterey  
Orange

## COLORADO

Adams  
Delta  
El Paso  
Fremont  
Garfield  
Jefferson  
Larimer

## CONNECTICUT

Southeastern CHP Area (Specific section)  
Windham Northeastern CHP Area

## DELAWARE

Kent  
New Castle

## DISTRICT OF COLUMBIA

Area 2  
Area 3

## FLORIDA

Alachua  
Bay  
Bradford

## BREVARD

Broward  
Charlotte

## NOTICES

## PULASKI

Putnam  
Randolph  
Ripley  
Rush  
Scott  
Shelby  
Spencer  
Starke  
Sullivan  
Switzerland  
Tipton  
Vanderburgh  
Vermillion  
Vigo  
Warrick  
Washington  
White  
Whitley

## IOWA

Jackson  
Johnson  
Jones  
Keokuk  
Kossuth  
Lyon  
Mitchell  
Montgomery  
Obrien  
Palo Alto  
Pocahontas  
Pottawattamie  
Sac  
Shelby  
Story  
Tama  
Warren  
Washington  
Wright

## KANSAS

McPherson  
Marion  
Marshall  
Miami  
Neosho  
Osage  
Reno  
Riley  
Sedgewick  
Seward  
Shawnee  
Sumner  
Wilson  
Wyandotte

## KENTUCKY

Knox  
Laurel  
Letcher  
Lincoln  
Logan  
Madison  
Marshall  
Mason  
Meade  
Mercer  
Montgomery  
Muhlenberg  
Nelson  
Ohio  
Oldham  
Perry  
Pike  
Pulaski  
Rowan  
Scott  
Shelby  
Simpson  
Taylor  
Union  
Wayne  
Webster  
Whitley  
Woodford

## LOUISIANA

Acadia  
Allen  
Ascension  
Assumption  
Avoyelles  
Beauregard  
Bienville  
Bossier  
Caddo  
Calcasieu  
Caliborne  
Concordia  
De Soto  
East Baton Rouge  
East Carroll  
East Feliciana  
Evangeline  
Franklin  
Grant  
Iberia  
Iberville  
Jackson  
Jefferson  
Jefferson Davis  
Lafayette  
La Fourche  
La Salle  
Lincoln  
Livingston

## MAINE

Aroostook  
Kennebec  
Lincoln  
Oxford  
Penobscot

## MARYLAND

Anne Arundel  
Baltimore  
Caroline  
Carroll  
Cecil  
Charles  
Garrett  
Harford

## MASSACHUSETTS

Response forthcoming.

## MICHIGAN

Kent  
Lenawee  
Marquette  
Midland  
Monroe  
Montcalm  
Muskegon  
Newaygo  
Oakland  
Oceana  
Oscoda  
Ottawa  
Presque Isle  
Saginaw  
St. Clair  
Sanilac  
Shiawassee  
Tuscola  
Van Buren  
Washtenaw

## MINNESOTA

Becker  
Beltrami  
Benton  
Carlton  
Cass  
Chippewa  
Chisago  
Clay  
Cottonwood  
Dodge  
Douglas  
Fairbault

## CITRUS

Clay  
Collier  
Columbia  
Dade  
De Soto  
Duval  
Escambia  
Gadsden  
Hardee  
Hernando  
Highlands  
Hillsborough  
Indian River  
Jackson  
Lake  
Lee  
Leon  
Levy  
Madison

## GEORGIA

Habersham  
Hall  
Haralson  
Hart  
Henry  
Houston  
Jackson  
Jefferson  
Laurens  
Liberty  
Lowndes  
McDuffie  
Chattooga  
Cherokee  
Clarke  
Cobb  
Coffee  
Colquitt  
Columbia  
Coweta  
Crisp  
Decatur  
De Kalb  
Dodge  
Dougherty  
Douglas  
Early  
Effingham  
Elbert  
Emanuel  
Fannin  
Floyd  
Forsyth  
Franklin  
Glynn  
Gordon  
Grady  
Gwinnett

## HAWAII

Hawaii  
Honolulu

## IDAHO

Bingham  
Bonner  
Cassia  
Elmore  
Idaho

## ILLINOIS

Response forthcoming.

## INDIANA

Blackford  
Boone  
Carroll  
Cass  
Clark  
Clay  
Dearborn  
Decatur  
Delaware  
Elkhart

## MANATEE

Marion  
Monroe  
Nassau  
Okaloosa  
Orange  
Osceola  
Palm Beach  
Pasco  
Pinellas  
Polk  
Putnam  
St. Lucie  
Santa Rosa  
Seminole  
Sumter  
Suwannee  
Taylor  
Volusia  
Walton

## HOWARD

Jackson  
Jasper  
Jay  
Johnson  
Knox  
Kosciusko  
La Grange  
Lake  
Lawrence  
Madison  
Marion  
Miami  
Monroe  
Morgan  
Noble  
Orange  
Parke  
Perry  
Posey



## NOTICES

Metropolitan Area<sup>1</sup> (Specific Sections)

Mille Lacs  
Morrison  
Murray  
Nicollet  
Otter Tail  
Pennington  
Pine  
Pipestone  
Redwood  
Renville  
Rice

St. Louis  
Sherburne  
Sibley  
Stearns  
Swift  
Todd  
Wabasha  
Waseca  
Watonswan  
Wright  
Yellow Medicine

Cass  
Custer  
Dawson  
Hall  
Lancaster  
Saline

Clark  
Elko

## MISSISSIPPI

Adams  
Alcorn  
Amite  
Attala  
Bolivar  
Calhoun  
Chickasaw  
Clarke  
Clay  
Coahoma  
Copiah  
Covington  
De Soto  
Forrest  
Grenada  
Hancock  
Harrison  
Hinds  
Holmes  
Humphreys  
Itawamba  
Jackson  
Jasper  
Jefferson Davis  
Jones  
Lafayette  
Lamar  
Lauderdale  
Leake  
Lee  
Leflore  
Lincoln  
Lowndes

Madison  
Marion  
Marshall  
Monroe  
Montgomery  
Neshoba  
Newton  
Noxubee  
Oktibbeha  
Panola  
Pearl River  
Pike  
Pontotoc  
Prentiss  
Quitman  
Rankin  
Scott  
Simpson  
Smith  
Sunflower  
Tallahatchie  
Tate  
Tippah  
Tishomingo  
Tunica  
Union  
Walthall  
Warren  
Washington  
Wayne  
Winston  
Yazoo

Belknap  
Carroll  
Cheshire  
Coos  
Grafton

Hunterdon  
Middlesex  
Morris

Chaves  
Curry  
Dona Ana  
Eddy  
Grant  
Lea  
Los Alamos  
McKinley

## MISSOURI

Bates  
Buchanan  
Calloway  
Camden  
Carroll  
Cass  
Christian  
Clay  
Cole  
Cooper  
Crawford  
Dunklin  
Franklin  
Greene  
Henry  
Howell  
Jackson  
Jefferson  
Johnson  
Laclede  
Lafayette  
Lawrence  
Lincoln  
Linn  
Macon

Miller  
Mississippi  
New Madrid  
Newton  
Nodaway  
Pemiscot  
Perry  
Phelps  
Pike  
Platte  
Polk  
Pulaski  
Ray  
St. Francois  
St. Louis  
Ste. Genevieve  
Scott  
Stoddard  
Taney  
Texas  
Washington  
Webster  
Wright  
St. Louis City

Alamance  
Alexander  
Anson  
Ashe  
Avery  
Bertie  
Bladen  
Brunswick  
Buncombe  
Burke  
Cabarrus  
Caldwell  
Carteret  
Caswell  
Catawba  
Chatham  
Cherokee  
Cleveland  
Columbus  
Craven  
Cumberland  
Davidson  
Davie  
Duplin  
Durham  
Edgecombe  
Franklin  
Gaston  
Granville  
Greene  
Guilford  
Halifax  
Harnett

## MONTANA

Deer Lodge  
Fergus  
Flathead  
Hill

Lake  
Lincoln  
Ravalli  
Silver Bow

<sup>1</sup>Includes counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington

## NEBRASKA

Sarpy  
Saunders  
Seward  
Washington  
York

## NEVADA

Ormsby  
(Carson City)

## NEW HAMPSHIRE

Hillsborough  
Merrimack  
Rockingham  
Strafford

## NEW JERSEY

Ocean  
Sussex  
Warren

## NEW MEXICO

Otero  
Roosevelt  
Sandoval  
San Juan  
San Miguel  
Santa Fe  
Taos  
Valencia

## NEW YORK

Oswego  
St. Lawrence  
Saratoga  
Schenectady  
Schoharie  
Seneca  
Tioga  
Tompkins  
Ulster  
Washington  
Wayne  
Wyoming  
Yates

## NORTH CAROLINA

Haywood  
Henderson  
Hertford  
Hoke  
Iredell  
Jackson  
Johnston  
Lee  
Lenoir  
Lincoln  
McDowell  
Macon  
Madison  
Martin  
Mecklenburg  
Mitchell  
Montgomery  
Moore  
Nash  
Northampton  
Onslow  
Orange  
Pasquotank  
Pender  
Person  
Pitt  
Randolph  
Richmond  
Robeson  
Rockingham  
Rowan  
Rutherford  
Sampson

Scotland  
Stanly  
Surry  
Transylvania  
Union  
Vance  
Wake

## NORTH DAKOTA

Barnes  
Burlington  
Grand Forks  
Morton  
Ramsey

Richland  
Stutsman  
Walsh  
Williams

## OHIO

Adams  
Ashland  
Athens  
Auglaize  
Belmont  
Brown  
Butler  
Carroll  
Clermont  
Columbus  
Geauga  
Greene  
Harrison  
Henry  
Holmes  
Huron  
Jackson  
Lawrence  
Licking

Madison  
Meigs  
Monroe  
Morrow  
Ottawa  
Paulding  
Perry  
Portage  
Preble  
Putnam  
Richland  
Union  
Warren  
Washington  
Williams  
Wood  
Wyandot

## OKLAHOMA

Adair  
Beckham  
Bryan  
Caddo  
Canadian  
Cherokee  
Choctaw  
Cleveland  
Comanche  
Craig  
Creek  
Custer  
Delaware  
Garvin  
Grady  
Hughes  
Jackson  
Kay  
Kingfisher

Kiowa  
Oswego  
Lincoln  
Logan  
McCain  
McClain  
McCurtain  
Mayes  
Oklahoma  
Osage  
Payne  
Pittsburg  
Pottawatomie  
Rogers  
Sequoyah  
Stephens  
Texas  
Tillman  
Wagoner  
Woodward

## OREGON

Baker  
Benton  
Clackamas  
Clatsop  
Columbia  
Coos  
Curry  
Douglas  
Hood River  
Jackson  
Klamath  
Lane

Lincoln  
Linn  
Malheur  
Marion  
Multnomah  
Polk  
Tillamook  
Umatilla  
Union  
Washington  
Yamhill

## PENNSYLVANIA

Adams  
Armstrong  
Cambria  
Centre  
Chester  
Clarion  
Clearfield  
Cumberland  
Elk  
Fayette  
Greene

Huntingdon  
Indiana  
Jefferson  
Juniata  
Perry  
Potter  
Susquehanna  
Westmoreland  
Wyoming

## RHODE ISLAND

Bristol  
Newport

## NOTICES

## SOUTH CAROLINA

Abbeville  
Aiken  
Anderson  
Barnwell  
Beaufort  
Berkeley  
Charleston  
Chester  
Chesterfield  
Clarendon  
Colleton  
Darlington  
Dillon  
Dorchester  
Edgefield  
Fairfield  
Florence  
Georgetown  
Greenville

Greenwood  
Hampton  
Horry  
Kershaw  
Lancaster  
Laurens  
Lee  
Lexington  
Marion  
Marlboro  
Newberry  
Oconee  
Orangeburg  
Pickens  
Richland  
Saluda  
Spartanburg  
Sumter  
Union  
Williamsburg  
York

## SOUTH DAKOTA

Beadle  
Brookings  
Clay  
Lawrence

Meade  
Minnehaha  
Pennington

## TENNESSEE

Anderson  
Bedford  
Blount  
Bradley  
Campbell  
Carroll  
Carter  
Cheatham  
Claiborne  
Cocke  
Coffee  
Crockett  
Cumberland  
Davidson  
Dickson  
Dyer  
Fayette  
Fentress  
Franklin  
Gibson  
Giles  
Grainger  
Greene  
Hamblen  
Hamilton  
Hardeman  
Hardin  
Hawkins  
Haywood  
Henderson  
Henry  
Humphreys  
Jefferson  
Knox

Lauderdale  
Lawrence  
Lincoln  
Loudon  
McMinn  
McNairy  
Madison  
Marion  
Marshall  
Maury  
Monroe  
Montgomery  
Morgan  
Obion  
Overton  
Putnam  
Rhea  
Roane  
Robertson  
Rutherford  
Scott  
Sevier  
Shelby  
Smith  
Sullivan  
Sumner  
Tipton  
Unicoi  
Warren  
Washington  
Weakley  
White  
Williamson  
Wilson

## TEXAS

Anderson  
Angelina  
Atascosa  
Bastrop  
Bell  
Bexar  
Bowie  
Brazoria  
Brazos  
Brown  
Caldwell  
Galveston  
Cameron  
Cass  
Cherokee  
Collin  
Colorado  
Comal  
Cooke  
Coryell  
Dallas

Deaf Smith  
Denton  
De Witt  
Eastland  
Ector  
Ellis  
El Paso  
Erath  
Falls  
Fannin  
Fayette  
Fort Bend  
Gonzales  
Grayson  
Guadalupe  
Hale  
Hardin  
Harris  
Harrison

## HAYS

Henderson  
Hidalgo  
Hill  
Hockley  
Hopkins  
Howard  
Hunt  
Hutchinson  
Jackson  
Jasper  
Jefferson  
Jim Wells  
Johnson  
Jones  
Karnes  
Kaufman  
Kleberg  
Lamb  
Lavaca  
Liberty  
Limestone  
McLennan  
Matagorda  
Maverick  
Medina  
Milam  
Montague  
Montgomery  
Moore  
Morris  
Nacogdoches  
Navarro  
Nolan  
Nueces  
Orange  
Palo Pinto

## Response forthcoming.

## UTAH

Addison  
Bennington  
Chittenden  
Franklin

Lamoille  
Orange  
Rutland  
Washington

## VERMONT

Accomack  
Albemarle County and City of Charlottesville  
Alleghany County and Cities of Covington and Clifton Forge  
Amherst  
Augusta County and Cities of Staunton and Waynesboro  
Bedford County and City of Bedford  
Botetourt  
Brunswick  
Buchanan  
Campbell County and City of Lynchburg  
Caroline  
Carroll County, Galax City and Grayson County  
Chesterfield County-Henrico County and City of Richmond  
Culpeper  
Dickenson  
Dinwiddie County, Cities of Petersburg and Colonial Heights, Prince George County and City of Hopewell  
Fairfax County and Cities of Fairfax and Falls Church  
Fauquier  
Franklin  
Giles  
Gloucester  
Greensville County and City of Emporia  
Halifax County and City of South Boston  
Hampton City  
Hanover  
Henry County and City of Martinsville  
Isle of Wight  
James City County and City of Williamsburg  
Lee  
Louisa  
Mecklenburg  
Montgomery County and City of Radford  
Nansemond County and City of Suffolk

## VIRGINIA

Barbour  
Berkeley  
Boone  
Braxton  
Brooke  
Bryant  
Greenbrier  
Jackson  
Jefferson  
Kanawha  
Lincoln  
Logan  
McDowell  
Mercer

Manitowoc  
Marathon  
Oconto  
Outagamie  
Ozaukee  
Pierce  
Polk  
Portage  
Price  
Richland  
Rock  
Rusk  
St. Croix  
Sauk  
Shawano  
Taylor  
Trempealeau  
Vernon  
Washington  
Waupaca  
Wood

Cities of Norfolk, Portsmouth, Chesapeake and Virginia Beach  
Northampton  
Nottoway  
Orange  
Page  
Patrick  
Pittsylvania and City of Danville  
Prince Edward  
Prince William  
Pulaski  
Roanoke County and Cities of Roanoke and Salem  
Rockbridge County and Cities of Lexington and Buena Vista  
Rockingham County and City of Harrisonburg  
Russell  
Scott  
Shenandoah  
Smyth  
Southampton County and City of Franklin  
Spotsylvania County, City of Fredericksburg and Stafford County  
Tazewell  
Warren  
Washington County and City of Bristol  
Wise County and City of Norton  
Wythe  
York

## WASHINGTON

Benton  
Chelan  
Clallam  
Clark  
Cowlitz  
Douglas  
Grant  
Grays Harbor  
Island  
King  
Kitsap  
Kittitas  
Lewis

Mason  
Okanogan  
Pacific  
Pierce  
Skagit  
Snohomish  
Spokane  
Stevens  
Thurston  
Walla Walla  
Whatcom  
Whitman  
Yakima

## WEST VIRGINIA

Mineral  
Mingo  
Monongalia  
Nicholas  
Preston  
Putnam  
Raleigh  
Randolph  
Roane  
Summers  
Taylor  
Upshur  
Wayne  
Wetzel  
Wyoming

## WISCONSIN

Manitowoc  
Marathon  
Oconto  
Outagamie  
Ozaukee  
Pierce  
Polk  
Portage  
Price  
Richland  
Rock  
Rusk  
St. Croix  
Sauk  
Shawano  
Taylor  
Trempealeau  
Vernon  
Washington  
Waupaca  
Wood



## NOTICES

WYOMING		DISTRICT OF COLUMBIA	
Albany	Hot Springs	Area 2	Area 6
Campbell	Park	Area 3	Area 7
Carbon	Sweetwater	Area 4	Area 9
Fremont		Area 5	
PUERTO RICO		FLORIDA	
Adjuntas	Juana Diaz	Baker	Santa Rosa
Aguada	Juncos	Bradford	Sumter
Aguadilla	Lajas	Gulf	Union
Aguas Buenas	Lares	Nassau	
Aibonito	Las Piedras		GEORGIA
Añasco	Lolita	Bacon	Fayette
Arecibo	Manati	Baldwin	Gordon
Arroyo	Mayaguez	Butts	Harris
Barceloneta	Moda	Camden	Johnson
Barranquitas	Morovis	Chattahoochee	Lumpkin
Bayamon	Naguabo	Columbia	Murray
Cabo Rojo	Naranjito	Dade	Faulding
Caguas	Orocovia	Dooly	Pickens
Camuy	Padillas	Douglas	Rabun
Carolina	Penuelas	Fannin	Twigg
Catano	Ponce		HAWAII
Cayey	Quebradillas	No Shortage.	
Ciales	Rio Grande		IDAHO
Cidra	Sabana Grande	Response forthcoming.	coming.
Coamo	Salinas		ILLINOIS
Comerio	San German		Pulaski
Corozal	San Juan		
Dorado	San Lorenzo	Cook	INDIANA
Fajardo	Santa Isabel		
Guanica	Toa Alta		
Guayama	Toa Baja	Clay	Monroe
Guayanilla	Trujillo Alto	Lake	Starke
Guaynabo	Utua		IOWA
Guarabo	Vega Alta	Adair	Jackson
Hatillo	Vega Baja	Adams	Jasper
Humacao	Villalba	Allamakee	Jefferson
Isabella	Yabucoa	Appanoose	Johnson
Jayuya	Yauco	Audubon	Jones
		Benton	Keokuk
		Boone	Kossuth
		Bremer	Lee
		Buchanan	Louisa
		Buena Vista	Lucas
		Butler	Lyon
		Calhoun	Madison
		Carroll	Mahaska
		Cass	Marion
		Cedar	Marshall
		Cerro Gordo	Mills
		Cherokee	Mitchell
		Chickasaw	Monona
		Clarke	Monroe
		Clay	Montgomery
		Clayton	Muscatine
		Clinton	Obrien
		Crawford	Osceola
		Dallas	Page
		Davis	Palo Alto
		Decatur	Plymouth
		Delaware	Pocahontas
		Des Moines	Poweshiek
		Dickinson	Ringgold
		Emmet	Sac
		Fayette	Shelby
		Floyd	Sioux
		Franklin	Story
		Fremont	Tama
		Greene	Taylor
		Grundy	Union
		Guthrie	Van Buren
		Hamilton	Wapello
		Hancock	Warren
		Hardin	Washington
		Harrison	Wayne
		Henry	Webster
		Howard	Winnebago
		Humboldt	Winneshek
		Ida	Worth
		Iowa	Wright
VETERINARIANS			
ALABAMA			
Bibb	Lamar		
Clarke	Lawrence		
Colbert	Marion		
Cocosa	Russell		
Houston	St. Clair		
Jackson	Walker		
ALASKA			
Bethel	Nome		
ARIZONA			
Apache	Greenlee		
ARKANSAS			
Ashley	Lincoln		
Chicot	Little River		
Crittenden	Madison		
Dallas	Nevada		
Fulton	Ouachita		
Grant	Phillips		
Hempstead	Poinsett		
Izard	Prairie		
Johnson	Saline		
Lafayette	Searcy		
Lawrence	Sevier		
Lee	Van Buren		
CALIFORNIA			
No Shortage.			
COLORADO			
Baca	Moffat		
Cheyenne	Phillips		
Eagle	Routt		
Hinsdale			
CONNECTICUT			
CHP Area—Capitol (Specific sections)			
CHP Area—Greater Bridgeport (Specific sections)			
CHP Area—Meriden-Wallingford (Specific sections)			
CHP Area—Meriden/Wallingford (Specific sections)			
DELAWARE			
No Shortage.			
KANSAS			
No Shortage.			

**KENTUCKY**

Beall	Knox
Breathitt	Lawrence
Burter	Leslie
Campbell	Leitcher
Clay	Livingston
Chamberland	McCreary
Edmonson	McLean
Hatill	Magoffin
Moyd	Martin
Greenup	Muhlenberg
Hancock	Perry
Harlan	Pike
Hickman	Powell
Jackson	Trigg
Johnson	Wayne
Menton	Webster
Knott	
LOUISIANA	
Allen	Sabine
Bienville	St. Charles
Caldwell	St. Helena
Cameron	St. James
Catahoula	St. John
Claiborne	the Baptist
Evangeline	St. Mary
Grant	Terrebonne
Lafourche	Union
La Salle	Vernon
Livingston	West Feliciana
Orleans	Winn
Plaquemines	
MAINE	
Androscoggin	Sagadahoc
Aroostook	Washington
Penobscot	
MARYLAND	
Allegany	Somerset
Calvert	Baltimore City
St. Marys	
MASSACHUSETTS	
Response forthcoming	
MICHIGAN	
Alger	Iron
Baraga	Monroe
Cass	Ontonagon
Houghton	Schoolcraft
MINNESOTA	
Clearwater	Marshall
Kanabec	St. Louis
Lake	
MISSISSIPPI	
Amite	Jefferson
Benton	Kemper
Carroll	Lawrence
Choctaw	Marshall
Clarke	Perry
Franklin	Quitman
George	Smith
Greene	Stone
Humphreys	Tishomingo
Itawamba	Tunica
Jackson	Webster
Jasper	Wilkinson
MISSOURI	
Bollinger	Pemiscot
Boone	Pulaski
Dunklin	St. Genevieve
Iron	Wayne
New Madrid	
MONTANA	
Lincoln	
NEBRASKA	
No Shortage.	
NEVADA	
White Pine	
NEW HAMPSHIRE	
No Shortage.	
NEW JERSEY	
Response forthcoming.	

## NOTICES

NEW MEXICO		OHIO	
McKinley	San Miguel	Cuyahoga	Paulding
Rio Arriba	Socorro	Jefferson	Summit
San Juan		Lake	Trumbull
		Lucas	Wood
		Miami	
NEW YORK		OKLAHOMA	
Bronx	Niagara		
Erle	Queens	Atoka	Marshall
Hamilton	Richmond	Johnston	Pushmataha
Kings	Schenectady	McIntosh	Sequoyah
New York			
NORTH CAROLINA		OREGON	
Alexander	Anson	Clatsop	Polk
Alleghany	Avery	Curry	Sherman
Chocowinity-Richland	Townships—Beaufort	Gilliam	Wheeler
County			
Bertie	Brunswick		
Bladen		Adams	Greene
Upper Hominy-Leicester	Townships—Bun-	Allegheny	Indiana
combe County		Armstrong	Jefferson
Burke (Specific Sections)		Beaver	Lackawanna
Cabarrus	Carteret	Cambria	Lehigh
Caldwell	Caswell	Carbon	Luzerne
Townships 8, 9, 10 and 11—Cleveland	County	Clearfield	McKean
Waccamaw-Bogue-Bolton-Ransome	Town-	Clinton	Northampton
ships—Columbus County		Elk	Philadelphia
Craven	Cumberland	Erle	Venango
Currituck and Camden Counties		Fayette	Westmoreland
Dare	Davidson		
Oak Grove-Carr Townships—Durham	County	Bristol	Providence
Edgecombe		Newport	
Clemmons-Vienna-Louisville-Vienna	Town-	Berkeley	Lancaster
ships—Forsyth County		Calhoun	Lee
Franklin	Gates	Chesterfield	McCormick
Gaston		Dillon	Marlboro
Graham and Swain Counties		Edgefield	Union
Granville	Halifax	Hampton	York
Greene	Harnett		
Beaverdam Township—Haywood	County		
Hertford	Hoke		
Hyde and Tyrrell Counties		Shannon	Spink
Jackson	Jones		
Johnston			
Moely Hall-Trent-Institute Townships—		Benton	Jackson
Lenoir County		Campbell	Lake
Lincoln		Carter	Loudon
Macon and Clay Counties		Cheatham	Marion
Madison		Coke	Monroe
Townships 8, 9, 10, 11 and 15—Mecklenburg		Decatur	Morgan
County		DeKalb	Folk
Mitchell	Montgomery	Fentress	Roane
Nashville-Mannings Townships — Nash		Franklin	Scott
County		Grainger	Sullivan
New Hanover		Grundy	Tipton
Richlands Township—Onslow	County	Hawkins	Union
Hillsboro-Cheeks Townships—Orange	County	Hickman	Wayne
Pamlico	Richmond		
Pasquotank	Robeson		
Pender	Rockingham		
Perquimans	Rowan		
Person	Rutherford		
Randolph			
Little Coharie-Dismal Townships—Sampson			
County			
Scotland			
Furr-Big Lick Townships—Stanly	County		
Stokes	Transylvania		
Wake (Specific Townships)			
Warren	Wilson		
Washington	Yadkin		
Watauga			
North Carolina State Board of Health			
(Specific Location)			
NORTH DAKOTA		TEXAS	
Northeast Area (Cavalier, Grand Forks, Nelson, Pembina, Ramsey, Towner and Walsh Counties)			Response forthcoming.
East Central Area (Barnes, Cass, Griggs, Steele and Traill Counties)			
South Central (Burlingame, Emmons, Grant, Morton and Sioux Counties)			UTAH
Southwest Area (Adams, Billings, Bowman, Golden Valley, Hettinger, Slope and Stark Counties)			Response forthcoming.
Southeast Area (Dickey, LaMoure, Logan, McIntosh, Ransom, Richland and Sargent Counties)			
		VERMONT	
		Caledonia and Essex Counties	
		Burlington-Chittenden Counties (Specific Location)	
		Franklin	
		Randolph-Western Orange County	
		VIRGINIA	
		Accomack	
		Alleghany County and Cities of Covington and Clifton Forge	
		Amelia	Buckingham
		Amherst	Caroline
		Arlington	Dickenson
		Brunswick	Giles
		Buchanan	Goochland
		Greensville County and City of Emporia	
		Henry County and City of Martinsville	
		King George	Lunenburg
		King William	Madison
		Lancaster	Nelson
		Lee	
		Cities of Norfolk, Portsmouth, Chesapeake and Virginia Beach	
		Coamo	Fajardo
		Comerio	Guadalupe
		Corral	Guayama

## 7465

Guaynabo	Penuelas
Gurabo	Ponce
Hatillo	Quebradillas
Humacao	Rio Grande
Isabela	Sabana Grande
Jayuya	Salinas
Juana Diaz	San German
Juncos	San Lorenzo
Lares	San Sebastian
Las Piedras	Santa Isabel
Loiza	Toa Alta
Luquillo	Toa Baja
Maunabo	Trujillo Alto
Moca	Utuaodo
Morovis	Vega Alta
Naguabo	Vega Baja
Naranjito	Villalba
Orocovis	Yabucoa
Patillas	Yauco

No Shortage.  
[FR Doc.74-4336 Filed 2-25-74; 8:45 am]

**Health Resources Administration  
LONG TERM CARE FOR THE ELDERLY  
Announcement of Meeting**

In FR Doc. 73-27072 appearing at page 35345 in the issue for Thursday, December 27, 1973, the meeting notice for the Long Term Care for the Elderly—Research Review and Advisory Committee should be changed to reflect the following:

Committee name	Date, time, and place	Type of meeting and/or contact person
Long Term Care for the Elderly—Research Review and Advisory Committee.	Jan. 30-31, 1974, 9 a.m., conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed—8 a.m. to Jan. 30. Open—Remainder of meeting. Contact: Elliott Lesser, Ph.D., room 15-29, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., code 801-443-2590 or Martha O. Greenspan, room 11A-33, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., code 801-443-3346.

**Purpose.** The Committee is charged with the review of research grant applications for Federal assistance in the program areas administered by the Bureau of Health Services Research relating to research on long-term care, including research approaches for studying and improving the delivery of care in nursing homes and other long-term care facilities and for identifying alternatives to institutional care.

**Agenda.** During the closed sessions, the Committee will be performing a review of grant applications for Federal assistance and will be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463, Section 10(d).

During the open session the Committee will consult with Federal employees concerned with issues relating to training and continuing education and research and development. An overview of the Office of Nursing Home Affairs and regulations relating to skilled nursing facilities will be presented.



A portion of the meeting is open to the public for observation and participation. Anyone wishing to participate should contact the above individuals.

Dated: January 21, 1974.

KENNETH M. ENDICOTT, M.D.,  
Administrator,  
Health Resources Administration.  
[FR Doc. 74-4414 Filed 2-25-74; 8:45 am]

## DEPARTMENT OF THE TREASURY

Customs Service  
(T.D. 74-68)  
FISH  
Tariff Rate Quota

In accordance with item 110.50 of part 3, schedule 1, Tariff Schedules of the United States, it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks, of cod, cusk, haddock, hake, pollock, and rosefish, in the three years preceding 1974, calculated in the manner provided for in headnote 1, part 3A, schedule 1, was 236,371,357 pounds. The quantity of fish that may be imported for consumption during the calendar year 1974 at the reduced rate of duty under item 110.50 is, therefore, 35,455,704 pounds.

[SEAL] VERNON D. ACREE,  
Commissioner of Customs.  
[FR Doc. 74-4441 Filed 2-25-74; 8:45 am]

## Internal Revenue Service COMMISSIONER'S ADVISORY GROUP Notice of Open Meeting

Notice is hereby given that pursuant to section 10(a) (2) of the Federal Advisory Committee Act, Public Law 92-463, a meeting of the Commissioner's Advisory Group will be held on February 27 and 28, 1974, beginning at 10 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224. The agenda will include various topics concerning the procedures and operations of the Internal Revenue Service.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Committee Members, there will be time for statements by non-members. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Committee by sending it to the Executive Secretary, Room 3009, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

DONALD C. ALEXANDER,  
Commissioner.  
[FR Doc. 74-4681 Filed 2-25-74; 11:30 am]

## DEPARTMENT OF DEFENSE

Department of the Air Force  
ADVANCED LOGISTICS SYSTEM PROJECT  
ADVISORY COMMITTEE  
Notice of Meeting

FEBRUARY 20, 1974.

There will be a meeting of the Advanced Logistics System (ALS) Project Advisory Committee, beginning at 8:30 a.m., on February 27 and 28, 1974, in the Warner Robins Air Materiel Area Commander's Conference Room, Second Floor, Building 215, Air Force Logistics Command, Robins Air Force Base, Georgia.

Because the meeting is concerned with matters of the type listed in 5 U.S.C. 552(b) (4), the meeting will be closed in accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App I 10(d)).

For further information, please contact the Directorate of Data Automation, Headquarters Air Force Logistics Command, Wright-Patterson Air Force Base, Ohio, telephone 513-257-7134.

STANLEY L. ROBERTS,  
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc. 74-4415 Filed 2-25-74; 8:45 am]

## USAF SCIENTIFIC ADVISORY BOARD

Notice of Meetings

FEBRUARY 20, 1974.

The Air Force Systems Command Science and Technology Advisory Group will hold a closed meeting on February 28, 1974, from 9 a.m. until 4:30 p.m., at Wright-Patterson AFB, Ohio.

The meeting will consist of competition-sensitive briefings and classified discussions on the Aerospace Research Laboratory program.

The USAF Scientific Advisory Board Mission Resources Panel will hold closed meetings on March 1, 1974, from 8 a.m. until 5 p.m., and on March 2, 1974, from 8 a.m. until noon, at Randolph AFB, Texas.

The Panel will receive competition-sensitive informational briefings on the mission capabilities, operations, and equipment of Air Training Command, and the personnel problems facing the Air Force.

The USAF Scientific Advisory Board Human Resources Panel will hold closed meetings on March 12, 1974, from 8:30 a.m. until 4:40 p.m., and on March 13, 1974, from 8:30 a.m. until 11:45 a.m., at Brooks AFB, Texas.

The Panel will receive competition-sensitive informational briefings on current and projected Human Resources Laboratory programs.

The USAF Scientific Advisory Board ad hoc Committee on the Disposal of Herbicide Orange will hold a closed meeting on March 14, 1974, from 9 a.m. until 5 p.m., at the Pentagon, Washington, D.C.

The Committee will discuss the various disposal methods considered and review the Air Force's Draft Environmental Impact Statement for Disposal of Herbicide

Orange. These discussions will be competition-sensitive.

The Air Force Systems Command Technology Division Advisory Group will hold closed meetings on March 19, 1974, from 8:30 a.m. until 5 p.m., and on March 20, 1974, from 8 a.m. until 1 p.m. at Wright-Patterson AFB, Ohio.

The group will review classified topics. The USAF Scientific Advisory Board Tactical Panel will hold closed meetings on March 26 and 27, 1974, from 9 a.m. until 4 p.m., at Tactical Air Command Headquarters, Langley AFB, Virginia.

The Panel will receive classified briefings from the TAC Commander and Staff on TAC's resources and operational capabilities.

For further information, please contact the Scientific Advisory Board Secretariat at 202-697-8404.

STANLEY L. ROBERTS,  
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc. 74-4417 Filed 2-25-74; 8:45 am]

Office of the Secretary

## DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, March 5, 1974  
Tuesday, March 12, 1974  
Tuesday, March 19, 1974  
Tuesday, March 26, 1974

These meetings will convene at 9:45 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 USC 532 (b) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,  
Director, Correspondence and Directives OASD(C).

FEBRUARY 21, 1974.

[FR Doc. 74-4403 Filed 2-25-74; 8:45 am]

## DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at the Pentagon, Washington, D.C. on:

Tuesday, March 12, 1974  
Wednesday, March 13, 1974

These meetings commencing at 9 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,  
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 21, 1974.

[FR Doc. 74-4493 Filed 2-25-74; 8:45 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs  
CASWELL, ALASKA

Final Decision Concerning Eligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510; by the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801; by Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M, Juneau, Alaska 99801; and by Matanuska-Susitna Borough, P.O. Box B, Palmer, Alaska 99645, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Commissioner, Department of Natural Resources, State of Alaska, was dated January 16, 1974, and was received on January 17, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Matanuska-Susitna Borough was dated January 17, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestants Alaska Chapter, Sierra Club states in part as follows: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state: "The printout

run by the Bureau of Indian Affairs November 8, 1973, shows none of the enrollees presently living in Caswell. Furthermore Caswell is not listed as a village in the 1970 census. For the reasons set forth with respect to Alexander Creek the Director is called upon to investigate to determine whether or not the enrollees have other criteria of residence to Caswell as of April 1, 1970. Inasmuch as there is a prima facie evidence that the village is ineligible for certification under the Act, the Director's decision to certify is protested."

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by sec. 5(b) of the Alaska Native Claims Settlement Act, 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine the legal residence."

Protestant Matanuska-Susitna Borough states in part as follows: "That thirteen persons enrolled to Caswell did not use Caswell as a place in which they actually lived in 1970 as required . . ."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b) (3) of the Act is quoted as follows: "Native villages not listed in subsection (b) (1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

"(A) Twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

"(B) The village is not of a modern and urban character, and a majority of the residents are Natives."

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence

satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 31 Natives had been approved for enrollment in the Native Village of Caswell. On September 28, 1973, a field investigation was completed of Caswell and at that time 18 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 31 Natives who have been approved for enrollment to Caswell, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of the eligibility of the enrolled Natives of Caswell.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Caswell is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a) (5) of Title 43 CFR, on or before March 28, 1974. Appellants shall have not more than 15 days from the date or receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now

V  
3  
9  
1  
3  
9  
F  
E  
B  
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XUM



known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 19, 1974.

[FR Doc.74-4476 Filed 2-25-74;8:45 am]

#### CHENEGA, ALASKA

##### Final Decision Concerning Eligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Forest Service, U.S. Department of Agriculture by and through the Alaska Regional Forester, C. A. Yates, P.O. Box 1628, Juneau, Alaska 99801; by the Alaska Wildlife Federation and Sportsman Council, Inc., and Mr. Philip Holdsworth by and through James F. Clark of Robertson, Monagle, Eastbaugh and Bradley, attorneys-at-law, P.O. Box 1211, Juneau, Alaska 99801, and by the Alaska Chapter of the Sierra Club by Jack Hession, Alaska Representative, 2400 Barrow St., Anchorage, Alaska 99501, hereinafter referred to as Protestants.

The protest of the U.S. Forest Service was dated January 17, 1974, and received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the Sierra Club was dated January 18, 1974, and received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Regional Forester, Forest Service, U.S. Department of Agriculture states in part as follows: "The 1970 census did not report Chenega as a village. . . . The inhabitants of Chenega moved to Tatitlek after the 1964 earthquake and tidal wave which destroyed the village. . . . Chenega was an unoccupied village on December 18, 1971. . . . The Cordova Times, dated July 18, 1973, states that on July 17, 1973, the former residents of Chenega voted to return to the old townsite and that it was the first time they had met since 1964." (Exhibit 4.)

No evidence, to our knowledge, was submitted by applicants concerning use in 1970. The case file reveals two affidavits that in affect say that the two people signing the affidavits knew of eleven others who would have lived there in 1970 if it were not for the earthquake and tidal wave.

No one certified that they had used the village in 1970 as a place where they actually lived. . . .

Chenega, to be eligible, must meet the requirements of Section 11(b)(2) of the ANCSA. If "less than twenty-five Natives were residents of the village on the 1970 census enumeration as shown by

the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance," (emphasis added) the village must be determined ineligible. Chenega could not possibly qualify under these limitations.

Chenega was not a village on April 1, 1970—the village had been abandoned. Afognak was also a village destroyed by the 1964 tidal wave and abandoned. The village of Afognak was discussed in Congress yet the final Act had no such exception. If Congress had intended that exception similar to 43 CFR 2651.2(b)(2) it would have been included. Congress would not have eliminated considerations of acts of God if it did not intend to. It is conceivable that any location which is a likely spot for a village could be claimed as an ancestral village abandoned by acts of God, and that registration to that spot would qualify it under the Act. We do not believe that Congress intended non-existing villages to qualify. Reading the Act as a whole, the intent is to give Natives living as a village at an identifiable location a land base. It was not intended as a method of resettling or redistributing the Native population. . . .

The BIA rests its case on the clause "or other evidence satisfactory to the Secretary"; however, the Area Director has neglected to establish any characteristics which could be used as a test to establish a village.

Section 3(c) says "Native village means any tribe, band, clan, group, village, community, or association in Alaska listed in Section 11 and 16 of this Act, or which meets the requirements of this Act, and which the Secretary determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance), composed of twenty-five or more Natives."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "Chenega—The Bureau of Indian Affairs printout run November 8, 1973, shows none of those enrolled to Chenega as presently living there. Nor is Chenega listed as a village in the 1970 census. Accordingly, for the reasons set forth with respect to Alexander Creek the Director is called upon to determine by other evidence of residence whether or not the enrollees were residents of Chenega as of April 1, 1970."

"The Cordova Times, dated July 18, 1973, states that on July 17, 1973, the former residents of Chenega voted to return to the old townsite and that it was the first time they had met since 1964. In this respect it is important to note that the Act of God clause included in regulation 43 CFR 2651.2(b)(2) goes beyond the authority of the Act. That is to say, Congress did not intend for abandoned villages to be resurrected by the Act. As is stated in the body of the argument above Congress clearly did not intend for the Act to cause population redistribution or village-creation. The in-

tent was to provide land to actual villages. Congress' intent is even more clear with respect to the Act of God situation. During the course of the debate on the various proposed bills Congress considered to settle Native claims, the village of Afognak, which likewise had been destroyed by the 1964 earthquake was discussed. Significantly, Congress did not include an Act of God clause in the Act nor did it list Afognak as a village under 11(b)(1). Congress' deliberate rejection of Afognak as a village after discussing it on the floor points out with particular clarity Congress' intent not to resurrect abandoned villages. (See 82 C.J.S. Statutes Section 328.) By the same token Chenega should not be resurrected as a village and to the extent that regulation 43 CFR 2651.2(b)(2) permits this to be done it is in derogation of the Act is unlawful and thus protested. For the foregoing reasons the inclusion of Chenega as a certified village under this Act is protested."

Protestant Alaska Chapter, Sierra Club states in part as follows: "With the exception of Haines (AA-8645), none of the unlisted villages counted 25 Natives resident on the date of the 1970 census."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows: "Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

"(A) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

"(B) The village is not of a modern and urban character, and a majority of the residents are Natives."

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Section 2651.2(b) of Title 43 of CFR is quoted in part as follows:

"Except as provided in subparagraph (4) hereof, villages must meet each of the following criteria to be eligible for benefits under sections 14 (a) and (b) of the Act:

(1) There must be 25 or more Native residents of the village on April 1, 1970, as shown by the census or other evidence satisfactory to the Secretary. A Native properly enrolled to the village shall be deemed a resident of the village.

(2) The village shall have had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen persons who enrolled thereto must have used the village during 1970 as a place where they actually lived for a period of time: *Provided*, That no village which is known as a traditional village shall be disqualified if it meets the other criteria specified in this subsection by reason of having been temporarily unoccupied in 1970 because of an Act of God or government authority occurring within the preceding ten years.

Section 2651.2(b)(3) of Title 43 CFR requires that an unlisted village such as Chenega must not be modern and urban in character.

Section 2651.2(b)(4) of Title 43 CFR requires that a majority of the residents as defined by "other evidence satisfactory to the Secretary of the Interior" which is the official approved enrollment, be Natives.

As of January 21, 1974, 59 Natives had been approved for enrollment in the Native Village of Chenega. On August 14, 1973, a field investigation was completed of Chenega and at that time it was found that the village was almost totally destroyed by the earthquake. Affidavits signed by seventeen Natives stated that 31 Natives who were subsequently approved for enrollment to Chenega would be residing in this village except for the tidal wave caused by the earthquake on March 27, 1964, which destroyed the village. All fifteen Natives who signed the affidavits stated that "except for that Act of God which destroyed my home and Native village I would have been a native resident at Chenega on April 1, 1970. I further declare that Chenega was my ancestral home and traditional place of residence. It is my preferred place for permanent abode, and since the possibility of another destructive earthquake seems remote, it is my desire and intent, as I herein state, to return to the village, as expeditiously as possible, to re-establish my residence and occupancy there to the same extent and in the same manner as it was enjoyed by me prior to March 27, 1964." All of the fifteen Natives who executed the said affidavits were on the enrollment which was approved on December 17, 1973.

A review of § 2651.2(b) (1), (2) (3), and (4) of Title 43 of CFR bears out the following: (1) 59 Natives were approved for enrollment pursuant to "other evidence satisfactory to the Secretary" as provided in Part 43h of Title 25 of CFR which sets out procedures and requirements for enrollment of the Natives; (2) due to the destruction of Chenega by the tidal wave caused by the earthquake on March 27, 1964, which was an Act of God, these Natives were not required to meet the other requirements of this subpart because such destruction took place during the ten years preceding 1970; (3) Chenega was not a modern and urban village at the time of its destruction by the tidal wave so it meets this requirement to be eligible as an unlisted village; and (4) Chenega meets the requirements

of this part since 59 Natives have been approved for enrollment to this village pursuant to Part 43h of Title 25 of CFR and no non-natives reside in Chenega.

A study of the Alaska Native Claims Settlement Act and the regulations under 43 CFR Part 2650 and 25 CFR Part 43h indicates that there is no reason why Chenega should not be determined an eligible unlisted Native village.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Chenega is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the *FEDERAL REGISTER* and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in 43 CFR 2651-2(a) (5), on or before March 28, 1974. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 15, 1974.

[FR Doc.74-4479 Filed 2-25-74;8:45 am]

#### EYAK, ALASKA

##### Final Decision Concerning Eligibility as Native Village

This is a written decision on protest filed pursuant to 43 CFR Part 2650 by the Alaska Chapter of the Sierra Club, by Jack Hession, Alaska Representative, 2400 Barrow St., Anchorage, Alaska 99501; by the Alaska Wildlife Federation and Sportsman Council, Inc., and Mr.

Philip Holdsworth by and through their council, James F. Clark of the law firm of Robertson, Monagle, Eastbaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801; and by the Forest Service, U.S. Department of Agriculture, by C. A. Yates, Regional Forester, P.O. Box 1628, Juneau, Alaska 99801, hereinafter referred to as Protestants.

The protest of the Alaska Chapter of the Sierra Club was dated January 18, 1974, and was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Forest Service, U.S. Department of Agriculture, was dated January 18, 1974, and was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter of the Sierra Club states in part as follows: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestant Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "Eyak—The Bureau of Indian Affairs printout run November 8, 1973, shows 313 persons enrolled to Eyak, but none presently living there. Moreover, Eyak is not listed as a village in the 1970 census."

Protestant Forest Service, U.S. Department of Agriculture, states in part as follows:

1. The BIA Director has made no Finding of Fact as to the eligibility of the village as required by Sec. 3(c) of the ANCSA and 43 CFR 2651.2(a) (1) and (2).

a. Finding must show that 25 Natives lived in the village on April 1, 1970.

b. The Finding of Fact must show that these 25 Natives were eligible for enrollment.

c. The Finding must be made that the village had a majority of Natives.

The Forest Service, in its review of information made available by the BIA, was unable to find any information (even reviewed in the best light favorable to eligibility) that would support a finding of eligibility.

2. There is some question about whether the proposed village is the "Old Town Eyak," a part of Cordova or Eyak on the Copper River Flats. The application for determination of eligibility with map sites "Old Town Eyak" in T. 15 N., R. 3 W. The BIA field examiner took photos of and described this same location. The Bureau of Land Management in their withdrawal order, specified T. 15 N., R. 2 W. as the core township; there is no sign of a village at this location.

The village was located in the flats at one time, but once Cordova was established the Natives adopted this as their home, as services and the amenities of life were more available. . . . The village, although not within the declared city limits of Cordova is in fact part and parcel of Cordova. The people of Eyak and Cordova enjoy the same services, their children go to the same school, and shop in the same stores.



The Forest Service, therefore, submits that there is no village on the Copper River Flats and that the location described at T. 18 N., R. 2 W. is not the one actually photographed and reported as visited by the BIA field examiner.

3. The present village of Eyak is actually a part of Cordova which had a population of 1,167 people by the 1970 census. The 1970 census did not list Eyak as a separate village.

In order for Eyak to qualify as a village, it must not be connected with a part of a city, town or other settlement.

The determination that must be made concerning majority of Natives must be based on the total population of, if not Cordova, at least Eyak. There is no finding of fact in the BIA case file either to the number of Natives actually living there or to the total population that must be considered.

Eyak is a part of Cordova, which is modern in character and has (43 CFR 2651.2(3)): (1) over 600 population, (2) a centralized water and sewer system, (3) 5 or more business establishments, (4) organized police and fire protection, (5) resident medical and dental service, (6) improved streets, and (7) daily jet passenger service."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows: "Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

"(A) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

"(B) The village is not of a modern and urban character, and a majority of the residents are Natives."

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well. Title 43 CFR 2651.2 contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

On March 5, 1972, Eyak was annexed as an Addition to the City of Cordova, Alaska. This annexation became effective after the enactment of the Alaska Native Claims Settlement Act of December 18, 1971. Eyak is considered as an unlisted village under said Act since it was not within the corporate limits of the City of Cordova when the above Act became law.

## NOTICES

304 Natives have been approved for enrollment to the Native Village of Eyak. On August 17, 1973, a field investigation was completed of Eyak and at that time 13 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 304 Natives who have been approved for enrollment to Eyak, represent a majority of the residents in 1970 in the Native Village of Eyak, also known as the Eyak Addition to the City of Cordova. Only the population in the Native Village of Eyak in 1970 will be considered in determining that a majority of the residents of Eyak are Natives. The Native Village of Eyak is not modern and urban in character. The proximity of Eyak to Cordova and its recent annexation to that City has not altered the Native character of the Native Village of Eyak. Although the number of non-Natives in Eyak is not known, it is known, that there are considerable more Natives on the approved enrollment to this village than the number of non-Natives residing in this village. The Bureau of Land Management, 555 Cordova St., Anchorage, Alaska 99510 has been notified by the Bureau of Indian Affairs that the Native Village of Eyak is not located in Township 15, South, Range 3 West, Copper River Meridian. Eyak is located in Township 15, South, Range 3 West, Copper River Meridian. The Native Village of Eyak had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of the eligibility of the enrolled Natives of Eyak.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Eyak is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the *FEDERAL REGISTER* and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 28, 1974. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal within which to file an appeal brief, and the opposing parties shall have

not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 19, 1974.

[FR Doc.74-4477 Filed 2-25-74; 8:45 am]

## HAINES, ALASKA

## Final Decision Concerning Ineligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the State of Alaska, by and through Charles F. Herbert, Commissioner, Department of Natural Resources, Pouch M, Juneau, Alaska 99801; by the United States Department of Agriculture, Forest Service, by and through C. C. Yates, Regional Forester, P.O. Box 1628, Juneau, Alaska 99801; by Mr. F. D. Sloan, P.O. Box 152, Juneau, Alaska 99801; by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510; and by the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801.

The protest of the State of Alaska was dated January 16, 1974 and was received January 17, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the U.S. Forest Service was dated January 17, 1974 and was received January 18, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of Mr. F. D. Sloan was dated January 17, 1974 and was received January 18, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and it was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and it was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by Sec. 5(b) of the Alaska Native Claims Settlement Act. 85 Stat. 690. The findings

are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine their legal residence."

Protestant Regional Forester, Forest Service, United States Department of Agriculture states in part: "Haines, according to the 1970 census, was composed of 463 persons in 1970 and 110 of that number was Native. Port Chilkoot consisted of 220 souls on that census, 52 of which were Native. There is no conceivable way that the 162 consists of a majority of 683 or that in accordance with BIA enrollment, 318 consist of a majority."

Protestant Mr. F. D. Sloan states in part: "The combined population of Haines-Port Chilkoot at the time of 1970 census was 683. . . . The majority of the residents at the time of the 1970 census were not Native . . . ."

Protestant Alaska Chapter, Sierra Club states in part as follows: "Haines appears to be of a modern and urban character and therefore ineligible."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "The certification of Haines as a village is protested on the grounds that no village in Southeastern Alaska is eligible for land benefits under the Alaska Native Claims Settlement Act unless they are named in Section 16(a) thereof. Haines is not named. Therefore, it is ineligible for land benefits under the Act."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows: "Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

"(A) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

"(B) The village is not of a modern and urban character, and a majority of the residents are Natives."

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of

## NOTICES

Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

43 CFR 2651.2 contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

318 Natives have been approved for enrollment in the Native Village of Haines. Affidavits from three Natives of Haines dated December 11, 1973 show that 13 or more Natives lived in Haines in 1970. Haines has an identifiable physical location, the population less than 600 and is not modern or urban, however, to this date the number of Natives certified for enrollment to Haines do not constitute a majority of total residents in Haines.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby reverse the decision made on December 10, 1973, and published on pages 35028 and 35029 in the *FEDERAL REGISTER* on December 21, 1973, determining that the Native Village of Haines was eligible for land benefits under said Act.

The Director, Juneau Area Office, Bureau of Indian Affairs hereby determines the Native Village of Haines to now be ineligible for land benefits under the Alaska Native Claims Settlement Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the *FEDERAL REGISTER* and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 28, 1974. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board

and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 15, 1974.

[FR Doc.74-4478 Filed 2-25-74; 8:45 am]

## KASLOF, ALASKA

## Final Decision Concerning Eligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR Part 2650 by the State of Alaska, by Charles F. Herbert, Commissioner, Department of Natural Resources, Pouch M, Juneau, Alaska 99801; by the Kenai Peninsula Conservation Society by and through John Hakala, President, P.O. Box 563, Soldotna, Alaska 99689; by the Alaska Wildlife Federation and Sportsman Council, Inc. and Mr. Philip Holdsworth by and through James F. Clark of Robertson, Monagle, Eastaugh and Bradley, Attorneys at Law, P.O. Box 1211, Juneau, Alaska 99801; by the Alaska Chapter of the Sierra Club by Jack Hession, Alaska Representative, 2400 Barrow, Anchorage, Alaska 99501; and by the Bureau of Sport Fisheries and Wildlife, Department of the Interior by and through Area Director Gordon W. Watson, 813 D Street, Anchorage, Alaska 99501, hereinafter referred to as protestants.

The protest of the State of Alaska was dated January 18, 1974, and received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Kenai Peninsula Conservation Society was dated December 21, 1973, and received December 27, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Chapter of the Sierra Club was dated January 18, 1974, and received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Bureau of Sport Fisheries and Wildlife was dated January 18, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by Sec. 5(b) of the Alaska Native Claims Settlement Act, 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1,

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1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine their legal residence."

Protestant Kenai Peninsula Conservation Society states: "The village does not meet the qualifications for a village as set forth in the Alaska Land Claims Settlement Act of 1971."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "Kasilof—The inclusion of Kasilof as a village under the Act is protested for the reasons set forth in the body of the protest with respect to the illegality of the entire enrollment as it has thus far been conducted under the Alaska Native Claims Settlement Act."

Protestant Alaska Chapter of the Sierra Club states in part: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestant Area Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior states: "We contend that neither the identifiable physical locations of Point Possession or Kasilof, nor the minimum residence requirement in relation to identifiable physical village location has been established."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows: "Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

"(A) Twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

"(B) The village is not of a modern and urban character, and a majority of the residents are Natives."

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

43 CFR 2651.2 contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Sec-

retary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 41 Natives had been approved for enrollment in the Native Village of Kasilof. On August 27, 1973, a field investigation was completed of Kasilof and at that time 13 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment to Kasilof, represents a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of the eligibility of the enrolled Natives of Kasilof.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Kasilof is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in 43 CFR 2651.2(a)(5), on or before March 28, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.  
FEBRUARY 15, 1974.  
[FR Doc.74-4481 Filed 2-25-74; 8:45 am]

#### KNIK, ALASKA

##### Final Decision Concerning Eligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Estaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801; Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M, Juneau, Alaska 99801; and Matanuska-Susitna Borough, P.O. Box B, Palmer, Alaska 99645; and Eklutna, Inc., by and through their Counsel, Burr, Pease & Kurtz, Inc., 825 W. Eighth Ave., Anchorage, Alaska 99501.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Commissioner, Department of Natural Resources, State of Alaska, was dated January 16, 1974, and was received on January 17, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Matanuska-Susitna Borough was dated January 17, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of Eklutna, Inc., was dated January 17, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "Knik—The Bureau of Indian Affairs printout run November 8, 1973, shows only 8 enrollees to Knik as presently residing there. Knik is not listed as a village in the 1970 census."

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by Sec. 5(b) of the Alaska Native Claims Settlement Act. 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to

be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine the legal residence."

Protestant Matanuska-Susitna Borough states in part as follows: "This Notice of Protest has been prepared in conformity with 43 CFR 2651.2 and is accompanied by evidence which shows that Knik is ineligible for certification and benefits pursuant to the Alaska Native Claims Settlement Act."

Protestant Eklutna, Inc., states in part as follows: "This Notice of Protest has been prepared in conformity with 43 CFR 2651.2 and is accompanied by evidence which shows that Knik is ineligible for certification and benefits pursuant to the Alaska Native Claims Settlement Act."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows: "Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

"(A) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the Census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

"(B) The village is not of a modern and urban character, and a majority of the residents are Natives."

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

43 CFR 2651.2 contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 29 Natives had been approved for enrollment in the Native Village of Knik. On August 28, 1974, a field investigation was completed of Knik and at that time 13 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 29 Na-

tives who have been approved for enrollment to Knik, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of their eligibility of the enrolled Natives of Knik.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Knik is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in 43 CFR 2651.2(a)(5), on or before March 28, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,  
Acting Director.

FEBRUARY 15, 1974.

[FR Doc.74-4475 Filed 2-25-74; 8:45 am]

#### POINT POSSESSION, ALASKA

##### Final Decision Concerning Eligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR Part 2650 by the State of Alaska, by Charles F. Herbert, Commissioner, Department of Natural Resources, Pouch M, Juneau, Alaska 99801; by the Forest Service, United States Department of Agriculture

by and through the Alaska Region Forester, C. A. Yates, P.O. Box 1628, Juneau, Alaska 99801; by the Kenai Peninsula Conservation Society by and through John Hakala, President, P.O. Box 563, Soldotna, Alaska 99669; by the Alaska Wildlife Federation and Sportsman Council, Inc. and Mr. Philip Holdsworth by and through James F. Clark of Robertson, Monagle, Estaugh and Bradley, Attorneys at Law, P.O. Box 1211, Juneau, Alaska 99801; by the Alaska Chapter of the Sierra Club by Jack Hession, Alaska Representative, 2400 Barrow, Anchorage, Alaska 99501; and by the Bureau of Sport Fisheries and Wildlife, Department of the Interior by and through Area Director Gordon W. Watson, 613 D Street, Anchorage, Alaska 99501, hereinafter referred to as protestants.

The protest of the State of Alaska was dated January 18, 1974, and received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the United States Forest Service was dated January 18, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Kenai Peninsula Conservation Society was dated December 21, 1973, and was received December 27, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Chapter of the Sierra Club was dated January 18, 1974, and received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Bureau of Sport Fisheries and Wildlife was dated January 18, 1974, and received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by Sec. 5(d) of the Alaska Native Claims Settlement Act. 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the



enrollees to determine their legal residence."

Protestant Kenai Peninsula Conservation Society states: "The village does not meet the qualifications for a village as set forth in the Alaska Land Claims Settlement Act of 1971."

Protestant Regional Forester, Forest Service, United States Department of Agriculture states in part as follows: "Enrollment to Anton Larsen Bay or Point Possession does not meet the requirements of Sec. 5(b) and Sec. 3(c) of the ANCSA. The Interior Department has, through its regulations and procedures distorted and ignored the actual language of the Act. The enrollment of the Natives as set out in the ANCSA, Sec. 5(b), is quite specific: 'The roll prepared by the Secretary shall show for each Native . . . the region and the village or other place in which he resided on the date of the 1970 census enumeration, and he shall be enrolled according to such residence.' The Area Director, in his Anton Larsen Bay and Point Possession decisions, would ignore these pertinent requirements of the Act on enrollment by quoting village requirements Sec. 11(b)(2)(A), 'less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary . . .'"

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "The Bureau of Indian Affairs printout run November 8, 1973, shows none of the enrollees to Point Possession as presently living there. Moreover, the 1970 census does not list it as a village."

Protestant Alaska Chapter of the Sierra Club states in part: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestant Area Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior states: "We contend that neither the identifiable physical locations of Point Possession or Kasilof, nor the minimum residence requirement in relation to identifiable physical village location has been established."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows: "Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

"(A) Twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

"(B) The village is not of a modern and urban character, and a majority of the residents are Natives."

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

43 CFR 2651.2 contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 34 Natives had been approved for enrollment in the Native Village of Point Possession. On August 23, 1973, a field investigation was completed of Point Possession and at that time 13 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment to Anton Larsen Bay, represents a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of the eligibility of the enrolled Natives of Point Possession.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Point Possession is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the Federal Register and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in 43 CFR 2651.2(a)(5), on or before March 28, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad

Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUILA,  
Acting Director.

FEBRUARY 15, 1974.

[FR Doc.74-4480 Filed 2-25-74; 8:45 am]

#### Bureau of Land Management [N-219]

#### NEVADA

#### Proposed Withdrawal of Desert National Wildlife Range From Mineral Entry

FEBRUARY 15, 1974.

A request to withdraw the lands described below from location under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, has been filed by the Bureau of Sport Fisheries and Wildlife. The lands involved are withdrawn and reserved from appropriation under the public land laws as the Desert National Wildlife Range by Public Land Order 4079 of August 31, 1966.

The withdrawal of the lands from the mining laws will further protect the area which is set aside for protection, enhancement and maintenance of wildlife resources, including bighorn sheep. Disturbance of the range by prospecting and/or mining activity cannot be tolerated in an area where wildlife survival depends on already sparse water and forage supplies.

For a period until March 28, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89502. The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced. The lands involved in the application are:

#### MOUNT DIABLO MERIDIAN, NEVADA

T. 16 S., R. 58 E.,  
Sec. 10, E½;  
Secs. 11, 12 and 13;  
Sec. 14, E½;  
Sec. 24.  
T. 15 S., R. 59 E.

T. 16 S., R. 59 E.,  
Secs. 1 to 30, inclusive;  
Sec. 31, NE¼;  
Secs. 32 to 36, inclusive.  
T. 17 S., R. 59 E.,  
Secs. 1 to 4, inclusive;  
Sec. 5, E½;  
Sec. 7, SW¼, E½;  
Secs. 8 to 18, inclusive;  
Secs. 21 to 28, inclusive;  
Secs. 33 to 36, inclusive.  
Tps. 9 to 12, inclusive, 12½, and 13 to 15, inclusive, 16 and 17 E., R. 60 E.

T. 18 S., R. 60 E.,  
Secs. 1 to 18, inclusive;  
Secs. 22, 23, 24;  
Sec. 25, N½;  
Sec. 26, N½;  
Sec. 27, N½.

Tps. 9 to 12, inclusive, 12½, and 13 to 16, inclusive, 17 and 18 S., R. 61 E.

T. 9 S., R. 62 E.,  
Sec. 4, S½S½;  
Sec. 5, NW¼SW¼, S½S½;  
Sec. 6, SE¼NE¼, W½NE¼, NW¼, S½;  
Secs. 7, 8 and 9;  
Sec. 10, W½E½, W½;  
Sec. 15, W½E½, W½;  
Secs. 16 to 21, inclusive;  
Sec. 22, W½E½, W½;  
Sec. 27, W½E½, W½;  
Secs. 28 to 33, inclusive;  
Sec. 34, W½E½, W½.

T. 10 S., R. 62 E.,  
Secs. 3 to 10, inclusive;  
Sec. 14, SE¼NW¼, W½NW¼, SW¼;  
Secs. 15 to 22, inclusive;  
Sec. 23, W½, W½SE¼;  
Secs. 26 to 35, inclusive;  
Sec. 36, W½W½.

T. 11 S., R. 62 E.,  
Sec. 1, W½W½;  
Secs. 2 to 36, inclusive.  
Tps. 12, 12½, 13, 14, 15, 16 and 17 S., R. 62 E.

T. 16 S., R. 62 E.,  
Sec. 1 to 31, incl.  
Tps. 9 to 13, incl., 14 and 15 S., R. 54 E., located within Lincoln and Clark Counties.  
Tps. 9, 10, 11, 12, 13, 14, 15 S., R. 55 E.  
Tps. 9, 10, 11, 12, 13, 14 and 15 S., R. 55½ E.  
Tps. 9, 10, 11, 12, 13, 14 and 15 S., R. 56 E.

Tps. 9, 10, 11, 12, 13, 14 and 15 S., R. 57 E.,  
T. 16 S., R. 57 E.,  
Secs. 1 to 9, incl.;  
Tps. 9, 10, 11, 12, 13, 14 and 15 S., R. 58 E.

T. 16 S., R. 58 E.,  
Secs. 1 to 9, incl.;  
Sec. 10, W½;  
Sec. 14, W½;  
Secs. 15 to 23, incl.;  
Secs. 25, 26, 27, 34, 35 and 36.  
Tps. 9, 10, 11, 12, 13 and 14 S., R. 59 E.

T. 16 S., R. 59 E.,  
Sec. 31, W½SE¼.  
T. 17 S., R. 59 E.,  
Sec. 5, W½;  
Sec. 6;  
Sec. 7, NW¼.

T. 18 S., R. 62 E.,  
Secs. 32 to 36, incl.

The areas described aggregate approximately 1,583,000 acres in Clark and Lincoln Counties.

ERNEST T. GROVER,

Acting Chief,

Division of Technical Services.

[FR Doc.74-4474 Filed 2-25-74; 9:45 am]

#### UTAH

#### Competitive Lease Offer of Oil Shale Lands

Notice is hereby given that on March 12, 1974, Utah TRACT U-a, as hereafter

described in paragraph 1, will be offered for oil shale lease be sealed bids to the qualified bidder submitting the highest amount per acre as bonus for the privilege of leasing the lands in accordance with the provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181-263), and the general notice of Sale of Oil Shale Leases published in the FEDERAL REGISTER of November 30, 1973.

#### 1. TRACT U-a:

T. 10 S., R. 24 E., SLM,  
Sec. 19, E½;  
Secs. 20, 21, 22, 27, 28, and 29, all;  
Sec. 30, E½;  
Sec. 33, N½;  
Sec. 34, N½.  
The area described aggregates 5,120.00 acres.

2. *Lease terms.* The lease will be issued on a form the full text of which is published as Appendix "A" to the general Notice of Sale published in the FEDERAL REGISTER on November 30, 1973. The lease will be issued for a period of 20 years and so long thereafter as production is had in commercial quantities, subject to readjustment of terms at the end of each 20-year period. The lessee will be required to pay royalty on production in the amount and manner prescribed in Section 7 of the lease, and to maintain a bond as provided in Section 9.

3. *Minimum royalty.* Section (7) (e) (1) of the lease form requires the payment of a minimum royalty for the sixth and each succeeding year which shall for this tract be based upon the following production rate and oil shale grade:

Tract	Shale grade Gallons per ton	6th Year production rate Thousands of tons per year	15th Year production rate Thousands of tons per year
Tract U-a	30	208	2,060

4. *Bidding procedures.* The lease will be offered competitively through sealed bidding. A lease will be issued only to the qualified bidder submitting the highest amount per acre as a bonus for the privilege of leasing the lands. No specific form of bid is required but all bids must identify the lease sale and must show the total amount bid, the amount bid per acre, and the amount submitted with the bid. Oil and Gas Bid Form No. 3120-17 may be adapted for this purpose. No telephonic or telegraphic bids will be accepted, and no oil payment, overriding royalty, logarithmic, or sliding scale bid will be considered. Bids shall not be modified after they have been submitted. Bids must be for the full tract described in this Notice of Sale. Bids must be submitted in sealed envelopes plainly marked "Sealed Bid for Oil Shale Lease. Not to be opened before 10 a.m., m.d.t. on March 12, 1974." Bids may be mailed or delivered in person until 10 a.m., m.d.t. March 12, 1974, to the State Director, Utah State Office, Bureau of Land Management, Federal Building, 125 South

State, Salt Lake City, Utah. Bids received after that time will be returned unopened. Bidders are warned against violation of section 1860 in Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

5. *Payment of bonus and advance rental.* All bids must be accompanied by a certified check, cashier's check, bank draft, money order, or cash for one-fifth of the bonus bid payable to the Bureau of Land Management, which amount shall be returned to the bidder after the lease sale should he be an unsuccessful bidder. If the bidder, after being notified that his bid has been accepted and that he will be awarded a lease, fails to comply with the applicable regulations or the terms of this notice, or if he fails to execute the lease within 15 days after receiving the lease form, his deposit will be forfeited.

Each bid must also be accompanied by a certified check, cashier's check, bank draft, money order, or cash for the first year's annual rental of \$2,560.00. This amount shall be returned to all unsuccessful bidders after the lease sale.

6. *Evidence of qualifications.* Each bid must be accompanied by a statement over the bidder's signature or that of his authorized agent with respect to his qualifications. The statement shall contain the following information:

(a) If the bidder is an individual, a statement as to whether native born or naturalized; if an association, it must submit a certified copy of the articles of association and a statement by its members as to their citizenship. If the bidder is a corporation, it must submit statements showing: (i) The State in which it is incorporated; (ii) That it is authorized to hold leases for oil shale deposits, and the names of the officers authorized to act in such matters in behalf of the corporation; (iii) The percentage of the corporate voting stock and of all the stock owned by aliens or those having addresses outside the United States; and (iv) The name, address, and citizenship of any stockholder owning or controlling 20 percent or more of the corporate stock of any class. If more than 10 percent of the stock is owned or controlled by or in behalf of aliens, or persons who have addresses outside the United States, the corporation must give their names and addresses, the amount and class of stock held by each, and to the extent known to the corporation or which reasonably can be ascertained by it, the facts as to the citizenship of each. The bid of a corporation also shall be accompanied by a copy either of the minutes of the meeting of the board of directors or of the by-laws indicating that the person signing the bid has authority to do so, or, in lieu of such a copy, a certificate by the Secretary of the corporation to that effect, over the corporate seal, or appropriate reference to the record of the Bureau of Land Management in connection with which such articles and authority have been furnished previously; and

(b) The certification required by 41 CFR 60-1.7(b) and Executive Order No.



11246 of September 24, 1965, as amended by Executive Order No. 11375, on Form 1140-8 (November 1973) and Form 1140-7 (December 1971).

7. *Bid opening.* The bids will be opened at 10 a.m., MDT March 12, 1974, at the Utah State Office, Bureau of Land Management, Federal Building, 125 South State, Salt Lake City, Utah 84138. The opening of bids is for the purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, MDT March 12, 1974, that bid will be returned unopened to the bidder as soon thereafter as possible.

8. *Acceptance or rejection of bids.* No bid for this tract will be accepted and no lease for this tract will be awarded to any bidder unless the bidder has complied with all requirements of this Notice, his bid is the highest for the offered tract, and the amount of the bonus bid has been determined to be adequate by the United States. The Government reserves the right to reject any or all bids. Any cash, checks, drafts, or money orders submitted with the bid may be deposited in an unearned escrow account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

9. *Preliminary Development Plan.* Within forty-eight hours after being informed that his bid has been accepted and that a lease will be issued to him, the successful bidder must transmit a preliminary development plan, in duplicate, to the Officer conducting the lease sale. This plan will be made public upon issuance of the lease, and, therefore, confidential information relative to the lessee's operations should not be included in the submission. Confidential information should be submitted in the same manner, but under separate cover. The submission or acceptance of these plans will not be binding on the lessee or lessor and will not authorize any action by the lessee, but the plan is required for the lessor's guidance in establishing initial supervision of the lessee's activities. The preliminary development plan should include the method of development, the proposed location of on- and off-site facilities, the schedule for development, and monitoring programs to determine environmental criteria.

10. *Interest of the State of Utah.* The State of Utah claims that it is entitled to the lands offered for lease by this sale and to any bonus and royalty monies that may result therefrom. The claim is based upon the State's right under R.S. 2275 and 2276, as amended (43 USC 851-852) to make selections of public lands in lieu of other lands lost to it by virtue of Federal withdrawals and for other reasons. Applications for transfer of the lands to the State of Utah are presently pending before the Secretary, but have not been approved. The State has indicated that it intends to file a lawsuit,

perhaps before the lease sale which is the subject of this notice is held, to determine its right to the lands. In the meantime, the State has agreed by the execution of an appropriate document by its Governor and Board of State Lands that in the event it acquires title to the lands offered for lease by this sale, whether by action of the Secretary, court order or otherwise, subsequent to the issuance of an oil shale lease by the United States on those lands, the State will succeed the United States as lessor under that lease and will fully honor all terms and conditions of the lease.

11. *Further information.* Information concerning this oil shale lease sale may be obtained from the Oil Shale Coordinator, Room 5623, Interior Building, Washington, D.C. 20240; the Deputy Oil Shale Coordinator, Building 56, Denver Federal Center, Denver, Colorado; the Chief, Division of Upland Minerals, Bureau of Land Management, Room 7146, Interior Building, 18th and C Streets NW., Washington, D.C. 20240; and the State Director, Utah State Office, Bureau of Land Management, Federal Building, 125 South State, Salt Lake City, Utah 84138.

CURT BERKLUND,  
Director,

Bureau of Land Management.

Approved: February 22, 1974.

JACK O. HORTON,  
Assistant Secretary  
of the Interior.

[FR Doc.74-4618 Filed 2-25-74;9:29 am]

## DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric  
Administration

COHANZICK ZOO

Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Cohanzick Zoo, City Park, Bridgeton, New Jersey 08302, to take one (1) female California sea lion (*Zalophus californianus*) for public display.

The sea lion will be taken from the California Channel Islands by a professional collector. The sea lion will be taken from the beach with a hoop net, under appropriate wind and temperature conditions, acclimated by the collector, and transported by commercial airlines to the Cohanzick facility.

The sea lion display includes a 150 foot long section of a natural freshwater stream, which is 40 feet wide and eight feet deep. Hauling areas consisting of sandy beaches and stone, arranged to simulate the native environment of sea lions, extend approximately 30 feet on either side of the stream. Two sea lions have been successfully maintained in this facility for two and one-half years. The

requested sea lion will also be maintained in this facility, to supplement the existing display and to potentially form a breeding colony.

The Curator of Cohanzick Zoo, Mr. Henry Ricci, has worked with zoological parks for 20 years. Six other staff members, each experienced in animal husbandry, have been with Cohanzick Zoo for three years.

The Cohanzick Zoo, a non-profit organization operated by the City of Bridgeton Recreation Department, is currently undergoing re-building. Approximately 100,000 visitors are anticipated annually. The sea lion display forms a focal point for the Zoo's displays, and is adjacent to and forms a major part of the educational program at the Zoo.

Documents submitted in connection with this application are available as follows:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617-281-0640;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-548-2575.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is sending copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before March 13 to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the applicant and do not reflect the views of the National Marine Fisheries Service.

Dated: February 20, 1974.

JACK W. GEHRINGER,  
Acting Director, National  
Marine Fisheries Service.

[FR Doc.74-4442 Filed 2-25-74;8:45 am]

## FISH AND WILDLIFE SERVICE

Notice of Receipt of Application for  
Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

U.S. Fish and Wildlife Service, Department of the Interior, 813 D Street, Anchorage, Alaska 99501, to take up to 25 carcasses of ringed seals (*Pusa hispida*) and up to 10 carcasses of bearded seals (*Erignathus barbatus*) for scientific research.

Notice is hereby given that, on February 15, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Howard E. Winn, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: February 15, 1974.

JACK W. GEHRINGER,  
Acting Director, National  
Marine Fisheries Service.

[FR Doc.74-4445 Filed 2-25-74;8:45 am]

## MYSTIC MARINELIFE AQUARIUM

Issuance of Permit for Marine Mammals

On December 17, 1973, notice was published in the FEDERAL REGISTER (38 FR 34680) that an application had been filed with the National Marine Fisheries Service by Mystic Marinelife Aquarium, P.O. Box 190, Mystic, Connecticut 06335, for a permit to take certain marine mammals for the purpose of public display.

Notice is hereby given that on February 20, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Mystic Marinelife Aquarium for three pilot whales (*Globicephala macrorhyncha*). The activities authorized by this Permit are subject to certain conditions set forth therein. The Permit is available for review by interested parties in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: February 20, 1974.

JACK W. GEHRINGER,  
Acting Director, National  
Marine Fisheries Service.

[FR Doc.74-4443 Filed 2-25-74;8:45 am]

## SEA LIFE, INC.

Issuance of Permit for Marine Mammals

On November 20, 1973, notice was published in the FEDERAL REGISTER (38 FR 31982) that an application had been filed with the National Marine Fisheries Service by Sea Life, Incorporated, Makapuu Point, Waimanalo, Hawaii 96795, for a permit to take or import certain marine mammals for public display.

Notice is hereby given that, on February 8, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Sea Life, Incorporated, for the taking or importing of marine mammals as set out below:

Scientific name	Common name	Number requested	Number granted
<i>Stenella longirostris</i>	Spinner dolphin	17	11
<i>Steno bredanensis</i>	Rough-toothed dolphin	5	5
<i>Tursiops gilli</i>	Pacific bottlenose dolphin	8	8
<i>Parudorca crassidens</i>	False killer whale	3	3
<i>Globicephala macrorhyncha</i>	Pilot whale	3	2
<i>Feresa attenuata</i>	Pygmy killer whale	4	0
<i>Ziphius cavirostris</i>	Cuvier's beaked whale	2	0
<i>Grampus griseus</i>	Risso's dolphin	2	0
<i>Zalophus californianus</i>	California sea lion	14	14
<i>Phoca vitulina</i>	Harbor seal	4	4
<i>Hydrurga leponyx</i>	Leopard seal	2	2
<i>Mirounga angustirostris</i>	Elephant seal	2	0

The activities authorized by this Permit are subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: February 8, 1974.

JACK W. GEHRINGER,  
Acting Director, National  
Marine Fisheries Service.

[FR Doc.74-4446 Filed 2-25-74;8:45 am]

## United States Travel Service

TRAVEL ADVISORY BOARD

### Notice of Meeting

The Travel Advisory Board of the U.S. Department of Commerce will meet March 12, 1974, at 9:30 A.M., in Room 4830 of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

1. Opening remarks by Assistant Secretary of Commerce for Tourism, C. Langhorne Washburn.
2. 1973 U.S. arrivals and departures, and tourism earnings and expenditures.
3. Discussion of highlights of USTS activities, January to March, 1974.
4. Discussion of progress under Integrated Marketing Plan and Measurement System, and of concluding report from IMA, Inc., mailed to TAB members on January 24.
5. Discussion of energy situation as it affects tourism and USTS.
6. Adjournment.

A limited number of seats—approximately 14—will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is



available the presentation of oral statements will be allowed.

Robert Jackson, Director of Information Services, of the United States Travel Service, Room 1525, U.S. Department of Commerce, Washington, D.C. 20230, (Telephone 202/967-4987) will respond to public requests for information about the meeting.

C. LANGHORNE WASHBURN,  
Assistant Secretary for Tourism,  
U.S. Department of Commerce.

[FR Doc.74-4401 Filed 2-25-74; 8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-74-267]

### REGIONAL ADMINISTRATORS, ET AL. Redelegation of Authority With Respect to Loan and Contract Servicing

The redelegation of authority to Regional Administrator et al., with respect to loan and contract servicing published at 35 FR 16104, October 14, 1970, as amended at 36 FR 1488, January 30, 1971; 36 FR 21539, November 10, 1971; 37 FR 104, January 5, 1972; 37 FR 14427, July 20, 1972; 38 FR 1298, January 11, 1973; and 38 FR 21517, August 9, 1973, is further amended in the following respects:

1. Section B is revised to read as follows:

"Sec. B. Authority redelegated with respect to the College Housing Program. Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, and Director, Housing Management Division, Area Office, is authorized to exercise the power and authority of the Secretary of Housing and Urban Development in connection with servicing loans and grants for college housing under title IV of the Housing Act of 1950 (12 U.S.C. 1749-1749c), except the power and authority specified in section D."

2. A new section C is added to read as follows:

"Sec. C. Authority redelegated with respect to the Program for the Elderly or Handicapped. Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, Insuring Office Director, Deputy Insuring Office Director, and Director, Housing Management Division, Area and Insuring Office, is authorized to exercise the power and authority of the Secretary of Housing and Urban Development in connection with servicing loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), except the power and authority specified in section D."

3. A new section D is added to read as follows:

"Sec. D. Authority excepted. There is excepted from the authority delegated under section B and section C the power to:

1. Sue and be sued.
2. Establish the rate of interest on Federal loans and advances.

3. Issue notes or other obligations for purchase by the Secretary of the Treasury.

4. Issue rules and regulations.

5. Exercise the power and authority under section 402(a) and section 402(c) (1-9) of the Housing Act of 1950 (12 U.S.C. 1749(a) and 1749(c) (1)-(9)).

4. The present section C is redesignated section E.

5. The present section D is redesignated section F.

6. The present section E is redesignated section G and is revised to read as follows:

"Sec. G. Exercise of redelegated authority. Redelegations of authority made under sections A through G shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator, Area Director, or Insuring Office Director, or any of them, to whom a delegate is responsible.

(Secretary's delegation of authority to redelegate published at 36 FR 5005, Mar. 16, 1971)

Effective date. This amendment to redelegation of authority is effective as of January 1, 1974.

H. R. CRAWFORD,  
Assistant Secretary  
for Housing Management.

[FR Doc.74-4439 Filed 2-25-74; 8:45 am]

[Docket No. D-74-268]

### REGIONAL ADMINISTRATORS, ET AL. Redelegation of Authority With Respect to Housing Management

The redelegation of authority by the Assistant Secretary for Housing Management published at 35 FR 16105, October 10, 1970, as amended at 35 FR 17964, November 21, 1970; 36 FR 21298, November 5, 1971; 36 FR 21538, November 10, 1971; 37 FR 9048, May 4, 1972; 37 FR 12420, June 23, 1972; and 37 FR 17576, August 30, 1972, is further amended in the following respects:

1. A new section L is added to read as follows:

"Sec. L. Authority redelegated to Insuring Office Officials. Each insuring Office Director, Deputy Insuring Office Director, and Director, Housing Management Division, Insuring Office, is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the housing management aspects of the Program of Loans for Housing for the Elderly or Handicapped under section 202 of the Housing Act of 1950 (12 U.S.C. 1749-1749c)."

2. The present section L is redesignated as section M and is revised to read as follows:

"Sec. M. Additional authority excepted. There is further excepted from the authority redelegated under sections A through L the power and authority to:

1. Establish the rate of interest on Federal loans and advances.
2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Sue and be sued.

4. Issue rules and regulations.

5. Exercise the powers and authorities under section 402(a) and under section 402(c) (1-9) of the Housing Act of 1950 (12 U.S.C. 1749(a) and 1749(c) (1)-(9)).

3. The present section M is redesignated as section N and is revised to read as follows:

"Sec. N. Exercise of redelegated authority. Redelegations of authority made under sections A through L shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator, Area Director, or Insuring Office Director, or any of them, to whom a delegate is responsible."

(Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date. This amendment to redelegation of authority is effective as of January 1, 1974.

H. R. CRAWFORD,  
Assistant Secretary  
for Housing Management.

[FR Doc.74-4440 Filed 2-25-74; 8:45 am]

### Federal Disaster Assistance Administration [Docket No. NFD-157; FDAA-411-DR]

#### NEW HAMPSHIRE

Amendment to Notice of Major Disaster

Notice of major disaster for the State of New Hampshire, dated January 21, 1974, and published January 24, 1974 (39 FR 2787), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 21, 1974: The Counties of:

Bellknap Carroll

Dated: February 20, 1974.

THOMAS P. DUNNE,  
Administrator, Federal Disaster  
Assistance Administration.

(Catalog of Federal Domestic Assistance No. 14-701, Disaster Assistance)

[FR Doc.74-4494 Filed 2-25-74; 8:45 am]

### ATOMIC ENERGY COMMISSION LMFBR DEMONSTRATION PROJECT Supplemental Determination

On June 12, 1973, the U.S. Court of Appeals for the District of Columbia Circuit held in *Scientist's Institute for Public Information, Inc. v. AEC*, 481 F.2d 1079 (D.C. Cir. 1973) that present preparation of an environmental impact statement on the Liquid Metal Fast Breeder Reactor (LMFBR) program is required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). The U.S. Atomic Energy Commission, on June 14, 1973, determined that preparation of an environmental impact statement on the LMFBR program would immediately be initiated pursuant to the

Court's decision. A subsequent declaratory order of the U.S. District Court provided for completion of this statement by June 14, 1973.

Prior to execution of the LMFBR Demonstration Plant contracts and implementation thereof during the period of preparation of a NEPA impact statement on the LMFBR program, the Commission determined that an examination should be made as to whether the execution of the contracts and implementation thereof would be inconsistent with its NEPA responsibilities in regard to environmental protection, or would prejudice its ability to make the required NEPA review and take whatever action may be appropriate in light thereof.

In undertaking this interim NEPA examination, the Commission considered and balanced the following factors:

1. Whether it is likely that execution of the LMFBR Demonstration project contracts and implementation thereof during the prospective review period will give rise to a significant adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification, suspension or termination of project activities result from the ongoing NEPA environmental review.

2. Whether execution of the LMFBR project contracts and implementation thereof during the prospective review period would foreclose subsequent adoption of alternatives of the type that could result from the ongoing NEPA review.

3. The effect of delay in executing and implementing the LMFBR project contracts upon the public interest.

4. Whether the additional irretrievable commitment of resources if these contracts are executed and implemented during the limited time involved might affect the eventual decision reached on the NEPA review.

To assist the Commission in its consideration of the foregoing factors the Commission published in the *FEDERAL REGISTER* on June 29, 1973 (38 F.R. 17263) its proposed determination with a request that interested persons who desired to submit written comments or suggestions for Commission consideration do so on or before July 14, 1973. The Commission carefully considered all comments received.

The results of the Commission's examination of this matter in the light of all comments received was set forth in a document entitled, "Findings Supporting Determination in Regard to LMFBR Demonstration Project Pending Preparation of a Section 102(2)(C) NEPA Impact Statement on the LMFBR Program." Copies of this document and of

\*These factors are analogous to those developed for determinations in regard to whether to suspend certain reactor construction permits and operating licenses pending completion of the Section 102(2)(C) reviews required as a result of the decisions of the U.S. Court of Appeals for the District of Columbia Circuit in *Calvert Cliffs Coordinating Committee, Inc. v. Atomic Energy Commission*, 449 F.2d 1109 (D.C. Cir. 1971) and *Coalition for Safe Nuclear Power v. AEC, et al.*, 463 F.2d 1964 (D.C. Cir. 1972). These factors are set forth in 10 CFR Part 50, Appendix D.

all comments received are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Copies may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: General Manager.

Based on the results of the foregoing examination, the Commission determined on July 20, 1973 that the LMFBR Demonstration Plant project contracts may be executed and thereafter implemented during the limited period of the ongoing NEPA review of the LMFBR program. This Determination was published in the *FEDERAL REGISTER* on July 24, 1973 (38 F.R. 19653).

The original Determination and supporting Findings did not expressly state that certain long lead time reactor components and related materials might be procured during this twelve (12) month NEPA review period even though sufficient funds for this purpose were projected therein. Such limited procurement is on the critical path of the LMFBR Demonstration Plant project schedule.

Before reaching a decision as to the initiation of procurement of the long lead time equipment and materials, the Commission considered the implementation of this action in the context of the four factors enumerated earlier.

This examination was made in order to determine whether implementation during the NEPA review period would be consistent with the Commission's NEPA responsibilities in regard to environmental protection or would prejudice its ability to continue making the required NEPA review and to take whatever action may be appropriate in light thereof.

To assist the Commission in this examination, the Commission published in the *FEDERAL REGISTER* on December 21, 1973 (38 FR 35039) its Proposed Determination with a request that interested persons who desire to submit written comments or suggestions for Commission consideration do so on or before January 10, 1974.

As of the close of business on January 17, 1974, comments had been received from five of the participants in the

\*These components and materials include the reactor vessel and associated head, vessel support rings, intermediate heat exchanger, and lower core support structure. Approximately \$4.5 million was originally earmarked for the procurement of these components and materials.

\*The Proposed Determination also contemplated an increase in total LMFBR project funding by \$5 million to cover the development of information for the Preliminary Safety Analysis Report (PSAR)—a licensing requirement—during the NEPA review period. A subsequent analysis of the project schedule and planned activities has shown that the additional safety analysis work can be accommodated within the current project budget. \$8.5 million in project funds will be obligated for the contemplated procurement in FY 1974 but no payments will be made until the materials are delivered—after the completion of the NEPA review period. It is these funds that will be used for the PSAR.

LMFBR Demonstration Plant Project, namely Commonwealth Edison, General Electric Company, Burns and Roe, Inc., Westinghouse Electric Corporation, and Project Management Corporation, and from J. G. Speth, Esquire, on behalf of the Natural Resources Defense Council, Inc. and the Scientists' Institute for Public Information. The comments of the five participants support the Commission's Proposed Determination that procurement of the subject reactor components and related materials during the twelve-month period of NEPA review would be consistent with its NEPA responsibilities and would not prejudice its ability to continue making the required NEPA review and to take whatever action may be appropriate in light thereof. The thrust of Mr. Speth's comments is that implementation of this proposed action during the ongoing NEPA review period would (1) be inconsistent with the Commission's prior representations to the U.S. Court of Appeals for the District of Columbia on July 20, 1973 and (2) effectively prevent the Commission from making a determination other than to proceed with the LMFBR Demonstration Plant Project implementation at the conclusion of the review period, thereby foreclosing consideration of other energy options. More specifically, Mr. Speth contends that AEC represented that "only two contracts related specifically to the LMFBR demonstration plant will be signed in the next twelve months" by AEC and that "no actual construction will take place" during this period.

In making its examination and reaching its consequent Determination, the Commission has carefully considered all comments received. It is appropriate, however to take special note of those comments which were adverse to this Determination, namely, those of Mr. Speth.

As regards the matter of "construction", applicable AEC licensing regulations, cited in the Commission's earlier Determination, define the term "commencement of construction", specifically excluding therefrom "procurement or manufacture of components of the facility." (10 CFR § 50.12(c)). The contemplated action—a normal activity in the early stages of reactor projects, undertaken at the risk of persons effecting the procurement—is consistent with § 50.12(c) as well as with the consequent representations made in the judicial proceedings relating to the initial Commission Determination. With respect to the number of contracts previously contemplated, the proposed procurement would be accomplished through subcontracts under the two AEC contracts specifically dealt with in the earlier Determination. That Determination, it might further be noted, reflected that project work during the subject period would be carried out, in part, through undertakings with various subcontractors. Finally, the proposed action would not have a significant impact on the environment and would not constitute an irrevocable commitment to the Demonstration Plant project, because if



it were decided as a result of the NEPA review that further pursuit of the LMFBR program were to be deferred or discontinued, procurement activities could be terminated with relatively small dollar penalty.

The results of the Commission's examination are set forth in the following Commission findings:

1. *Implementation of the proposed action is not expected to result in a significant adverse impact on the environment.*

The long-lead time procurement activities will involve materials-forming and component manufacturing activities that will be conducted within existing offsite manufacturing facilities. These actions will constitute a negligible increment to the existing work at these facilities. The procurement activities will have no direct environmental impact at the project site. Accordingly, the Commission finds that the implementation of the proposed action is not expected to result in a significant adverse impact on the environment.

2. *Subsequent adoption of project alternatives including termination of the project would not be foreclosed by implementation of the proposed action during the period of the ongoing NEPA review.*

The planned procurement activities will be directed only to the purchase of such long-lead time items as reactor components and related materials, the design of which has a firm basis and the manufacturing period for which is relatively long. For example, the reactor vessel, the total manufacturing period for which is estimated to be about four years, and for which design and fabrication contracts are to be awarded and long-lead materials procured during the review period, would not be significantly changed by consideration of plant design alternatives relating to such major factors as plant power level, refueling, and primary pump location. Because of the long-lead time required, none of the materials proposed to be procured will actually be delivered during the NEPA review period. Therefore, if it were decided as a result of the NEPA review that further pursuit of the LMFBR program were to be deferred or discontinued, procurement of those items not yet delivered could be terminated with relatively small dollar penalty. It is estimated that if such a decision were reached by July 1, 1974, the dollar penalty which might result from discontinuance of these procurement activities would be about \$500,000.

Finally, it should be emphasized that implementation of this additional proposed action during the ongoing NEPA review period does not constitute an irrevocable commitment to the Demonstration project. Continuing AEC project participation is, of course, subject to compliance with applicable laws; and the project contract makes specific that this includes compliance with "the provisions and policies of applicable laws, in respect to the protection of the environ-

ment" (See paragraphs 5 and 11 of AT (49-18)-12). Moreover, any construction permit for the Demonstration plant cannot be issued until after numerous technical reviews, another environmental impact statement on the plant, and a hearing on safety and environmental matters in which interested persons may participate. Provision is also made by regulation and statute for further reviews of any decision to construct, and judicial review at the behest of any party to the construction permit proceeding. The participants expend their own funds at the financial risk that the outcome of the NEPA review of the program or of the licensing process itself may require some alternative course—including project termination. Cf., *Coalition for Safe Nuclear Power v. AEC, et al.*, 463, F. 2d 954.

Accordingly, the Commission finds that subsequent adoption of project alternatives, including termination of the project, would not be foreclosed by implementation of the proposed action during the NEPA review period.

3. *The public interest would be adversely affected by a delay in implementation of the proposed action as a result of significant increase in project costs and the delay in availability of a key energy option for the Nation.*

Procurement of the subject reactor components and related materials is on the project's critical path. A delay in implementation of this action until July 1974 will result in an extension of the overall project schedule by an estimated 9½ months minimum. If escalation rates similar to those experienced over the past 12-18 months (about 8-9% per year) continue to apply during this delay period, total project costs could increase at a rate of about \$5 million per month. In addition, fixed project costs over the extended project schedule could increase as much as \$1 million per month. Of far greater significance, however, is the fact that the delay in the overall project schedule occasioned by failure to take this contemplated action would result in a corresponding delay in the availability of the breeder reactor.

As stated by the Commission in making its earlier Determination, in assessing the wisdom of presently initiating project implementation (continuation of which would be contingent on the outcome of the NEPA program review) the Commission cannot blind itself to a number of compelling national interest considerations. The development of viable energy options for the 1980's and beyond is a matter of vital national concern. The soundness of the domestic economy, the nation's position in international trade (including, particularly, its balance of payments), the country's nondependence on foreign sources for energy supplies—indeed, the health and welfare of the American people—are directly affected by the availability of adequate means for meeting our overall energy needs during the remainder of this cen-

tury. The need for this country to have the domestic capability to meet both its near and longer term energy requirements has been strongly emphasized by recent and continuing events regarding the Middle East.

While many of these considerations cannot be quantified in dollar costs alone, it is worth noting that, if the LMFBR program does go forward and succeed, a one-year delay in the commercial availability of the breeder reactor could impose upon the U.S. economy a substantial dollar penalty in higher costs of electricity and increased environmental impact from extended use of less environmentally-compatible power generation facilities.<sup>1</sup>

Additionally, it should be reiterated that while a number of technological, environmental and other problems require treatment in connection with any successful demonstration of the breeder concept, availability of the breeder reactor as an alternative energy option would have special significance in regard to conservation of the Nation's fuel resources. Current-type light water reactors utilize less than 2% of the available energy from the uranium fuel which they burn. The LMFBR could utilize 50% or more of the total energy from uranium and thus extend the usefulness of domestic uranium reserves from decades to centuries.<sup>2</sup>

In view of the foregoing, the Commission finds that should continuation of the LMFBR Demonstration Plant project be consistent with the outcome of the NEPA program review, delay in proceeding to procure the subject reactor components and related materials contemplated herein will result in a significant increase in project costs and will adversely affect the timing of the availability of the breeder reactor as an alternative energy option for the Nation.

4. *The expenditure of resources by AEC and other project participants during the full NEPA review period will not be of such magnitude as to affect the eventual AEC decision reached in the NEPA review.*

In connection with its earlier Determination, the Commission noted that the

<sup>1</sup> Message from the President of the United States Concerning Energy Resources, 93d Congress, 1st Session, H. Doc. No. 93-86, April 18, 1973; Hearings before the Subcommittee on Foreign Affairs, 92d Congress, 2d Session, September 21, 26, 27; October 3, 1973; Updated AEC Cost Benefit Analysis, WASH-1184, January 1972.

<sup>2</sup> AEC's cost-benefit analysis prepared in 1971 (WASH-1184) and issued January 1972 shows that the dollar penalty may be in the range of \$1.3 billion to \$2.0 billion on a discounted basis. This analysis is presently being updated and, as updated, will show that this range may be on the low side.

<sup>3</sup> Message from the President of the United States on "Clean Energy," 92d Congress, 1st Session, H. Doc. No. 92-118, June 4, 1971; 1970 Natural Power Survey, Part I, issued by Federal Power Commission, December 1971, pp. 1, 6 and 22.

# CIVIL AERONAUTICS BOARD

[Docket No. 26385; Order 74-2-83]

## AMERICAN AIRLINES, INC., ET AL.

### Order Rejecting Tariff Filings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1974.

By tariff revisions<sup>1</sup> marked to become effective February 22, 1974, American Airlines, Inc. (American), Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American) propose to increase fares applicable between mainland U.S. points, on the one hand, and points within the area comprised of Puerto Rico and the Virgin Islands, on the other hand, by 10 percent.

The carriers assert that an increase in the level of fares is necessary to offset the recent steep increases in the price of fuel. The carriers employ differing methodologies in portraying the profit and loss effect of the requested fare increase on their mainland U.S.-Puerto Rico/Virgin Islands operations. American contends that substituting its current fuel unit cost for the unit cost used by Judge Johnson in his initial decision in the *Mainland U.S.-Puerto Rico/Virgin Islands Fares* case Docket 24353, and applying this current unit cost to actual 1973 traffic units produces increase in fuel expense of close to \$6.69 million. 1973 revenues increased 10 percent (net of commissions expense) produce approximately \$5.74 million, or some \$955,000 short of covering increased fuel costs.

Pan American asserts that its estimated 1974 fuel cost per gallon is 69.8 percent over actual fuel cost for the first quarter in 1973. It then adjusts fuel costs contained in Judge Johnson's 1973 forecast to reflect estimated 1974 rates and increases the revenue forecast by 10 percent. The carrier shows a net loss of \$5,408,000 with the requested increase and a negative rate of return of 2.8 percent.

Eastern employs a somewhat different approach by starting with its actual operating entity results for the year ended September 30, 1973. It adjusts these results to reflect the annualization of the December 1, 1972 fare increase permitted in this market; fuel cost increases net of productivity (62.98 percent); the load-factor and seating-configuration standards recommended in the Initial Decision; and a cost inflation (net of productivity) increase of 18.2 percent. The foregoing adjustments result in a negative rate of return of 5.27 percent (without a fare increase) versus an actual rate of return of 1.54 percent for the year ended September 30, 1973 and that

<sup>1</sup> Revisions to American Airlines, Inc. Tariff C.A.B. No. 244; International Air Traffic Tariffs Corp., Agent, Tariff C.A.B. Nos. 334 and 404; and Eastern Air Lines, Inc., Tariff C.A.B. No. 326.

it would require a yield-per-passenger-mile increase of 45.2 percent to achieve a 12 percent rate of return.

The Commonwealth of Puerto Rico has filed a complaint against the filings of the three carriers, requesting that the proposed increase be suspended. The commonwealth alleges that the carriers have failed to justify their proposal on the basis of the costs of all carriers in the rate-making unit, or to provide sufficient data on costs, or to consider the impact of a 10 percent increase on the movement of traffic. It further alleges that American and Pan American seek to recoup anticipated, not experienced, fuel costs.

The commonwealth contends that the carriers' use of the Law Judge's recommended 62.5 percent load-factor standard in the *Mainland U.S.-Puerto Rico/Virgin Islands Fares* case is inappropriate, particularly in view of existing capacity adjustment agreements and the carriers' unilateral frequency reductions in non-agreement markets. The Commonwealth also asserts that the justifications are deficient in that no carrier has adjusted revenues to reflect the elimination of discount-fare traffic specifically dealt with in Phase 5 of the *Domestic Passenger-Fare Investigation*, Docket 21866-5.

Finally, the Commonwealth notes that numerous tariff filings involving the Puerto Rico/Virgin Islands market have been suspended during the pendency of the above cited fare case. It states that the issues of load-factor and seating-configuration standards, dilution adjustments, recognition of Pan American's high costs, and appropriate rate-making units are all before the Board, and how the Board resolves these issues could spell the difference between the imposition of massive fare increases, or the retention of reasonable fares in these historically low-fare, low-frill, high-density markets. It claims that for these reasons alone, the proposed ten percent increases should be suspended pending final decision in the fares case.

In answer to the complaint, the carriers answer, *inter alia*, that the need for a fuel-related fare increase is unrelated to the issues in the *U.S. Mainland-Puerto Rico/Virgin Islands fares* case and there is no need now for a decision regarding the Commonwealth's claims as to the proper rate-making standards to be employed. They assert that fares in these markets should be adjusted as they were in IATA markets and there is no justification for further delay of necessary adjustments to offset recent fuel increases.

The Board has concluded that the proposals have not been accompanied with adequate explanation and data to justify the proposals as required by Section 221.165, of the Board's Economic Regulations, and should be rejected without prejudice to future filings accompanied by adequate and detailed justifications.



All the carriers rely to a greater or lesser extent on data which is part of the record in the *Mainland U.S.-Puerto Rico/Virgin Islands Fares* proceeding. While Eastern uses as a base its results for the year ended September 30, 1973, we know that substantial changes have developed since that date. For example, significant employee cut-backs have occurred; certain operational changes intended to conserve fuel have taken place; and flight frequencies have been reduced both as a result of Board-approved carrier agreements, and on a unilateral basis. The data submitted with the instant filings reflects none of the foregoing factors.

We believe it necessary for the carriers to furnish detailed information not only with respect to specific increased costs, but equally with respect to those measures which have resulted in off-setting decreases in overall operating cost. Should American, Eastern, and Pan American elect to refile fare-increase proposals applicable to this market, the filings should be accompanied by data showing the latest individual annual operating results, and a forecast year reflecting all known and contemplated operational economies. Such data should be fully supported and explained, and the carriers are of course free to advance any rate-making adjustments they deem appropriate.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404 and 1002 thereof;

It is ordered, That:

1. The tariff pages listed in Appendix A hereto<sup>1</sup> are hereby rejected;
2. The complaint in Docket 26385 is dismissed as moot; and
3. Copies of this order will be served upon American Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., and the Commonwealth of Puerto Rico.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc. 74-4500 Filed 2-25-74; 8:45 a.m.]

[Docket No. 25280; Order 74-2-76]

#### INTERNATIONAL AIR TRANSPORT ASSOCIATION

##### Order Regarding North Atlantic Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of February 1974.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers,

<sup>1</sup> Filed as part of the original document.

riers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements comprise the overall North Atlantic cargo rate structure intended for effectiveness from March 1 through December 31, 1974. The agreements, adopted by mail vote, involve substantial changes to the previously agreed U.S.-Europe/Middle East rate structure which the Board disapproved in major part in Order 73-12-83 (December 20, 1973).<sup>1</sup>

In its December order, the Board found the U.S.-Europe/Middle East rate structure proposed for scheduled service totally unacceptable, and also disapproved a devaluation-related six percent surcharge on U.S.-originating rates insofar as it would have applied from points other than New York. The scheduled service rates<sup>2</sup> were disapproved not only because they were found to be unreasonable on their own merits, but also because the Board determined that the proportional rates to/from U.S. interior gateways proposed for combination with the New York-Europe/Middle East rates did not comport with the Board's decisions and findings in Docket 20522, *Agreements Adopted by IATA Relating to North Atlantic Cargo Rates*, the so-called "Baltimore Case." (Order 73-2-24 of February 6, 1973, as amended by Order 73-7-9 of July 5, 1973). Proposed minimum cargo charter rates were approved.

The principal provisions of the disapproved agreement included proposed six-cents-per-kilogram increases on all general cargo rates at the 100-, 300-, and 500-kilogram weightbreaks, and on container rates. Eastbound specific commodity rates would have been increased six cents per kilogram while westbound commodity rates were to be increased only four cents per kilogram. The agreement also proposed new, high-weight-break (30,000 kg.) specific commodity rates. In its disapproval the Board reiterated its long-standing concern with the wide gap between general and specific commodity rates, and concluded that the proposed rates, particularly the directionality involved in the commodity-rate increase, would only worsen the differential. Additionally, the commodity rates were, in many cases, still low enough to undercut the IATA container rates and remove any meaningful incentive for containerization, another objective long sought by the Board. The container rates, for their part, contained unexplained and unsupported anomalies in the rating of large containers for the B-747F.

Although the minimum charter rates were approved as offering a significant improvement over existing North Atlantic cargo charter rates, the Board found their relationship with the proposed high 30,000 kilogram weightbreak specific commodity rates would have seriously disadvantaged the latter and accordingly the high weightbreak rates were disapproved.<sup>3</sup>

<sup>1</sup> U.S.-Africa rates were approved.

<sup>2</sup> General, specific commodity, and container rates.

The new agreements involve revisions which would appear to bring the structure more into line with the objectives sought by the Board. General cargo rates would still be increased six cents per kilogram at the 500-kilogram weightbreak but only 4 cents per kilogram at the 100- and 300-kilogram weightbreaks, and specific commodity rates would generally be increased 8 cents per kilogram in both directions. (The 30,000 kg. specific commodity rates would be increased 1 cent per kilogram.) Container rates are proposed to be increased 2 cents per kilogram at the pivot weight, while the over-pivot rates would remain at status quo. The agreements would increase the minimum charter rates approximately six percent.

By these agreements the carriers are also proposing a revised structure<sup>4</sup> for the construction of through rates to/from the seven named gateway cities in Docket 20522 (Boston, Baltimore, Philadelphia, Washington, Chicago, Cleveland, and Detroit) to meet the Board's requirement that the rate per mile between these cities and each European point be the same as the New York/Europe rate per mile.<sup>5</sup> For each gateway, the New York/Europe rate would be multiplied by a percentage figure reflecting the percentage relationship between the shortest operated gateway/Europe mileage and the corresponding New York/Europe mileage. However, certain anomalies exist in the proposed percentage tables which apparently are at variance with the Board's rate-per-mile formula. For example, the actual percentage relationships between Chicago and various Scandinavian points varies from 110 to 120 percent of the corresponding New York-Scandinavian mileages, but all rates between Chicago and these points would be calculated on the basis of a common figure of 113 percent. It is our understanding that the variances from the actual percentage figures for certain European points were adopted in order to maintain existing relationships between the various European points involved. It is our further understanding that the respective foreign carriers will provide the Board with their rationale for any discrepancies between the proposed rates and the Board's orders.

The purpose of this order is to set procedural dates for the receipt of carrier justification, comments from interested persons and replies. We will require carrier justification and supporting data, together with comments from interested

<sup>3</sup> There are existing high weightbreak rates in effect in many U.S.-Europe markets at levels below those proposed by IATA.

<sup>4</sup> The Board's decision and Order 73-2-24 permitted continuation of common-rating among European points as long as the common rate was based on the lowest rate resulting from direct application of the mileage formula.

<sup>5</sup> Previous unilateral tariff filings by Pan American, Seaboard and TWA employing a similar methodology were rejected by certain European governments because the resultant rates destroyed existing relationships among various European points.

persons, to be submitted within seven days after the date of this order. Replies shall be filed within 14 days of the date of this order.<sup>6</sup>

Accordingly, it is ordered, That:

1. All United States air carrier members of the International Air Transport Association providing services over the North Atlantic shall file within seven calendar days after the date of this order, full documentation and economic justification for rates, charges and related conditions embodied in the subject agreements;
2. Comments and/or objections from interested persons shall be submitted within seven days after the date of this order; and
3. Replies to justifications received in response to ordering paragraph 1 above and replies to comments received in response to ordering paragraph 2 above shall be submitted within fourteen days after the date of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc. 74-4501 Filed 2-25-74; 8:45 am]

#### CIVIL SERVICE COMMISSION FEDERAL EMPLOYEES PAY COUNCIL Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m., on Wednesday, March 6, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

RICHARD H. HALL,  
Advisory Committee Management Officer for the President's Agent.

[FR Doc. 74-4604 Filed 2-25-74; 9:29 am]

#### COMMISSION ON CIVIL RIGHTS ARIZONA STATE ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arizona State

<sup>6</sup> An original and ten copies should be filed with the Board's Docket Section.

Advisory Committee (SAC) to this Commission will convene at 7 p.m. on March 4, 1974, in the Sonora Room of the Hunter Inn, 124 South 24 Street, Phoenix, Arizona 85034.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting shall be to discuss plans for the Arizona SAC's forthcoming factfinding meeting on prisons tentatively rescheduled for March 14-15, 1974.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 21, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc. 74-4496 Filed 2-25-74; 8:45 am]

#### COLORADO STATE ADVISORY COMMITTEE Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 707) notice is hereby given that the Colorado State Advisory Committee to the U.S. Commission on Civil Rights will meet in a closed session at 9 a.m., Saturday, March 2, 1974, in Conference Room 2 of the Albany Hotel, 1720 Stout Street, Denver, Colorado 80202.

The agenda will consist of discussions leading to recommendations on proposed revisions to the draft of the Colorado Prison Preliminary report.

I have determined that this meeting would fall within exemption (5) of 5 U.S.C. 522(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on February 4, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc. 74-4497 Filed 2-25-74; 8:45 am]

#### ILLINOIS STATE ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on February 28, 1974, in Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604. This session shall be open to the public.

Closed or executive SAC sessions may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect persons residing in the State of Illinois with special emphasis on the implementation of Commission recommendations regarding racial conditions in Cairo, Illinois; to appraise denial of the Constitution because of race, color, religion, sex, or national origin as these pertain to the implementation of Commission recommendations regarding racial conditions in Cairo, Illinois; and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin with respect to the implementation of Commission recommendations regarding racial conditions in Cairo, Illinois; and to related areas.

These meetings will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 20, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc. 74-4495 Filed 2-25-74; 8:45 am]

#### KANSAS STATE ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on March 1, 1974, at the Ramada Inn, 1839 Merchant Street, Emporia, Kansas 66801.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purposes of this meeting shall be (1) to formulate plans for a proposed factfinding meeting in connection with the Kansas Prison Project and (2) to discuss future activities to be undertaken by the Kansas SAC.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 20, 1974.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Specialist.

[FR Doc. 74-4498 Filed 2-25-74; 8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

##### BASF WYANDOTTE CORP.

##### Notice of Establishment of Temporary Tolerance

BASF Wyandotte Corp., 100 Cherry Hill Road, Post Office Box 181, Parsippany, NJ 07054, submitted a petition

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(PP 3G1395) requesting establishment of a temporary tolerance for residues of the herbicide *N*-(2-chloroethyl)-2,6-dinitro-*N*-propyl-4-(trifluoromethyl)aniline in or on the raw agricultural commodity cottonseed at 0.05 part per million.

It has been determined that a temporary tolerance for residues of the herbicide in or on cottonseed at 0.05 part per million will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the BASF Wyandotte Corp. name.

This temporary tolerance expires February 20, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: February 20, 1974.

HENRY J. KORP,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.74-4409 Filed 2-25-74; 8:45 am]

#### CIBA-GEIGY CORP.

##### Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1450) has been filed by CIBA-GEIGY Corp., Ardsley, NY 10502, proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the insecticide *O,O*-dimethyl phosphorodithiolate, *S*-ester with 4-(mercaptomethyl)-2-methoxy- $\Delta^1$ -1,3,4-thiadiazolin-5-one and its oxygen analog *O,O*-dimethyl-*S*-[2-methoxy-1,3,4-thiadiazol-5-(4H)-onyl-(4)-methyl] phosphorothiolate in or on the raw agricultural commodity artichokes at 4 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide and its oxygen analog is a gas chromatographic procedure using a flame photometric detector.

Dated: February 19, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.74-4390 Filed 2-25-74; 8:45 am]

#### E. I. DU PONT DE NEMOURS & CO., INC.

##### Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1452) has been filed by E. I. du Pont

de Nemours & Co., Inc., Wilmington, DE 19898, proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity tomatoes at 5 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide is that of H. L. Pease and R. F. Holt, "Journal of the Association of Official Analytical Chemists", vol. 54, pp. 1399-1402 (1971).

Dated: February 20, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.74-4391 Filed 2-25-74; 8:45 am]

#### FMC CORP.

##### Notice of Withdrawal of Petitions Regarding Pesticide Chemical and Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8) and § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), FMC Corp., Middleport, NY 14105, has withdrawn its petitions (PP 8F0728 and FAP 2H5017), notices of which were published respectively in the FEDERAL REGISTER of June 25, 1968 (33 FR 9312), and June 22, 1973 (37 FR 12343), proposing establishment of tolerances for combined residues of the insecticide and fungicide binapacryl (2-sec-butyl-4,6-dinitrophenyl-3-methyl-2-butenate) and its metabolite 2-sec-butyl-4,6-dinitrophenol in or on the raw agricultural commodities apples, cantaloupes, cucumbers, grapes, muskmelons, pears, plums, and prunes at 0.2 part per million and in or on apple and grape pomace at 5 parts per million and 3 parts per million respectively, resulting from application of the pesticide to growing apples and grapes.

Dated: February 19, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.74-4393 Filed 2-25-74; 8:45 am]

#### SHELL CHEMICAL CO. AND VELSICOL CHEMICAL CORP.

##### Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4H5044) has been filed jointly by Shell Chemical Co., Suite 300, 1700 K Street, NW., Washington, D.C. 20006, and

Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8a-octahydro-1,4-endo, endo-5,8-dimethanonaphthalene) in imported polished rice at 0.05 part per million.

Dated: February 20, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.74-4392 Filed 2-25-74; 8:45 am]

[OPP-32000/15]

#### NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

##### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (68 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before April 29, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 29.

##### APPLICATIONS RECEIVED

EPA File Symbol 1060-AO. Chemical Specialties Co., Inc., 51-55 Nausseau Avenue, Brooklyn, New York 11222. *Dro Professional*

*Strength Positively Kills Roaches*. Active Ingredients: Petroleum distillate 0.0-Diethyl-0-(2-Isopropyl-6-Methyl-4-Pyrimidinyl) Thio-phosphate, Beta-butoxy beta-thiocyanato diethyl ether, Pyrethrins. Technical piperonyl butoxide 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 240-ERR. Daly-Herring Company, P.O. Box 428, Kinston, North Carolina 28501. 25% *Chlordane Dust Base*. Active Ingredients: Technical Chlordane 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5905-236. Helena Chemical Company, Clark Tower, 5100 Poplar Avenue, Suite 2900, Memphis, Tennessee 38137. *Helena Brand Toxaphene Spray 8-E*. Active Ingredients: Toxaphene 71.0%; Xylene 16.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33625-U. Lawn Medic Inc., 1024 Sibley Tower, Rochester, New York 14604. *Lawn Medic Crabgrass Preventer #1*. Active Ingredients: Sidauron [1-(2-methylcyclohexyl)-3-phenylurea] 7.66%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33625-L. Lawn Medic Inc., 1024 Sibley Tower, Rochester, New York 14604. *Lawn Medic Fungus Control*. Active Ingredients: Thiram (Tetramethylthiuram disulfide) 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 802-LEE. The Chas. H. Lally Co., 109 S.E. Alder, Portland, Oregon 97214. *Miller's Perthene 4EC-M*. Active Ingredients: 1,1-Bis-(ethylphenyl)-2,2-dichloroethane 40.95%; Related Reaction Products 5.55%; Aromatic Petroleum Derivative Solvents 55.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1021-RGNA. McLaughlin Gormley King Company, 8810 Tenth Avenue North, Minneapolis, Minnesota 55427. *Pyro-cide Fogging Concentrate 7021*. Active Ingredients: Pyrethrins 1.5%; Piperonyl butoxide, technical 3.00%; *N*-octyl bicycloheptene dicarboximide 6.00%; Petroleum distillate 90.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1021-RGNT. McLaughlin Gormley King Company, 8810 Tenth Avenue North, Minneapolis, Minnesota 55427. *Pyro-cide Fogging Concentrate 7021*. Active Ingredients: Pyrethrins 1.5%; Piperonyl butoxide, technical 3.00%; *N*-octyl bicycloheptene dicarboximide 6.00%; Petroleum distillate 90.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 278-UG. The Miami Products & Chemical Co., 520 Lonoke Street, Dayton, Ohio 45403. *Sanygen Swimming Pool Chlorine*. Active Ingredients: Sodium Hypochlorite 10.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9855-RO. Mobil Chemical Company, Maintenance & Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Sovaklor Super Tropical Anti-Fouling 59-R-21*. Active Ingredients: Cuprous Oxide 32.9%; Metallic Copper 0.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9855-EN. Mobil Chemical Company, Maintenance & Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Sovaklor Coastal Super Service Anti-Fouling 59-R-27*. Active Ingredients: Cuprous Oxide 47.5%; Metallic Copper 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9855-ER. Mobil Chemical Company, Maintenance & Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Vinyl Anti-Fouling Paint Brown 59-D-20*. Active Ingredients: Cuprous Oxide 42.2%; Metallic Copper 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9855-EE. Model Chemical Company, Maintenance & Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Vinyl Anti-Fouling Paint Dark Brown 59-D-22*. Active Ingredients: Cuprous Oxide 51.8%; Metallic Copper 1.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9855-EG. Mobil Chemical Company, Maintenance & Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Vinyl Anti-Fouling Paint Dark Red 59-R-25*. Active Ingredients: Cuprous Oxide 51.4%; Metallic Copper 1.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9855-EU. Mobil Chemical Company, Maintenance & Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Vinyl Anti-Fouling Paint Red 59-R-24*. Active Ingredients: Cuprous Oxide 41.6%; Metallic Copper 4.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9855-EL. Mobil Chemical Company, Maintenance & Marine Coatings Department, P.O. Box 250, Edison, New Jersey 08817. *Coastal Super Service Anti-Fouling 59-R-7*. Active Ingredients: Cuprous Oxide 47.5%; Metallic Copper 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3573-27. The Procter & Gamble Company, Legal Division, P.O. Box 599, Cincinnati, Ohio 45201. *Procter & Gamble Disinfecting Detergent No. 158*. Active Ingredients: Anhydrous Sodium Metasilicate 10.0%; Sodium Dodecylbenzene Sulfonate 6.0%; Sodium Dichloro-s-triazinetriene Dihydrate 5.6%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 3573-31. The Procter & Gamble Company, Legal Division, P.O. Box 599, Cincinnati, Ohio 45201. *BreakThrough 11*. Active Ingredients: Anhydrous Sodium Metasilicate 10%; Sodium Dodecylbenzene Sulfonate 6%; Sodium Dichloro-s-triazinetriene 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3743-GGL. Southern Agricultural Chemicals, Inc., P.O. Drawer 527, Kingstree, South Carolina 29556. *Royal Brand Bull Master*. Active Ingredients: Toxaphene 46.48%; Parathion O, O-diethyl O-p-nitrophenyl phosphorothiolate 18.80%; O,O-dimethyl O-p-nitrophenyl phosphorothiolate 9.29%; Xylene 12.85%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3468-UE. Schall Chemical Inc., P.O. Box 802, Monte Vista, Colorado 81444. *Cythion*. Active Ingredients: Malathion 95.0%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: February 19, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.74-4406 Filed 2-25-74; 8:45 am]

#### SCIENCE ADVISORY BOARD, HAZARDOUS MATERIALS ADVISORY COMMITTEE

##### Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Hazardous Materials Advisory Committee of the Science Advisory Board will be held at 8:30 a.m., March 4-5, 1974, in Room 3307, Waterside Mall, 401 M Street SW., Washington, D.C.

This is a regularly scheduled meeting of the Committee. The agenda includes

Staff Director's report, Office of Toxic Substances program update, toxic substances regulations, discussion of strategic environmental assessment program, hexachlorobenzene study, pesticides technical information briefing, energy programs, status report on pesticide and toxic chemical reviews, member items of interest, and comments by program liaison representatives.

The meeting is open to the public. Any member of the public wishing to attend or participate or to present a paper should contact Dr. Winfred F. Malone, Acting Staff Director, Hazardous Materials Advisory Committee, (703) 557-7720.

STANLEY M. GREENFIELD,  
Assistant Administrator for  
Research and Development.

FEBRUARY 22, 1973.

[FR Doc.74-4624 Filed 2-25-74; 8:45 am]

#### FEDERAL MARITIME COMMISSION

##### UNITED STATES LINES, INC. ET AL

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 8, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

UNITED STATES LINES, INC., AMERICAN EXPORT LINES, INC., AND HOWLAND HOOK MARINE TERMINAL CORPORATION

##### Notice of Agreement Filed by:

Stuart R. Breidbart,  
Corporate Counsel,  
United States Lines, Inc.,  
One Broadway,  
New York, New York, 10004

Agreement No. T-2903, between United States Lines, Inc. (USL) and American



Export Lines, Inc. (AEL), provides for the formation of a jointly-owned terminal operating company, the Howland Hook Marine Terminal Corporation (Terminal) to provide services at the portions of the Howland Hook Terminal leased to USL under Agreement No. T-2890, portions of which are also subleased to AEL under Agreement No. T-2901. The agreement also provides for the possible creation by USL and AEL of a second jointly-owned company to sublease from USL and develop certain other portions of the terminal. USL and AEL will lease or sell specified equipment to the Terminal for use in connection with its operations. Terminal will have the exclusive right to provide services at the facility of the type it will perform for AEL and USL under the contract to be signed with each of them. Agreement No. T-2903 also includes an irrevocable offer by AEL's affiliate, Transocean Gateway Corporation to amend its containership terminal agreement with AEL (FMC Agreement No. T-2502) to provide stevedoring and terminal services to USL at the facility in the event that USL starts calling at the facility prior to the effectuation of the USL/AEL/Terminal operating contract (FMC Agreement No. T-2903-A). Agreement No. T-2903-A, between USL, AEL and Terminal, is a terminal operating contract providing that Terminal will be the exclusive operator of portions of the Howland Hook Terminal and furnish USL and AEL comprehensive stevedoring, terminal, LCL and labor services at the facility. The agreement requires that USL and AEL will obtain these services exclusively from Terminal for their vessels calling at the Port of New York. Compensation is as set forth in detail in the agreement.

By Order of the Federal Maritime Commission.

Dated: February 20, 1974.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4492 Filed 2-25-74; 8:45 am]

#### FEDERAL POWER COMMISSION

[Docket No. E-8524]

#### BLACKSTONE VALLEY ELECTRIC CO.

##### Notice of Filing of Transmission Agreements

FEBRUARY 19, 1974.

Take notice that on November 26, 1973, Blackstone Valley Electric Company (Blackstone), filed with the Commission two agreements relating to the sharing of costs of certain Northern Rhode Island transmission facilities which Blackstone has constructed and owns. The agreements are with Montaup Electric Company (Montaup) and Narragansett Electric Company (Narragansett). Blackstone states that rental charges under these agreements for some of the facilities were scheduled to commence August 1, 1973, with the remainder scheduled to begin January 1, 1974, when the facilities were completed. Blackstone

#### NOTICES

requests waiver of the notice requirements of § 35.3 of the Commission's regulations to permit an effective date of August 1, 1973. Blackstone states that copies of the filing were sent to Narragansett, Montaup, The Division of Public Utilities of the State of Rhode Island, and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4421 Filed 2-25-74; 8:45 am]

[Project No. 2362]

#### BLANDIN PAPER CO.

##### Notice of Application for Approval of Revised Exhibit K and R Drawings

FEBRUARY 20, 1974.

Public notice is hereby given that application was filed May 18, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Blandin Paper Company (Correspondence to: Mr. George W. Goetz, Vice President and Chief Engineer, Blandin Paper Company, 115 First Street Southwest, Grand Rapids, Minnesota 55744) for approval of revised Exhibit K and R Drawings for Blandin Project No. 2362, located in Itasca County, in the Village of Grand Rapids, Minnesota, on the Mississippi River.

Licensee seeks approval of revised Exhibit K and R Drawings which would allow the substitution of one recreation site for another within the project boundary. A Commission Order issued July 14, 1971, approved the Exhibit R, but required that sites 2 and 4 as shown on the Exhibit R be included within the project boundary. Upon rehearing, the Commission issued an Order allowing the exclusion of site 2 but reiterated the requirement for inclusion of site 4.

On May 18, 1973, Licensee filed for permission to substitute site 5 for site 4, stating that it had obtained fee title to site 5 and considers site 5 as a more desirable recreation area. Site 4 has been earmarked for future industrial expansion.

At present, located on site 4, is a clubhouse owned and operated by the Grand Rapids Gun Club which offers trap shooting. Site 5 is a park which consists of a picnic area, a 20-site camping area, outdoor fireplaces, a boat landing, and sani-

tation facilities. The park was formerly owned by the Issac Walton League.

Any person desiring to be heard or to make protests with reference to said application should on or before April 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4422 Filed 2-25-74; 8:45 am]

[Docket No. E-8189]

#### DAYTON POWER AND LIGHT CO.

##### Notice of Settlement Agreement

FEBRUARY 20, 1974.

Take notice that The Dayton Power and Light Company (Dayton) on December 26, 1973, tendered for filing a proposed settlement agreement together with a motion for approval of the settlement agreement and acceptance of a revised rate schedule, applicable to service to municipalities for resale. The revised rate schedule is proposed to become effective as of September 10, 1973, and contains proposed increased rates and charges which are lower than the rates and charges which became effective on that date subject to hearing and refund in this proceeding.

Dayton states in support of the proposed settlement that whereas the increased rates filed on May 11, 1973, and suspended by Commission order until September 10, 1973, would increase annual revenues \$371,045, based upon operations for the calendar year 1972, the proposed settlement rates would increase revenues for that year's operations by a lesser amount, \$327,500. The settlement agreement also includes an amended fuel adjustment clause, as submitted by Dayton on August 9, 1973, in response to the Commission's order of July 9, 1973. Dayton requests waiver of the provisions of § 35.13 of the Commission's regulations under the Federal Power Act, asserting that appendices to the settlement agreement together with supporting schedules filed May 11, 1973, contain the necessary information to evaluate the settlement rates.

The municipal intervenors, Arcanum, Celina, Eldorado, Jackson Center, Minster, New Bremen, New Knoxville, Tips City, and Versailles, jointly, on January 11, 1974, filed a response to the settlement proposal in which they indicate their agreement therewith.

#### NOTICES

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4423 Filed 2-25-74; 8:45 am]

[Docket No. CP74-197]

#### INTER-CITY GAS LTD., INC., AND GREAT LAKES GAS TRANSMISSION CO.

##### Notice of Application

FEBRUARY 19, 1974.

Take notice that on January 31, 1974, Inter-City Gas Limited, Inc. (Applicant), 1500 Richardson Building, One Lombard Place, Winnipeg, Manitoba R3B 2A4, Canada, filed in Docket No. CP74-197 an application pursuant to Section 7(a) of the Natural Gas Act for an order of the Commission directing Great Lakes Gas Transmission Company (Respondent) to establish physical connection of its natural gas transmission facilities with proposed facilities of Applicant at Thief River Falls, Minnesota, for use as an additional delivery point for previously allocated contract volumes of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that the Commission order Respondent to install a tap on Respondent's existing line for connection with 3.5 miles of 4.5-inch lateral line installed by applicant from its existing system. Other facilities required to be installed to effect the proposed connection are said to be a flow control station and a regulator station for a total estimated cost of \$89,174. Applicant proposes to bear all the costs of the proposed connection with cash on hand and if necessary a short-term bank loan, with the exception of those costs associated with construction of the tap on Respondent's line which costs, applicant states, Respondent has agreed to pay.

Applicant states that the proposed

<sup>1</sup> The estimated cost of connection is composed of \$12,000 for the tap, \$56,524 for the 3.5 miles of pipeline, \$12,650 for the flow control station, and \$8,000 for the regulator station.

connection will provide a second source of supply for Thief River Falls, Wadena, Staples, Bertha, Verndale and Hewitt, Minnesota (Thief River Falls service area), presently served by Applicant with gas provided by Midwestern Gas Transmission Company (Midwestern). Applicant states further that it has experienced load growth from residential and commercial customers in this service area which exceeds its contracted demand with Midwestern for service to these communities of 4,308 Mcf of gas per day. Applicant states that it is unable to get additional gas supplies from Midwestern.

The application states that Applicant owns and operates other distribution systems in Minnesota, receiving supplies of natural gas from Northern Natural Gas Company (Northern) (contracted demand 23,768 Mcf per day), from Respondent (contracted demand 13,000 Mcf per day), and from Inter-City Minnesota Pipelines Ltd., Inc., a subsidiary which purchases gas from TransCanada Pipelines Limited (contracted demand 22,000 Mcf per day). The application states further that at the present time the City of Cloquet and the Village of Grand Rapids are supplied with natural gas by both the Respondent and Northern.

Applicant states that the proposed interconnection will enable applicant to divert gas from lower priority uses in the communities supplied with natural gas by Northern and Respondent to higher priority uses in the communities served with natural gas by Midwestern.

Applicant states that this application is only for the additional delivery point from Respondent. No increase in allocated supply is requested. The additional supply required for the Thief River Falls service area would come from applicant's existing Contracted Demand with Respondent of 13,000 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 11, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4424 Filed 2-25-74; 8:45 am]

<sup>2</sup> Residential and small commercial use.

[Docket No. E-8008]

#### FLORIDA POWER AND LIGHT CO.

##### Notice of Service Agreement

FEBRUARY 20, 1974.

Take notice that on November 19, 1973, Florida Power and Light Company (FP&L) tendered Exhibit A, Delivery Point and Service Specifications, for one point of delivery near Sanderson, Florida from the Company to Clay County Electric Cooperative, Inc., effective July 5, 1973, and one point of delivery at the Suncoast Substation to Lee County Electric Cooperative, Inc., effective August 3, 1973.

FP&L requests that Exhibit A be added to FP&L FPC Electric Tariff, Original Volume No. 1 and that they be effective as soon as possible.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4425 Filed 2-25-74; 8:45 am]

[Docket No. RP74-50-1, RP74-50-3]

#### FLORIDA GAS TRANSMISSION CO.

##### Order Granting In Part Petition for Temporary Extraordinary Relief, Consolidating Proceedings, Setting Matters for Hearing, Permitting Interventions and Establishing Procedures

FEBRUARY 19, 1974.

Several petitions for extraordinary relief have been filed in the above-entitled proceedings by customers of Florida Gas Transmission Company (Florida Gas). Each of the petitioners alleges that if relief is not granted, serious irreparable injury will result.

Although the various applications for extraordinary relief necessarily should be reviewed on their individual merits, we deem it appropriate to consolidate them in one forum for purposes of hearing and decision. The exigencies of the present gas shortage on Florida Gas' system and the commencement of curtailed deliveries thereon necessitate expeditious action and where appropriate, we will grant temporary relief pending resolution of these matters at formal hearing. It is for this reason and in order to grant relief on an equitable uniform basis which will avert any disadvantage to similarly situated parties, that we



consolidate the various petitions herein.

Turning to the individual applications that have been filed with the Commission, the first petition for extraordinary relief in the above-docketed proceedings was submitted by Basic Magnesia, Incorporated (Basic), on December 21, 1973, in Docket No. RP74-50-1. Basic, a producer of magnesia for refractory materials and other chemical uses, asserted that the use of gas was essential in the second heating stage of its production process to insure that the magnesia product has the "reactivity" without which it would not be usable in certain vital end uses. It also asserted that Florida Gas' curtailment procedures are not consistent with the priorities of deliveries set forth in Commission Order No. 467-B, issued March 2, 1973. By order issued January 9, 1974, in Docket No. RP74-50-1, the Commission granted Basic relief on a temporary basis, pending notice and hearing, and directed Florida Gas to continue supplying a total of 25,500 therms of natural gas per day at the rate of 1,060 therms per hour to Basic.

On January 17, 1974, Wenczel Tile Company of Florida, Incorporated (Wenczel), a producer of glazed ceramic tile, filed a petition for emergency relief based, *inter alia*, on the grounds that harsh consequences to its employees and distributors will result from implementation of Florida Gas' currently effective curtailment plan.<sup>1</sup> It purchases gas under its firm service contract with Florida Gas for use in one kiln that can utilize only natural gas or propane. It purchases gas for its other two ceramic tile kilns, which can use natural gas, propane, or kerosene, under a preferred interruptible contract pursuant to which Florida Gas has been supplying 2,500 therms of gas per day, except during periods of curtailment. Wenczel is of the view that the availability of kerosene in necessary quantities is doubtful because of the present fuel crisis. It contends that it will require continued delivery of the 2,500 therms of preferred interruptible gas per day as well as its daily firm volumes of 820 therms to keep its plant in production.

On January 22, 1974, as supplemented January 24, 1974, Borden, Incorporated, Chemical Division, Smith-Douglass (Borden), filed a petition for temporary and permanent extraordinary relief, exempting its Plant City, Florida feed phosphate defluorinating plant from the curtailment provisions of Florida Gas' FPC Gas Tariff. The petition to which several supporting affidavits are attached requests that the Commission issue an order requiring Florida Gas to deliver approximately 1.8 to 2.0 million therms of natural gas per month on a temporary basis, pending such notice and hearing as necessary to reach a determination on its request for permanent relief. Pursuant to the terms of its preferred interruptible contract with Florida Gas, Borden receives up to 30,860,000

therms of gas per year, 107,800 therms per day and 4,500 therms per hour, such volumes being allocated in the maximum daily proportions of 83,800 therms for the Coronet Defluorinating Plant and 24,000 therms for the Teneroc Rock Drying Plant. Phosphate is considered to be an indispensable additive in animal feed, the absence of which results in retarded growth, impaired reproductive ability and abnormal bone development in hogs and poultry. Although natural gas is a preferred fuel for the defluorinating process for maximum efficiency, Borden can employ fuel oil, if available, for a portion of its natural gas requirements. The fluid bed reactors in its defluorinating process, which also utilizes rotary kilns, require a certain percentage of natural gas as fuel in order to operate at all.

Pursuant to Notices published in the FEDERAL REGISTER, petitions for and notices of intervention in Docket Nos. RP 74-50-1 through RP74-50-3 were due on or before January 17, February 1, and February 8, 1974, respectively. Timely petitions for leave to intervene were filed in Docket No. RP74-50-1 by Wenczel, Gardinier, Incorporated (Gardinier), and Florida Gas,<sup>2</sup> with a petition for leave to intervene out of time on January 28, 1974, by Southern Gas Company (Southern), Division of Donovan Companies, Incorporated; in Docket No. RP 74-50-2 by Gardinier and Florida Gas,<sup>2</sup> and a petition for leave to intervene out of time by Southern on February 4, 1974; and in Docket No. RP74-50-3 by Wenczel. We shall deem parties allowed intervention herein in one proceeding to be parties to the consolidated proceeding.

Borden's petition in Docket No. RP 74-50-3 indicates that it has filed an application with the Federal Energy Office for a priority on fuel oil allocation applicable to its Florida plant operations. However, it is noted that the fluid bed reactors in its Plant City defluorinating plant cannot function without a percentage of natural gas for fuel. We therefore conclude that good cause has been shown to grant Borden extraordinary relief on a temporary basis, pending notice and hearing on its request for permanent relief, to the extent of directing Florida Gas to continue supplying natural gas to Borden in sufficient quantities to enable it to operate the fluid bed reactors in its defluorinating plant.

The Commission finds:

(1) A grant of Borden's petition for extraordinary relief filed January 22, 1974, as supplemented January 24, 1974, to the extent set forth above on a temporary basis is in the public interest and is consistent with the purposes of the Natural Gas Act, as hereinafter ordered.

(2) Good cause exists to set the proceedings in Docket Nos. RP74-50-1 through RP74-50-3 for formal hearing and to consolidate those proceedings for purposes of hearing and decision.

<sup>2</sup> Florida Gas filed a petition for leave to intervene and answer to the petition for extraordinary relief.

<sup>1</sup> Wenczel has not requested temporary extraordinary relief.

(3) The participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders:

(A) The petition for extraordinary relief filed by Borden on January 22, 1974, as supplemented January 24, 1974, is hereby granted on a temporary basis, pending further action of the Commission, to the extent of requiring Florida Gas to continue supplying natural gas to Borden in sufficient quantities to enable it to operate the fluid bed reactors in its defluorinating plant.

(B) The proceedings in Docket Nos. RP74-50-1, RP74-50-2, and RP74-50-3 are hereby consolidated for purposes of hearing and decision.

(C) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on March 19, 1974, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine whether or not extraordinary relief should be granted to Basic, Wenczel, and Borden as requested.

(D) On or before March 4, 1974, petitioners and all parties supporting or opposing petitioners' requests shall serve with the Commission, and upon all parties to the proceeding, including Commission Staff, their testimony and exhibits in support of their position.

(E) Cross-examination shall commence on March 19, 1974.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control these proceedings in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however*, That their participation shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions for leave to intervene; *And provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that such petitioners might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMS,  
Secretary.

[FR Doc.74-4426 Filed 2-25-74;8:45 am]

[Docket No. CP74-200]

KANSAS-NEBRASKA NATURAL GAS CO.  
Notice of Application

FEBRUARY 20, 1974.

Take notice that on February 4, 1974, Kansas-Nebraska Natural Gas Company,

Inc. (Applicant), 300 North St. Joseph Avenue, Hastings, Nebraska 68901, filed in Docket No. CP74-200 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon one compressor unit from Applicant's compressor station near Lakin, Kansas and a certificate of public convenience and necessity authorizing the construction and operation of certain new compressor facilities at a central point on its existing Buffalo Wallow Field gathering system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon one 450 horsepower compressor unit from its compressor station near Lakin, Kansas. Applicant states that the unit which is a 1920 model compressor has become inoperative and due to its obsolescence, repairs are no longer economical. Applicant states that it has not had to operate this unit since 1969 and proposes to abandon said unit for salvage.

The application states that pursuant to existing gas purchase contracts Applicant is obligated to reduce its pipeline operating pressure to a level equivalent to 50 percent of the average shut-in well-head pressure for all wells connected to Applicant's gathering system which produce from the same common source of supply. Applicant states that semiannual test data indicate that Applicant will be unable to continue taking contractually obligated gas volumes at a pressure sufficient to transport such volumes to the Panhandle Eastern Pipe Line Company (PEPL) Aledo gas treating plant in Dewey County, Oklahoma, beyond the third quarter of 1974 unless compression facilities are installed and operational. Applicant, therefore, proposes to install a compressor station consisting of one 3,000 horsepower and one 2,200 horsepower reciprocating type compressor units, with necessary auxiliary equipment and piping, at a central point in its existing Buffalo Wallow Field gathering pipeline system.

Applicant states that the estimated cost of the proposed facilities is \$1,800,000 the payment of which is subject to an agreement between Applicant and PEPL dated December 5, 1973, amending an existing cost/ownership sharing agreement dated March 11, 1969. By this amendatory agreement ownership and cost of the proposed compression facilities to be constructed by Applicant will be apportioned 70 percent to Applicant and 30 percent to PEPL.

The application states that the funds for such new facilities will be met out of current working capital or will be obtained from interim bank loans which at a later date may be funded through a security issue.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1974, file with the Federal Power Commission, Washington, D.C.

20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMS,  
Secretary.

[FR Doc.74-4427 Filed 2-25-74;8:45 am]

[Docket No. G-2283]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

FEBRUARY 20, 1974.

Take notice that on February 1, 1974, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. G-2283 a petition to amend the Commission's order issued February 1, 1954 (13 FPC 787),<sup>1</sup> in the subject docket pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to establish an additional point for the delivery of gas to El Paso Natural Gas Company (El Paso) to enable Petitioner to provide deliveries of natural gas for El Paso's account at the existing delivery station in Gaines County, Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued February 1, 1954, in the instant docket Petitioner is authorized, among other things, to transport up to 225,000 Mcf of natural gas per day for El Paso in Spraberry-Plains Pipeline pursuant to an agreement between the parties dated October 7, 1953, as amended (Petitioner's Rate Schedule

T-1). Under the terms of Rate Schedule T-1, El Paso delivers up to 225,000 Mcf of gas per day to Petitioner at a point on the downstream side of Petitioner's Spraberry compressor station in Midland County, Texas, and Petitioner transports such gas through Petitioner's facilities 96 miles (for delivery to El Paso) at El Paso's Plains Compressor station in Yoakum County, Texas.

Petitioner states that El Paso has entered into an agreement with Pioneer Natural Gas Company (Pioneer) under which El Paso will purchase approximately 5,500 Mcf of gas per day from Pioneer for use as compressor fuel in the Seminole and Riley gas fields in Gaines County to assure the availability of an approximate 30,000 Mcf per day gas supply to El Paso from such fields. The petition states that inasmuch as Pioneer's supplies are insufficient to support continually such sale to El Paso, El Paso has requested that Petitioner concurrently deliver to Pioneer, for El Paso's account, approximately 5,500 Mcf of gas per day which El Paso is selling to Pioneer. Petitioner requests that the Commission amend the order issued in the instant docket to authorize an additional delivery point for redelivery of gas volumes by Petitioner to El Paso.<sup>2</sup>

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMS,  
Secretary.

[FR Doc.74-4428 Filed 2-25-74;8:45 am]

<sup>1</sup> Order issued in Docket No. G-2106, *et al.*, *El Paso Natural Gas Company, et al.* By this order Permian Basin Pipeline Company was authorized to construct and operate facilities for the transportation of natural gas for El Paso, purchased by El Paso in the Spraberry area of west Texas, to a point of interconnection with El Paso's main line at Wason, Texas. Petitioner filed the instant petition to amend as successor in interest to Permian Basin Pipeline Company.

<sup>2</sup> The petition states that the proposed deliveries were commenced by Petitioner to Pioneer for the account of El Paso on December 28, 1973, within the contemplation of § 157.22 of the Commission's Regulations (18 CFR 157.22).

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[Dockets Nos. RI74-147, etc.]

**PHILLIPS PETROLEUM CO. ET AL**

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject To Refund<sup>1</sup>

FEBRUARY 13, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto (18 CFR, Ch. I), and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended

Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] **KENNETH F. PLUMB,**  
Secretary.

## Appendix A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*	Rate in effect	Proposed increased rate	Rate in effect subject to refund in docket No.
RI74-147...	Phillips Petroleum Co.....	534	1	El Paso Natural Gas Co. (San Juan Unit, Rio Arriba County, N. Mex.) (San Juan Basin).	\$16,200	1-21-74	-----	3-24-74	1 24.0	1 28.5	1 28.5	RI74-30.
RI74-148...	Atlantic Richfield Co.....	666	2	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.) (San Juan Basin).	370	1-18-74	-----	3-21-74	1 28.0	1 28.5	1 28.5	RI74-30.
RI74-149...	Amoco Production Co.....	588	2	El Paso Natural Gas Co. (Ute Dome Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	2,475	1-17-74	-----	3-20-74	1 30.80	1 31.25	1 31.25	RI74-74.
RI74-150...	Sohio Petroleum Co.....	100	13	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.) (San Juan Basin).	2,731	1-21-74	-----	7-21-74	1 24.48	1 24.98	1 24.98	
RI74-151...	Southern Union Production Co.	3	31	Southern Union Gathering Co. (Mesa Verde Formation, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	41,880	1-18-74	-----	7-18-74	1 28.44	1 29.44	1 29.44	
.....do.....	.....	21	5	.....	667	1-18-74	-----	3-21-74	1 28.78	1 29.34	1 29.34	
RI74-152...	Mesa Petroleum Co.....	150	144	El Paso Natural Gas Co. (Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin).	33,170	1-18-74	-----	7-14-74	1 24.48	1 24.98	1 24.98	
RI74-153...	Tenneco Oil Co.....	50	12	El Paso Natural Gas Co. (Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin).	109	1-22-74	-----	7-22-74	1 26.1797	1 26.7251	1 26.7251	
.....do.....	.....	176	25	El Paso Natural Gas Co. (San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	10,362	1-22-74	-----	7-22-74	1 26.1797	1 26.7251	1 26.7251	
		223	13	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin).	7,636	1-22-74	-----	7-22-74	1 26.1797	1 26.7251	1 26.7251	

\* Unless otherwise stated, the pressure base is 15.025 lb/in<sup>2</sup>.

† Subject to Btu adjustment up or down from 1,000 Btu per cubic foot.

‡ Includes upward Btu adjustment for 1,100 Btu gas from a base of 1,000 Btu per cubic foot.

§ Sub set to Btu adjustment up from 1,050 and down from 1,000 Btu per cubic foot.

|| Includes upward Btu adjustment for 1,160 Btu gas from a base of 1,050 Btu per cubic foot.

¶ Includes upward Btu adjustment for 1,160 Btu gas from a base of 1,000 Btu per cubic foot.

\* For acreage added by Supplement No. 26 dated after Oct. 1, 1968.

† Includes upward Btu adjustment for 1,150 Btu gas from a base of 1,050 Btu per cubic foot.

\* Tentative designation. Successor to Pulco Petroleum Corporation Rate Schedule No. 4.

† For acreage added by Supplement No. 43 only which converts an overriding royalty interest to a working interest.

‡ Not applicable to acreage added by Supplement Nos. 4 and 6 dated after Oct. 1, 1968.

§ Not applicable to acreage added by Supplement Nos. 17 and 19 dated after Oct. 1, 1968.

|| Not applicable to acreage added by Supplement Nos. 2, 5, 6, and 9 dated after Oct. 1, 1968.

¶ Not applicable to acreage added by Supplement Nos. 2, 5, 6, and 9 dated after Oct. 1, 1968.

\* For acreage added by Supplement No. 26 dated after Oct. 1, 1968.

† Includes upward Btu adjustment for 1,150 Btu gas from a base of 1,050 Btu per cubic foot.

[Docket No. CI74-410]

**RANGE OIL CO., INC.**

Notice of Application

FEBRUARY 20, 1974.

Take notice that on February 1, 1974, Range Oil Company, Inc. (Operator), et al. (Applicant), 830 First National Bank Building, Wichita, Kansas 67202, filed in Docket No. CI74-410 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cities Services Gas Company (Cities) from the Gibson East (Stalnaker) Pool, Cowley County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to sell natural gas to Cities from the subject well within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years following the end of the 180-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 6,000 Mcf of gas per month, with Cities obligation to purchase limited to 2,000 Mcf per day, at 40.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Initial estimated downward Btu adjustment is 7.60 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for applicant to appear or be represented at the hearing.

**KENNETH F. PLUMB,**  
Secretary.

[FR Doc.74-4430 Filed 2-25-74;8:45 am]

[Docket No. R-472]

**REPORT OF SUPPLY AND REQUIREMENTS, FPC FORM NO. 16**

Findings and Order Granting Waiver

FEBRUARY 20, 1974.

By Order No. 489 issued August 24, 1973, in Docket No. R-472 (50 FPC ---), the Commission promulgated Section 260.12—Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations to prescribe FPC Form No. 16, Report of Supply and Requirements, to be filed by natural gas pipeline companies making sales of natural gas for resale in interstate commerce. The Commission stated in Order No. 489 that it would consider requests by any company for waiver of the requirement to file Form No. 16 and would grant such requests upon good cause being shown. Thirteen natural gas companies have filed requests for waiver of the requirement to file Form No. 16. In Commission order issued November 7, 1973, eight other companies were granted similar waivers.

Lone Star Gas Company, Shenandoah Gas Company, Hampshire Gas Company, Washington Gas Light Company, and Mountain Fuel Supply Company make no interstate sales of natural gas for resale. Therefore, they qualify for exemption from filing under the provisions of ordering paragraph (A)(b) of Order No. 489.

Information filed by Cimarron Transmission Company, Sea Robin Pipeline Company, Raton Natural Gas Company, and Farmland Industries, Inc., would be duplicative of filings made by their customers or their suppliers. Cimarron's sole customer is Natural Gas Pipeline Company of America which files Form No. 16. Sea Robin is a joint venture owned equally by subsidiaries of United Gas Pipe Line Company and Southern Natural Gas Company which purchase Sea Robin's output and report it on their own Forms No. 16. Raton sells to only one customer and buys its entire gas supply from Colorado Interstate Gas Company, a Division of Colorado Interstate Corporation, whose Form No. 16 will reflect the sale to Raton. The only jurisdictional revenue of Farmland Industries, Inc., is derived from the transportation of gas for Northern Natural Gas Company which includes the transported gas in its Form No. 16.

Equitable Gas Company is primarily a gas distributor whose supply and requirements will be reported by its suppliers. It makes only *de minimis* sales for resale in interstate commerce from producing fields. Most of Equitable's gas supply comes from Texas Eastern Transmission Corporation, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. and Kentucky-West Virginia Gas

The proposed rate increases which exceed the applicable ceiling rate established by Opinion No. 658 are suspended for five months and the proposed rate increases which exceed the applicable area ceiling rate in Order No. 435 are suspended for one day.

[FR Doc.74-4317 Filed 2-25-74;8:45 am]

[Project No. 2516]

**POTOMAC EDISON COMPANY OF WEST VIRGINIA**

Notice of Application for New License

FEBRUARY 20, 1974.

Public notice is hereby given that application for new minor license was filed September 28, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Potomac Edison Company of West Virginia (Correspondence to: Mr. William H. MacMullen, Secretary, The Potomac Edison Company of West Virginia, Downsville Pike, Hagerstown, Maryland 21740) for its constructed Project No. 2516, known as the Dam No. 4 Hydro-Station located in Berkeley County, West Virginia near Shepherdstown on the Potomac River.

The existing project which derives its water supply from a U.S. Government dam (Dam No. 4) has an installed generating capacity of 1,000 kw. The project consists of: (1) a headrace, 230 feet long and 50 feet wide; (2) a stone and reinforced concrete powerhouse (75 feet by 50 feet) which contains two 500 kw horizontal generators driven by two 670 hp horizontal water wheels; (3) a tailrace, approximately 80 feet wide and 600 feet long; and (4) appurtenant facilities.

Under the minor license for Project No. 2516 (41 FPC 395), which expired December 31, 1973, section's 14 and 15 of the Federal Power Act insofar as they relate to takeover and relicensing proceedings have been waived. The project is currently operating under annual license.

Recreational facilities at the project consist of: (1) Two small parking lots; (2) fishing access trails; (3) a pit toilet; (4) and trash receptacles. The energy developed by the project is used to supply Applicant's electrical system load.

Any person desiring to be heard or to make protest with reference to said application should on or before May 2, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

**KENNETH F. PLUMB,**  
Secretary.

[FR Doc.74-4429 Filed 2-25-74;8:45 am]



Company, with the remainder from incidental Appalachian production in the vicinity of its system. For the 12-month period ending September 1973 Equitable sold only 111,000 Mcf of gas for resale in interstate commerce out of total sales of 88,000,000 Mcf.

Orange and Rockland Utilities, Inc., has only three wholesale customers and is primarily a distribution company. All of its supply comes from four interstate pipeline companies and the volumes purchased by Orange and Rockland will be reported by its suppliers.

Cascade Natural Gas Corporation has only one resale customer, Mountain Fuel Supply Company, to which it sells all its jurisdictional gas under a "fixed-margin contract" subject to Commission jurisdiction.

Union Light, Heat and Power Company filed a Form No. 16 for the period September 1972 through August 1973 but requests exemption from any requirement for making subsequent filings. Union is primarily a distribution company with less than one percent of its sales during the year ended August 31, 1973, being jurisdictional. Its sole supplier is Columbia Gas Transmission Corporation. Any information reported by Union would be duplicated by Columbia. The Commission finds:

Good cause having been shown, it is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the requests by the hereinabove named companies for waiver of the requirement to file Form No. 16 should be granted.

The Commission orders:

Subject to further review, the hereinabove named companies' requests for waiver of the requirement to file Form No. 16 are granted.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.  
[FR Doc. 74-4434 Filed 2-25-74; 8:45 am]

[Docket No. RP72-121]

#### SOUTHWEST GAS CORP. Notice of Filing of Tariff Sheet

FEBRUARY 19, 1974.

Take notice that on February 8, 1974, Southwest Gas Corporation (Southwest) tendered for filing Second Substitute Fourth Revised Sheet No. 3A, constituting Original PGA-1, in its FPC Gas Tariff, Original Volume No. 1.

Southwest states that the purpose of this filing is to increase the rates of Southwest under its purchased gas adjustment clause in section 9 of its General Terms and Conditions contained in its FPC Volume No. 1. According to Southwest, Northwest Pipe Line Corporation, Southwest's sole supplier to its Northern Nevada Division, has filed under its PGA Clause for an increase to become effective April 1, 1974. Southwest further states that El Paso Natural Gas Company put an increase

into effect as of November 25, 1973, the jurisdictional portion of which Southwest is now accruing.

Southwest requests that this filing be given an effective date of April 1, 1974, so that Southwest's increase will be concurrent with that of Northwest Pipeline Corporation. Also, Southwest requests waiver of Exhibit A, if such exhibit should be deemed necessary in this filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.  
[FR Doc. 74-4431 Filed 2-25-74; 8:45 am]

[Docket No. E-8623]

#### SOUTHWESTERN PUBLIC SERVICE CO.

##### Notice of Filing of Letter Agreement

FEBRUARY 19, 1974.

Take notice that on February 11, 1974, Southwestern Public Service Company (Company) tendered for filing a letter agreement dated January 21, 1974, between Company and Public Service Company of Oklahoma. According to Company, this agreement is a modification and extension of Letter Agreement dated January 4, 1971, Southwestern Public Service Company Rate Schedule Supplement No. 1 to FPC No. 57.

Company states that due to extraordinary increases in fuel prices, the maximum guaranteed energy cost by Company of 3.87 mills/Kwh plus 0.25 mills adder for 100 MW capacity sales from Jones No. 2 Unit beginning June 1, 1974, will be exceeded. Thus, Company states that Public Service Company of Oklahoma has agreed to waive such maximum guaranteed energy cost, and in consideration of such waiver Company has agreed to extend the option for Public Service Company of Oklahoma to purchase the excess capacity of Company from June 1, 1977 through December 31, 1980, for up to 100 MW capability.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 5, 1974. Protests will

be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.  
[FR Doc. 74-4432 Filed 2-25-74; 8:45 am]

[Docket No. E-7929]

#### TOLEDO EDISON CO.

##### Notice of Revised Tariff Sheets

FEBRUARY 20, 1974.

Take notice that the Toledo Edison Company (Toledo) on October 19, 1973, tendered for filing First Revised Sheet Nos. 7, 8, 17, 18, and 19 to Toledo's FPC Electric Tariff, Original Volume No. 1. Toledo states that these changes have been made in accordance with the terms of the agreement entered into between the Company and the Cities of Bowling Green and Bryan, Ohio to effect a settlement in the Cities' appeal from orders of the Commission issued on February 28 and April 16, 1973, in the above docket, in the United States Court of Appeals for the District of Columbia Circuit in *Bowling Green and Bryan, Ohio v. Federal Power Commission*, No. 73-1703. Toledo also requests that the Commission waive the notice requirements of its Rules and Regulations under the Federal Power Act to permit an effective date of August 1, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB,  
Secretary.  
[FR Doc. 74-4433 Filed 2-25-74; 8:45 am]

[Docket No. RP74-44]

#### OKLAHOMA NATURAL GAS GATHERING CORP.

##### Motion To Terminate Proceedings and Vacate Prior Order

FEBRUARY 20, 1974.

Take notice that on January 30, 1974, Commission Staff Counsel filed a motion in these proceedings to vacate the Commission's order of December 28, 1973,

including the one day suspension set forth therein and, for termination of these proceedings. The motion states that its motion is based upon further evaluation of the issues presented, particularly the proposed depreciation rate which Staff finds is just and reasonable.

The motion further states that Counsel for Oklahoma Natural has no objection to the filing of the motion and that there were no protests or petitions filed in this proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 26, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.  
[FR Doc. 74-4482 Filed 2-25-74; 8:45 am]

[Docket No. RP74-65-1]

#### SOUTH GEORGIA NATURAL GAS CO. Motion for Extraordinary Relief

FEBRUARY 20, 1974.

On January 30, 1974, Occidental Chemical Company (Occidental) filed a petition for extraordinary relief with the Commission which sought relief from the curtailment plan of the South Georgia Natural Gas Company (South Georgia) which was filed under Docket No. RP74-65.

Occidental asserts that all of its operations are able to convert from the use of natural gas to fuel oil as an energy source. However, the conversion of the fluid bed reactors in the production of feed phosphate—a market animal food supplement—to the use of fuel oil is said to result in a productivity drop of 30 per cent because of the lower Btu content of fuel oil and is further said to pose the danger of appreciably increased down time on the production line.

It is the claim of Occidental that feed phosphate is generally in critically short supply in the United States and that it is vital to efficient animal husbandry—particularly in the case of dairy cows, broiler chickens, breeding stock and young animals.

Petitioner requests that the 2,000 Mcf per day necessary to operate its fluid bed reactors for the production of feed phosphate at its Hamilton County, Florida facility be exempted from the curtailment plan of South Georgia, from whom it purchases this gas.

It appears reasonable and consistent with the public interest in this proceed-

ing to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said application, should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR Part 1.8, 1.10) on or before February 27, 1974. The notices and petitions for intervention previously filed in this proceeding will not operate to make those parties interveners or protestants with respect to the instant filing. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,  
Secretary.  
[FR Doc. 74-4483 Filed 2-25-74; 8:45 am]

#### FEDERAL RESERVE SYSTEM

##### ARLCO, INC.

##### Formation of Bank Holding Company and Proposed Acquisition of Harold W. Lynch Insurance Business

Arlico, Inc., Arlington, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and become a bank holding company through acquisition of 91 per cent or more of the voting shares of Arlington State Bank, Arlington, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1843(c)).

Arlico, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the insurance agency business owned and conducted by Harold W. Lynch, Arlington, Minnesota. Notice of the application was published on January 17, 1973, in the *Arlington Enterprise*, a newspaper circulated in Arlington, Minnesota.

Applicant states that the proposed subsidiary would engage in the ordinary life and casualty insurance activities (exclusive of the credit life, accident and health insurance activities which will be conducted by Arlington State Bank) in a community of less than 5,000 people. Such activities have been specified by the Board in § 224.4(a)(9)(iii) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, in-

creased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 14, 1974.

Board of Governors of the Federal Reserve System, February 14, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.

[FR Doc. 74-4418 Filed 2-25-74; 8:45 am]

#### FIRST BANCORP, INC.

##### Order Approving Application To Engage in the Underwriting of Credit Life and Credit Accident and Health Insurance

First Bancorp, Inc., Corsicana, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of First Bancorp Insurance Company ("Company"), Corsicana, Texas, a company to be organized *de novo* to engage in the underwriting, in certain instances as reinsurer, of credit life and credit accident and health insurance. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 35354). The time for filing comments and views has expired, and none has been timely received.

Applicant, the 29th largest banking organization in Texas, controls six banks with aggregate deposits of \$81.1 million representing 0.2 percent of the total deposits in commercial banks in the State. (All banking data are as of June 30, 1973 and reflect holding company formations and acquisitions approved through January 2, 1974.)

Company will be formed as a Texas insurance corporation with initial capital of \$200,000. Although Company will be qualified to underwrite insurance directly in Texas, its activities will include acting as reinsurer of credit, life and credit accident and health insurance policies previously issued by a non-affiliated

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underwriter, but still in force in connection with extensions of credit by Applicant's subsidiaries. Such insurance has been directly underwritten by an insurer qualified to underwrite the insurance in Texas, and will be "assigned or ceded" to Company. Company would directly underwrite all such insurance on applicable extensions of credit made by its subsidiaries on and after the date on which it commences operations. Applicant would, through its new subsidiary, underwrite, among other things, joint credit life insurance. The Board has permitted such insurance to be underwritten by subsidiaries of bank holding companies when both of the insured persons are co-makers of a note issued in connection with an extension of credit. Applicant would so limit its underwriting of joint credit life insurance. Credit life and disability insurance is generally made available by banks and other lenders, and such insurance is designed to assure repayment of a loan in the event of death or disability of the borrower.

In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated that:

To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that Company would reduce the rates charged by Applicant's lending subsidiaries for credit life insurance from 3.4 percent to 3.7 percent below the recently lowered regulatory maximum rates which shall become effective in the State of Texas, March 1, 1974.<sup>1</sup> Company further would reduce the rate charged for credit accident and health insurance by 5 per cent. The Board finds that the proposed rate changes provide reduced costs to customers and are pro-competitive and in the public interest. The Board concludes that such benefits outweigh any possible adverse effects of approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4 (c) (8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds neces-

<sup>1</sup> Should Company commence operations before March 1, 1974, it would implement certain interim rate reductions below current rates. Such interim rate reductions would be of sufficient magnitude as to constitute a benefit to the public.

sary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas, pursuant to delegated authority.

By order of the Board of Governors,  
effective February 15, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc. 74-4420 Filed 2-25-74; 8:45 am]

#### TRANSJERSEY BANCORP Formation of Bank Holding Company

Transjersey Bancorp, Bloomfield, New Jersey, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 100 per cent of the voting shares of The Bank of Bloomfield, Bloomfield, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 9, 1974.

Board of Governors of the Federal Reserve System, February 14, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.

[FR Doc. 74-4419 Filed 2-25-74; 8:45 am]

#### GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-210]

#### SECRETARY OF DEFENSE Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a) (4) and 205(d) (40 U.S.C. 481(a) (4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Govern-

<sup>1</sup> Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governor Daane.

ment before the Louisiana Public Service Commission (Docket No. 11048) in the continuation of a proceeding involving the rates for telecommunications service provided by the South Central Bell Telephone Company.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,  
Administrator of General Services.

FEBRUARY 14, 1974.

[FR Doc. 74-4413 Filed 2-25-74; 8:45 am]

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-14]

#### NASA AD HOC SUBCOMMITTEE OF THE SPACE SCIENCE AND APPLICATIONS STEERING COMMITTEE TO REVIEW PROPOSALS FOR SCIENTIFIC DEFINITION OF SPACE SHUTTLE MISSIONS FOR AMPS PAYLOADS

##### Notice of Meeting

The NASA Advisory Subcommittee named above will meet at the Goddard Space Flight Center on March 5-7, 1974, in Building 26, Room 200. The meeting will be concerned with a scientific evaluation of proposals to participate in the definition and planning of the AMPS missions, which are expected to be part of the Spacelab program launched by the Space Shuttle. The meeting will be closed to the public because throughout each session the Subcommittee will be candidly discussing and appraising the professional qualifications of the proposers and their potential scientific contributions to the Shuttle missions. Discussion of these matters in public session would invade the privacy of the proposers and the other individuals involved.

The Subcommittee was established by the NASA Administrator for the purpose of advising NASA on the merit of proposals received in response to the NASA general solicitation of 23 November 1973 for the definition of AMPS payloads. The Chairman of the Subcommittee is Dr. Erwin R. Schmerling, NASA Headquarters, Washington, D.C. 20546. The Executive Secretary is Dr. Lawrence D. Kavanagh, also of NASA Headquarters. There are approximately ten other members of the Subcommittee. Questions may be directed to Dr. Kavanagh, telephone (202) 755-3685.

HOMER E. NEWELL,  
Associate Administrator,  
National Aeronautics and Space Administration.

FEBRUARY 20, 1974.

[FR Doc. 74-4456 Filed 2-25-74; 8:45 am]

#### NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON SPACE VEHICLES

##### Notice of Meeting

The NASA Research and Technology Advisory Council Committee on Space Vehicles will meet on February 28 and March 1, 1974, at the NASA Langley Research Center, Hampton, Virginia 23365. The meeting will be held in Conference Room 225 of Building 1219. Members of the public will be admitted on a first-come, first-served basis up to the seating capacity of the room, which is about 50 persons. All visitors must report to the Langley Research Center Receptionist in Building 1219.

The NASA Research and Technology Advisory Council Committee on Space Vehicles serves in an advisory capacity only. The current Chairman is Dr. Ronald Smelt. There are 13 members. The following list sets forth the approved agenda and schedule for the February 28-March 1, 1974, meeting of the Space Vehicles Committee. For further information, please contact Mr. William C. Hayes, Jr., Executive Secretary, Area Code 202, 755-8505.

MARCH 28, 1974

Time	Topic
2:45 p.m.---	Status of selected advanced technology experiments (purpose: To brief the committee on the details of the wake shield vacuum facility, optical sensing, the microwave radiometer, and autonomous navigation experiments planned for the advanced technology laboratory).
6:30 a.m.---	Report on analysis of shuttle payload dynamics (purpose: To describe to the committee the expected dynamic environment of shuttle payloads).
9 a.m.---	Report on Ames Research Center shuttle payload activities (purpose: To respond to a request of the committee for a description of shuttle payload activities at Ames).
10:40 a.m.---	Report on advanced space transportation system studies (purpose: To respond to a committee request for results of these studies at Langley).
12-----	Lunch.
1 p.m.---	Member reports and recommendations (purpose: To consider reports by individual committee members and to develop committee recommendations pertaining to the scope and focus of technical programs reviewed earlier. This will also include consideration of fiscal year 1975 funding levels and manpower allocations).
4 p.m.---	Adjournment.
HOMER E. NEWELL, Associate Administrator, National Aeronautics and Space Administration.	
FEBRUARY 20, 1974.	
[FR Doc. 74-4456 Filed 2-25-74; 8:45 am]	

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES DANCE ADVISORY PANEL

##### Notice of Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Dance Advisory Panel to the National Council on the Arts will be held at 9 a.m. on February 28, 9 a.m. on March 1, and 9 a.m. on March 2, 1974 in the first floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, Discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure

under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

PAUL BERMAN,  
Director of Administration,  
National Foundation on the Arts  
and the Humanities.

[FR Doc. 74-4460 Filed 2-25-74; 8:45 am]

#### PUBLIC MEDIA ADVISORY PANEL Notice of Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Public Media Advisory Panel to the National Council on the Arts will be held at 9:30 a.m. on March 8, 9:30 a.m. on March 9, and 9:30 a.m. on March 10, 1974, in Tarrytown, New York at the Tarrytown House.

A portion of the meeting will be open to the public on March 9th from 9:30 a.m. to 5:30 p.m. on a space available basis. Accommodations are limited. During the open session, some applications and long-range policy for the program will be discussed.

The remaining session of this meeting, March 8 from 9:30-5:30 p.m., and March 10, 1974, from 9 a.m. to 4 p.m. are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions involving matters exempt from the requirements of public disclosure, under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for Arts, Washington, D.C. 20506, or call (202) 382-5871.

PAUL BERMAN,  
Director of Administration,  
National Foundation on the Arts  
and the Humanities.

[FR Doc. 74-4459 Filed 2-25-74; 8:45 am]

#### NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR BIOPHYSICS

##### Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Biophysics to be held at 9 a.m. on March 8 and 9, 1974, in Room 643 at 1800 G Street NW., Washington, D.C. 20550.

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The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of P.L. 92-463.

For further information concerning this Panel, contact Dr. Eloise E. Clark, Acting Program Director, Biophysics Program, Room 329, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,  
Assistant Director  
for Administration.

FEBRUARY 7, 1974.

[FR Doc. 74-4404 Filed 2-25-74; 8:45 am]

#### OFFICE OF MANAGEMENT AND BUDGET

##### REQUESTS FOR CLEARANCE OF REPORTS

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 21, 1974. (44 USC 3509) The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

#### NEW FORMS

##### DEPARTMENT OF AGRICULTURE

Economic Research Service: An Evaluation of Public Transportation Policies Affecting Agriculture (Proposed Contract), Form ----, Singletime NRD/ESD/Poster, Receivers and truckers of perishable foods. Statistical Reporting Service: Colorado Response Evaluation in List Development and Maintenance, Form ----, Singletime, Wann, Cattle producers.

##### DEPARTMENT OF DEFENSE

Departmental: Training and Education Questionnaire, Form ----, Singletime, NSD/Planchon, Individuals.

##### DEPARTMENT OF LABOR

Employment Standards Administration: Definition of Workforce Analysis for 41 CFR, Parts 60-2 and 60-60, Form ----, Occasional, EGO/Sunderhauf/Lowry, Federal contractors, except construction, with 50 or more employees and contract of \$50,000 or more.

##### REVISIONS

##### COST OF LIVING COUNCIL

Income and Expense Analysis for Hospital and Other Institutional Health Service Providers with Accompanying Schedule, Forms CLC 52 and Schedule A, Quarterly, Hulett, Hospitals and nursing homes.

##### EXTENSIONS

##### DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Receipt and Distribution of Donated Commodities, Forms FNS 155, Monthly, Lowry, State distributing agencies.

##### DEPARTMENT OF DEFENSE

Department of the Army: Application for Walter Reed Army Institute of Nursing, Form DA 3494, Occasional, Lowry, Individuals.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit: Application for Project Mortgage Insurance—Nonprofit Hospital, Section 242, Form FHA 2013, Occasional, Evinger (x). Contractor's Requisition for Payment of Construction Costs of Section 242, FHA Mortgage Insured Nonprofit Hospital, Form FHA 2448, Occasional, Evinger (x).

PHILLIP D. LARSEN,  
Budget and Management Office.

[FR Doc. 74-4537 Filed 2-25-74; 8:45 am]

#### OVERSEAS PRIVATE INVESTMENT CORPORATION

[Redelegation of Authority DL/B (74) 29]

##### CONTRACTING OFFICER

##### Appointment and Redelegation of Authority

Redelegation of Authority from the President, Overseas Private Investment Corporation, regarding exercise of the authority of a contracting officer pursuant to Title III of the Federal Property and Administrative Services Act (41 U.S.C. Secs. 251, et seq.) and the Federal Procurement Regulations (Title 41, Code of Federal Regulations).

1. Pursuant to the authority delegated to me by the Board of Directors of the Overseas Private Investment Corporation through its duly adopted By-laws, I hereby appoint Richard K. Childress a Contracting Officer and redelgate to him authority to enter into and administer contracts pursuant to Title III of the Federal Property and Administrative Services Act (41 U.S.C. Secs. 251, et seq.) and the Federal Procurement Regulations (Title 41, Code of Federal Regulations) and make related determinations and findings.

2. I appoint Michael Cooper a contracting officer with full authority as set

forth in paragraph 1, above, to act and fulfill said functions during the absence or nonavailability of Richard K. Childress and as otherwise directed.

3. This redelegation is effective as of the date hereof and shall continue until further notice. The authority herein conferred may not be redelegated.

Dated: February 15, 1974.

MARSHALL T. MAYES,  
President.

[FR Doc. 74-4381 Filed 2-25-74; 8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

##### Suspension of Trading

FEBRUARY 15, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, Pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from February 18, 1974, through February 27, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 74-4462 Filed 2-25-74; 8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

##### Suspension of Trading

FEBRUARY 15, 1974.

The common stock of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, Pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such

[File No. 500-1]

REPUBLIC NATIONAL LIFE INSURANCE CO.

##### Suspension of Trading

FEBRUARY 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Republic National Life Insurance Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 17, 1974, through February 26, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 74-4466 Filed 2-25-74; 8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

##### Suspension of Trading

FEBRUARY 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 17, 1974, through February 26, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 74-4467 Filed 2-25-74; 8:45 am]

[File No. 500-1]

SEABOARD AMERICAN CORP.

##### Suspension of Trading

FEBRUARY 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Seaboard American Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is

suspended, for the period from February 16, 1974 through February 25, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 74-4468 Filed 2-25-74; 8:45 am]

[File No. 500-1]

SEABOARD CORP.

##### Suspension of Trading

FEBRUARY 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, units and warrants of Seaboard Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 15, 1974, through February 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 74-4469 Filed 2-25-74; 8:45 am]

[70-5451]

SOUTHWESTERN ELECTRIC POWER CO.

Proposed Certification of Incorporation, Issuance and Sale of Preferred Stock and Order Authorizing Solicitation of Proxies

FEBRUARY 15, 1974.

Notice is hereby given that Southwestern Electric Power Company ("Southwestern"), 428 Travis Street, P.O. Box 1106, Shreveport, Louisiana 71156, an electric utility company and a subsidiary of Central and South West Corporation ("Central"), a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7, and 12(f) of the Act and Rules 50, 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Southwestern proposes to amend its Restated Certificate of Incorporation as amended in the following respects: (1) To increase the par value of each of the 7,000,000 authorized shares of its common stock from \$14 per share to \$18 per share, and (2) to increase the total authorized shares of Preferred Stock, par value \$100 per share, from 290,000 shares to 360,000 shares. Southwestern further

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proposes to solicit proxies from their respective preferred stockholders in respect of the increase in authorized preferred stock at a special meeting of stockholders to be held on March 19, 1974, and has filed proposed material in connection with such solicitation. Approvals for the proposals to increase authorization of Common Stock requires the affirmative vote of the holders of a majority of the outstanding shares of Common Stock. Approval of the proposed amendment to increase the authorized Preferred Stock requires the affirmative vote of the holders of a majority of the outstanding shares of Preferred Stock, voting separately as a class, and, in addition, the affirmative vote of the holders of a majority of the outstanding shares of Common Stock. If the required vote of the Preferred Stock should not be received by Southwestern, the amendment with respect to the Preferred Stock will not be adopted, but the proposed amendment increasing the par value of the shares of Common Stock will be adopted and made effective upon receipt by Southwestern of the requisite vote of its sole Common stockholder, Central.

If the proposed amendment with respect to Preferred Stock is adopted and made effective, Southwestern proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 200,000 shares of ---- percent Preferred Stock, par value \$100 per share, at not less than \$100 per share nor more than \$102.75 per share, with dividends to accrue thereon only from the date of issue. The annual dividend rate and the redemption premiums of the New Preferred Stock, and the price to be paid, will be determined through competitive bidding. The terms of the issue preclude Southwestern from redeeming any such Preferred Stock prior to April 1, 1979, if such redemption is for the purpose of refunding such Preferred Stock with proceeds of funds borrowed at a lower effective interest cost.

The net proceeds to be derived by Southwestern from the issue and sale of the New Preferred Stock, after deducting expenses of issue, will be used by Southwestern to pay outstanding short-term borrowings incurred to finance construction and to finance a portion of future construction expenditures. Short-term borrowings outstanding at December 31, 1973, amounted to \$9,000,000 and it is estimated that such borrowings will increase to approximately \$14,000,000 at the time of issuance of the New Preferred Stock. The proposed construction expenditures of Southwestern for 1974 are presently estimated at about \$44,251,000; for 1975, about \$81,999,000.

The fees and expenses to be paid by Southwestern in connection with the issue and sale of the New Preferred Stock are estimated to total \$75,000, including legal fees of \$22,800. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, are estimated not to exceed \$11,500 and \$1,250, respectively. It is stated that no state commission and no federal commis-

sion, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 29, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, insofar as it proposes the solicitation of the consents of Southwestern's preferred stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of the consents of Southwestern's preferred stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4461 Filed 2-25-74; 8:45 am]

[File No. 500-1]

#### STRATTON GROUP, LTD.

##### Suspension of Trading

FEBRUARY 14, 1974.

The common stock of Stratton Group, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, Pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from February 14, 1974, through February 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4470 Filed 2-25-74; 8:45 am]

[File No. 500-1]

#### TECHNICAL RESOURCES, INC.

##### Suspension of Trading

FEBRUARY 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 16, 1974, through February 25, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4471 Filed 2-25-74; 8:45 am]

[File No. 500-1]

#### U.S. FINANCIAL INC.

##### Suspension of Trading

FEBRUARY 15, 1974.

The common stock of U.S. Financial Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, Pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended,

for the period from February 18, 1974, through February 27, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4472 Filed 2-25-74; 8:45 am]

[File No. 500-1]

#### WESTGATE CALIFORNIA CORP.

##### Suspension of Trading

FEBRUARY 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 8½% convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 19, 1974, through February 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4473 Filed 2-25-74; 8:45 am]

#### DEPARTMENT OF LABOR

##### Occupational Safety and Health Administration

##### EXPOSURE TO ELECTROMAGNETIC PULSES

##### Request for Information

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970, the Boeing Company requested the Assistant Secretary for Occupational Safety and Health to promulgate a standard on exposure to electromagnetic pulses (EMP's). This request included as a suggested standard, a U.S. Air Force document entitled, "Provisional Safety Criteria for Use in Electromagnetic Pulses," originally prepared on December 15, 1971, and revised on August 24, 1972. This U.S. Air Force document contains the following provisions as a basis for a safety and health standard on exposure to electromagnetic pulses:

(1) The maximum permissible E field exposure (E volts/meter) to simulated electromagnetic pulses would be determined from the equation

$$E_{rms} = (1.94 \times 10^4) \sqrt{\frac{1}{t}}$$

where the value of the simulated pulse width (t) is in seconds and the pulse repetition rate is not more than one per second. (For a given pulse width the

corresponding  $E_{rms}$  can be determined and for a given pulse amplitude the corresponding pulse width can be determined.)

(2) Where employees must work in EMP fields ( $E_{rms}$ ) greater than the maximum permissible (as calculated in (a) above), the techniques of distance and/or shielding would be implemented and utilized so that employees are not exposed to EMP's greater than the maximum permissible.

(3) Employees with cardiac pacemakers would not be permitted in areas where simulated electromagnetic pulses are being generated.

(4) An annual medical examination would be provided all employees exposed to simulated electromagnetic pulses. (OSHA assumes this examination would include, but need not be limited to the employee's medical history, general physical examination, electrocardiogram, hematology, blood chemistry, and urinalysis. Results of these employees' EMP exposure history, and records of these results would be made available to OSHA on an annual basis.)

The Office of Standards, Occupational Safety and Health Administration, U.S. Department of Labor is studying the Air Force criteria and the provisions therein for a new standard and would appreciate public participation on the issues of whether a standard for exposure to EMP's should be issued, and, if so, what the contents of the proposed standard should be. The issues are set forth with greater particularity below.

Accordingly, interested persons are invited to submit written data, views and information concerning a standard on occupational exposure to EMP's. Comments are specifically requested concerning:

- (1) Whether a new standard on occupational exposure to EMP's should be issued;
- (2) Each of the four U.S. Air Force provisions listed above;
- (3) Suitable alternatives to these provisions;
- (4) Work injury and illness experience with EMP's;
- (5) Supported cost data of the estimated costs of coming into compliance with the standard;
- (6) Supported data on any possible environmental impact of the recommended standard, and specifically:
  - (a) any adverse environmental effects which cannot be avoided should the standard be adopted, (b) alternatives to such standard;
- (7) Any other related issues.

Written data, views, and information should be submitted to the Office of Standards, Occupational Safety and Health Administration, U.S. Department of Labor, Room 240, 1726 M Street NW., Washington, D.C. 20036, before March 28, 1974. Written comments submitted will be available for public inspection and copying at the Office of Standards.

This request for information is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655) and Secretary of Labor's Order No. 12-71 (36 FR 8754).

Signed at Washington, D.C., this 21st day of February, 1974.

JOHN H. STENDER,  
Assistant Secretary of Labor.  
[FR Doc.74-4491 Filed 2-25-74; 8:45 am]

#### DEPARTMENT OF AGRICULTURE

##### Agricultural Marketing Service

##### REVISED LIST OF WAREHOUSES AND WAREHOUSEMEN LICENSED UNDER U.S. WAREHOUSE ACT

Pursuant to section 26 of the United States Warehouse Act (7 U.S.C. 266), notice is hereby given as follows: As of December 31, 1973, the following warehouses and warehousemen were licensed and bonded under the United States Warehouse Act. This list of warehouses and warehousemen licensed and bonded under the United States Warehouse Act (7 U.S.C. 241 et seq.) supersedes the list published in the FEDERAL REGISTER of March 19, 1973 (38 FR 7247).

##### Cotton

##### A. For the storage of cotton:

##### ALABAMA

##### Town, Warehouse, and Warehouseman

Atmore; Farmers and Merchants Warehouse; Dan A. Currie, Jack A. Currie and J. Floyd Currie, copartners trading as Atmore Milling and Elevator Company.  
Attalla; North Alabama Warehouse; North Alabama Warehouse Company.  
Birmingham; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Centre; Floyd County Bonded Warehouse; Floyd County Bonded Warehouse, Inc.  
Decatur; State Bonded Warehouse; State Bonded Warehouse & Storage Company.

Decatur; Union Compress Warehouse; Union Service Industries, Inc.  
Geraldine; Geraldine Warehouse; Geraldine Warehouse and Storage Company, Inc.

Greenville; Elliott Bonded Warehouse; J. D. Elliott and George R. Elliott, copartners trading as J. D. Elliott and Son.

Guntersville; Guntersville Warehouse & Storage Co.; J. H. Alford, an individual, trading as Alford Cotton Company.

Haleyville; Haleyville Cotton Warehouse; Haleyville Mill and Gin Company.  
Huntsville; Huntsville Warehouse; Huntsville Warehouse Company.

Huntsville; Madison Bonded Warehouse; Madison Bonded Warehouse, Inc.

Huntsville; Planters Warehouse; Planters Warehouse and Storage Company.

McCullough; McCullough Bonded Warehouse; Frank P. Currie.

Mobile; Alabama State Docks Bonded Warehouse; Alabama State Docks Department.

Montgomery; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Panola; Panola Bonded Warehouse; E. A. Parker, and Merle Walker Parker and W. O. Parker, Jr., Executrix and Executor of the Trust Estate of W. O. Parker, Deceased, trading as Panola Bonded Warehouse.

Scottsboro; Gladish Bonded Warehouse; W. L. Gladish, Jr.

Selma; Dallas Bonded Warehouse; Dallas Compress Company.

Selma; Selma Compress Warehouse; Selma Compress Company.

Sylacauga; Sylacauga Bonded Warehouse; Parker Fertilizer Company, Incorporated.



## NOTICES

## ARIZONA

Phoenix; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Picacho*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Yuma*; Federal Compress Warehouse; Federal Compress & Warehouse Company.

## ARKANSAS

*Blytheville*; Blytheville Compress Warehouse; Blytheville Compress Company. *Blytheville*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Bradley*; Bradley Bonded Warehouse; Bradley Warehouse, Inc. *Brinkley*; Southern Compress Warehouse; Southern Compress Company. *Clarendon*; Clarendon Warehouse; Southern Compress Company. *Cotton Plant*; Cotton Plant Warehouse; Cotton Plant Warehouse Company. *Dardanelle*; Dardanelle Compress Warehouse; Planters Compress Company. *Dell*; Dell Compress Warehouse; Dell Compress Company of Dell, Arkansas. *Dumas*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Earle*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *England*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Eudora*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Evsdale (P.O. Wilson)*; Wilson Compress Warehouse; Memphis Compress & Storage Company. *Forrest City*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Helena*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Helena*; Helena Compress Warehouse; Helena Compress Company. *Hughes*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Jonesboro*; Jonesboro Compress Company's Warehouse; B. C. Land Company. *Leachville*; Arkansas Compress Warehouse; Arkansas Compress Company, Inc. *Lepanto*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Lonoke*; Lonoke Bonded Warehouse; Southern Compress Company. *Marianna*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Marked Tree*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Marked Tree*; Rittco Cotton Warehouse; Rittco Cotton, A Division of E. Ritter & Company. *Marvell*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *McCrory*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *McGehee*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Newport*; Federal Compress Warehouse; Federal Compress & Warehouse Co. *North Little Rock*; Southern Compress Warehouse; Southern Warehouse Co. *Osceola*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Pine Bluff*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Portland*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Sparkman*; P. H. Taylor Cotton Warehouse; Benton Taylor. *Trumann*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Walnut Ridge*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Wynne*; Federal Compress Warehouse; Federal Compress & Warehouse Company.

## CALIFORNIA

Fresno; Fresno Warehouse; Bayside Warehouse Company (California Compress Division).

## GEORGIA

*Arlington*; Ward's Bonded Warehouse; Mrs. Carol Clements Ward. *Atlanta*; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co. *Augusta*; Georgia-Carolina Warehouse; Georgia-Carolina Warehouse & Compress Company. *Augusta*; S. M. Whitney Warehouse; S. M. Whitney Company, Incorporated. *Bartow*; Bryant's Bonded Warehouse; Bryant's Incorporated. *Blakely*; Farmers Warehouse; The Maddox Corporation. *Camilla*; Camilla Cotton Oil Company Bonded Warehouse; Camilla Cotton Oil Company. *Camilla*; Walker Gin Bonded Warehouse; Walkers, Inc. *Carrollton*; Martin Bonded Warehouse; J. E. Martin & Son, Inc. *Cochran*; Cochran Bonded Warehouse; William Carlton Lawson. *Columbus*; W. C. Bradley Co. Warehouse; W. C. Bradley Co. *Cordele*; Harris and McCutchen Bonded Warehouse; Harris and McCutchen, Inc. *Cordele*; McCay Bonded Warehouse; McCay Gin and Warehouse Company, Inc. *Cordele*; Nesbitt Bonded Warehouse; Nesbitt Bonded Warehouse, Inc. *Cuthbert*; Walker & Daniel Bonded Warehouse; N. M. Walker and G. W. Daniel, copartners, trading as Walker & Daniel. *Davisboro*; Taylor Bonded Warehouse; Taylor Bonded Warehouse, Inc. *Dawson*; Dawson Compress Bonded Warehouse; Dawson Compress and Storage Company. *Dawson*; Terrell County Bonded Warehouse; Stevens Industries, Inc. *DeSoto*; DeSoto Bonded Warehouse; DeSoto Gin and Peanut Co. *Doerun*; Taylor's Bonded Cotton Warehouse; Floyd M. Taylor, Jr.; T. Elkin Taylor and Anna T. Brewer, copartners, trading as Taylor Gin and Warehouse. *Dublin*; Lovett and Brinson Bonded Warehouse; Lovett and Brinson, Incorporated. *Dudley*; Farmers Warehouse; Mrs. Effie B. Chappell, Roy James Chappell and John Warthen Chappell, Executors of the Last Will and Testament of Warthen T. Chappell, deceased, and The First National Bank and Trust Company in Macon, and Gladys Combs Hogan, as Executors of the Last Will and Testament of Robert L. Hogan deceased, partners, d/b/a Chappell & Hogan. *Fitzgerald*; Ben Hill Bonded Warehouse; Fitzgerald Oil & Fertilizer Company. *Fitzgerald*; Planters Warehouse and Loan Company's Warehouse; Planters Warehouse and Loan Company. *Gay*; Gay Bonded Warehouse; Arthur G. Estes, Jr. *Hawkinsville*; Blount's Warehouse; L. H. Blount, Inc. *Hawkinsville*; Cochran Bonded Warehouse; William Carlton Lawson. *Kingston (P.O. Rome)*; Kingston Gin and Bonded Warehouse; Fun City Enterprises, Inc. *Leslie*; Sumter-Lee Warehouse; Leslie Peanut & Gin Co., Inc. *Louisville*; Planters Bonded Warehouse; Hardeman Seed Co., Inc. *Lyons*; Stanley and Pughley Bonded Warehouse; Stanley & Pughley Gin and Warehouse Company, Incorporated. *Madison*; Mason Bonded Warehouse; Mason Gin and Fertilizer Company.

*McDonough*; The Planters Warehouse; The Planters Warehouse and Lumber Company. *Meigs*; Meigs Bonded Warehouse; B & J Company, Inc. *Metter*; Farmers Union Warehouse; Farmers Union Warehouse of Metter. *Midville*; Midville Bonded Warehouse; Midville Cotton Warehouse Company. *Monroe*; Launius Bonded Warehouse; J. William Dickinson and Dan M. Briscoe, copartners, trading as Launius Bonded Warehouse Co. *Moultrie*; Taylor's Bonded Cotton Warehouse; Floyd M. Taylor, Jr.; T. Elkin Taylor and Anna T. Brewer, copartners trading as Taylor Gin and Warehouse. *Parrott*; W. M. Dunn's Warehouse; W. G. Dunn. *Pitts*; Shell's Bonded Warehouse; A. C. Shell, Jr. *Plains*; Carter's Bonded Warehouse; James Earl Carter, Jr.; William A. Carter, II and Lillian G. Carter, d/b/a Carter's Warehouse. *Porter*; Plantera Bonded Warehouse; Plantera Cotton Warehouse Company. *Rome*; Commercial Bonded Warehouse; Commercial Bonded Warehouse, Inc. *Rome*; Georgia and Alabama Warehouse; Georgia and Alabama Warehouse Company. *Rome*; Floyd County Bonded Warehouse; Floyd County Bonded Warehouse, Inc. *Rome*; Rome Warehouse; Ledbetter Trucks, Inc. *Rutledge*; Hollis Bonded Warehouse; J. W. Hollis. *Sandersville*; Tarbutton Bonded Warehouse; Ben J. Tarbutton, Jr. and Hugh M. Tarbutton, trading as Tarbutton Bonded Warehouse. *Senola*; The Brick Bonded Warehouse; Paul R. McKnight, Sr. and Paul R. McKnight, Jr., copartners, trading as P. R. McKnight & Son. *Social Circle*; Malcom's Bonded Warehouse; B. A. Malcom. *Social Circle*; Social Circle Bonded Warehouse; Duval and Co. *Statesboro*; Planters Cotton Warehouse; Heflow Cotton Company, Inc. *Sylvania*; Farmers Bonded Warehouse; David W. Reed d/b/a David W. Reed Company. *Sylvester*; Houston Bonded Warehouse; Houston Gin & Warehouse Co. *Tennille*; Planters Bonded Warehouse; W. B. Smith. *Tennille*; Tennille Bonded Warehouse; Washington Ginning Company. *Vienna*; J. A. Whitehead & Co. Bonded Warehouse; J. A. Whitehead. *Waynesboro*; Burke County Bonded Warehouse; Burke County Gin & Fertilizer Company. *Waynesboro*; Neely Bonded Cotton Warehouse; Neely Bonded Cotton Warehouse, Inc. *Waynesboro*; Planters Warehouse; Planters Warehouse Company of Waynesboro. *Winder*; Smith Bonded Warehouse; Smith Bonded Warehouse, Inc. *Wrightsville*; Lovett's Bonded Warehouse; Lovett & Company, Incorporated. *Wrightsville*; Rowland's Bonded Warehouse; Rowland's Gin and Bonded Warehouse of Wrightsville, Georgia, Inc. *Wrightsville*; Union Warehouse; J. F. Jordan. *Youth*; Byrd Bonded Warehouse; J. T. Byrd.

## LOUISIANA

*Alexandria*; American Compress Warehouse; Frost-Whited Company, Inc. *Bernice*; Lindsey Bonded Warehouse; James D. Lindsey, Mrs. Rosalind Lindsey Albritton, et al., copartners, trading as Lindsey Bonded Warehouse Company. *Delhi*; Union Compress Warehouse; Union Service Industries, Inc.

*Ferriday*; Union Compress Warehouse; Union Service Industries, Inc. *Lake Providence*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Lake Providence*; H. & W. Warehouse; H. & W. Warehouse, Inc. *Lake Providence*; Hollybrook Warehouse; Hollybrook Warehouse, Inc. *Manassah*; Manassah Bonded Warehouse, Inc.; Manassah Bonded Warehouse, Inc. *Mer Rouge*; Louisiana Cotton Warehouses; Louisiana Cotton Warehouses, Inc. *Monroe*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Natchitoches*; American Compress Warehouse; Frost-Whited Company, Inc. *New Orleans*; Shippers Compress Warehouse; Meta Davis Atkinson, Clifford Atkinson, Jr., and Eugene Atkinson, Jr., trading as Atkinson & Company. *Oak Grove*; Union Compress Warehouse; Union Service Industries, Inc. *Opelousas*; American Compress Warehouse; Frost-Whited Company, Inc. *Plain Dealing*; Farmers-Merchants Warehouse & Storage Company, Inc.; Farmers-Merchants Warehouse & Storage Company, Inc. *Rayville*; Union Compress Warehouse; Union Service Industries, Inc. *Shreveport*; American Compress Warehouse; Frost-Whited Company, Inc. *Tallulah*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Winnsboro*; Union Compress Warehouse; Union Service Industries, Inc.

## MISSISSIPPI

*Aberdeen*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Batesville*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Belzoni*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Boonville*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Brookhaven*; Brookhaven Compress Warehouse; MFC Services (A.A.L.). *Canton*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Carthage*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Clarksdale*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Clarksdale*; North Delta Compress Warehouse; North Delta Compress & Warehouse Co. *Cleveland*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Como*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Corinth*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Drew*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Drew*; National Compress Warehouse; MFC Services (A.A.L.). *Flora (Kearney Park)*; Flora Compress Warehouse; Flora Compress and Warehouse Company, Inc. *Greenville*; Delta Cooperative Compress Warehouse; Delta Cooperative Compress. *Greenville*; Greenville Compress Warehouse; Greenville Compress Company. *Greenville*; Paxton Bonded Warehouse; Paxton Bonded Warehouse, Inc. *Greenwood*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Greenwood*; Staple Cotton Service Association (A.A.L.). *Grenada*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Gulfport*; Mississippi Gulfport Warehouses; Mississippi Gulfport Compress & Warehouses, Inc.

## NOTICES

## NEW MEXICO

*Artesia*; Artesia Compress Warehouse; Alma Sanders Francis, Leslie Paul Francis, William Kavanaugh Francis and Christine Francis Jones, copartners, trading as Artesia Compress Company.

## NORTH CAROLINA

*Battleboro*; Braswell Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. *Charlotte*; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co. *Charlotte*; Merchants Bonded Warehouse; Merchants Bonded Warehouse Company. *Charlotte*; Standard Bonded Warehouse; Standard Bonded Warehouse Company. *Cherryville*; Gaston Bonded Warehouse; Mauney Cotton Company, Inc. *Conway*; Conway Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. *Dunn*; General Utility Company's Warehouse; General Utility Company. *Edenton*; Edenton Bonded Warehouse; Leary Bros. Storage Company. *Elizabeth City*; Elizabeth City Bonded Warehouse; Robinson Manufacturing Company. *Enfield*; Enfield Bonded Warehouse; Whitaker Warehouse, Incorporated. *Fayetteville*; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina. *Gastonia*; Avon Bonded Warehouse; Avon Bonded Warehouse, Incorporated. *Gastonia*; Broad Street Bonded Warehouse; Broad Street Bonded Warehouse, Inc. *Gastonia*; Central Bonded Warehouse Division of Bayside Warehouse Company; Bayside Warehouse Company. *Gastonia*; Peoples Bonded Warehouse; Peoples Bonded Warehouse, Incorporated. *Jackson*; Northampton Warehouse; Warehouse Superintendent of the State of North Carolina. *Lewiston*; Lewiston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. *Lincolnton*; Lincoln Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. *Lumberton*; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina. *Mooreville*; Iredell Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. *Morven*; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina. *Murfreesboro*; Revelle Bonded Warehouse; Chas. L. Revelle & Sons, Inc. *Nashville*; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina. *Parkton*; Parkton Bonded Warehouse; J. Q. Farnell, Inc. *Pembroke*; Pembroke Bonded Warehouse; Maxton Cotton Company, Incorporated. *Raefford*; Hoke Cotton Warehouse and Storage Company's Warehouse; Hoke Cotton Warehouse and Storage Company, Inc. *Red Springs*; Red Springs Bonded Warehouse; Maxton Cotton Company, Incorporated. *Rich Square*; Rich Square Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. *Roanoke Rapids*; Farmers Warehouse of Roanoke Rapids; Warehouse Superintendent of the State of North Carolina. *Roanoke Rapids*; Rosemary Bonded Warehouse; William O. Dean, t/a Rosemary Bonded Warehouse Co.

## MISSOURI

*Arbyrd*; Arbyrd Compress Warehouse; John G. Hoyt, Jr. *Caruthersville*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Charleston*; National Compress Warehouse; National Compress & Warehouse Company. *Gideon*; Gideon Compress Warehouse; Memphis Compress & Storage Company. *Hayti*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Kennett*; Dunklin County Compress Warehouse; Dunklin County Compress and Warehouse Company. *Littonburg*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Malden*; Dunklin County Compress Warehouse; Dunklin County Compress and Warehouse Company. *Portageville*; Federal Compress Warehouse; Federal Compress & Warehouse Company. *Sikeston*; Federal Compress Warehouse; Federal Compress & Warehouse Company.



Rowland; Barrow Warehouse; Jenkins and Company, Inc.  
 Salisbury; Salisbury Bonded Warehouse; Rowan Cotton Mills Company.  
 Scotland Neck; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.  
 Scotland Neck; Edwards Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.  
 Seaboard; Seaboard Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.  
 Shelby; Planters and Merchants Warehouse Company.  
 Shelby; Shelby Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.  
 Smithfield; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.  
 St. Pauls; McColl Cotton Warehouses; Warehouse Superintendent of the State of North Carolina.  
 Tarboro; Edgcombe Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.  
 Wagram; Farmers Bonded Warehouse; Johnston Brothers, Inc.  
 Wake Forest; Wake Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.  
 Weldon; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.  
 Woodland; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

## SOUTH CAROLINA

Anderson; Appleton Warehouse; The Black Hawk Corporation.  
 Anderson; The Standard Warehouse; Standard Corporation.  
 Bennettsville; Marlboro Warehouses; Marlboro Warehouse Company.  
 Bishopville; Cotton Growers Warehouses; Cotton Growers Warehouses, Inc.  
 Bishopville; Farmers Bonded Warehouse; Wiley B. King.  
 Bishopville; King and Jordan Bonded Warehouse; W. Brent King and B. P. Jordan, copartners trading as King and Jordan Bonded Warehouse.  
 Clio; Clio Bonded Warehouse; B. H. Martin.  
 Columbia; Palmetto Compress Warehouse; Palmetto Compress and Warehouse Company.  
 Columbia; The Standard Warehouse; Standard Corporation.  
 Denmark; Denmark Bonded Warehouse; J. W. Williamson, Jr., H. M. Williamson, J. A. Williamson and J. S. Williamson, copartners trading as J. W. Williamson Co.  
 Edgefield; Hart Bonded Warehouse; John Rainsford, Jr.  
 Greenville; Black Hawk Warehouse; The Black Hawk Corporation.  
 Greenville; Commodity Warehouse; Commodity Warehouse Company, Inc.  
 Greenville; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.  
 Greenville; Industrial Storage Corporation Warehouse; Industrial Storage Corporation.  
 Greenwood; Textile Bonded Storage; Textile Bonded Storage, Inc.  
 Manning; United Bonded Warehouse; United Bonded Warehouse, Inc.  
 Newberry; Farmers Bonded Warehouse; Evelyn M. Brooks, d/b/a Farmers Bonded Warehouse.  
 Norway; Norway Bonded Warehouse; J. W. Williamson, Jr., H. M. Williamson, J. A. Williamson and J. S. Williamson, copartners trading as J. W. Williamson Co.

Orangeburg; The Standard Warehouse; Standard Corporation.  
 Spartanburg; Spartanburg Bonded Warehouses; Spartanburg Bonded Warehouses, Incorporated.  
 Summerton; Sumter Bonded Warehouse No. 2; Sumter Storage Company, Inc.  
 Sumter; Rowland Warehouse; Rowland Warehouse Company.  
 Turbeville; East Clarendon Bonded Warehouse; East Clarendon Storage Company.  
 Union; Union Bonded Warehouse; Jack B. Sanders.

## TENNESSEE

Brownsville; Federal Compress Warehouse; Federal Compress & Warehouse Company.  
 Covington; Federal Compress Warehouse; Federal Compress & Warehouse Company.  
 Covington; Tennessee Warehouse; Tennessee Warehouses, Inc.  
 Dyersburg; Federal Compress Warehouse; Federal Compress & Warehouse Company.  
 Five Points; Hammond Bonded Warehouse; Laura Mae Hammond.  
 Henderson; Henderson Compress Warehouse; Henderson Compress Company, Inc.  
 Jackson; Federal Compress Warehouse; Federal Compress & Warehouse Company.  
 Kingsport; Borden Warehouse; The Black Hawk Corporation.  
 Lawrenceburg; Gladish Bonded Warehouse; Martha E. Gladish.  
 Memphis; Federal Compress Warehouse (South Memphis Plant); Federal Compress & Warehouse Company.  
 Memphis; Gulf Atlantic Warehouse (Tri-State Plant); Gulf Atlantic Warehouse Co.  
 Memphis; Memphis Compress Warehouse; Memphis Compress & Storage Company.  
 Memphis; Memphis Compress Warehouse (Dunavant Plant); Memphis Compress & Storage Company.  
 Milan; Milan Compress Warehouse; Milan Compress Company.  
 Ripley; Federal Compress Warehouse; Federal Compress & Warehouse Company.  
 Tiptonville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

## TEXAS

Abilene; Abilene Cotton Warehouse; National-Western Compress & Warehouse Co.  
 Ballinger; Ballinger Compress Warehouse; National Diversified Co. T/A Ballinger Compress & Warehouse Co.  
 Brownsville; Gulfside Warehouse; Bayside Warehouse Company.  
 Bryan; Bryan Compress Warehouse; Hearne Cotton Compress Company, Inc.  
 Cameron; Cameron Compress Warehouse; Central Texas Compress Company.  
 Corsicana; Corsicana Compress Warehouse; Exporters & Traders Compress & Warehouse Company.  
 Ennis; Ennis Compress & Warehouse Co.'s Warehouse; Ennis Compress & Warehouse Co.  
 Fort Stockton; Comanche Warehouse; Comanche Warehouse, Inc.  
 Hamlin; Hamlin Compress Warehouse; Hamlin Farmers Compress Co.  
 Hearne; Hearne Cotton Warehouse; Hearne Cotton Compress Company, Inc.  
 Hillsboro; Exporters & Traders Compress & Warehouse Company's Warehouse; Exporters & Traders Compress & Warehouse Company.  
 Hubbard; Hubbard Compress Warehouse; Exporters & Traders Compress & Warehouse Company.  
 Marlin; Exporters & Traders Compress & Warehouse Company's Warehouse; Exporters & Traders Compress & Warehouse Company.  
 Meria; Meria Cotton Warehouse; Exporters & Traders Compress & Warehouse Company.  
 Rosebud; Rosebud Cotton Warehouse; Central Texas Compress Company.  
 Rule; Rule Compress Warehouse; Farmers Compress Company.

San Angelo; Angelo Compress Warehouse; National Diversified Co. T/A Ballinger Compress & Warehouse Co.  
 Sweetwater; Sweetwater Compress Warehouse; National-Western Compress & Warehouse Co.  
 Temple; Temple Compress Warehouse; Temple Compress Warehouse Co.  
 Tezakana; Federal Compress Warehouse; Federal Compress & Warehouse Company.  
 Waco; Exporters & Traders Compress & Warehouse Company's Warehouse; Exporters & Traders Compress & Warehouse Company.  
 Waxahachie; Waxahachie Compress Warehouse; Waxahachie Compress Warehouse Co.

## VIRGINIA

Brodnaz; Dugger and Dugger Cotton Storage; Richmond H. Dugger, Jr., trading as Dugger and Dugger Cotton Storage.

## Grain

## B. For the storage of grain:

## ALABAMA

Town, Warehouse, and Warehouseman  
 Decatur; APC Grain Elevator; APC Marketing Service, Inc.  
 Guntersville; Cargill Guntersville Elevator; Cargill, Incorporated.  
 Guntersville; Guntersville Plant; Allied Mills, Inc.

## ARKANSAS

Altheimer; Altheimer Grain Warehouse; The Arkansas Rice Growers Cooperative Association.  
 Augusta; Lockhart-Thompson Elevator; Murray L. Lockhart, d/b/a Murray L. Lockhart Warehouse Co.  
 Blackwell (P.O. Morrilton); Blackwell Grain Warehouse; Riceland Foods, Inc.  
 Blytheville; Farmers Grain Elevator; Farmers Soybean Corporation.  
 Bradford; White County Grain Warehouse; Riceland Foods, Inc.  
 Brinkley; Brinkley Warehouse; Riviana Foods, Inc.  
 Carlisle; Carlisle Warehouse; Riviana Foods, Inc.  
 Corning; Corning Rice Warehouse; The Arkansas Rice Growers Cooperative Association.  
 Dardanelle; Keenan Grain Elevator; Robert Keenan, d/b/a Keenan Grain Elevator.  
 Delaplaine; Delaplaine Grain Warehouse; The Arkansas Rice Growers Cooperative Association.  
 Des Arc; Des Arc Rice Warehouse; The Arkansas Rice Growers Cooperative Association.  
 DeWitt; C & L Rice Mill Warehouse; C & L Rice Mill, Inc.  
 DeWitt; Cormier Rice Mill Warehouse; Cormier Rice Milling Co., Inc.  
 DeWitt; Farmers Coop. Elevator; The Farmers Co-operative Elevator Company.  
 DeWitt; Growers Elevator; Growers Elevators, Inc.  
 DeWitt; Pioneer DeWitt Elevator; Pioneer Food Industries, Inc.  
 DeWitt; Rollison Seed Elevator; Rollison Seed, Inc.  
 DeWitt; Troy Mitchell Elevator; Troy Mitchell, d/b/a Troy Mitchell Elevator.  
 Dumas; Dumas Rice Warehouse; The Arkansas Rice Growers Cooperative Association.  
 Elaine; Elaine Grain Warehouse; The Arkansas Rice Growers Cooperative Association.  
 England; Federal Drier; Federal Drier and Storage Company.  
 Eudora; Eudora Grain Warehouse; The Arkansas Rice Growers Cooperative Association.  
 Eudora; Pioneer Eudora Elevator; Pioneer Food Industries, Inc.  
 Evadale (P.O. Wilson); Delta Products Warehouse; Delta Products Company.  
 Fair Oaks; Fair Oaks Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Wheatley; Wheatley Rice Warehouse; The Arkansas Rice Growers Cooperative Association.  
 Wilcox; Wilcox Rice Warehouse; The Arkansas Rice Growers Cooperative Association.  
 Wynne; Gibbs-Harris Rice Dryer, Division of Producers Rice Mill, Inc.; Producers Rice Mill, Inc.

## CALIFORNIA

Arbuckle; Farmers Grain Elevator; Thomas Meager, d/b/a Farmers Grain Elevator.  
 Berenda; Valley Grain Drier Warehouse; Valley Grain Drier, Inc.  
 Blyss; Rice Growers Association Warehouse; Rice-Growers Association of California.  
 Colton; Producers Elevator; Producers Grain Corporation.  
 East Los Angeles; Pillsbury-Globe Elevator; The Pillsbury Company.  
 French Camp; Continental Elevator; Continental Grain Company.  
 Grimes; Sacramento River Warehouse Co.; Delta Lines, Inc.  
 Lemoore; Continental Elevator; Continental Grain Company.  
 Long Beach; Koppel Bulk Terminal; Koppel, Inc.  
 Maxwell; Colusa-Glenn Drier Company Warehouse; Colusa-Glenn Drier Company.  
 Riz Station (P.O. Willows); Rice Growers Association Warehouse; Rice-Growers Association of California.  
 Saco Siding (P.O. Bakersfield); Continental Elevator; Continental Grain Company.  
 San Francisco; Port of San Francisco Grain Terminal; Stockton Elevators.  
 Stockton; Stockton Elevators; Stockton Elevators.  
 West Sacramento; Port of West Sacramento Grain Terminal; Cargill of California, Inc.  
 West Sacramento; Rice Growers Association Warehouse; Rice-Growers Association of California.  
 Williams; De Pue Warehouse; De Pue Warehouse Company.  
 Willows; Willows Rice Drier & Storage Company Warehouse; Pacific International Rice Mills, Inc.  
 Woodland; Sunset Rice Dryer Warehouse; Pacific International Rice Mills, Inc.

## COLORADO

Akron; Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-operative Company of Yuma, Colorado.  
 Amherst; Farmers Elevator; Amherst Co-operative Elevator, Inc.  
 Bristol; Bristol Elevator; South Eastern Colorado Coop.  
 Burlington; Equity Elevator; Equity Co-operative Exchange.  
 Byers; Farmers Marketing Elevator; Farmers Marketing Association.  
 Campo; Stafford Elevator; Van Stafford.  
 Denver; Cargill Denver Elevator; Cargill, Incorporated.  
 Denver; Far-Mar-Co Denver Elevator; Far-Mar-Co, Inc.  
 Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.  
 Flagler; Flagler Equity Elevator; The Flagler Equity Co-operative Company.  
 Holly; Southeastern Colorado Co-op Elevator; South Eastern Colorado Coop.  
 Holyoke; Holyoke Cooperative Elevator; Holyoke Cooperative Association.  
 Hyde (P.O. Otis); Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-operative Co. of Yuma, Colorado.  
 Lamar; Southeastern Colorado Co-op Elevator; South Eastern Colorado Coop.  
 Otis; Washington County Grain Company, Division Elevator; Rickel, Inc.

Peetz; Farmers Co-op. Elevators; The Peetz Farmers Co-operative Company.  
 Roggen; Roggen Farmer's Elevator; Roggen Farmer's Elevator Association.  
 Selbert; Co-op Elevator; The Selbert Equity Cooperative Association.  
 Springfield; Co-Op Elevator; The Springfield Cooperative Sales Company.  
 Stratton; Co-op Elevator; The Stratton Equity Cooperative Company.  
 Vilas; Vilas Elevator; Vilas Grain Company.  
 Watkins; Watkins Elevator; Watkins Elevator, Inc.  
 Wray; Farmers Union Elevator; The Farmers Union Cooperative Elevator Company.  
 Yuma; Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-operative Company of Yuma, Colorado.

## FLORIDA

Live Oak; Gold Kist Grain Elevator; Gold Kist, Inc.

## GEORGIA

Gainesville; Cargill Gainesville Elevator; Cargill, Incorporated.  
 Macon; Central Cotton Oil; Southern Soya Corporation.

## IDAHO

American Falls; Power County Grain Growers Warehouse; Power County Grain Growers, Inc.  
 Bancroft; Grain Growers Warehouse; Bancroft Grain Growers, Inc.  
 Cottonwood; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.  
 Craigmont; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.  
 Downey; Downey Grain Growers Warehouse; Downey Grain Growers, Inc.  
 Drummond; Yellowstone Grain Growers Warehouse; Yellowstone Grain Growers, Inc.  
 Fairfield; Grain Growers Warehouse; Camas Prairie Grain Growers, Inc.  
 Grace; Gem Valley Grain Growers Warehouse; Gem Valley Grain Growers, Inc.  
 Grangeville; Union Warehouse & Supply Company's Warehouse; Union Warehouse & Supply Co.  
 Greer; Nezperce Rochdale Warehouse; Nezperce Rochdale Company.  
 Jerome; Marshall Warehouse; Marshall Warehouses, Inc.  
 Kendrick; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.  
 Kennedy Ford; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.  
 Lewiston; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.  
 McCammon; Grain Growers Warehouse; Farmers Grain Cooperative.  
 Malad; Grain Growers Warehouse; Onelda County Grain Growers, Inc.  
 Michaud; Power County Grain Growers Warehouse; Power County Grain Growers, Inc.  
 Moreland; Shields of Blackfoot Warehouse; Shields of Blackfoot, Inc.  
 Moscow; Dumas Seed Company Warehouse; Dumas Seed Company.  
 Moscow; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.  
 Nezperce; Nezperce Rochdale Warehouse; Nezperce Rochdale Company.  
 Nezperce; Nezperce Storage Co.; Nezperce Storage Co.  
 Ririe; Grain Growers Warehouse; Ririe Grain and Feed Cooperative, Inc.  
 Soda Springs; Grain Growers Warehouse; Farmers Grain Cooperative.  
 Soda Springs; Soda Springs Elevator; Soda Springs Elevator, Inc.  
 Tetonia; Grain Growers Warehouse; Farmers Grain Cooperative.



## NOTICES

Weston; Weston Grain Cooperative Warehouse; Weston Grain Cooperative, Inc.  
 Worley; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.

## ILLINOIS

Adrian; Adrian Elevator; Hancock Grain Company.  
 Agnew (R.R. 4, Sterling); Kobbeman Grain; Henry J. Kobbeman and Mary B. Kobbeman, Copartners, trading as Kobbeman Grain Company.  
 Albany; Bunge Corporation Albany Grain Terminal; Bunge Corporation.  
 Alhambra; Alhambra & Marine Elevators; Madison Service Company.  
 Allerton; Allerton Elevator; Homer Grain Company.  
 Alton; Terminal Operations; Peavey Company.  
 Alvin; Alvin Elevator; Jack Conard, trading as Conard Grain Company.  
 Amboy; Amboy Elevators; Lee FS Inc.  
 Anchor; Anchor Elevator; Anchor Grain Company.  
 Andres (P.O. Peotone); Andres Elevator; Andres & Wilton Farmers Grain & Supply Co.  
 Arensville; Arensville-Hagener Elevators; Arensville-Hagener Farmers Grain Co.  
 Armstrong; Hittle Elevator; Atkinson Grain & Fertilizer, Inc.  
 Ashland; Ashland Elevator; Ashland Farmers Elevator Co.  
 Ashton; M. L. Ewing Grain Co.; M. L. Ewing, trading as M. L. Ewing Grain Co.  
 Assumption; Assumption Elevators; Assumption Cooperative Grain Company.  
 Atkinson; Atkinson Elevator; Atkinson Grain & Fertilizer, Inc.  
 Atlanta; Atlanta Elevator; F. L. Douglas & Co.  
 Atwood; Atwood Elevator; Atwood Grain and Supply Co.  
 Auburn; W. E. Shutt Elevator; Girard Elevator, Inc.  
 Barr Station (P.O. Athens); Amac Barr Elevator; Amac, Inc.  
 Bartonville; Allied Mills Peoria Elevator; Allied Mills, Inc.  
 Beardstown; Farmers Terminal Elevator; Garnac Grain Co., Inc.  
 Bellflower; Bellflower Elevator; Foosland Grain Co.  
 Belvidere; Central Grain Co. Elevator; Central Commodities, Ltd.  
 Bement; Farmers Elevator; Bement Grain Company.  
 Bethany; The Bethany Grain Company Elevator; The Bethany Grain Company.  
 Bismarck; Bismarck Grain Co. Elevator; Bismarck Grain Co., Inc.  
 Blandinsville; King Feed Company Elevator; King Feed Company.  
 Bloomington; Hasenwinkle Elevator; Hasenwinkle Grain Co.  
 Bourbon; Ulrich Grain Co. Elevator; Harvey C. Ulrich, trading as Ulrich Grain Co.  
 Broadwell; W. W. Hill Broadwell Elevator; W. W. Hill Feed & Grain Co.  
 Brocton; Brocton Elevator; Agre Grain Company.  
 Broughton; L. S. Harper Grain Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Bushnell; Bushnell O.K. Elevator; O.K. Grain Company.  
 Cadwell (P.O. Arthur); Cadwell Elevator; Moultrie Grain Association.  
 Cairo; Mikco Grain Co. Elevator; Bunge Corporation trading as Mikco Grain Co.  
 Camargo; Villa Grove Farmers Elevator; Villa Grove Farmers Elevator Company.

Campus; Hamilton Elevator; Hamilton Elevator Company.  
 Carthage; Cargill Carthage Elevator; Cargill, Incorporated.  
 Cayuga (R.R. No. 3, Pontiac); Cayuga Elevator; Jacobson Grain Co.  
 Centerville Township; Cargill East St. Louis Elevator "R"; Cargill Incorporated.  
 Chandlerville; Chandlerville Elevator; Chandlerville Grain Co., Inc.  
 Chebanse; Hansen Bros. Grain Elevator; Arthur L. Hansen, Orval Hansen, Louis V. Hansen, Vincent Hansen, Laverne Hansen, and Virgil Hansen, Copartners, trading as Clifton Grain Co. at Clifton, Illinois, and Hansen Bros. Grain Elevator at Chebanse, Illinois.  
 Chestnut; Chestnut Elevator; The Farmers Grain Company of Chestnut.  
 Chicago; Belt Elevator; Carey Grain Corporation.  
 Chicago; Calumet Elevators; Dixie Portland Flour Mills, Inc.  
 Chicago; The Cargill Elevator; Cargill, Incorporated.  
 Chicago; Continental Elevator C; Continental Grain Company.  
 Chicago; Continental Elevators; Continental Grain Company.  
 Chicago; Garvey Rock Island Elevator; Garvey Grain, Inc.  
 Chicago; Gateway Elevator; Indiana Farm Bureau Cooperative Association, Inc.  
 Chicago; Sante Fe Elevator; Garvey Grain, Inc.  
 Chrisman; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Cisco; Cisco Grain Elevator; Cisco Cooperative Grain Co.  
 Clarence (P.O. Rankin); Carson Grain Co. Elevator; J. Kemp Carson and John M. Carson, copartners, trading as Carson Grain Co.  
 Clifton; Clifton Grain Elevator; Arthur L. Hansen, Orval Hansen, Louis V. Hansen, Vincent Hansen, Laverne Hansen, and Virgil Hansen, copartners, trading as Clifton Grain Co. at Clifton, Illinois, and Hansen Bros. Grain Elevator at Chebanse, Illinois.  
 Compton; Torri Grain Company Elevator; A. J. Torri, Joseph A. Torri, and Q. J. Torri, copartners, trading as Torri Grain Company.  
 Creve Coeur; Illinois Grain Corporation, Creve Coeur Elevator; Illinois Grain Corporation.  
 Cruger (R.R. 1, Eureka); Farmers Elevators; Farmers Grain Cooperative of Eureka.  
 Culver Station (P.O. Athens); Culver Elevator; Culver-Fancy Prairie Cooperative Co.  
 Dalton City; Farmers Co-op Grain Co. Elevator; Farmers Co-operative Grain Company of Dalton City.  
 Danville; Lauhoff Elevator; Lauhoff Grain Company.  
 Darrow (P.O. Sheldon); Darrow Elevator; Woodland-Darrow Farmers Co-operative, Inc.  
 Deer Creek (RFD 1); Bell Elevator; Bell Enterprises, Inc.  
 Deer Grove; Cady Elevator; Cady Grain Co., Inc.  
 Deer Grove (R.R. No. 1); Hahnman Station Elevator; Hahnman Elevator, Inc.  
 DeLand; DeLand Farmer's Elevators; DeLand Farmer's Cooperative Grain Company.  
 Delavan; Delavan Elevator; Delavan Cooperative Elevator Co.  
 Dorans (P.O. Mattoon); Dorans Elevator; Farmers Grain Company of Dorans.  
 Downs; Hasenwinkle Elevator; Hasenwinkle Grain Co.  
 Dwight; Jacobson Elevator; John E. Jacobson, trading as John Jacobson Grain.

Dwight Township (P.O. Dwight); Jacobson Terminal; Jacobson Seaway Grain Terminal Company.  
 Earlville; Earlville Farmers' Co-operative Elevator; Earlville Farmers' Co-operative Elevator Company.  
 East Hannibal (P.O. Hannibal, Missouri); Bunge Corporation East Hannibal Grain Terminal; Bunge Corporation.  
 East Peoria; East Peoria Elevator, Tabor & Co.; Tabor & Co.  
 East St. Louis; Continental Elevator; Continental Grain Company.  
 Edinburg; Rink & Scheib Elevator; Rink & Scheib, Inc.  
 Edwardsville; Dippold Elevator; H. B. Stubbs, trading as Dippold Bros.  
 Edwardsville; Edwardsville Elevator; Madison Service Company.  
 Effingham; Effingham Equity Elevator; Effingham Equity.  
 Elburn; Elburn Co-op; Elburn Cooperative Company.  
 Eldorado; W. J. Meyer Elevator—Eldorado; B. C. Christopher & Company, A Limited Partnership. General partners are Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Elliott; Elliott Farmers Grain Company Elevator; Elliott Farmers Grain Company.  
 El Paso; El Paso Elevator; El Paso Grain & Equipment Inc.  
 Emery (P.O. Maroa); B. C. Christopher & Co.—Dewein Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Erie; Erie Elevator; Whiteside FS, Inc.  
 Esmond; Esmond Elevator; Farmers' Grain Company of Esmond.  
 Fairbury; Farmers Grain Elevator; Farmers Grain Co. of Fairbury.  
 Fancy Prairie; Fancy Prairie Elevator; Culver-Fancy Prairie Cooperative Co.  
 Farmer City; Mitsui Elevator; Pacific Grain Co.  
 Fisher; Fisher Elevator; Fisher Farmers Grain and Coal Company.  
 Fithian; Fithian Elevator; Kenneth W. Stotler, Howard A. Stotler and Ronald B. Izard, Copartners trading as Fithian Grain Company.  
 Foosland; Foosland Elevator; Foosland Grain Co.  
 Forrester (RR1); Vet-Way Feeds; Turner-Hollewell Corporation.  
 Franklin Grove; Herbst Grain Co. Elevator; Herbst Grain Company.  
 Galesburg; Consumers; W. J. Krupp, John M. Sutor and George M. Sutor, Copartners, trading as Consumers' Grain and Supply Company.  
 Galva; Galva Elevator; Galva Co-operative Grain and Supply Company.  
 Georgetown; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Gibson City; Farmers Elevator; The Farmers Grain Co. of Gibson City.  
 Gilman; Continental Elevator; Continental Grain Company.  
 Girard; Girard Elevator; Girard Elevator, Inc.  
 Gladstone; Gladstone Grain Co. Elevator; Charles McChesney, trading as Gladstone Grain Co.

## NOTICES

Goodwine; Goodwine Co-operative Grain Co. Elevator; Goodwine Co-operative Grain Company.  
 Grant Park; Grant Park Elevator; Grant Park Co-operative Grain Co.  
 Gridley; Gridley Elevator; Garvey Grain, Inc.  
 Hampshire; Hampshire Elevator; Gerstenberg and Tucker, Inc.  
 Harmon; Albrecht Elevator; Albrecht Grain Company.  
 Harpster (P.O. Foosland); Harpster Elevator; Harpster Grain Co.  
 Harris (P.O. Farmers City); Tabor & Co. Harris Station; Tabor & Co.  
 Heaton (R.R. #1, Rossville); Heaton Grain Company Elevator; Heaton Grain Company, Inc.  
 Henkel (P.O. Mendota); Henkel Grain Co.; Henkel Grain Co., Inc.  
 Heyworth; Hasenwinkle Elevator; Hasenwinkle Grain Co.  
 Homer; Homer Elevators; Homer Grain Company.  
 Honegger (P.O. Fairbury); Fairbury Elevator; Honeggers & Co., Inc.  
 Hudson; Hudson Elevator; Hudson Grain Company.  
 Hull; M.F.A. Elevator; Missouri Farmers Association, Inc.  
 Illinois; Illinois Grain Co. Elevator; Illinois Grain Co.  
 Iroquois; Iroquois Farmers Elevator; Iroquois Farmers Elevator.  
 Ivesdale; Ivesdale Elevator; Ivesdale Co-op Grain Company.  
 Jamaica (R.R. 1, Fairmount); Farmers Elevator; Farmers' Elevator Company of Jamaica, Illinois.  
 Jerseyville; Jerseyville Elevators; Jersey County Grain Company.  
 Kaneville; Kaneville Elevator; Kaneville Grain and Supply Company.  
 Kenney; Kenney Elevator; F. L. Douglas & Co.  
 Kerrick (R.F.D. 1 Normal); Kerrick Elevator; Kerrick Grain, Inc.  
 Ladd; Ladd Elevator; The Ladd Elevator Company.  
 Leroy; Hasenwinkle Elevator; Hasenwinkle Grain Co.  
 Lexington; Kemp Elevator; Kemp Grain Co.  
 Lisbon Center (P.O. Newark); Lisbon Center Elevator; Farmers Cooperative Grain & Supply Co. of Lisbon Center.  
 Loami; Loami Elevator; Loami Grain Company, Inc.  
 Lostant; Tabor Elevator; Tabor & Co.  
 Lovington; Lovington Elevator; Moultrie Grain Association.  
 Ludlow; Ludlow Elevators; Ludlow Cooperative Elevator Company.  
 Macon; Macon Elevator; Tabor & Co.  
 Mahomet; James F. Parker Co. Elevator; James F. Parker Co.  
 Mansfield; Mansfield Grain Co. Elevator; Joseph W. Walsh, trading as Mansfield Grain Co.  
 Manteno; Farmers Elevator; Farmers Elevator Company of Manteno.  
 Maple Park (RFD 1); Troxel Plant; Hintzsche Feed and Grain, Inc.  
 Marengo; Central Grain Co. Elevator; Central Commodities, Ltd.  
 Maroa; Maroa Farmers Coop. Elevator; Maroa Farmers Cooperative Elevator Company.  
 Mason City; Tabor & Co. Mason City Elevator; Tabor & Co.  
 McNabb; McNabb Elevator; McNabb Grain Company.  
 Meadows (Route 1, Chenoa); Meadows Elevators; Meadows Cooperative Company.  
 Mechanicsburg; Mechanicsburg Elevator; Mechanicsburg Farmers Grain Co.  
 Mendota; Fasco Elevator; Fasco Mills Company.

Meriden (P.O. Mendota); Meriden Elevator; Henkel Grain Co., Inc.  
 Metcalf; Metcalf Elevator; Metcalf Grain, Inc.  
 Milmine; Milmine Farmers Elevator; Milmine Grain Company.  
 Minier; Minier Cooperative Elevator; Minier Cooperative Grain Company.  
 Minooka; Minooka Elevator; The Minooka Grain, Lumber and Supply Company.  
 Monticello; Monticello Elevator; Monticello Grain Company.  
 Morrisonville; Morrisonville-Harvel Farmers Elevator; The Morrisonville Farmers Co-operative Co.  
 Mt. Auburn; Tabor & Co.; Mt. Auburn Elevator; Tabor & Co.  
 Mt. Carroll; Johnston Feed Service; Johnston Feed Service, Inc.  
 Myra Station (R.R. 3 Urbana); B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Newman; Miller Grain Division Elevator; Tabor & Co.  
 Niantic; Niantic Farmers Elevators; Niantic Farmers Grain Company.  
 Oakland; Miller Grain Division Elevator; Tabor & Co.  
 Ogden; Ogden Grain Co. Elevator; E. Z. Spread Fertilizer Company, trading as Ogden Grain Company.  
 Old Shawneetown (R.R. 1, Shawneetown); Bunge Corporation Shawneetown Grain Terminal; Bunge Corporation.  
 Olive Branch; B. C. Christopher & Company Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Orleans (R.R. 1, Alexander); Orleans Farmers Elevators; Garnac Grain Co., Inc.  
 Owaneco; Owaneco-Millersville Elevators; Mid-Illinois Farmers Co-operative.  
 Pana; Pana Elevator; Mid-Illinois Farmers Co-operative.  
 Paris; Adams Elevator; Agre Grain Company.  
 Paris; Paris Elevator; Illinois Cereal Mills, Inc.  
 Parnell (R.R. 2, Farmer City); Walsh Grain Elevator; Walsh Grain Elevator, Inc.  
 Peoria; Riverside Elevator; Riverside Elevator Co.  
 Perdueville (P.O. Paxton); Perdueville Elevator; Ludlow Cooperative Elevator Company.  
 Pesotum; Pesotum Elevator; Janet Horton Boyer, Fred G. Boyer and Mary Martha Messmore copartners trading as Pesotum Grain Company.  
 Petersburg; Amac Petersburg Elevator; Amac, Inc.  
 Pittsfield; King Elevator; M. D. King Milling Company.  
 Pittwood (R.R. No. 4 Watseka); Gillespie Grain Co.; Clyde W. Gillespie, trading as Gillespie Grain Co.  
 Polo; Olsen Elevator; Edward G. Olsen, trading as Olsen's Elevator and Feeds.  
 Pontiac; Pontiac Elevator; Jacobson Grain Co.  
 Poplar Grove; McLay Elevator; McLay Grain Company.  
 Princeton; Hopkins Grain Co. Elevator; Hopkins Lumber Company, Incorporated.  
 Redmon; English Elevator; Edward English, trading as English Grain Company.  
 Ridge Farm; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited

partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Roberts; Hicks Grain Terminals; Hicks Grain Terminals, Inc.  
 Rochelle (R.R. 1); Maplehurst Farms Elevator; L. D. Carmichael, trading as Maplehurst Farms.  
 Rowe (R.R. No. 3, Pontiac); Rowe-Cornell Elevators; Jacobson Grain Co.  
 Sadorus; Sadorus Co-op Elevators; Sadorus Co-operative Elevator Co.  
 Secor; Secor Elevator; The Secor Elevator Company.  
 Serena; Serena Elevator; La Salle County Farm Supply Company.  
 St. Jacob; St. Jacob Elevator; Toberman Grain Company.  
 Shawneetown; T. Y. Williams Grain & Seed Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Sheldon; Sheldon Elevator; The Early and Daniel Company.  
 Shipman; Shipman Elevator; Shipman Elevator Company.  
 Shirley; Shirley Elevator; McLean County Service Company.  
 Sibley; Sibley Complete Feed & Grain Service Elevator; The Sibley Farms Service Corporation.  
 Sibley; Sibley Grain Company Elevator; The Sibley Grain Company.  
 Sidell; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Smithshire; Twomey Company; Twomey Company.  
 South Beloit; Elevator B; Beloit Grain Company.  
 Speer; Allen Grain Inc. Elevator; Allen Grain Inc.  
 Springfield; W. W. Hill Springfield Elevator; W. W. Hill Feed & Grain Co.  
 State Line; State Line Elevator; State Line Elevator, Inc.  
 Sterling; Sterling-Galt Elevators; Whiteside FS, Inc.  
 Steward; Steward Elevators; Lee FS Inc.  
 Stillman Valley; Griffith Lumber Co. Stillman Valley Elevator; Stanwood C. Griffith, trading as Griffith Lumber Co.  
 Stockland; Stockland Elevator; Stockland Grain Company, Inc.  
 Stonington; Stonington Cooperative Grain Company Elevator; Stonington Cooperative Grain Company.  
 Strawn; Strawn Warehouses; Honeggers & Co. Inc.  
 Sullivan; Sullivan Elevator; Tabor & Co.  
 Symerton (P.O. Wilmington); Symerton Elevator; Will-DuPage Service Company.  
 Tallula; Tabor & Co.; Tallula Elevator; Tabor & Co.  
 Taylorville; Allied Mills Taylorville Elevator; Allied Mills, Inc.  
 Taylorville; Wayne Feed Supply Co. Elevator; Allied Mills, Inc.  
 Thomasboro; Thomasboro Grain Co. Elevator; Thomasboro Grain Co.  
 Thomasville (P.O. Farmersville); Thomasville Elevator; Girard Elevator, Inc.  
 Tolono, R.R. 2; Apex Terminal Warehouses; Apex Terminal Warehouses Inc.

<sup>1</sup> In Illinois and Indiana.



Tolono; Tolono Elevator; Savoy Grain Company.  
Trenton; Trenton Farmers Elevator; Trenton Cooperative Equity Exchange.  
Union (P.O. Emden); Union Elevator; F. L. Douglas & Co.  
Ursa; Ursa Elevator; Ursa Farmers Co-operative Company.  
Villa Grove; Villa Grove Farmers Elevators; Villa Grove Farmers Elevator Company.  
Waggoner; Waggoner Elevator; Girard Elevator, Inc.  
Walton (R.R. 2, Dixon); Walton Elevator; Walton Elevator Company.  
Wapella; Hasenwinkle Elevator; Hasenwinkle Grain Co.  
Warsaw; Warsaw Elevator; Hancock Grain Company.  
Watkins (P.O. Farmer City); Watkins Elevator; Weedman Grain and Coal Company.  
Weedman (R.R. 1, Farmer City); Weedman Elevator; Weedman Grain and Coal Company.  
Weldon; Weldon Grain Co. Elevator; Weldon Co-operative Grain Company.  
Wenona (RR); Moon Grain-Wenona Elevator; Moon Grain and Agri-Services, Inc.  
Wenona; Tabor & Co.—Wenona; Tabor & Co.  
West Brooklyn; West Brooklyn Elevator; West Brooklyn Farmers Co-operative Co.  
Williamsville; W. W. Hill Williamsville Elevator; W. W. Hill Feed & Grain Co.  
Wilton (P.O. Manhattan); Wilton Elevator; Andres & Wilton Farmers Grain & Supply Co.  
Windsor; Neal-Cooper Grain Co. Elevator; Neal-Cooper Grain Co.  
Winnebago; W. T. Berg Elevator; Beloit Grain Company.  
Woodford (P.O. Minonk); Woodford Elevator; Garvey Grain, Inc.  
Wyand; Wyand Elevator; Carl Lavern Barker, trading as Barker Milling and Grain Co.  
Yuton (R.R. 4, Bloomington); McLean County Service Co. Elevator; McLean County Service Company.

## INDIANA

Amboy; Amboy Elevator; Amboy Grain Co., Inc.  
Bourbon; Bourbon Elevator Co. Elevator; Central States Grain Co., Inc.  
Brookston; Brookston Grain Co. Elevators; Demeter, Inc.  
Burlington; Star Elevator; Star Roller Mills Corporation.  
Camden; Camden Elevator; Allison, Steinhart & Zook, Inc.  
Camden (R.R. No. 1); Triangle Feeds, Inc. Elevator; Triangle Feeds, Inc.  
Carlisle; Sprinkle Elevator; Ralph Sprinkle trading as Sprinkle Elevator.  
Dunn (R.R. 2, Fowler); Dunn-Raub Grain Elevators; Demeter, Inc.  
Earl Park; York-Richland Grain Elevators; York-Richland Grain Elevators, Inc.  
East Chicago (Indiana Harbor); The New York Central Elevator; Farmers Grain Dealers Association of Iowa (Cooperative).  
Edinburg (R.R. No. 1); Durham Road Elevator; Community Grain, Inc.  
Emporia (R.R. #1, Markleville); Emporia Elevator; Emporia Elevator, Inc.  
Falmouth; Falmouth Elevator; Falmouth Farm Supply, Inc.  
Flora; Flora Elevator; Allison, Steinhart & Zook, Inc.  
Fowler (R.R. 1); Lochiel-Goodland Elevators; Demeter, Inc.  
Franklin; R.R. 2; Norton Grain Elevator; Crystal Springs Grain Corporation.  
Free (R.R. 2, Fowler); Free Grain Elevator; Watland Farms, Inc., trading as Free Grain Company.

Hedrick; Hedrick Elevator; Jack Conard, trading as Conard Grain Company.  
Indianapolis; Acme-Evans Elevator; General Grain, Inc.  
Indianapolis; Beech Grove Elevator; The Early and Daniel Company.  
Kirklin; Moore-Costlow Elevator; Moore-Costlow, Inc.  
Kiondike; Tippecanoe Grain Co. Elevator; Central States Grain Co., Inc.  
Kokomo; Kokomo Elevator; Kokomo Grain and Feed Co., Inc.  
Laotto; Laotto Elevator Co. Elevator; Central States Grain Co., Inc.  
Ligonier; Lyon and Greenleaf Elevator; Lyon and Greenleaf Company, Incorporated.  
Lyons; Sprinkle Elevator; Ralph Sprinkle, trading as Sprinkle Elevator.  
Manilla; Manilla Grain Co. Elevator; Manilla Grain Co., Inc.  
Marshfield; Marshfield Elevator; Jack Conard, trading as Conard Grain Company.  
Morristown; Morristown Elevator; Morristown Elevator Co., Inc.  
Mount Ayr; Grow Elevator; Grow Farms Grain Corporation.  
New Haven; Allen County Grain & Storage; Central States Grain Co., Inc.  
New Market; Layne & Myers Elevator; Priscilla Opal Layne, Leland Eugene Layne, David L. Myers, and Lorinda Jane Myers, copartners, trading as Layne & Myers Grain Co.  
Noblesville; Noblesville Elevator; Hamilton County Farm Bureau Co-operative Association, Inc.  
Peru; Canal Elevator; Allison, Steinhart & Zook, Inc.  
Pinola (R.R. #1 La Porte); Pinola Elevator; Pinola Elevator Co., Inc.  
Portland; Haynes Milling Co., Inc. Elevator; Haynes Milling Co., Inc.  
Reynolds; Pillsbury Reynolds Elevator; The Pillsbury Company.  
Romney (R.R. #1); Tippecanoe Grain Co. Elevator; Central States Grain Co., Inc.  
Schneider; Indiana Grain Exporters; Mid-West Land and Cattle Corporation.  
Shideler (R.R. #1, Eaton); Shideler Grain Co. Elevator; Shideler Grain Co., Inc.  
Shirley; Shirley Feed Mill; Shirley Feed Mill, Inc.  
State Line; State Line Elevator; State Line Elevators, Inc.  
Sullivan; Johnson Mill & Elevator; Sherell W. Johnson, Sr. and Sherell W. Johnson, Jr., copartners, trading as Johnson Feed & Supply Company.  
Swamington; Central States Grain Storage; Central States Grain Co., Inc.  
Thorntown; Sugar Creek Elevator; Allison, Steinhart & Zook, Inc.  
Vincennes; Baltic Mills, Inc. Elevator; Baltic Mills, Inc.  
Iowa

Adair; Adair Elevator; Adair Feed and Grain Co.  
Albert City; Farmers Elevators; Farmers Cooperative Elevator Company.  
Albion; Albion Elevator; Haverhill Elevator, Inc.  
Algona; Cargill Algona Elevator; Cargill, Incorporated.  
Alta; Alta Cooperative Elevator; Alta Co-operative Elevator.  
Alta; Cargill Alta Elevator; Cargill, Incorporated.  
Alton; Farmers Cooperative Elevator; Farmers Mutual Cooperative Company.  
Altoona; Farmers Elevator; Farmers Elevator Company.  
Anita; Anita Elevator; Anita Feed Service, Inc.

<sup>1</sup> In Illinois and Indiana.

Archer; Archer Elevator; Archer Cooperative Grain Company.  
Armstrong; Cargill Elevator; Cargill, Incorporated.  
Aurelia; Farmers Elevator; Farmers Co-operative Company.  
Barnum; Barnum Elevator; Weston Grain Company, Incorporated.  
Beaver; Cargill Beaver Elevator; Cargill, Incorporated.  
Blanchard; Farmers Coop Elevator; Farmers Cooperative Elevator Company.  
Blencoe; Farmers Elevators; Blencoe Cooperative Company.  
Blockton; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
Bondurant; Farmers Elevator "B"; Farmers Elevator Company.  
Booneville; Booneville Coop.; Booneville Cooperative Elevator Co.  
Boyd; Farmers Elevator; Farmers Cooperative Association.  
Burlington; Burlington & Mississippi Elevator; ADM Grain Co.  
California Junction (P.O. Missouri Valley); Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
Carnes; Farmers Cooperative Elevator; Farmers Mutual Cooperative Company.  
Carperter; Northwood Co-op Elevator; Northwood Cooperative Elevator.  
Cedar Rapids; Cargill Cedar Rapids Elevator; Cargill, Incorporated.  
Cedar Rapids; Cargill Cedar Rapids East Elevator; Cargill, Incorporated.  
Chariton; Chariton Feed and Grain Elevator; Chariton Feed and Grain, Inc.  
Chariton; Farmers Elevator; Farmers Cooperative Association.  
Cherokee; Farmers Elevator; Farmers Cooperative Company, of Cleghorn, Iowa.  
Clarion; Farmers Elevators; Clarion Farmers Elevator Cooperative.  
Clarksville; Voss Milling Company; Paul F. Voss, trading as Voss Milling Company.  
Clearfield; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
Cleghorn; Farmers Elevators; Farmers Cooperative Company, of Cleghorn, Iowa.  
Coburg; Johnson Bros. Elevator; Johnson Bros. Mills, Inc.  
Conroy; Farmers Coop Elevator; Farmers Cooperative Grain and Lumber Company.  
Cooper; Milligan Elevators; Milligan Bros. Grain Co.  
Council Bluffs; Bartlett Elevator; Bartlett and Company Grain.  
Council Bluffs; Cargill Council Bluffs Elevator; Cargill, Incorporated.  
Council Bluffs; Omaha Elevator A; Hawkeye Elevator Company.  
Council Bluffs; Pillsbury Company Elevator; The Pillsbury Company.  
Council Bluffs; Scouler-Weish Council Bluffs Elevator; Scouler-Weish Grain Co.  
Cresco; Hunting Elevator; Hunting Elevator Company.  
Creston; Farmers Coop Elevator; Farmers Cooperative Company.  
Cushing; Crawford Elevator; Crawford Elevator Co.  
Danville; Farm Service Elevator; Des Moines County Farm Service Company.  
Dedham; Farmers Elevators; Dedham Cooperative Association.  
Des Moines; Cargill Des Moines Elevator; Cargill, Incorporated.  
Des Moines; F-G-D-A Des Moines Terminals; Farmers Grain Dealers Association of Iowa (Cooperative).  
Dike; Farmers Cooperative Elevator; Farmers Cooperative Company.

Donnellson; Farm Service Elevator; Des Moines County Farm Service Company.  
Emmetsburg; Cargill Elevator; Cargill, Incorporated.  
Essex; Essex Elevator; Essex Elevator, Inc.  
Everly; Farmers Elevator; Farmers Cooperative Elevator Company of Everly, Iowa.  
Farragut; Farmers Coop Elevators; Fremont County Cooperative.  
Farragut; Farragut Elevator; Farragut Elevator Co.  
Fonda; Cargill Elevator; Cargill, Incorporated.  
Fontanelle; Farmers Coop Co. Elevator; Farmers Cooperative Company.  
Fort Dodge; Big 4 Elevator; Land O'Lakes, Inc.  
Fort Dodge; Fort Dodge Elevator; Weston Grain Company, Incorporated.  
Gillett Grove; Cargill Elevator; Cargill, Incorporated.  
Gilman; Farmers Coop Warehouse; Farmers Cooperative.  
Gilden; Farmers Elevator; Farmers Cooperative Company.  
Granville; Bunkers Elevator; Dale Bunkers, trading as Bunkers Feed & Supply.  
Granville; Granville Farmers Elevators; Farmers Cooperative Company.  
Greenfield; Farmers Elevator; Farmers Cooperative Company.  
Greenfield; Feeders Service Warehouse; Feeders Service, Inc.  
Greenville; Farmers Elevator; Farmers Cooperative Company.  
Grinnell; Farmers Exchange Elevator; Farmers Exchange, Inc.  
Grinnell; Grinnell Feed & Grain Elevator; Grinnell Feed and Grain, Inc.  
Hamburg; Reid Elevator; Reid Grain Co., Inc.  
Harlan; Squaler Grain Elevator; Squaler Grain Company.  
Hartley; Farmers Elevator; Farmers Cooperative Elevator Company of Everly, Iowa.  
Hartley; Hunting Elevator; Hunting Elevator Company.  
Haverhill; Haverhill Elevator; Haverhill Elevator, Inc.  
Hawarden; Scroggs Elevator; Scroggs Feed and Grain Co.  
Highview (P.O. Webster City); United Coop Elevators; United Cooperative.  
Hillsboro; Hillsboro Elevator; Hillsboro Elevator, Inc.  
Hinton; Farmers Elevators; Farmers Cooperative Company.  
Hosper; Bosma Elevator; Joe's Feed Service, Inc.  
Hosper; Van Iperen Elevator; Van Iperen Feed & Grain Co.  
Houghton; Houghton Elevator; Houghton Elevator, Inc.  
Ireton; Farmers Elevator; Farmers Cooperative Society.  
Ireton; Ireton Elevator; Jack's Feed Store, Inc.  
Jefferson; Farmers Elevator; Farmers Cooperative Association.  
Jefferson; Milligan Elevators; Milligan Bros. Grain Co.  
Kingsley; Farmers Elevators; The Farmers Elevator Company.  
Lamoni; Farmers Co-op Grain & Seed Elevator; Farmers Cooperative Grain & Seed Company.  
Lanesboro; Farmers Elevator; Farmers Cooperative Company.  
Langdon; Farmers Elevator; Farmers Cooperative Elevator Company.  
Larrabee; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company of Larrabee.  
Laurel; Farmers Coop Warehouse; Farmers Cooperative.  
Le Mars; Good Morning Elevators; Meis Seed & Feed Co.

Le Mars; Le Mars Elevator; Le Mars Hatchery and Feed, Incorporated.  
Le Mars; West Le Mars Elevator; West Le Mars Feed and Grain, Inc.  
Lenox; Country Boys Elevator; A. J. Ettleman and Mildred P. Ettleman, Copartners, trading as Country Boys' Lumber and Concrete Company and the Country Boys' Elevator Company.  
Lidderdale; Farmers Elevator; Farmers Cooperative Company.  
Lidderdale; Wenck Warehouse; Oliver L. Wenck, trading as Wenck Feeds.  
Lynnville; Tice Feed & Grain; Roger L. Tice, trading as Tice Feed & Grain.  
Lytton; Lytton Elevator; Lytton Cooperative Elevator Company.  
Malcolm; Malcolm Farmers Cooperative Elevator; Malcolm Farmers Cooperative Elevator.  
Manning; Manning Agricultural Center; Orland D. Fars, trading as Manning Agricultural Center.  
Manson; Farmers Co-op Elevator; Farmers Cooperative Company.  
Manson; Manson Elevator; Weston Grain Company, Incorporated.  
Marcus; Farmers Elevators; Farmers Cooperative Elevator.  
Mason City; F-G-D-A Mason City Elevator; Farmers Grain Dealers Association of Iowa (Cooperative).  
Massena; Massena Elevator; Massena Cooperative Company.  
Matlock; Farmers Elevator; Farmers Cooperative Elevator Association of Sheldon, Iowa.  
Medapolis; Farm Service Elevator; Des Moines County Farm Service Company.  
McGregor; Mississippi River Terminal No. 2; Farmers Grain Dealers Association of Iowa (Cooperative).  
McPaul (P. O. Thurman); Lincoln Grain Elevator; Lincoln Grain, Inc.  
Meekers Landing (Rt. 2, Burlington); Mississippi River Terminal; Farmers Grain Dealers Association of Iowa (Cooperative).  
Melvin; Farmers Elevator; Sanborn Cooperative Grain Company.  
Missouri Valley; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
Modale; Farmers Elevators; Modale Cooperative Association.  
Modale; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
Mondamin; Farmers Elevators; Farmers Cooperative Co.  
Montezuma; Montezuma Feed and Grain; Montezuma Feed and Grain, Inc.  
Moorhead; Moorhead Elevator; Moorhead Cooperative.  
Morrison; Morrison Elevator; Morrison Cooperative Association.  
Mount Union; Mount Union Coop.; Mount Union Cooperative Elevator Co.  
Muscatine; Mississippi River Terminal No. 3; Farmers Grain Dealers Association of Iowa (Cooperative).  
Newburg; Farmers Coop Warehouse; Farmers Cooperative.  
New Hartford; Farmers Cooperative Elevator; Farmers Cooperative Company.  
New London; Farmers Coop Elevator; New London Farmers Cooperative.

Nodaway; Nodaway Elevator; Gail L. Hample, trading as Nodaway Elevator Co.  
Nora Springs; Nora Springs Elevator; Nora Springs Cooperative Company.  
Northwood; Northwood Co-op Elevator; Northwood Cooperative Elevator.  
Oakville; Oakville Elevator; Oakville Feed & Grain, Inc.  
Ocheyedan; Ocheyedan Elevator; Cooperative Elevator Association.  
Odebolt; Odebolt Cooperative Elevator; Odebolt Cooperative Elevator Company.  
Onawa; Farmers Coop Elevator; Farmers Cooperative Elevator Company.  
Onawa; Langren Elevator; Langren Grain Company, Incorporated.  
Pacific Junction; Lincoln Grain Elevator; Lincoln Grain, Inc.  
Palmer; Farmers Elevator; Farmers Cooperative Company.  
Paullina; Paullina Farmers Elevators; Farmers Cooperative Company.  
Pella; Farmers Co-operative Exchange Elevator; Farmers Co-operative Exchange.  
Percival; Percival Grain Elevators; Percival Grain, Inc.  
Peterson; Peterson Elevator; Peterson Cooperative Elevator Company.  
Pierson; Farmers Elevators; Farmers Cooperative Elevator Company.  
Polk City; Polk City Elevator; Polk City Grain Co.  
Portsmouth; G & R Elevator; G & R Feed and Grain Co., Inc.  
Pringhar; Nicholson & Edwards Elevator; William R. Nicholson, William A. Edwards and R. S. Nicholson, Copartners, trading as Nicholson & Edwards Grain Co.  
Radcliffe; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company.  
Ralston; Farmers Elevators; Farmers Cooperative Association.  
Redfield; Cargill Redfield Elevator; Cargill, Incorporated.  
Red Oak; Farmers Mercantile Elevator; Farmers Mercantile Company, A Cooperative.  
Reinbeck; Reinbeck Elevator; Morrison Cooperative Association.  
Rembrandt; Cargill Elevator, Cargill, Incorporated.  
Remsen; Farmers Cooperative Elevator; Farmers Cooperative Company.  
Remsen; Remsen Roller Mill; Remsen Roller Mill, Inc.  
Riceville; Riceville Elevator; R. A. Naudman, Carl H. Smith and Keith K. Eastman, copartners, trading as Farmers Feed & Grain Company.  
River Sioux; Farmers Elevator; Farmers Cooperative Co.  
Rock Rapids; Cargill Elevator, Cargill, Incorporated.  
Royal; Cargill Elevator; Cargill, Incorporated.  
Rudd; Rudd Coop. Elev.; Farmers Cooperative Company.  
Salem; Salem Elevator; Salem Elevator, Inc.  
Sanborn; Farmers Elevator; Sanborn Cooperative Grain Company.  
Sexton; Cargill Sexton Elevator; Cargill, Incorporated.  
Shelby; Farmers Elevator; Shelby Farmers Elevator, Inc.  
Sheldon; Big 4 Elevator; Land O'Lakes, Inc.  
Sheldon; Farmers Elevators; Farmers Cooperative Elevator Association of Sheldon, Iowa.  
Shenandoah; Farmers Elevators; Farmers' Cooperative Exchange.  
Shenandoah; Johnson Bros. Elevators; Johnson Bros. Mills, Inc.  
Shenandoah; Van Buskirk Elevator; The Nishna Valley Grain Company.  
Sherman (P.O. Hubbard); Farmers Cooperative Elevator; Farmers Cooperative Elevator Company.



## NOTICES

*Sherwood* (P.O. Rockwell City); *Sherwood Elevator*; George Reko, trading as *Sherwood Grain*.  
*Sibley*; *Farmers Elevator*; *Farmers Co-Op Elevator Co.*  
*Sioux Center*; *Farmers Elevator*; *Farmers Cooperative Society*.  
*Sioux City*; *Bartlett Elevator*; *Bartlett and Company Grain*.  
*Sioux City*; *Cargill Sioux City Elevator "A"*; *Cargill, Incorporated*.  
*Sioux City*; *Elevator "B"*; *Harley G. Hall, trading as Hall Grain Company*.  
*Sioux City*; *Farmers Union Elevator*; *Farmers Union Grain Terminal Association*.  
*Sioux City*; *Terminal Grain Corporation*.  
*Sloan*; *Cargill Elevator*; *Cargill, Incorporated*.  
*Sloan*; *Farmers Elevator*; *Farmers Cereal Company (Cooperative)*.  
*Spencer*; *Farmers Elevator*; *Farmers Cooperative Elevator Company*.  
*Stanhope*; *Cargill Elevator*; *Cargill, Incorporated*.  
*Superior*; *Superior Cooperative Elevator*; *Superior Cooperative Elevator Company*.  
*Sutherland*; *Sutherland Elevator*; *Sutherland Farmers Cooperative Company*.  
*Svea City*; *Cargill Elevator*; *Cargill, Incorporated*.  
*Tabor*; *Tabor Feed Plant*; *Tabor Feed Plant, Inc.*  
*Tama*; *Werner Grain & Feed Elevator*; *Werner's Inc.*  
*Templeton*; *Farmers Elevator*; *Farmers Cooperative Company*.  
*Ute*; *Gregerson Elevator*; *James Gregerson, trading as Gregerson Elevator*.  
*Villisca*; *Villisca Elevator*; *Villisca Elevator, Inc.*  
*Vincent*; *Co-Op Elevators*; *New Cooperative, Inc.*  
*Vinton*; *Farmers Grain*; *Clare O. Donels, trading as Farmers Grain and Cooperative Company*.  
*Ware* (P.O. Havelock); *Cargill Elevator*; *Cargill, Incorporated*.  
*Washington*; *Cargill Washington Elevator*; *Cargill, Incorporated*.  
*Washita*; *Cargill Elevator*; *Cargill, Incorporated*.  
*Westfield*; *Westfield Feed and Grain Co.*; *Westfield Feed and Grain Co.*  
*Weston* (P.O. Manson); *Weston Elevator*; *Weston Grain Company, Incorporated*.  
*Wightman* (P.O. Lohrville); *Wightman Elevator*; *Joseph B. Kavanagh, trading as Wightman Feed and Grain*.  
*Williams*; *Farmers Cooperative Elevator*; *Farmers Cooperative Elevator Company*.  
*Winfield*; *Farmers Coop Elevator*; *Farmers Cooperative Company*.

## KANSAS

*Abbyville*; *Abbyville Coop Elevator*; *The Farmers Cooperative Grain Company*.  
*Ablene*; *ADM Elevator*; *ADM Milling Co.*  
*Alamota*; *Alamota Farmers Elevator*; *The Farmers Cooperative Elevator and Mercantile Association*.  
*Albert*; *Pawnee Elevator*; *The Pawnee County Cooperative Association*.  
*Amy*; *Amy Farmers Elevator*; *The Farmers Cooperative Elevator and Mercantile Association*.  
*Andale*; *Farmers Elevator*; *The Andale Farmers Cooperative Company*.  
*Anthony*; *Farmers Cooperative Elevator*; *Anthony Farmer's Cooperative Elevator Co.*  
*Argonia*; *Danville Coop Elevator*; *Danville Cooperative Association*.  
*Arkansas City*; *Ark City Elevator*; *Dixie Portland Flour Mills, Inc.*  
*Arkansas City*; *New Era Mill*; *The New Era Milling Company*.  
*Atchison*; *Lincoln Grain, Inc. Elevator*; *Lincoln Grain, Inc.*

*Atlanta*; *Atlanta Co-op Elevator*; *The Atlanta Cooperative Association*.  
*Atwood*; *Equity Elevator*; *The Atwood Equity Co-Operative Exchange*.  
*Baileyville*; *Coop Elevator*; *The Nemaha County Co-operative Association*.  
*Bavaria*; *Farmers Elevator*; *The Farmers Elevator Cooperative Company*.  
*Bazine*; *Co-op Elevator*; *The Co-operative Grain & Supply Company*.  
*Beaver*; *Beaver Grain Elevator*; *Beaver Grain Corporation, Inc.*  
*Beeler*; *Beeler Coop*; *The Beeler Cooperative Exchange*.  
*Bosse Sidling* (P.O. Jetmore); *Bosse Elevator*; *Bosse Grains, Inc.*  
*Brenham* (P.O. Haviland); *Farmers Grain and Supply Elevator*; *The Farmers Grain and Supply Co. of Kiowa Co., Kans.*  
*Brewster*; *Reid Elevator*; *Reid Grain of Brewster, Inc.*  
*Brewster*; *Co-op Elevator*; *Farmers Co-operative Association*.  
*Bucklin*; *The Bucklin Co-op Exchange Elevator*; *The Bucklin Cooperative Exchange*.  
*Bucklin*; *Bucklin Grain Co.*; *Wright-Lorenz Grain Co., Inc.*  
*Cambridge*; *Holt Grain Company Elevator*; *E. H. Holt, d/b/a Holt Grain Company*.  
*Carlton*; *Carlton Elevator*; *Farm Co-op Association*.  
*Castleton*; *Farmers Grain Co. Castleton Elevator*; *The Farmers Cooperative Grain Company*.  
*Charleston* (P.O. Ingalls); *Farmers Elevators*; *The Garden City Co-Operative Equity Exchange*.  
*Chase*; *Chase Co-operative Elevator*; *The Chase Co-operative Elevator, Mill and Mercantile Union*.  
*Cheney*; *Cheney Co-op Elevator*; *The Cheney Co-operative Elevator Ass'n.*  
*Cimarron*; *The Cimarron Co-operative Elevators*; *The Cimarron Co-operative Equity Exchange*.  
*Cimarron*; *Irisk and Doll Elevator*; *Irisk & Doll Feed Services, Inc.*  
*Claflin*; *Coop Elevator*; *The Claflin Cooperative Association*.  
*Claudell*; *Kensington Coop Elevators*; *The Kensington Cooperative Association*.  
*Clearwater*; *Clearwater Coop Elevator*; *Clearwater Cooperative Association*.  
*Coffeyville*; *Coop Elevator*; *Farmland Industries, Inc.*  
*Colby*; *Cooper Terminal*; *Cooper Grain, Inc.*  
*Colby*; *Hi-Plains Co-op Elevator*; *The Hi-Plains Co-operative Association*.  
*Colwich*; *Farmers Elevator*; *The Andale Farmers Cooperative Company*.  
*Conway Springs*; *Conway Springs Elevator*; *Charles P. Garretson, trading as Garretson Grain Company*.  
*Conway Springs*; *The Farmers Cooperative Grain Association Elevator*; *The Farmers Co-operative Grain Association*.  
*Coolidge*; *Coolidge Co-op Elevator*; *South Eastern Colorado Coop.*  
*Coolidge*; *Sullivan, Inc. Elevator*; *Sullivan, Inc.*  
*Corning*; *Coop Elevator*; *The Nemaha County Co-operative Association*.  
*Corwin*; *Farmers Co-operative Elevators*; *The Farmers Co-operative Business Association*.  
*Cullison* (P.O. Pratt); *Farmers Grain Elevator*; *Cullison Cooperative Association*.  
*Danville*; *Danville Coop Elevator*; *Danville Cooperative Association*.  
*Deerfield*; *Farmers Elevators*; *The Garden City Co-operative Equity Exchange*.  
*Delphos*; *Delphos Coop Elevator*; *The Delphos Cooperative Association*.  
*Dighton*; *Farmers Elevator*; *The Farmers Cooperative Elevator and Mercantile Association*.  
*Dillon* (P.O. Hope); *Dillon Elevator*; *Farm Co-op Association*.

*Dillwyn* (P.O. Macksville); *Coop Elevator*; *The Dillwyn Grain and Supply Company*.  
*Dodge City*; *Grain Products Terminal Elevator*; *Grain Products, Inc.*  
*Dorrance*; *Dorrance Elevator*; *Agco, Inc.*  
*Douglas*; *Douglas Grain Co. Elevator*; *James L. Taylor, trading as Douglas Grain Company*.  
*Edgerton*; *Coop Elevator in Edgerton*; *The Farmers Cooperative Association*.  
*El Dorado*; *Taylor Elevators*; *James L. Taylor and Robert D. Haaga, copartners, trading as Taylor Grain Company*.  
*Ellsworth*; *Salina Terminal Elevators*; *The Salina Terminal Elevator Company*.  
*Emporia*; *Kansas Soya Products Division*; *Ross Industries, Inc.*  
*Feterite* (P.O. Hugoton); *Feterite Co-op Elevator*; *The Farmers Co-Operative Grain and Supply Company*.  
*Florence*; *Coop Elevator*; *The Burns Farmers Co-operative Union*.  
*Flower*; *Fowler Equity Elevator "B"*; *The Fowler Equity Exchange*.  
*Fredonia*; *ADM Elevator*; *Archer-Daniels-Midland Company*.  
*Galva*; *Galva Grain Elevator*; *Western Grain, Inc.*  
*Garden City*; *Farmers Elevators*; *The Garden City Co-operative Equity Exchange*.  
*Garden Plain*; *Farmers Cooperative Elevator*; *The Farmers Cooperative Elevator Company*.  
*Garfield*; *Garfield Co-operative Elevator*; *The Garfield Co-operative Company*.  
*Garnett*; *Garnett Elevator*; *Western Grain, Inc.*  
*Goodland*; *Monfort Elevator*; *Monfort of Colorado, Inc.*  
*Goodland*; *Reid Elevator*; *Reid Grain of Goodland, Inc.*  
*Great Bend*; *Great Bend Elevators*; *The Great Bend Cooperative Association*.  
*Green*; *Lippert Elevator*; *Maxine Friedrich, trading as Lippert Grain Co.*  
*Greensburg*; *Farmers Grain and Supply Elevator*; *The Farmers Grain and Supply Co. of Kiowa Co., Kans.*  
*Gypsum*; *Moore Elevator*; *Kenneth Moore and Lorene Moore, copartners, trading as Moore Grain and Feed Co.*  
*Hamlin*; *Lincoln Grain, Inc. Elevator*; *Lincoln Grain, Inc.*  
*Harper*; *Farmers Cooperative Elevator*; *Anthony Farmer's Cooperative Elevator Co.*  
*Haven*; *Farmers Grain Co.*; *The Farmers Co-operative Grain Company*.  
*Hazleton*; *Farmers Co-operative Elevators*; *The Farmers Co-operative Business Association*.  
*Herington*; *Western Grain Elevator*; *Western Grain, Inc.*  
*Hickok* (P.O. Ulysses); *Co-op Elevator*; *The Ulysses Co-operative Oil and Supply Company*.  
*Hickok* (P.O. Ulysses); *Sullivan, Inc. Elevator*; *Sullivan, Inc.*  
*Horie*; *Cooper Terminal*; *Cooper Grain Inc.*  
*Hugoton*; *Hugoton Co-op Elevator*; *The Farmers Co-operative Grain and Supply Company*.  
*Hugoton*; *Parker Elevator*; *Earl Bryan, trading as Parker Grain Co.*  
*Hutchinson*; *Continental Elevator*; *Continental Grain Company*.  
*Hutchinson*; *Grain Belt Elevator*; *The Salina Terminal Elevator Company*.  
*Hutchinson*; *Kelly Elevator*; *The William Kelly Milling Company*.  
*Ingalls*; *Ingalls Grain Elevator*; *Ingalls Co-operative*.  
*Inman*; *Chase Elevator*; *The Chase Grain Co., Inc.*  
*Iuka*; *Iuka Coop*; *Iuka Cooperative Exchange*.  
*Joy*; *Farmers Grain and Supply Elevator*; *The Farmers Grain and Supply Co. of Kiowa Co., Kans.*

*Junction City*; *Mid-Continent Elevator*; *Western Grain, Inc.*  
*Kalvesta*; *Bosse Elevator*; *Bosse Grains, Inc.*  
*Kanorado*; *Kanorado Co-op Elevator*; *The Kanorado Co-operative Association*.  
*Kanorado*; *Beld Elevator*; *Beld Grain of Kanorado, Inc.*  
*Kansas City*; *Bunge Elevator*; *Bunge Corporation*.  
*Kansas City*; *Far-Mar-Co Fairfax Elevator*; *Far-Mar-Co, Inc.*  
*Kansas City*; *River-Rail Elevator*; *Bartlett and Company Grain*.  
*Kansas City*; *Turnpike Elevator*; *Seaboard Allied Milling Corporation*.  
*Kellogg* (Route 2, Winfield); *Kellogg Coop Elevator*; *Kellogg Farmers Union Cooperative Association*.  
*Kensington*; *Kensington Coop Elevators*; *The Kensington Cooperative Association*.  
*Kiowa*; *O. K. Elevators*; *The O. K. Co-operative Grain & Merchandise Company*.  
*Kismet*; *Equity Elevator*; *The Plains Equity Exchange and Co-operative Union*.  
*LaCygne*; *Farmers Coop Elevator*; *The Linn County Farmers Cooperative Association*.  
*Larned*; *Pawnee Elevators*; *The Pawnee County Cooperative Association*.  
*Lawrence*; *Farmers Coop Elevator*; *The Farmers Cooperative Association*.  
*Liberal*; *Perryton Equity Elevator*; *Perryton Equity Exchange*.  
*Lovewell* (P.O. Formosa); *Lovewell Elevator*; *Secular-Bishop Grain Company*.  
*Love* (P.O. Holcomb); *Farmers Elevators*; *The Garden City Co-operative Equity Exchange*.  
*Lyons*; *Central Kansas Elevator*; *The Salina Terminal Elevator Company*.  
*Lyons*; *Lyons Co-op Elevator*; *Lyons Co-operative Association*.  
*Macksville*; *English Bros. Elevator*; *Robert H. English and William T. English, copartners, trading as English Grain Company*.  
*Maize*; *Maize Mills Elevator*; *Maize Mills, Inc.*  
*Marionethal*; *West Plains Elevator*; *West Plains Grain, Inc.*  
*Mayfield*; *Farmers' Co-op Elevator*; *Farmers' Cooperative Grain Association of Wellington, Kansas*.  
*McPherson*; *Chase Elevator*; *The Chase Grain Co., Inc.*  
*Meade*; *The Co-operative Elevators*; *The Co-operative Elevator and Supply Company*.  
*Milepost* (P.O. Ulysses); *Co-Op Elevator*; *The Ulysses Co-operative Oil and Supply Company*.  
*Morrowville*; *Continental Elevator*; *Continental Grain Company*.  
*Moscow*; *Brother's C & D Elevator*; *C & D Grain, Inc.*  
*Moscow*; *Moscow Elevator*; *Moscow Elevator Company*; *E. L. Gaskill, Inc.*  
*Moscow*; *Moscow Co-op Elevator*; *The Farmers Co-operative Grain and Supply Company*.  
*Moscow*; *Thurrow Elevator*; *Carl M. Thurrow, trading as Carl G. Thurrow & Sons*.  
*Mount Hope*; *Farmers Co-Op Elevator*; *The Farmers Cooperative Elevator Co.*  
*Mullinville*; *Equity Exchange Elevator*; *The Equity Grain and General Merchandise Exchange*.  
*Mulvane*; *Mulvane Co-op Elevator*; *The Mulvane Cooperative Union*.  
*Nashville*; *Farmers Co-op Elevator*; *The Zenda Grain and Supply Company*.  
*Neodesha*; *Neodesha Co-op Elevator*; *The Neodesha Cooperative Association*.  
*Ness City*; *Co-op Elevator*; *The Right Co-operative Association*.  
*Newton*; *Ross Elevator*; *Ross Industries, Inc.*  
*Oberlin*; *Decatur Co-op Elevator*; *The Decatur Cooperative Association*.

## NOTICES

*Ottawa*; *Ottawa Co-op Elevator*; *The Ottawa Cooperative Association*.  
*Overbrook*; *Overbrook Farmers Co-op Elevator*; *The Overbrook Farmers' Union Co-operative Association*.  
*Ozford*; *Farmers' Co-op Elevator*; *Farmers' Cooperative Grain Association of Wellington, Kansas*.  
*Patterson* (P.O. Burton); *Farmers Co-Op Elevator*; *The Farmers Cooperative Elevator Co.*  
*Pierceville*; *Christensen Elevator*; *Christensen Grain, Inc.*  
*Pierceville*; *Farmers Elevators*; *The Garden City Co-Operative Equity Exchange*.  
*Plains*; *Equity Elevator*; *The Plains Equity Exchange and Co-operative Union*.  
*Preston*; *Farmers Elevator*; *The Preston Cooperative Grain & Mercantile Company*.  
*Protection*; *Farmers Elevator*; *The Protection Cooperative Supply Company*.  
*Reserve*; *Reserve Elevator*; *The White Cloud Grain Company, Inc.*  
*Rock*; *Rock Elevator*; *Quentin F. Waples, d.b.a. The Rock Grain Co.*  
*Rome* (P.O. Wellington); *Rome Elevator*; *McDaniel-Waples, Inc.*  
*Rosbury*; *Moore Elevator*; *Kenneth Moore and Lorene Moore, copartners, trading as Moore Grain and Feed Co.*  
*Russell*; *Russell Elevator*; *Agco, Inc.*  
*Salina*; *C-G-F Salina Elevator*; *C-G-F Grain Company, Inc.*  
*Salina*; *International Elevator*; *International Multifoods Corporation*.  
*Satanta*; *Satanta Coop Elevator*; *The Satanta Cooperative Grain Company*.  
*Scott City*; *Co-op Elevator*; *The Scott Co-operative Association*.  
*Scott City*; *Scott City Elevator*; *The Scott City Grain Company, Inc.*  
*Sedgwick*; *Farmers Elevator*; *The Andale Farmers Cooperative Company*.  
*Sedgwick*; *The Sedgwick Alfalfa Mills*; *Sedgwick Alfalfa Mills, Inc.*  
*Selkirk*; *Farmco Selkirk Elevator*; *Farmco, Inc.*  
*Sharon*; *Farmers Co-operative Elevators*; *The Farmers Co-operative Business Association*.  
*Shields*; *Shields Farmers Elevator*; *The Farmers Cooperative Elevator and Mercantile Association*.  
*Shook* (P.O. Anthony); *Farmers Cooperative Elevator*; *Anthony Farmer's Cooperative Elevator Co.*  
*South Haven*; *The Howell Elevator*; *Ray E. Howell, d/b/a Howell Grain & Insurance*.  
*St. Francis*; *Equity Elevator*; *The St. Francis Mercantile Equity Exchange*.  
*St. John*; *Co-op Elevator*; *The Dillwyn Grain and Supply Company*.  
*Stafford*; *Stafford Coop*; *Stafford Coop*.  
*Sterling*; *Farmers Elevator*; *The Farmers Cooperative Union*.  
*Sublette*; *Haskell County Elevator*; *Haskell County Grain Company, Inc.*  
*Sublette*; *Sublette Coop Elevator*; *Sublette Cooperative, Inc.*  
*Syracuse*; *Irisk & Doll Elevator*; *Irisk & Doll Feed Services, Inc.*  
*Tennis* (P.O. Friend); *Farmers Elevators*; *The Garden City Co-Operative Equity Exchange*.  
*Timken*; *Timken Coop Elevator*; *The Timken Cooperative Association*.  
*Topeka*; *Far-Mar-Co Topeka Elevator*; *Far-Mar-Co, Inc.*  
*Tribune*; *Farmco Tribune Elevator*; *Farmco, Inc.*  
*Turon*; *Farmers Elevator*; *The Preston Cooperative Grain & Mercantile Company*.  
*Ulysses*; *Co-Op Elevator*; *The Ulysses Co-operative Oil and Supply Company*.  
*Ulysses*; *Sullivan Inc. Elevator*; *Sullivan, Inc.*

*Valley Center*; *Valley Center Farmers Elevator, Inc.*; *Valley Center Farmers Elevator, Inc.*  
*Wellington*; *Farmers' Co-op Elevator*; *Farmers' Cooperative Grain Association of Wellington, Kansas*.  
*Wellington*; *Hunter Elevators*; *Ross Industries, Inc.*  
*White City*; *Mor-Kan Elevator*; *Western Grain, Inc.*  
*White Cloud*; *White Cloud Elevator*; *The White Cloud Grain Company, Inc.*  
*Whitewater*; *Whitewater Elevator*; *The Whitewater Flour Mills Company*.  
*Wichita*; *Public Terminal Elevator*; *Sam P. Wallingford, Inc.*  
*Wichita*; *Western Grain Elevator*; *Western Grain, Inc.*  
*Wilroads*; *Co-op Elevator*; *The Right Co-operative Association*.  
*Wilson*; *Kyner Elevator*; *Kyner Elevators, Inc.*  
*Wilson*; *Soukup Elevator*; *Arthur C. Soukup, trading as Soukup Grain Company*.  
*Wolf* (P.O. Deerfield); *Farmers Elevators*; *The Garden City Co-Operative Equity Exchange*.  
*Wright*; *Co-op Elevators*; *The Right Co-operative Association*.  
*Zenda*; *Farmers Co-op Elevator*; *The Zenda Grain and Supply Company*.  
*Zenith*; *Farmers Elevator*; *Zenith Cooperative Grain Company*.

## KENTUCKY

*Fulton*; *Browder Milling Company*; *Browder Milling Company, Incorporated*.  
*Hickman*; *Fulton County Grain Company Elevator*; *B. C. Christopher & Company*, a limited partnership with *Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly*.  
*Livermore*; *Bunge Corporation Livermore Grain Terminal*; *Bunge Corporation*.  
*Louisville*; *Kentucky Public Elevator*; *The Early and Daniel Company*.  
*Mayfield*; *Mayfield Milling Co. Elevator*; *B. C. Christopher & Company*, a limited partnership with *Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly*.

## LOUISIANA

*Abbeville*; *Planters Warehouse*; *Riviana Foods Inc.*  
*Ama*; *Farmers Export Elevator*; *Farmers Export Co.*  
*Book* (P.O. Jonesville); *Louisiana Delta Elevator*; *Louisiana Delta Plantation*, a joint venture of *Morrison-Quirk Grain Corporation*, a Nebraska corporation, and *Morrison Grain Company, Inc.*, a Kansas corporation.  
*Crowley*; *Acadia Warehouse*; *Riviana Foods Inc.*  
*Crowley*; *Farmers' Warehouse*; *MPC Services (A.A.L.)*.  
*Delhi*; *Terrick Elevator*; *Lake Providence Port Elevator, Inc.*  
*Destrehan*; *Bunge Corporation Elevator*; *Bunge Corporation*.  
*Destrehan*; *St. Charles Grain Elevator*; *The St. Charles Grain Elevator Company*, a joint venture of *Archer-Daniels-Midland Company*, a Delaware corporation, and *Garnac Grain Co., Inc.*, a New York Corporation.  
*Egan*; *Egan Warehouse*; *Riviana Foods Inc.*

<sup>1</sup> In Kentucky and Tennessee.



Gueydan; Gueydan Warehouse; Riviana Foods Inc.  
 Jennings; Northern Warehouse; Riviana Foods Inc.  
 Kaplan; Agnes Warehouse; Riviana Foods Inc.  
 Krotz Springs; Illa Grain Warehouse; Illa Grain Corporation.  
 Lake Charles; Lake Charles Warehouse; Riviana Foods Inc.  
 Lake Providence; Lake Providence Port Elevator; Lake Providence Port Elevator, Inc.  
 Myrtle Grove (P.O. Belle Chasse); Mississippi River Grain Elevator; Mississippi River Grain Elevator, Inc.  
 New Orleans; Public Grain Elevator of New Orleans; Public Grain Elevator of New Orleans, Inc.  
 Port Allen; Port of Baton Rouge Grain Elevator; Cargill, Incorporated.  
 Rayne; Rayne Warehouse; Riviana Foods Inc.  
 Reserve; Bayside Elevator Co., a division of Bayside Warehouse Company; Bayside Warehouse Company.  
 St. Joseph; Tensas Port Elevator; Tensas Port Elevator Company, Inc.  
 Tallulah; Madison Grain Company; Russell G. Petersen, trading as Madison Grain Company.  
 Tallulah; Tallulah Port Elevator; Lake Providence Port Elevator, Inc.  
 Westwego; Continental Grain Elevator, Port of New Orleans; Continental Grain Company.

## MARYLAND

Williamsburg; Whiteley Elevator; W. O. Whiteley & Son, Inc.

## MICHIGAN

Adrian; Adrian Elevator; Adrian Grain Company.  
 Augusta; Knappen Elevator; Knappen Milling Company.  
 Dowagiac; Mennel-Michigan Elevator; The Mennel Milling Company of Michigan.  
 Hillsdale; Stock Elevator; DCA Food Industries Inc.  
 Lowell; King Milling Company Elevator; King Milling Company.

## MINNESOTA

Breckenridge; Cargill Elevator; Cargill, Incorporated.  
 Columbia Heights; Cargill Minneapolis Flax Plant; Cargill, Incorporated.  
 Crookston; Cargill Elevator; Cargill, Incorporated.  
 Duluth; Capitol Elevator; International Duluth; Cargill Duluth Elevator; Cargill, Incorporated.  
 Duluth; Elevator A; General Mills, Inc. Multifoods Corporation.  
 Marshall; Cargill Elevator; Cargill, Incorporated.  
 Minneapolis; Calumet Elevator; North Star Barge & Warehouse Corporation.  
 Minneapolis; Checkerboard Elevator; Ralston Purina Company trading as Checkerboard Grain Company.  
 Minneapolis; Consolidated A; North Star Barge & Warehouse Corporation.  
 Minneapolis; The Continental Elevator; Continental Grain Company.  
 Minneapolis; Electric Steel Elevator; Peavey Company.  
 Minneapolis; Elevator K; ADM Grain Co.  
 Minneapolis; Elevator "R"; Victoria Elevator Company of Minneapolis.  
 Minneapolis; Great Northern Elevator; Farmers Union Grain Terminal Association.  
 Minneapolis; Pillsbury "A" Elevator; The Pillsbury Company.  
 Minneapolis; Pioneer Steel Elevator; Peavey Company.

Minneapolis; Republic Elevator; Victoria Elevator Company of Minneapolis.  
 Minneapolis; Searle Elevator; Searle Grain Company.  
 Minneapolis; Shoreham Elevator; The McMillan Company.  
 Minneapolis; Soo Elevator; ADM Grain Co.  
 Minneapolis; St. Anthony Elevator; Peavey Company.  
 Minneapolis; Washburn Elevator; General Mills, Inc.  
 New Ulm; Burdick Elevator; Burdick Grain Company.  
 Port Cargill (P.O. Savage); Port Cargill Elevator C; Cargill, Incorporated.  
 Red Wing; Central Elevator; Central Soya of Minnesota, Inc.  
 Savage; Port Bunge; Bunge Corporation.  
 Savage; Port Cargill Elevator "A"; Cargill, Incorporated.  
 Savage; Port Continental Elevator; Continental Grain Company.  
 Shakopee; Peavey River Concrete Terminal; Peavey Company.  
 Sleepy Eye; Cargill Elevator; Cargill, Incorporated.  
 St. Louis Park; Belco Elevator; Burdick Grain Company.  
 St. Paul; Capital B Elevator; International Multifoods Corporation.  
 St. Paul; Elevator D; ADM Grain Co.  
 St. Paul; Farmers Union Elevator; Farmers Union Grain Terminal Association.  
 St. Paul; Searle River Terminal; Searle Grain Company.  
 Thief River Falls; The McMillan Elevator at Thief River Falls; The McMillan Company.  
 Wadena (P.O. Guek); Cargill Elevator; Cargill, Incorporated.

## MISSISSIPPI

Clarksdale; Delta Rice Warehouse; The Arkansas Rice Growers Cooperative Association.  
 Cleveland; Mississippi Delta Rice Warehouse; Mississippi Delta Rice, Inc.  
 Greenville; Farmers Grain Warehouse; Farmers Grain Marketing Terminal (A.A.L.).  
 Greenville; Greenville Warehouse; Riviana Foods Inc.

Hollandale; Staple Service Hollandale Elevator; Staple Cotton Services Association (A.A.L.).  
 Indianola; Grain Storage Company, Division of Archer-Daniels-Midland Company; Archer-Daniels-Midland Company.  
 Inverness; Staple Service Inverness Elevator; Staple Cotton Services Association (A.A.L.).  
 Marks; Cook Industries, Inc., Processing and Refining Division; Cook Industries, Inc.  
 Natchez; Cargill Natchez Elevator; Cargill, Incorporated.  
 Pascagoula; Jackson County Terminal Elevator; Louis Dreyfus Corporation.  
 Webb; Staple Service Webb Elevator; Staple Cotton Services Association (A.A.L.).

## MISSOURI

Advance; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Albany; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Armstrong; Coop Elevator; Mid-Missouri Farmers Cooperative.  
 Bernie; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Bethany; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Bigelow; Morris Elevator; Donald E. Morris, trading as Morris Grain Co.  
 Booneville; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Brookfield; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Brunswick; MFA Exchange Elevator; Missouri Farmers Association, Inc.

Butler; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Callao; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Carrollton; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.  
 Caruthersville; MFA Elevator; Missouri Farmers Association, Inc.  
 Centralia; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Charleston; S&S Grain and Storage, Division of Cook Industries, Inc.; Cook Industries, Inc.  
 Chillicothe; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Chillicothe; Reed Elevator; Reeds Seeds, Inc.  
 Clinton; Larabee Elevator; Archer-Daniels-Midland Company.  
 Columbia; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Conception Junction; M.F.A. Elevator; Missouri Farmers Association, Inc.  
 Corning; Corning Elevator; Rickel, Inc.  
 Craig; Community Elevator; Rickel, Inc.  
 Dalton; Dalton Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Dearborn; Halferty Bros. Elevator; Halferty Bros., Inc.  
 Dudley; Dudley Grain Warehouse; The Arkansas Rice Growers Cooperative Association, trading as The Arkansas Rice Growers Cooperative Association, Inc., in the State of Missouri.  
 Elmo; M.F.A. Elevator; Missouri Farmers Association, Inc.  
 Elsberry; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Essex; Farmers Storage Warehouse; Farmers Storage, Inc.  
 Fayette; Coop Elevator; Mid-Missouri Farmers Cooperative.  
 Forest City; Cargill Elevator; Cargill, Incorporated.  
 Fortescue; Fortescue Elevator; The White Cloud Grain Company, Inc.  
 Gallatin; Froman Elevator; K. C. Froman, trading as Farmers Grain and Fertilizer.  
 Gallatin; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Grant City; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Gregory Landing (P.O. Canton); Gregory Elevator; Gabe Logsdon & Sons, Inc.  
 Hamilton; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Hannibal; Hannibal Terminal Elevator; Hannibal Grain Terminal, Inc.  
 Hardin; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.  
 Hayti; MFA Elevator; Missouri Farmers Association, Inc.  
 Henrietta; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Higginsville; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.  
 Higginsville; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Kansas City; Boulevard Elevator; Seaboard Allied Milling Corporation.  
 Kansas City; Cargill Milwaukee Elevator; Cargill, Incorporated.  
 Kansas City; General Mills Elevator; General Mills, Inc.  
 Kansas City; Chouteau Elevator; Simonds-Shields-Thels Grain Co.  
 Kansas City; K.C.T. Elevator; Kansas City Terminal Elevator Company.  
 Kansas City; Missouri Pacific Elevator "B"; Bartlett and Company Grain.  
 Kansas City; Purina Soybean Elevator; Ralston Purina Company.

Kennett; Kennett Soybean Elevator; Kennett Soybean, Inc.  
 La Belle; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Laddonia; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Laddonia; Slater & Fowles Laddonia Elevator; Slater & Fowles, Incorporated.  
 Lamar; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.  
 Lexington; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Linneus; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Lock Springs; M.F.A. Exchange Elevator; Missouri Farmers Association, Inc.  
 Louisiana; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.  
 Macon; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Matland; Rother Grain and Feed Co. Elevator; Irvin Rother and Helen Bammer, copartners, trading as Rother Grain and Feed Co.  
 Malta Bend; Fletcher Elevator; Fletcher Grain Company, Inc.  
 Marshall; Fletcher Elevator; Fletcher Grain Company, Inc.  
 Marshall; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Marston; E. B. Gee Cotton & Grain Co. Warehouse; E. B. Gee Cotton & Grain Co., Inc.  
 Marthasville; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Martinsburg; Slater & Fowles Martinsburg Elevator; Slater & Fowles, Incorporated.  
 Maryville; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.  
 Mexico; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.  
 Mexico; M.F.A. Exchange Elevator; Missouri Farmers Association, Inc.  
 Moberly; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Napoleon; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Nelson; Nelson Elevator; Nelson Elevator, Inc.  
 New Franklin; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Norborne; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Norborne; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.  
 North Kansas City; Monarch Elevator; ADM Milling Co.  
 North Kansas City; Checkerboard Elevator; Ralston Purina Company, trading as Checkerboard Grain Company.  
 North Kansas City; International Elevator; International Multifoods Corporation.  
 North Kansas City; NCM Elevator; Con-Agra, Inc.  
 Odessa; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Orrick; Arnold Bros. Produce Warehouse; Paul Arnold and Wilbur Arnold, copartners, trading as Arnold Bros. Produce.  
 Orrick; Orrick Farm Service Elevator; Orrick Farm Service, Inc.  
 Palmyra; Farmers Coop Elevator; Farmers Cooperative Services, Inc. of Palmyra, Missouri.  
 Pattonsburg; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Perry; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Phelps City (P.O. Rock Port); Stanton Elevator; Stanton Grain Co.  
 Poplar Bluff; Butler County Grain Warehouse; The Arkansas Rice Growers Cooperative Association, trading as The Arkansas Rice Growers Cooperative Association, Inc., in the State of Missouri.  
 Ravenwood; MFA Exchange Elevator; Missouri Farmers Association, Inc.

Rea; Rea Elevator; Rea Grain & Feed Co.  
 Richmond; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.  
 Ristine (P.O. New Madrid); Checkerboard Elevator; Ralston Purina Company, trading as Checkerboard Grain Company.  
 Salisbury; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Sedalia; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Senath; Senath Grain Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Shelbyville; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Sheridan; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 St. Joseph; Bartlett Elevator; Bartlett and Company Grain.  
 St. Joseph; Burlington Elevator; The Pillsbury Company.  
 St. Joseph; B & E Elevator; The B & E Grain Company.  
 St. Joseph; Far-Mar-Co. St. Joseph Elevator; Far-Mar-Co., Inc.  
 St. Joseph; Krause St. Joseph Elevator; Krause Milling Company.  
 St. Joseph; Mo-Kan Elevator; Mo-Kan Grain, Inc.  
 St. Louis; Missouri Pacific Elevator; Jerry W. Fowles, trading as Fowles Grain Company.  
 St. Louis; Pillsbury St. Louis Elevator; The Pillsbury Company.  
 St. Louis; St. Louis Grain Corporation Elevator; St. Louis Grain Corporation.  
 St. Marys; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Stanberry; Alldredge Grain & Storage Elevator; Alldredge Grain & Storage, Inc.  
 Sumner; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.  
 Tebbets; Rootes Elevator; W. A. Rootes and Company.  
 Trenton; Hoffman & Reed Elevator; Hoffman and Reed, Inc.  
 Trenton; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Triplett; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.  
 Truesdell; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Vandalia; MFA Exchange Elevator; Missouri Farmers Association, Inc.  
 Wadena; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.  
 Watson; Stanton Elevator; Stanton Grain Co.  
 Wayland; Logsdon's Elevator; Gabe Logsdon & Sons, Inc.

## NEBRASKA

Ashland; Kuhl-Reece Company's Elevator; Kuhl-Reece Company.  
 Aurora; Dowd Elevator; Dowd Grain Company, Inc.  
 Bancroft; Holmquist Elevator; The Holmquist Grain and Lumber Company.  
 Beatrice; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company.  
 Beaver Crossing; Farmers Elevators; Farmers Cooperative Company.  
 Bellwood; Farmers Elevator; Farmers Cooperative Grain Company.  
 Benedict; Farmers Grain Association Elevator; Farmers Co-Operative Grain Association of Benedict, Nebraska.  
 Benkelman; Benkelman Elevators; Independent Elevators, Inc.  
 Berea (P.O. Alliance); Deaver Elevator; Deaver Grain Co., Inc.  
 Bertrand; Bertrand Elevator; B. C. Christopher & Company, a limited partnership

with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Bixby; Bixby Cooperative Elevator; Bixby Cooperative Company.  
 Blair; Holmquist Elevator; The Holmquist Grain and Lumber Company.  
 Bloomfield; Holmquist Elevator; The Holmquist Grain and Lumber Company.  
 Brownville; Continental Elevator; Continental Grain Company.  
 Cambridge; Uring Elevator; Miller Grain Company, Inc.  
 Central City; Cargill Central City Elevator; Cargill, Incorporated.  
 Chappell; Dudden Elevator; Dudden Elevator, Inc.  
 Chappell; Farmers Elevators; Farmers Elevator Company, a co-operative.  
 Coleridge; Holmquist Elevator; The Holmquist Grain and Lumber Company.  
 Cornlea; Continental Elevator; Continental Grain Company.  
 Craig; Farmers Union Elevator; Farmers Union Co-Operative Association.  
 Crete; Crete Mills Division Elevator; Lauhoff Grain Company.  
 Curtis; Garvey Elevators; Garvey Elevators, Inc.  
 Doane; Doane Elevators; Independent Elevators, Inc.  
 Dorchester; Farmers' Elevators; The Dorchester Farmers Co-operative Grain and Livestock Company.  
 Durant (P.O. Stromsburg); Richters Elevator; John W. Lamoreaux and Marc Lamoreaux, copartners trading as Durant Grain Company.  
 Edgar; Mid-States Elevator; Scoular-Bishop Grain Company.  
 Elmwood; Farmers Elevator; Farmers Cooperative Association of Elmwood, Nebraska.  
 Elsie; Kellogg Elevator; O. M. Kellogg Grain Company.  
 Enders; Farmers Elevator; Farmers Co-operative Exchange.  
 Fairbury; Farmers Union Co-op Elevator; Farmers Union Co-operative Association of Fairbury, Nebraska.  
 Farwell; Loup Valley Elevators; Scoular-Bishop Grain Company.  
 Fremont; Conagra Elevator; Conagra, Inc.  
 Fremont; Far-Mar-Co. Fremont Elevator; Far-Mar-Co., Inc.  
 Fremont; Fremont Cake & Meal Elevator; Archer-Daniels-Midland Company.  
 Friend; Friend Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.  
 Geneva; B. H. & L. Elevator; B. H. and L. Grain Company, Inc.  
 Gibbon; Fox Elevator; Scoular-Bishop Grain Company.  
 Grand Island; Conagra Elevator; Conagra, Inc.  
 Grant; Co-Operative Elevator; The Grant Co-Operative Exchange.  
 Grant; Perkins County Elevator; Scoular-Bishop Grain Company.  
 Hartington; Hartington Elevator; Hartington Elevator Company.  
 Hartington; Holmquist Elevator; The Holmquist Grain and Lumber Company.  
 Harvard; Farmers Elevators; The Farmers Union Cooperative Elevator Company.  
 Hastings; Garvey Elevator; Garvey Elevators, Inc.  
 Hemingford; Farmers Co-Operative Elevator; Farmers Co-operative Elevator Company.

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## NOTICES

Herman; Holmquist Elevator, The Holmquist Grain and Lumber Company.  
 Imperial; Farmers Elevator; Frenchman Valley Farmers Cooperative, Inc.  
 Imperial; Imperial Grain's Elevator; Scoular-Bishop Grain Company.  
 Indiana; Uring Elevator; Miller Grain Company, Inc.  
 Jacinto (P.O. Dix); The Wright-Lorens Grain Co. Elevator; The Wright-Lorens Grain Co., Inc.  
 Laurel; Holmquist Elevator; The Holmquist Grain and Lumber Company.  
 Lebanon; Garvey Elevators; Garvey Elevators, Inc.  
 Lincoln; ADM Elevator; Archer-Daniels-Lincoln Grain, Inc.  
 Lincoln; Far-Mar-Co Lincoln Elevator; Far-Mar-Co., Inc.  
 Lincoln; Gooch Mill Elevators; ADM Milling Co.  
 Lincoln; Lincoln Grain, Inc. Elevator; Midland Company.  
 Lyons; Holmquist Elevator; The Holmquist Grain and Lumber Company.  
 Madison; Madison Soya Elevator; Madison Soya Products, Inc.  
 Madrid; Burge Elevators; Scoular-Bishop Grain Company.  
 Maz; Max Elevators; Independent Elevators, Inc.  
 Maywood; Farmers Elevators; Maywood Cooperative Association.  
 Motala Siding (P.O. Minden); Continental Elevator; Continental Grain Company.  
 Nebraska City; Bartlett Elevator; Bartlett and Company Grain.  
 North Bend; North Bend Elevator; North Bend Grain Company, Inc.  
 Oakland; Holmquist Elevator; The Holmquist Grain and Lumber Company.  
 Ogallala; Farmers Coop Elevator; Farmers Cooperative Association.  
 Omaha; Allied Mills Elevator; Allied Mills, Inc.  
 Omaha; Conagra Elevators; Conagra, Inc.  
 Omaha; Far-Mar-Co Omaha Elevator; Far-Mar-Co., Inc.  
 Omaha; Illinois Central Elevator; ADM Grain Co.  
 Omaha; Scoular-Welsh Omaha Elevator; Scoular-Welsh Grain Co.  
 O'Neill; Dowd Elevator; Dowd Grain Company, Inc.  
 Osceola; Farmers Grain Elevator; Farmers Co-operative Grain Co.  
 Osceola; Smith Elevator; Smith Grain Company.  
 Parks; Parks Elevator; Independent Elevators, Inc.  
 Potter; Farmers Elevators; Potter Cooper-Potter; The Wright-Lorenz Grain Co. Elevator; The Wright-Lorenz Grain Co., Inc. tive Grain Company.  
 Ranch Spur (P.O. Herman); Ranch Spur Elevator; H. C. Fankhouser and V. R. Fankhouser, copartners trading as Fankhouser Bros.  
 Red Willow (P.O. McCook); Uring Elevator; Miller Grain Company, Inc.  
 Riverdale; Riverdale Elevator; Scoular-Bishop Grain Company.  
 Rock Bluff (P.O. Plattsmouth); Far-Mar-Co Rock Bluff Elevator; Far-Mar-Co., Inc.  
 Rogers; Golden West Grain Company's Rogers Elevator; Golden West Grain Company.  
 Rosalie; Holmquist Elevator; The Holmquist Grain and Lumber Company.  
 Roscoe; Roscoe Elevator; John L. Gordon and Jeanette D. Gordon, copartners d/b/a Roscoe Grain Company.  
 Schuyler; Golden West Grain Company's Elevator; Golden West Grain Company.  
 Scribner; Farmers Elevator; Farmers Co-operative Mercantile Company, Non-Stock.  
 Scribner; Scribner Elevator; Scribner Grain & Lumber Company.

Shickley; Alfa Grain Elevator; Scoular-Bishop Grain Company.  
 Silver Creek; Farmers Grain Elevators; Farmers Co-operative Grain Company.  
 St. Paul; Loup Valley Elevators; Scoular-Bishop Grain Company.  
 Stella; Stella Elevator; C-G-F Grain Company, Inc.  
 Strang; Strang Elevator; Scoular-Bishop Grain Company.  
 Stromburg; Farmers Elevators; Farmers Cooperative Grain Association of Stromsburg.  
 Superior; Scoular-Bishop Elevator; Scoular-Bishop Grain Company.  
 Tekamah; Farmers Elevator; Farmers Non-Stock Cooperative Grain Association.  
 Tekamah; Holmquist Elevator; The Holmquist Grain and Lumber Co.  
 Thurston; Merry Elevator; Darrel Merry, trading as Merry Grain & Lumber Co.  
 Ulysses; Farmers Cooperative Elevators; Farmers Cooperative Grain & Supply Co.  
 Utica; Utica Co-operative Grain Company's Elevators; Utica Co-operative Grain Company.  
 Venango; Dudden Elevator; Dudden Elevator, Inc.  
 Venango; Farmers' Elevators; Farmers Union Cooperative Grain Company of Venango, Nebraska.  
 Verdel; Allied Mills Elevator; Allied Mills, Inc.  
 Wallace; Kellogg Elevator; O. M. Kellogg Grain Company.  
 Walthill; Holmquist Elevator; The Holmquist Grain and Lumber Company.  
 Wauneta; Farmers Elevator; Farmers Co-operative Exchange.  
 Wausa; Allied Mills Elevator; Allied Mills, Inc.  
 Wilcox; Continental Elevator; Continental Grain Company.  
 Wilsonville; Garvey Elevators; Garvey Elevators, Inc.  
 Winnebago; Holmquist Elevator; The Holmquist Grain and Lumber Company.  
 Winslow; Farmers Elevator; Farmers Co-operative Mercantile Company, Non-stock.  
 New Mexico  
 Clovis; El Rancho Elevator; El Rancho Milling Co. (no stockholders' liability).  
 Clovis; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.  
 Clovis; New Mexico Mill Elevator; New Mexico Mill & Elevator Co. (no stockholders' liability).  
 Clovis; Worley Mills Elevator; Worley Mills, Inc. (no stockholders' liability).  
 Grier; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.  
 Melrose; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.  
 Melrose; Melrose Elevator; Melrose Grain & Elevator Co., Inc.  
 Portales; Worley Mills Elevator; Worley Mills, Inc. (no stockholders' liability).  
 Texico; New Mexico Mill Elevator; New Mexico Mill & Elevator Co. (no stockholders' liability).  
 Texico; Shirley-Anderson Texico Elevator; Shirley-Anderson-Pitman, Inc.  
 Tucuman; Worley Mills Elevator; Worley Mills, Inc. (no stockholders' liability).  
 New York  
 Albany; Port of Albany Elevator No. 1; Cargill, Incorporated.  
 Buffalo; Standard Elevator; Standard Milling Company, d/b/a Standard Milling Company, Inc., in New York State.  
 North Carolina  
 Battleboro; E-B Grain Co., Inc.; E-B Grain Company, Inc.  
 Camden; Wood Bonded Warehouse; F. P. Wood and Son, Inc.

Fayetteville; Cargill Fayetteville Elevator; Cargill, Incorporated.  
 Greenville; Fred Webb Elevator; James Fred Webb.  
 Monroe; Producers Cooperative Feed Mill Warehouse; Producers Cooperative Feed Mill, Inc.  
 Selma; Gurley's Inc. Elevator; Gurley's Inc.  
 Washington; Cargill Washington, N.C. Elevator; Cargill, Incorporated.  
 Wilson; Cargill Elevator; Cargill, Incorporated.  
 North Dakota  
 Grand Forks; Garvey Elevator; Garvey Elevators, Inc.  
 Jamestown; Garvey Elevator; Garvey Elevators, Inc.  
 Ohio  
 Arcanum; Allied Mills Arcanum Elevator; Allied Mills, Inc.  
 Bucyrus; Zeigler Milling Co. Elevators; The Zeigler Milling Company.  
 Chillicothe; Standard Elevator; The Standard Elevator and Supply Company.  
 Cincinnati; Fairmount and Riverside Elevators; The Early and Daniel Company.  
 Columbus; Landmark Grain Terminal; Landmark, Inc.  
 Columbus; Continental Elevator; Continental Grain Company.  
 Columbus; Eshelman Grain Company Elevator; International Multifoods Corporation.  
 Coshocton; Coshocton Elevator; Coshocton Grain Co.  
 Dayton; Cargill Dayton Elevator; Cargill, Incorporated.  
 Elgin; Elgin Elevator; Elgin Grain Company.  
 Fletcher; Fletcher Elevator; Shepard Grain Co., Inc.  
 Fostoria; Fostoria Elevator; The Ohio Farmers' Grain Corporation.  
 Fostoria; Mennel Elevator; The Mennel Milling Company.  
 Glandorf; Glandorf Elevator; Glandorf Feed Company.  
 Green Camp; Green Camp Co-operative Elevator; The Green Camp Co-operative Elevator Company.  
 Harrison (Route 4); J. A. Cornelius Grain Elevator; J. A. Cornelius.  
 Hume (RR #4 Lima); Hume Elevator; The Farm Service Center of Hume, Ohio, Inc.  
 Kileville (P.O. R.R. No. 3, Plain City); Kileville Elevator; The Ohio Grain Company.  
 Lima; Cargill Lima Elevator; Cargill, Incorporated.  
 Mansfield; Mansfield Elevator; The Early and Daniel Company.  
 Marysville; Marysville Elevator; The Ohio Grain Company.  
 Maumee; Cargill Toledo Elevator; Cargill, Incorporated.  
 Mechanicsburg; Mechanicsburg Elevator; The Ohio Grain Company.  
 Pittsburg; Pittsburg Grain Elevator; Pittsburg Feed and Grain, Inc.  
 Shelby; Shelby Equity Elevator; The Shelby Equity Exchange Company.  
 Spencerville; Farmers Union Company Elevator; The Spencerville Farmers Union Company.  
 Thackery; Thackery Elevator; Shepard Grain Company, Inc.  
 Toledo; Cargill East Side Elevator; Cargill, Incorporated.  
 Troy; Troy Elevator; The Early and Daniel Company.  
 Van Wert; Welker Elevator; Welker Grain Inc.  
 Oklahoma  
 Afton; Afton Co-op Elevator; Afton Co-operative Association.  
 Apache; Apache Farmers Co-operative; Apache Farmers Co-operative.

## NOTICES

Beaser; Perryton Equity Elevator; Perryton Equity Exchange.  
 Bison; Farmers Elevator; Bison Cooperative Association.  
 Blackwell; Blackwell Co-op Elevator; Blackwell Co-operative Elevator Association.  
 Boise City; Consumers Elevator; Boise City Farmers Cooperative.  
 Broken Arrow; Farmers Co-op Elevator; Farmers Cooperative.  
 Buffalo; Buffalo Farmers Elevator; The Buffalo Farmers' Co-operative Elevator Company.  
 Cashion; Farmers Exchange Elevator; Farmers Exchange of Cashion.  
 Cherokee; Farmers Elevator; Farmers Co-operative Elevator Association.  
 Clinton; Farmers Elevator; Farmers Co-operative Association.  
 Clyde; Clyde Elevator; Clyde Co-operative Association.  
 Cordell; Farmers Elevator; Farmers Co-operative Association.  
 Crescent; Crescent Cooperative Elevator; Crescent Cooperative Association.  
 Custer City; Farmers Elevator; Custer City Farmers Cooperative Exchange.  
 Deer Creek; Deer Creek Elevator; Clyde Co-operative Association.  
 Douglas; Farmers Elevators; Farmers Co-operative Elevator Company of Douglas.  
 Enid; Continental Elevator; Continental Grain Company.  
 Enid; Enid Terminal Elevators; Interstate Grain Corporation.  
 Enid; Union Equity Co-operative Exchange Elevator; Union Equity Co-operative Exchange.  
 Fairview; Sooner Co-op Elevator; Sooner Cooperative, Incorporated.  
 Fargo; Farmers Elevator; Farmers Co-operative Association.  
 Garber; Cooperative Elevator; Garber Co-operative Association.  
 Goodwell; Farmers Elevator; Farmers Elevator of Goodwell, Oklahoma, Inc.  
 Grandfield; Union Equity Elevator; Union Equity Co-operative Exchange.  
 Guymon; Knutson Elevator; Knutson Elevators, Inc.  
 Hardesty; Perryton Equity Elevator; Perryton Equity Exchange.  
 Helena; Farmers Elevator; Farmers Cooperative Association.  
 Hennessey; Farmers Co-operative Elevator; Farmers Elevator and Co-operative Association.  
 Hooker; Equity Exchange Elevator; The Hooker Equity Exchange.  
 Hough (P.O. Guymon); Hough Elevator; Knutson Elevator, Inc.  
 Hunter; Hunter Farmers Elevator; Farmers Grain Company.  
 Hydro; Farmers Elevator; Hydro Cooperative Association.  
 Imo; Imo Farmers Elevators; Farmers Co-operative Elevator Company.  
 Keyes; Perryton Equity Elevator; Perryton Equity Exchange.  
 Kingfisher; Kingfisher Cooperative Elevator; Kingfisher Cooperative Elevator Association.  
 Knowles; Perryton Equity Elevator; Perryton Equity Exchange.  
 Kremlin; Farmers Elevator; Farmers Grain Company.  
 Lamont; Lamont Elevator; Clyde Co-operative Association.  
 Lawton; Cooperative Elevator A; Coop Services, Inc.  
 Marshall; United Co-op Elevator; United Cooperative, Inc.  
 May; May Elevator; Woodward Cooperative Elevator Association.  
 Medford; Medford Elevator; Clyde Co-operative Association.  
 Miami; Miami Co-op Elevator; The Miami Cooperative Association.

Midway (P.O. Hooker); Midway Elevator; Knutson Elevators, Inc.  
 Mooreland; Farmers Co-Op Elevator; Farmers Co-operative Trading Company.  
 Nardin; Cooperative Elevator; Clyde Co-operative Association.  
 Okeene; Sooner Co-op Elevator; Sooner Cooperative, Incorporated.  
 Oklahoma City; Garrison Elevator; Garrison Milling Company, Inc.  
 Perry; Farmers Cooperative Elevator; Farmers Cooperative Exchange.  
 Pond Creek; Farmers Elevator; Farmers Grain Company.  
 Ranch Drive (P.O. Ponca City); Ranch Drive Elevator; Farmers Cooperative Association.  
 Red Rock; Farmers Co-Op. Elevator; Red Rock Farmers Co-Operative.  
 Renfrow; Renfrow Elevator; Clyde Cooperative Association.  
 Shawnee; Shawnee Elevator; Shawnee Milling Company.  
 Tonkawa; Tonkawa Elevator; Farmers Co-operative Association.  
 Tuttle; MFC Elevator; Mid-Continent Farmers Co-op.  
 Tyrone; Compton Elevator; Knutson Elevators, Inc.  
 Vici; Farmer's Co-op. Ass'n Elevator; Farmers Cooperative Association of Vici.  
 Wakita; Farmers Co-operative Elevators; Farmers Co-operative Elevator Company of Wakita.  
 Weatherford; Co-Op. Elevator; Farmers Co-operative Exchange.  
 Woodward; Woodward Elevator; Woodward Cooperative Elevator Association.  
 Yukon; MFC Elevator; Mid-Continent Farmers Co-op.  
 Oregon  
 Athena; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.  
 Biggs (P.O. Wasco); Sherman Co-operative Grain Growers Warehouse; Sherman Co-operative Grain Growers.  
 Condon; Condon Grain Growers Warehouse; Condon Grain Growers, Inc.  
 Dufur; Dufur Elevator; Dufur Elevator Company.  
 Eakin's Siding; Eakin Elevator; Eakin Co-operative Grain Growers.  
 Echo; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.  
 Elgin; The Elgin Flouring Mill Warehouse; The Elgin Flouring Mill Co.  
 Enterprise; Wallowa County Grain Growers Warehouse; Wallowa County Grain Growers.  
 Haines; Haines Elevator; Haines Grain and Feed Company, Inc.  
 Helix; Farmers Mutual Warehouse Co-op; Farmers Mutual Warehouse Cooperative.  
 Heppner; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.  
 Holdman; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.  
 Imbler; Grande Ronde Grain Warehouse; Grande Ronde Grain Co.  
 Jone; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.  
 Island City; Pioneer Flouring Mill Warehouse; Pioneer Flouring Mill Co.  
 Jordan; Jordan Elevator Company's Warehouse; Jordan Elevator Company.  
 LaGrande; LaGrande Milling Warehouse; LaGrande Milling Company.  
 Lakeview; Lakeview Ag Center Elevator; Lakeview Ag Center, Inc.  
 Lexington; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.  
 Milton-Freewater; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.

Morgan; Morgan Elevator; John Eubanks. Moro; Mid Columbia Grain Growers Warehouse; Mid Columbia Grain Growers, Inc.  
 North Powder; North Powder Milling and Mercantile Company's Warehouse; North Powder Milling and Mercantile Company.  
 Pendleton; Pendleton Grain Growers Warehouse No. 2; Pendleton Grain Growers, Inc.  
 Umatilla; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.  
 Union; The Union Flouring Mill Warehouse; The Union Flouring Mill Company.  
 Pennsylvania  
 Erie; Continental Erie Elevator; Continental Grain Company.  
 High Spire; Highspire Flour Mills Elevator; Standard Milling Company.  
 Philadelphia; Grand Point Elevator; Tidewater Grain Company.  
 Pittsburgh; Expanded Grain Products, Inc., Pittsburgh Grain Elevator; Expanded Grain Products, Inc.  
 South Dakota  
 Aberdeen; Cargill Elevator; Cargill Incorporated.  
 Beardsley; Terminal Grain Elevator; Terminal Grain Corporation.  
 Centerville; Centerville Grain Elevator; McMaster Grain Company.  
 Colome; Colome Elevator—Dallas Branch; Farmers Co-operative Association of Dallas, South Dakota.  
 Dallas; Farmers Elevators; Farmers Co-operative Association of Dallas, South Dakota.  
 Kennebec; Farmers Coop Elevator; Farmers Union Cooperative Elevator of Kennebec, S. Dak.  
 Mahto; Farmers Coop Elevator; Farmers Cooperative Association of McLaughlin.  
 Marion; Terminal Grain Elevator; Terminal Grain Corporation.  
 McLaughlin; Farmers Coop Elevator; Farmers Cooperative Association of McLaughlin.  
 Milbank; Cargill Elevator; Cargill, Incorporated.  
 Monroe; Terminal Grain Elevator; Terminal Grain Corporation.  
 Onida; Oahe Elevator; Oahe Grain Corporation.  
 Parker; Terminal Grain Elevator; Terminal Grain Corporation.  
 Philip; Farmers Coop Ass'n; Farmer's Co-operative Association of Philip, S. Dak.  
 Pierre; Pierre Farmers Elevator; Pierre Farmers Elevator Association.  
 Roscoe; Roscoe Grain and Feed Company Elevator; Roscoe Grain and Feed Company, Inc.  
 Trent; Cargill Elevator; Cargill Incorporated.  
 Vermillion; Terminal Farm Service Elevator; Terminal Grain Corporation.  
 Wagner; Terminal Grain Elevator; Terminal Grain Corporation.  
 Winner; Deaver-Meyer Elevator; Deaver-Meyer Grain Company.  
 Tennessee  
 Chattanooga; Cargill Chattanooga Elevator; Cargill, Incorporated.  
 Memphis; ADM Elevator; ADM Grain Co. Memphis; Cargill President Island Oil Plant; Cargill, Incorporated.  
 Memphis; Continental Memphis Elevator; Continental Grain Company.  
 Memphis; Port of Memphis Grain Elevator; Cargill, Incorporated.  
 South Fulton; Browder Milling Company; Browder Milling Company, Incorporated.  
 Trenton; Boyd Price Grain Co., Warehouse;

<sup>1</sup> In Kentucky and Tennessee.



## NOTICES

Boyd Price, trading as Boyd Price Grain Co. Union City; Farmers Grain Elevator; Farmers Grain & Fertilizer Company, Inc. Union City; Waterfield Elevator; Waterfield Grain Company.

## TEXAS

Adrian; Wheat Growers Elevator; Adrian Wheat Growers, Inc.  
Amarillo; Garvey Elevators, Inc. Elevator; Garvey Elevators, Inc.  
Amarillo; Producers Elevator; Producers Grain Corporation.  
Anna; Shirley Elevator; Norman E. Jones, trading as N. E. Jones Grain.  
Beaumont; Beaumont Elevator; Continental Grain Company.  
Black; Black Grain Co. Elevator; Friona Industries, Inc.  
Black; Tri-County Elevator; Tri-County Elevator Company, Inc.  
Booker; Booker Equity Elevator; Booker Equity Union Exchange.  
Bovina; Shirley Elevator; Shirley Grain Company.  
Bovina; Wheat Growers Elevator; Bovina Wheat Growers Inc.  
Brownfield; Goodpasture, Inc.-Brownfield Elevator; Goodpasture, Inc.  
Canadian; Co-op Elevator; Canadian Grain Co-op.  
Capps Switch (P.O. Sunray); Continental Elevator; Continental Grain Company.  
Channelview; Cargill Houston Elevator; Cargill, Incorporated.  
Conlen; Conlen Grain & Mercantile Warehouse; Conlen Grain & Mercantile Co.  
Conway; Coop Elevator; Conway Wheat Growers Inc.  
Dalhart; Consumers Elevator; Dalhart Consumers Fuel Association, Inc.  
Dalhart; Welch Elevator; T. I. Welch and Thompson Irwin Welch, copartners, trading as Welch Grain Company.  
Darrrouzett; Farmers Elevators; Darrrouzett Co-operative Association.  
Dawn; Dawn Co-op Elevator; Dawn Co-op.  
Deer Park; Union Equity Export Elevator; Union Equity Co-operative Exchange.  
Dimmitt; Farmers Elevator; Dimmitt Agri-Industries, Inc.  
Dumas; Co-op Elevator; Dumas Co-op.  
Etter (P.O. Dumas); Continental Elevator; Continental Grain Company.  
Etter (P.O. Dumas); Etter Grain Company Elevator; Etter Grain Company, Inc.  
Farnsworth; Batman Elevator; Batman Grain, Inc.  
Farnsworth; Perryton Equity Elevator; Perryton Equity Exchange.  
Farwell; Shirley-Anderson-Pitman Elevator; Shirley-Anderson-Pitman, Inc.  
Farwell; Worley Mills Elevator; Worley Mills, Inc. (No Stockholder's Liability).  
Follett; Farmers Grain & Supply Co. Elevator; Farmers Grain and Supply Company of Follett.  
Fort Worth; Katy Elevator; Bunge Corporation.  
Fort Worth; Producers Elevator Section B; Producers Grain Corporation.  
Friona; Farmers Cooperative Elevator; Friona Wheat Growers, Inc.  
Galena Park; Goodpasture Elevator; Goodpasture, Inc.  
Galveston; Galveston "B" Elevator; Bunge Corporation.  
Groom; Wheat Growers Elevator; Groom Wheat Growers, Inc.  
Groom; Wheeler-Evans Elevator; Wheeler-Evans Elevator Company.  
Gruver; Continental Elevator; Continental Grain Company.  
Hamlin; Moore Elevator; Moore Elevator Inc.  
Hart; Farmers Grain Elevators; The Farmers Grain Company of Hart, Texas.

Hartley; Farmers Supply Company Elevators; Farmers Supply Company of Hartley, Texas.  
Hereford; Farmers Co-op Elevator; Hereford Grain Corp.  
Hereford; Hereford Elevator; Continental Grain Company.  
Higgins; Wheat Growers Elevator; Higgins Wheat Growers, Inc.  
Huntton; Perryton Equity Elevator; Perryton Equity Exchange.  
Kress; Kress Farmers Elevator; Kress Farmers Elevator Co. of Kress, Texas.  
Lariat; Shirley-Anderson Elevator; Shirley-Anderson Grain Company.  
Littlefield; Goodpasture, Inc.-Littlefield Elevator; Goodpasture, Inc.  
Lockney; Lockney Co-op Elevator; Lockney Lockney; Patterson Elevator; Patterson Grain Company, Inc.  
Lubbock; Goodpasture, Inc.-Lubbock Elevator; Goodpasture, Inc.  
Lubbock; Producers Elevator; Producers Grain Corporation.  
Mathis; Mathis Elevator; Mathis Grain & Elevator Corp.  
McKibben (P.O. Spearman); Perryton Equity Elevator; Perryton Equity Exchange.  
Morse; Perryton Equity Elevator; Perryton Equity Exchange.  
Muleshoe; Farmers Cooperative Elevator; Farmers Cooperative Elevator of Muleshoe, Texas.  
O'Donnell; Farmers Co-op Elevator; Farmers Co-operative Association of O'Donnell, Texas.  
Pampa; Wheeler-Evans Elevator; Wheeler-Evans Elevator Company.  
Perryton; Perryton Equity Elevators; Perryton Equity Exchange.  
Plainview; Harvest Queen Elevator; L. R. Stringer.  
Plainview; Plainsman Elevator; Plainsman Elevators, Inc.  
Plainview; Producers Elevator; Producers Grain Corporation.  
Plainview; Southwestern Grain Elevator; Southwestern Grain, Inc.  
Port Arthur; Cargill Port Arthur Elevator; Cargill, Incorporated.  
Pringle; Perryton Equity Elevator; Perryton Equity Exchange.  
Saginaw; Continental Elevator; Continental Grain Company.  
Saginaw; Garvey Elevators, Inc. Elevator; Garvey Elevators, Inc.  
Saginaw; Union Equity Ft. Worth Elevator; Union Equity Co-operative Exchange.  
Spearman; Perryton Equity Elevator; Perryton Equity Exchange.  
Sudan; Feeders Elevator; Feeders Grain, Inc.  
Sunray; Continental Elevator; Continental Grain Company.  
Sunray; Sunray Co-op Elevator; Sunray Co-op.  
Texarkana; Pioneer of Texarkana Elevator; Pioneer Food Industries, Inc.  
Tehoma; Wheat Growers Elevator; Tehoma Wheat Growers, Inc.  
Tulia; Hipp, Inc.—Star Grain Division; Lawrence Systems, Inc.  
Tulia; Prairie Elevator; Prairie Cattle and Grain Co.  
Tulia; Wheat Growers Elevator; Tulia Wheat Growers, Inc.  
Twitchell; Perryton Equity Elevator; Perryton Equity Exchange.  
Vega; Wheat Growers Elevator; Vega Wheat Growers, Inc.  
Waka; Perryton Equity Elevator; Perryton Equity Exchange.  
White Deer; Wheeler-Evans Elevator; Wheeler-Evans Elevator Company.

Wichita Falls; Berand Bros. Elevator; Berand Brothers Feed Stores, Incorporated.  
Wildorado; Wildorado Producers Elevator; Wildorado Producers Ass'n.

## UTAH

Cache Junction; West Cache Growers Warehouse; West Cache Growers, Inc.  
Murray; Brookfield Elevator; Brookfield Products, Inc.  
Richmond; Gilt Edge Flour Mills Warehouse; Gilt Edge Flour Mills, Inc.

## VIRGINIA

Chesapeake; Cargill Norfolk Elevator; Cargill, Incorporated.  
Norfolk; N. & W. Grain Elevator; Continental Grain Company.  
Roanoke; City Mills Elevator; Roanoke City Mills, Incorporated.

## WASHINGTON

Asotin; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.  
Centerville; Grain Growers Warehouse; Klickitat Valley Grain Growers, Inc.  
Connell; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.  
Dayton; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.  
Endicott; Wheat Growers of Endicott Warehouse; Wheat Growers of Endicott, Inc.  
Goldendale; Grain Growers Warehouse; Klickitat Valley Grain Growers, Inc.  
Huntsville; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.  
Johnson (P.O. Star Route, Pullman); Johnson Union Warehouse; Johnson Union Warehouse Company.  
Kahlotus; Kahlotus Cooperative Elevator; Kahlotus Cooperative Elevator Company.  
McKay; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.  
Oakesdale; Oakesdale Grain Growers Warehouse; Oakesdale Grain Growers, Inc.  
Pomeroy; Pomeroy Grain Growers Warehouse; Pomeroy Grain Growers, Inc.  
Prescott; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.  
Pullman; Dumas Seed Company Warehouse; Dumas Seed Company.  
Rockford; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.  
Roosevelt; Farmers Warehouse & Commission Co.; Farmers Warehouse and Commission Company.  
Starbuck; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.  
Uniontown; Uniontown Co-operative Warehouse; Uniontown Co-operative Association.  
Waitsburg; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.

## WISCONSIN

Green Bay; Strid Grain Company Elevator; T. A. Strid and Roland G. Strid, copartners trading as Strid Grain Company.  
La Crosse; Cargill La Crosse Elevator; Cargill, Incorporated.  
Superior; Great Northern Elevators S-X; ADM Grain Co.  
Superior; Continental Elevator, Superior; Continental Grain Company.  
Superior; Farmers Union Elevator; Farmers Union Grain Terminal Association.  
Superior; M & O Elevators; M & O Elevators, Inc.

## Beans

## C. For the storage of beans:

## COLORADO

## Town, Warehouse, and Warehouseman

Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.  
Eaton; Co-Op Bean Warehouse; Agland Incorporated.  
Fowler; Fowler Warehouse; Fowler Cooperative Association.  
Holyoke; Holyoke Bean & Seed Co. Warehouse; Grant Bean & Seed, Inc.  
Olathe; Co-op Warehouse; The Olathe Potato Growers' Cooperative Association.  
Roggen; Roggen Farmers Bean Warehouse; Roggen Farmers Elevator Association.  
Stratton; Co-op Elevator; The Stratton Equity Cooperative Company.

## IDAHO

Hansen; L. W. Moore Warehouse; L. W. Moore.  
Jerome; Marshall Warehouse; Marshall Warehouses, Inc.  
Kendrick; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.  
Twin Falls; Idaho Bean and Elevator Warehouse; Idaho Bean & Elevator Co. of Twin Falls.

## KANSAS

Leoti; Western Seed & Supply Warehouse; Charles R. Whitham, trading as Western Seed & Supply.  
Marietta; Webster Warehouse; Webster Seed and Supply Inc.  
Ruleton (P.O. Goodland); Western Seed & Supply Warehouse; Charles R. Whitham, trading as Western Seed & Supply.

## NEBRASKA

Grant; Grant Bean & Seed Co. Warehouse; Grant Bean & Seed, Inc.

## SIRUP

## D. For the storage of sirup:

## CALIFORNIA

## Town, Warehouse, and Warehouseman

Anaheim; Anaheim Warehouse; Sioux Honey Association, Cooperative.  
Stockton; Valley Honey Warehouse; Valley Honey Cooperative.

## FLORIDA

Umatilla; Umatilla Warehouse; Sioux Honey Association, Cooperative.

## GEORGIA

Waycross; Waycross Warehouse; Sioux Honey Association, Cooperative.

## IDAHO

Wendell; Sioux Honey Association Warehouse; Sioux Honey Association, Cooperative.

## IOWA

Sioux City; Sioux Honey Association Warehouse; Sioux Honey Association, Cooperative.

## TEXAS

Temple; Temple Honey Warehouse; Sioux Honey Association, Cooperative.

## WOOL

## E. For the storage of wool:

## Town, Warehouse, and Warehouseman

North Kansas City; Midwest Wool Warehouse; Midwest Wool Marketing Cooperative.

## NOTICES

## OHIO

Columbus; Ohio Wool Warehouse; The Ohio Wool Growers Cooperative Association;

## SOUTH CAROLINA

Greenville; Black Hawk Warehouse; The Black Hawk Corporation.

## UTAH

Salt Lake City; Utah Wool Marketing Association Warehouse; Utah Wool Marketing Association.

## Cottonseed

## F. For the storage of cottonseed:

## Town, Warehouse, and Warehouseman

## ARKANSAS

Evadale (P.O. Wilson); Delta Products Warehouse; Delta Products Company.  
Forrest City; Forrest City Cotton Oil Mill Warehouse; Forrest City Cotton Oil Mill, Inc.  
Helena; Helena Cotton Oil Company's Warehouse; Helena Cotton Oil Company, Inc.  
Osceola; Osceola Products Warehouse; Osceola Products Company.  
Pine Bluff; Cook Industries, Inc., Processing and Refining Division; Cook Industries, Inc.

## GEORGIA

Macon; Central Cotton Oil; Southern Soya Corporation.

## LOUISIANA

Bossier City; Riverland Oil Mill Warehouse; Riverland Oil Mill, Inc.  
West Monroe; Union Oil Mill Warehouse; The Union Oil Mill, Inc.

## MISSISSIPPI

Crenshaw; Cook Industries, Inc., Processing and Refining Division; Cook Industries, Inc.

Marks; Cook Industries, Inc., Processing and Refining Division; Cook Industries, Inc.

## NUTS

## G. For the storage of nuts:

## NORTH CAROLINA

Town, Warehouse, and Warehouseman  
Lewiston; Lewiston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.  
Murfreesboro; Revelle Bonded Warehouse; Chas. L. Revelle & Sons, Inc.  
Tarboro; Edgcombe Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

WAREHOUSES CANCELED OR TERMINATED SINCE DECEMBER 31, 1972

## Cotton

## A. For the storage of cotton:

## ARKANSAS

Batesville; Batesville Compress Warehouse; Southern Warehouse Co. Request of warehouseman.  
North Little Rock; Federal Compress Warehouse; Federal Compress & Warehouse Company. Request of warehouseman.  
West Memphis; Federal Compress Warehouse; Federal Compress & Warehouse Company. Request of warehouseman.

## CALIFORNIA

Fresno; Allen Warehouse; Allen Warehouse Company of California. Warehouse sold.

## GEORGIA

Hawkinsville; Hawkinsville Bonded Warehouse; L. H. Blount. Failed to furnish bond.

Kingston; Kingston Bonded Warehouse; J. W. Martin. Request of warehouseman.  
Madison; Godfrey Bonded Warehouse; Godfrey's Warehouse, Inc. Request of warehouseman.

Ocala; Murray Bonded Warehouse; Guy Murray. Request of warehouseman.  
Soperton; Fowler's Gin and Bonded Warehouse; Manning Mimbs d/b/a Fowler's Gin and Bonded Warehouse. Failed to furnish bond.

Soperton; Waller's Bonded Warehouse; J. Treutlen Waller. Failed to furnish bond.  
Statesboro; Farmers Union Warehouse; Smith Trading Co. Request of warehouseman.

Sylvania; Sylvania Bonded Warehouse; Screven Oil Mill. Request of warehouseman.  
Twin City; Twin City Bonded Warehouse; Twin City Gin Company. Failed to furnish bond.  
Warrenton; Johnson Cotton Warehouse; W. D. Johnson, an individual trading as Johnson Cotton Warehouse. Failed to furnish bond.

## MISSISSIPPI

Columbia; Columbia Compress Warehouse; Hattiesburg Compress Company. Request of warehouseman.

Hattiesburg; Hattiesburg Compress Warehouse; Hattiesburg Compress Company. Request of warehouseman.

Magnolia; Magnolia Compress Warehouse; Hattiesburg Compress Company. Request of warehouseman.

Okolona; Federal Compress Warehouse; Federal Compress & Warehouse Company. Request of warehouseman.

Philadelphia; The Philadelphia Compress Warehouse; Compress of Union. Request of warehouseman.

Rosedale; Union Compress Warehouse; Union Service Industries, Inc. Warehouse sold.

## NORTH CAROLINA

Dunn; General Utility Company's Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Edenton; Edenton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Laurinburg; Dickinson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Laurinburg; Laurinburg Cotton Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Murfreesboro; Revelle Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Parkton; Parkton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Pembroke; Pembroke Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Rae; Hoke Cotton Warehouse and Storage Company's Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Roseboro; Rosemary Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Rowland; Barrow Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Salisbury; Salisbury Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Wagram; Farmers Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.



## NOTICES

Williamston; Martin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

## SOUTH CAROLINA

Branchville; Judy-Moore Bonded Warehouse; Judy-Moore Warehouse, Inc. Failed to furnish bond.

Newberry; The Standard Warehouse; Standard Corporation. Request of warehouseman.

St. Matthews; Buyck Cotton Warehouse; Buyck Cotton Company, Inc. Request of warehouseman.

Union; Union Bonded Warehouse; H. B. Richardson, Jr. Request of warehouseman.

## TEXAS

Knox City; Knox City Cotton Warehouse; Farmers Compress Company. Request of warehouseman.

Snyder; Snyder Cotton Warehouse; National-Western Compress & Warehouse Co. Request of warehouseman.

## Grain

B. For the storage of grain.

## ARKANSAS

Earle; Thomason Enterprises Warehouse; T. E. Thomason, Jr., trading as Thomason Enterprises. Request of warehouseman.

Jonesboro; Klech Elevator; Earl C. Klech Elevator Company. Elevator sold.

North Little Rock; Bogard Seed Company Elevator; Bogard Seed Company. Lease not renewed.

Wynne; Gibbs & Harris Rice Drier; Gibbs & Harris Rice Drier, Inc. Elevator sold.

## CALIFORNIA

San Diego; San Diego Bulk Terminal; San Diego Bulk Terminal, a copartnership under the laws of California. Failure to furnish bond.

## COLORADO

Burlington; Mueller Grain Co.; Iron Mueller, Inc. Elevator sold.

Dove Creek; Romer Warehouse; David L. Corlett and Jean R. Corlett, copartners, trading as Romer Mercantile and Grain Co. Failure to furnish bond.

## IDAHO

Downey; Grain Growers Warehouse; Farmers Grain Cooperative. Change of corporation.

Grace; Grain Growers Warehouse; Farmers Grain Cooperative. Change of corporation.

Lamont; Grain Growers Warehouse; Farmers Grain Cooperative. Change of corporation.

Talmage; Grain Growers Warehouse; Farmers Grain Cooperative. Change of corporation.

Weston; Grain Growers Warehouse; Farmers Grain Cooperative. Change of corporation.

## ILLINOIS

Beardstown; Farmers Terminal Elevator; Farmers Terminal Grain Co. Elevator sold.

Bradford; Bradford & Lombardville Elevator; Bradford Bonded Grain Company. Ceased to be operated as a public warehouse.

DeSoto; B. C. Christopher & Co. Elevator; B. C. Christopher & Company a limited partnership under the laws of Missouri. Lease expired.

East St. Louis; National Oats Elevator; National Oats Company, Inc. Elevator closed.

Enright (RR 1 El Paso); Enright Elevator; El Paso Grain & Equipment Inc. Discontinued business.

Gladstone; Gulfport River Terminal & Gladstone Warehouses; Gladstone Grain Co. Elevator sold.

Hardin; Hardin Elevator; Jersey County Grain Company. Relicensed as part of Jersey County Grain Company, Jerseyville, Illinois.

Kane; Kane Elevator; Jersey County Grain Company. Relicensed as part of Jersey County Grain Company, Jerseyville, Illinois.

Kankakee; Kankakee Elevator; A. L. Book, trading as A. L. Book & Co. Failed to furnish bond.

Kansas; Rardin Elevator; Rardin Grain Company. Failed to furnish bond.

Lee; Schaefer Elevator; H. R. Schaefer Grain Co., Inc. Discontinued business.

Macon; Macon Elevator; Macon Grain Company. Request of warehouseman.

Mansfield; Mansfield Grain Co.; Chester Kirk, trading as Mansfield Grain Co. Elevator sold.

McNulta (P.O. Foosland); McNulta Elevator; Foosland Grain Co. Elevator destroyed by fire.

Metcalfe; Metcalf Elevator; Agre Grain Company. Elevator sold.

Mulkeytown; Southern Grain Co.; B. C. Christopher & Company a limited partnership under the laws of Missouri. Gave up lease.

Murphysboro; B. C. Christopher & Co. Elevator; B. C. Christopher & Company a limited partnership under the laws of Missouri. Lease expired.

Newman; Miller Grain Co. Elevator; Miller Grain Co. Elevator sold.

Oakland; Miller Grain Co. Elevator; Miller Grain Co. Elevator sold.

Orleans (RR 1 Alexander); Orleans Farmers Elevator; Farmers Terminal Grain Co. Request of warehouseman.

Polo; Olsen Elevator; Axel Olsen, Jr. and Edward Olsen, copartners, trading as Olsen's Elevator and Feeds. Termination of partnership agreement.

Sullivan; Sullivan Elevator; Sullivan Grain Company. Request of warehouseman.

Tomlinson (P.O. Rantoul); B. C. Christopher & Co. Elevator; B. C. Christopher & Company a limited partnership under the laws of Missouri. Lease expired.

## INDIANA

Brookston; Brookston Elevators; Donald G. Brouillette, trading as Brookston Grain Co. Request of warehouseman.

Burnettsville; Burnettsville Elevator; Allison, Steinhart & Zook, Inc. Elevator closed.

Dunn (RR 2 Fowler); Dunn Grain Elevator; Dunn Grain Elevators, Inc. Request of warehouseman.

Emporia (RR #1 Markleville); Emporia Elevator; Edwin O. Pasko and Elmer G. Pasko, copartners, trading as Emporia Elevator Company. Request of warehouseman.

Graham Siding (P.O. Washington, RFD #1); Graham Elevator; Graham Brothers, Inc. Elevator sold.

Raub; Raub Elevator; Raub Grain, Inc. Request of warehouseman.

Shideler (RR 1 Eaton); Shideler Grain Co. Elevator; Fritz G. Schnepf, Jr., trading as Shideler Grain Co. Request of warehouseman.

## Iowa

Farragut; Farmers Coop Elevator; Farmers Cooperative Company. Request of warehouseman.

Grinnell; Farmers Exchange Elevator; Farmers Exchange Co. Request of warehouseman.

Lenox; Country Boys Elevator; Robert L. Bentley and Andrew J. Ettleman, Copartners, trading as Country Boys Lumber and Concrete at Bedford and Mount Ayr, Iowa and Country Boys Elevator and Lumber Co. at Lenox, Iowa. Death of Partner.

Primghar; Nicholson & Edwards Elevator; R. S. Nicholson, Elsie I. Edwards and Wil-

Ham A. Edwards, executors of the estate of Clay Edwards, deceased, and William A. Edwards, individually, copartners, trading as Nicholson & Edwards Grain Company. Partnership terminated.

Shelby; Shelby Elevator; Farmers Elevator. Elevator sold.

Sidney; Fremont Grain Elevator; Fremont Grain & Feed Co. Failure to renew bond.

Stuart; Stuart Elevator; Stuart Feed & Grain, Inc. Failure to furnish bond.

Ute; Ute Elevator; Occidental Petroleum Corporation. Lease not renewed.

Walnut; Continental Elevator; Continental Grain Company. Elevator sold.

## KANSAS

Bunker Hill; Bunker Hill Elevator; Agco, Inc. Relicensed as part of Agco, Inc., Russell, Kansas.

Garden City; Lawrence Warehouse No. 8; Lawrence Systems, Inc. Lease not renewed.

Goodland; Monfort Elevator; Monfort Feed Lots, Inc. Corporate merger.

Grainfield; Farmers Elevator; The Gove County Cooperative Association. Corporate merger.

Mark; Farmers Elevator; The Gove County Cooperative Association Corporate merger.

Putnam (P.O. Sedgwick); Galmelster Elevator; Frank Galmelster Grain & Elevator. Elevator sold.

Syracuse; Jackson Elevator; Jackson Grain Co., Inc. Elevator sold.

## KENTUCKY

Louisville; Distillers' Grain Company Elevator; Distillers' Grain Company, Inc. Ceased to be operated as a public warehouse.

## MINNESOTA

St. Paul; Walsh River Terminal; Walsh River Terminal Corporation. Subleased elevator.

## MISSISSIPPI

Marks; Riverside Industries Warehouse; Riverside Industries, Inc. Failure to furnish bond.

## MISSOURI

Kennett; Kennett Soybean Elevator; E. M. Regenold doing business as Kennett Soybean Co. Elevator sold.

Langdon; Langdon Elevator; Mildred D. Bentley, trading as Bentley Grain Company. Death of owner.

Nishnabotna (P.O. Langdon); Nishna Valley Elevator; Nishna Valley Supply Company. Failure to furnish bond.

Walker; Producers Grain Co.; Producers Grain Company. Ceased to be operated as a public warehouse.

## NEBRASKA

Columbus; Farmers Grain Terminal; Foreman-Gammel Grain Co., Inc. Elevator sold.

Geneva; Koehler Elevator; A. Koehler Company. Elevator sold.

Grand Island; Grand Island Grain Division Elevator; Eisenman Chemical Co. Failure to furnish bond.

Hansen (P.O. Grand Island); Ecco Grain Elevator; Eisenman Chemical Co. Failure to furnish bond.

Omaha; The Pillsbury Company Elevator "B"; The Pillsbury Company. Failure to furnish bond.

Strang; Strang Grain Elevator; Strang Lumber and Grain Company. Elevator sold.

## NEW YORK

Buffalo; Continental Concrete Central Elevator; Continental Grain Company. Lease terminated.

## NOTICES

## NORTH CAROLINA

Mooreville; Mooreville Grain Elevator; Mooreville Flour Mills, Incorporated. Elevator sold.

## OHIO

Hume (RR #4 Lima); Hume Elevator; The Welker Grain Company. Elevator sold.

Vans Wert; Welker Elevator; The Welker Grain Company. Elevator sold.

## OKLAHOMA

Salt Fork (P.O. Hunter); Salt Fork Elevator; Clyde Co-operative Association. Relicensed as part of Clyde Co-operative Association, Lamont, Oklahoma.

Selman; Selman Farmers Elevator; The Buffalo Farmers Co-operative Elevator Company. Relicensed as part of The Buffalo Farmers Co-operative Elevator Company.

## OREGON

Biggs; Moro Grain Growers Warehouse; Moro Grain Growers Association. Corporation merger.

Grass Valley; Grass Valley Grain Growers Warehouse; Grass Valley Grain Growers, Inc. Corporation merger.

Maupin; Maupin Elevator Co.; Maupin Elevator Co. Corporate merger.

Moro; Moro Grain Growers Warehouse; Moro Grain Growers Association. Corporate merger.

Portland; Blue Line Exchange Warehouse; Blue Line Exchange. Failure to renew bond.

## TENNESSEE

Memphis; Riverside Elevator, No. 1; Cook Industries, Inc. Terminated lease.

## TEXAS

Amarillo; Interstate Grain Co. Warehouse; The Kearns Grain & Seed Co., Inc. Elevator sold.

Black; Black Grain Co. Elevator; Friona Feed Yard, Inc. Corporate merger.

Comyn (P.O. Dublin); Harvest Queen Elevators; L. R. Stringer. Lease canceled.

Friona; Goodpasture, Inc.—Friona Elevator; Goodpasture, Inc. Gave up lease.

Holden Spur (P.O. Meza); Harvest Queen Elevators; L. R. Stringer. Lease canceled.

Kress; Hipp Elevator; Lawrence Systems, Inc. Relicensed as part of Lawrence Systems, Inc., Tulsa, Texas.

Muleshoe; Muleshoe Elevator; The Kearns Grain & Seed Co., Inc. Elevator sold.

Mesquite; Lawrence Systems, Inc.; Lawrence Systems, Inc. Relicensed as part of Lawrence Systems, Inc., Tulsa, Texas.

Silverton; Silverton Elevator; Silverton Elevators, Inc. Failure to furnish bond.

Suman Switch (P.O. Hearne); Harvest Queen Elevators; L. R. Stringer. Lease canceled.

Tulia; Star Grain Co. Elevator; The Star Grain Company of Tulsa, Texas. Failure to furnish bond.

Texline; Texline Elevator; The Kearns Grain & Seed Co., Inc. Failure to furnish bond.

## Cottonseed

C. For the storage of Cottonseed.

## LOUISIANA

West Monroe; Union Oil Mill Warehouse; The Union Oil Mill, Inc. Corporate merger.

## MISSISSIPPI

Crenshaw; Riverside Industries Warehouse; Riverside Industries, Inc. Failure to furnish bond.

Marks; Riverside Industries Warehouse; Riverside Industries, Inc. Failure to furnish bond.

## Dry Beans

D. For the storage of Dry Beans.

## COLORADO

Dove Creek; Romer Warehouse; David L. Corlett and Jean R. Corlett, Co-partners, trading as Romer Mercantile and Grain Co. Failure to furnish bond.

## IDAHO

Piler; Idaho Bean and Elevator Warehouse; Idaho Bean & Elevator Co. of Twin Falls. Failure to furnish bond.

## TEXAS

Texline; Texline Elevator; The Kearns Grain & Seed Co., Inc. Failure to furnish bond.

## Nuts

E. For the storage of nuts.

## NORTH CAROLINA

Murfreesboro; Revelle Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Williamston; Martin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Done at Washington, D.C., February 20, 1974.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.74-4506 Filed 2-25-74; 8:45 am]

SHIPPERS ADVISORY COMMITTEE  
Notice of Public Meeting

Pursuant to the provisions of section 10(a)(2) of Public Law 92-463, notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., local time, on March 5, 1974.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes the receipt and review of market supply and demand information incidental to consideration of the need for modification of current grade and size limitations applicable to domestic and export shipments of the named fruits and container and pack requirements for export shipments.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: February 21, 1974.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.74-4538 Filed 2-25-74; 8:45 am]

## Forest Service

## PROPOSED EAGLE LAKE AND ASSOCIATED RECREATION DEVELOPMENTS MONONGAHELA NATIONAL FOREST

## Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on the Proposed Eagle Lake and Associated Recreation Developments in the Monongahela National Forest, USDA-FS-R9-DES- (Adm)-74-3.

The environmental statement concerns a proposal to construct a 47 acre lake on Hills Creek, Pocahontas County, West Virginia, and a 50-unit campground at Kennison Mountain, approximately 3 miles east of the lake site.

This draft environmental statement was filed with CEQ on February 19, 1974. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agriculture Bldg., Room 3231  
12th St. and Independence Ave., SW  
Washington, D.C. 20250

USDA, Forest Service  
Eastern Region  
633 West Wisconsin Avenue  
Milwaukee, Wisconsin 53203  
USDA, Forest Service  
Monongahela National Forest  
Sycamore Street  
Elkins, West Virginia 26241

A limited number of single copies are available upon request to Forest Supervisor, Monongahela National Forest, Sycamore Street, Box 1231, Elkins, West Virginia 26241.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Monongahela National Forest, Sycamore Street, Box 1231, Elkins, West Virginia 26241. Written comments must be received by April 19, 1974, in order to be considered in the preparation of the final environmental statement.

JOHN A. SANDOR,  
Acting Regional Forester,  
Eastern Region.

[FR Doc.74-4457 Filed 2-25-74; 8:45 am]



**TIMBER MANAGEMENT PLAN  
CHIPPEWA NATIONAL FOREST**  
Availability of Draft Environmental  
Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on the Timber Management Plan for the Chippewa National Forest, USDA-FS-R9-DES-(Adm)-74-4.

The environmental statement concerns the proposed plans for timber harvest, reforestation, timber stand improvement, tree improvement, and sale road construction on the Chippewa National Forest in parts of Beltrami, Cass and Itasca Counties, Minnesota.

This draft environmental statement was filed with CEQ on February 19, 1974. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agricultural Bldg., Room 3231  
12th St. and Independence Ave. SW.  
Washington, D.C. 20250

USDA, Forest Service  
Eastern Region  
633 West Wisconsin Avenue  
Milwaukee, Wisconsin 53203  
USDA, Forest Service  
Chippewa National Forest  
Cass Lake, Minnesota 56633

A limited number of single copies are available upon request to Forest Supervisor, Chippewa National Forest, Cass Lake, Minnesota 56633.

Copies of the environmental statement, National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Chippewa National Forest, Cass Lake, Minnesota 56633. Written comments must be received by May 1, 1974, in order to be considered in the preparation of the final environmental statement.

**JOHN A. SANDOR,**  
*Acting Regional Forester,  
Eastern Region.*

[FR Doc.74-4458 Filed 2-25-74; 8:45 am]

## NOTICES

**Office of the Secretary  
PORTLAND GRAIN EXCHANGE**  
Order Vacating Designation as a Contract  
Market Under the Commodity Exchange  
Act

Pursuant to section 7 of the Commodity Exchange Act (7 U.S.C. 11), I hereby vacate the designation of the Portland Grain Exchange of Portland, Oregon, as a contract market for wheat effective April 1, 1974. The said exchange, which was designated as a contract market for wheat on April 30, 1929, has requested that such designation be vacated.

Issued this 21st day of February, 1974.

**CLAYTON YEUTTER,**  
*Assistant Secretary for Marketing  
and Consumer Services.*

February 21, 1974.

[FR Doc.74-4505 Filed 2-25-74; 8:45 am]

**Soil Conservation Service  
CANE CREEK RECREATIONAL DEVELOPMENT  
RC&D MEASURE PLAN, ARKANSAS**  
Availability of Draft Environmental  
Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Cane Creek Recreational Development RC&D Measure Plan, Lincoln County, Arkansas. USDA-SCS-EIS-RCD-(ADM)-74-22(D)-AR.

The environmental statement concerns a plan for watershed protection and recreational development in Lincoln County, Arkansas. This will be achieved by applying conservation land treatment measures, developing a 1,750-acre recreational lake, and developing a 1,900-acre state park.

This draft environmental statement was transmitted to CEQ on February 8, 1974.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, Room 5029, Federal Office Building, Little Rock, Arkansas 72201.

Cane Creek Recreational Development RC&D Measure Plan, Arkansas, Notice of Availability of Draft Environmental Statement

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is \$3.75.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environ-

mental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to M. J. Spears, State Conservationist, Soil Conservation Service, Post Office Box 2323, Little Rock, Arkansas 72203.

Comments must be received within sixty days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services)

Dated: February 15, 1974.

**JOHN T. PHELANS,**  
*Acting Deputy Administrator  
for Field Services, Soil Conservation Service.*

[FR Doc.74-4412 Filed 2-25-74; 8:45 am]

**WHITE OAK CREEK FISH AND WILDLIFE  
DEVELOPMENT RC&D MEASURE PLAN,  
ARKANSAS**

**Availability of Draft Environmental  
Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the White Oak Creek Fish and Wildlife Development, RC&D Measure Plan, Ouachita and Nevada Counties, Arkansas, USDA-SCS-EIS-RCD-(ADM)-74-23(D)-AR.

The measure plan is for the development of 3,455 acres as a public fish and wildlife area which will increase hunting activities in Ouachita and Nevada Counties, Arkansas. This will be achieved by creating 1,100 acres of green tree reservoirs (Type 1 wetland); enhancing and preserving 600 acres of Type 6 and 7 wetland; managing 300 acres of pine hardwood and 1,455 acres of bottom land hardwood; improving access to the development; and constructing basic facilities.

This draft environmental statement was transmitted to CEQ on February 8, 1974.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 5029, Federal Office Building, Little Rock, Arkansas 72201

White Oak Creek Recreational Development, RC&D Measure Plan, Arkansas, Notice of Availability of Draft Environmental Statement

Copies are also available from the National Technical Information Service,

U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is \$3.50.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to M. J. Spears, State Conservationist, Soil Conservation Service, Post Office Box 2323, Little Rock, Arkansas 72203.

Comments must be received within sixty days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services)

Dated: February 15, 1974.

**JOHN T. PHELANS,**  
*Deputy Administrator for Field  
Services, Soil Conservation Service.*

[FR Doc.74-4411 Filed 2-25-74; 8:45 am]

**INTERSTATE COMMERCE  
COMMISSION**

[Notice No. 453]

**ASSIGNMENT OF HEARINGS**

FEBRUARY 21, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 121567 Sub 4, Wichita Air Cargo Delivery, Inc., now assigned March 26, 1974, at Kansas City, Mo., is cancelled and reassigned for hearing April 4, 1974, at Kansas City, Mo., in a hearing room to be later designated.

MC-FC-74226, Taylor Freight System, Inc., Philadelphia, Pa., Transferee, and Dependable Container Service, Inc., Brooklyn, N.Y., Transferor, and MC-FC-74488, Jetex Freight Systems, Inc., Newton, Pa., Transferee, and James H. Russell, Smithfield, R.I., Transferor, now assigned March 4, 1974, at Washington, D.C., is postponed to April 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124211 Sub 234, Hilt Truck Line, Inc., now being assigned hearing April 1, 1974 (2 days), at Chicago, Illinois, in a hearing room to be later designated.

## NOTICES

MC 124511 Sub 17, John P. Oliver, now being assigned hearing April 3, 1974 (3 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 5227 Sub 10, Economy Movers, Inc., now being assigned hearing April 8, 1974 (1 week), at Chicago, Illinois, in a hearing room to be later designated.

MC 135751 Sub-6, Atlantic Carrier, Inc., now being assigned March 25, 1974, at Chicago, Ill., in a hearing room to be later designated.

MC-F-12027, Jenkins Truck Line, Inc. (Indiana)—Merger—Jenkins Truck Line, Inc. (Iowa), now being assigned March 26, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 107295 Sub 658, Pre-Pak Transit Co., now being assigned March 26, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 18459 Sub 8, Britton Motor Service, Inc., now being assigned April 1, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 1868 Sub 5, Bliteway Express, Inc., now assigned March 25, 1974, will be held in Room B-2231, 26 Federal Plaza, New York, N.Y.

FD 20812, Railway Express Agency, Inc., Notes, now being assigned continued pre-hearing conference April 8, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 80430 Sub 128, Gateway Transportation Co., Inc., now assigned March 25, 1974, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street, N.W.

[SEAL] **ROBERT L. OSWALD,**  
*Secretary.*

[FR Doc.74-4513 Filed 2-25-74; 8:54 am]

[Rule 19; Ex Parte No. 241; 11th Rev. Exemption No. 12]

**ATLANTIC AND WESTERN RAILWAY CO.**  
Exemption Under Mandatory Car Service  
Rules

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 390, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway Company  
Reporting marks: ATW  
Chicago & Illinois Midland Railway Company  
Reporting marks: CIM  
The La Salle and Bureau County Railroad Company  
Reporting marks: LSBC

Richmond, Fredericksburg and Potomac Railroad Company  
Reporting marks: RFP  
Roscoe, Snyder and Pacific Railway Company<sup>1</sup>  
Reporting marks: RSP  
Vermont Railway, Inc.  
Reporting marks: Rut or VTR  
Wellsville, Addison & Galetton Railroad Corporation  
Reporting marks: WAG

Effective February 15, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 14, 1974.

**INTERSTATE COMMERCE  
COMMISSION,**  
**R. D. PFAHLER,**  
*Agent.*

[FR Doc.74-4512 Filed 2-25-74; 8:45 am]

[Rule 19; Ex Parte No. 241; Amdt. No. 6 To 3d Revised Exemption No. 22]

**EXEMPTION UNDER MANDATORY CAR  
SERVICE RULES**

Upon further consideration of Third Revised Exemption No. 22 issued January 12, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Third Revised Exemption No. 22 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire April 15, 1974.

This amendment shall become effective February 15, 1974.

Issued at Washington, D.C., February 12, 1974.

**INTERSTATE COMMERCE  
COMMISSION,**  
**R. D. PFAHLER,**  
*Agent.*

[FR Doc.74-4511 Filed 2-25-74; 8:45 am]

**FOURTH SECTION APPLICATIONS FOR  
RELIEF**

FEBRUARY 21, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 13, 1974.

FSA No. 42806—Roofing and Building Material to Points in Southern Territory. Filed by Southwestern Freight Bureau, Agent (No. B-458), for interested rail carriers. Rates on roofing and building material, in carloads, as described in the application, from points

<sup>1</sup> Addition.

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in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, to points in southern territory.

Grounds for relief—Rate relationship. Tariff—Supplement 23 to Southwestern Freight Bureau, Agent, tariff, SW/S-302-G, I.C.C. No. 4952. Rates are published to become effective on March 26, 1974.

FSA No. 42807—*Joint Water-Rail Container Rates—Yamashita-Shinnihon Line*. Filed by Yamashita-Shinnihon Line (No. 4), for itself and interested rail carriers. Rates on general commodities, between Japan and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf Seaboard, on the other.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-4510 Filed 2-25-74; 8:45 am]

[Ex Parte No. 302]

#### INCREASES IN EXPORT RATES ON GRAIN, GRAIN PRODUCTS, AND RELATED COMMODITIES—1973

FEBRUARY 21, 1974.

The Commission today has voted not to suspend and not to investigate the increases in the above-entitled proceeding which were filed pursuant to Special Permission No. 74-2400. Your attention is directed to the fact that this Special Permission provided that the supplements published pursuant thereto "shall bear an expiration date not beyond one year from the effective date which date may not be cancelled or extended except upon specific authorization of this Commission and all relief herein expires with that date."

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-4508 Filed 2-25-74; 8:45 am]

[Notice No. 31]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 18, 1974. Pursuant to section 17(8) of the Inter-

state Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74889. By order of February 20, 1974, the Motor Carrier Board approved the transfer to Bolduc-Goulet Express, Inc., Webster, Mass., of the operating rights in Certificates No. MC-17764 and MC-17764 (Sub-No. 1), issued October 29, 1956, and September 6, 1972, respectively to Bolduc's Express, Inc., Webster, Mass., and MC-59242 and MC-59242 (Sub-No. 1), issued March 2, 1953, and October 25, 1955, respectively to Goulet's Express, Inc., Putnam, Conn., authorizing the transportation of general and specified commodities from, to and between specified points in Massachusetts, Rhode Island and Connecticut. Francis P. Barrett, 60 Adams St., Milton, Mass. 02187. Attorney for transferee. Leonard E. Legoeuf, 297 Main St., Webster, Mass. 01570. Attorney for transferors.

No. MC-FC-74964. By order of February 20, 1974, the Motor Carrier Board approved the transfer to Firpo & Sons, Inc., doing business as Firpo's Moving & Storage, Marcus Hook, Pa., of the operating rights in certificate No. MC-25187 issued September 12, 1940, to William Kearney, doing business as Kearney's Moving, 250 West Coulter Street, Philadelphia, Pa. 19144, authorizing the transportation of household goods, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Maryland, Virginia, Pennsylvania, New York, and the District of Columbia. Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Attorney for transferee.

No. MC-FC-74974. By order entered February 20, 1974, the Motor Carrier Board approved the transfer to Dependable Truck Lines, Inc., Enumclaw, Wash., of the operating rights set forth in Certificate No. MC-78830, issued April 28, 1961, to Moulden & Sons, Inc., Enumclaw, Wash., authorizing the transportation of general commodities, with the usual exceptions, between Seattle, Wash., and Carbonado, Wash., over specified routes, serving certain specified intermediate and off-route points; and general commodities, between Enumclaw, Wash., on the one hand, and, on the other, Mud Mountain Dam, Wash., over specified routes. James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101, attorney for applicants.

No. MC-FC-74975. By order entered February 20, 1974, the Motor Carrier Board approved the transfer to Dependable Truck Lines, Inc., Enumclaw, Wash., of the operating rights set forth in Certificate No. MC-52342, issued January 3, 1956, to Joseph J. Fantello and Anthony J. Fantello, a partnership, doing business as Dependable Truck Lines, Enumclaw, Wash., authorizing the transportation of general commodities, with the

usual exceptions, between Seattle, Wash., and Black Diamond, Wash., over specified routes, serving certain specified intermediate and off-route points. James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-4507 Filed 2-25-74; 8:45 am]

[Ex Parte No. 303]

#### INCREASED FREIGHT RATES AND CHARGES, 1974, NATIONWIDE

It appearing, that by order dated January 3, 1974, the Commission instituted an investigation into and concerning the revenue needs of the railroads of the United States, making all common carriers by railroad subject to the Interstate Commerce Act respondents in this proceeding;

It further appearing, that on January 7, 1974, substantially all of the Nation's railroads and certain other carriers having joint rates with such railroads filed schedules of increased rates and charges under authority of section 6 of the Interstate Commerce Act and the Commission's Special Permission order No. 74-2100, of January 3, 1974, said tariff schedules having been filed to become effective February 22, 1974, subject to possible suspension, as follows:

TARIFF OF INCREASED RATES AND CHARGES, X-303, issued jointly by Western Trunk Line Committee, Agent, its I.C.C. No. A-4905, and other designated agents: Tariff X-303 and Supplements Nos. 1, 2, 3, 4, and 5 thereto:

It further appearing, that insofar as increases are hereinafter authorized, pending investigation, said increases will not have a significant adverse effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969;

It further appearing, that the Commission having considered the evidence and arguments of the parties as set forth in verified statements, protests, and replies, there is reason to believe from preliminary review that the schedules as filed would, if permitted to become effective, result in rates and charges which would be unjust and unreasonable and otherwise unlawful under the Interstate Commerce Act, therefore:

It is ordered, that the operation of the following schedules be, and it is hereby, suspended, and that the use thereof in interstate and foreign commerce be deferred to and including September 21, 1974, unless otherwise ordered by this Commission:

TARIFF OF INCREASED RATES AND CHARGES, X-303, issued jointly by Western Trunk Line Committee, Agent, its I.C.C. No. A-4905, and other designated agents: Tariff X-303 and Supplements Nos. 1, 2, 3, 4, and 5 thereto:

It is further ordered, that, pending the completion of the investigation herein, the carriers parties to this proceeding be, and they are hereby, authorized to es-

tablish upon not less than 15 days' notice to the Commission and the public by filing and posting in the manner prescribed in the Interstate Commerce Act, an increase in rates and charges not to exceed 4 percent (except for disposition of fractions) subject to maximums no higher than specified in the suspended tariff of increased rates and charges, X-303, or in connecting link supplements proposed to be made subject to said tariff, X-303, and in no event to produce greater revenue in connection with any rate or charge on any particular commodity or service than proposed in X-303, and subject to refund provisions the same as set forth in that tariff, and subject to the further limitation that, in view of the pendency of Ex Parte No. 295, Sub-No. 1, Increased Freight Rates and Charges, 1973—Recyclable Materials, no interim increase is authorized on the commodities described in paragraph (m) of the general exceptions to tariff X-295-A:

It is further ordered, that the investigation heretofore instituted by our order of January 3, 1974, be, and it is hereby continued for the purpose of investigating the lawfulness of all the rates, charges, and regulations which were contained in the suspended schedules, as aforesaid, as well as the schedules herein authorized to be filed, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, that an oral hearing at Washington, D.C., is contemplated herein, the date of which will be set by subsequent order;

It is further ordered, that in making effective any increases in rates and charges herein authorized, the carriers parties to this proceeding be, and they are hereby, required to maintain and preserve all existing port relationships, (including those involving Great Lakes and Pacific Coast ports) duly established by order of the Commission or recognized customs of the trade, and to observe the prohibitions of the Interstate Commerce Act with regard to unjust discrimination and undue and unreasonable preference and prejudice;

And it is further ordered, that all outstanding orders of the Commission be, and they are hereby, modified to the extent necessary to permit the increases authorized herein to become effective.

[Fourth Section Order No. 20445]

It appearing, that carriers parties to the proceeding applied for relief from the provisions of Section 4 of the Act necessary to establish the rates and charges originally sought; that the increases in rates and charges authorized herein

cannot be published and made effective without producing in some instances rates or charges that yield greater compensation in the aggregate for the transportation of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, or greater compensation as a through rate or charge than the aggregate-of-intermediate rates or charges subject to the Act, in contravention of section 4 thereof; that the increased cost of railroad operation necessitates the increases in rates and charges involved in this proceeding which cannot be made effective without fourth-section relief; that application of the increased charges to or from more distant points will not result in the establishment of rates to or from more distant points that are not reasonably compensatory; that no protestant adequately opposed issuance of the fourth-section relief sought on the ground that it would be adversely affected by the fourth-section departures that may be created by the increased rates; and that a special case has been presented in which the Commission may authorize relief from the provisions of section 4:

It is ordered, that carriers subject to the Interstate Commerce Act and parties to said proceeding be, and they are hereby, authorized to establish and maintain the increased rates and charges described herein without observing the provisions of Section 4 of the Act;

It is further ordered, that parties to said proceeding be, and they are hereby, authorized to establish and maintain rates and charges permitted to become effective in this order without observing the long-and-short-haul provisions of section 4 of the Act in cases arising out of the failure to apply the full increases in rates and charges over interstate routes between points in a single State, in turn caused by the failure of the State authorities to authorize the full increases permitted in this proceeding;

And it is further ordered, that in those instances in which rates in contravention of section 4 are established under authority contained herein, the schedules containing such rates shall make reference to this order in the manner required by Rule 28 of Tariff Circular No. 20.

Amendment To Special Permission No. 74-2100, Authorizing Certain Departures From The Commission's Published Tariff Regulations

It is ordered, that Special Permission No. 74-2100, be, and it is hereby, amended to permit the establishment of the increases in freight rates and charges authorized by the Commission in this order,

subject to the terms, conditions, and limitations provided therein.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-4506 Filed 2-25-74; 8:45 am]

[Fourth Section Order No. 20446]

#### WESTERN TRUNK LINE COMMITTEE

##### Approval of Increased Rates and Charges

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of February 1974.

It appearing, that carriers, parties to tariffs named in Fourth Section Application No. 42780, filed by the Western Trunk Line Committee, Agent, applied for relief from the provisions of section 4 of the Act necessary to establish the increases in rates and charges authorized herein which cannot be made effective without producing in some instances rates or charges that yield greater compensation in the aggregate for the transportation of like kind of property for a shorter than for a longer distance over the same line or route in the same direction in contravention of section 4 thereof; that changed conditions necessitate the increases in the rail rates and charges involved in this proceeding which cannot be made effective without fourth-section relief; that application of the increased charges to or from more distant points will not result in the establishment of rates to or from more distant points that are not reasonably compensatory; that no protestant adequately opposed issuance of the fourth-section relief sought on the ground that it would be adversely affected by the fourth-section departures that may be created by the increased rates; and that a special case has been presented in which the Commission may authorize relief from the provisions of section 4;

It is ordered, that carriers subject to the Interstate Commerce Act and parties to said fourth-section application be, and they are hereby, authorized to establish and maintain the increased rates and charges described herein without observing the provisions of section 4 of the Act; And it is further ordered, that in those instances in which rates in contravention of section 4 are established under authority contained herein, the schedules containing such rates shall make reference to this order in the manner required by Rule 28 of Tariff Circular No. 20.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.74-4514 Filed 2-25-74; 8:45 am]

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## CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

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## PART II

ENVIRONMENTAL  
PROTECTION  
AGENCYASBESTOS  
MANUFACTURING POINT  
SOURCE CATEGORY

Effluent Limitations Guidelines

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Title 40—Protection of the Environment  
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SUBCHAPTER II—EFFLUENT GUIDELINES  
AND STANDARDS  
PART 427—ASBESTOS MANUFACTURING  
POINT SOURCE CATEGORY

On October 30, 1973, notice was published in the *FEDERAL REGISTER*, (38 FR 22606) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products, and asbestos floor tile subcategories of the asbestos manufacturing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the asbestos manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 427. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c)(1) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the *FEDERAL REGISTER*, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products, and asbestos floor tile subcategories. In addition, the regulations as proposed were supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Building, Construction and Paper Segment of the Asbestos Manufacturing Point Source Category" (October 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, the As-

bestos Products Manufacturing Industry (September 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows in this document.

(a) *Summary of comments.* The following responded to the request for comments which was made in the preamble to the proposed regulation: Colorado Dept. of Public Health, Michigan Dept. of Natural Resources, Center for Science in the Public Interest, the Mead Corporation, Armstrong Cork Company, Dept. of Health, Education and Welfare, County Sanitation Districts of Los Angeles County, Johns-Manville Corporation, the Flintkote Company, and the Effluent Standards and Water Quality Information Advisory Committee.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and EPA's response to those comments.

(1) A commenter was concerned that the limitations could be interpreted as gross values without consideration of pollutants in incoming waters. This comment applies in general to BOD<sub>5</sub> and COD limitations for most of the subcategories.

The limitations on BOD and COD have been reevaluated. The above comment is significant in all subcategories with a BOD or COD limitation. In the asbestos-cement pipe and asbestos-cement sheet subcategories, the small quantities of BOD added by the process do not warrant a limitation. In the paper subcategories, BOD is incidentally removed by the best practicable control technology currently available (sedimentation). If the suspended solids are controlled to the extent required by the limitations, BOD concentrations will also be reduced. Therefore, the BOD<sub>5</sub> limitation has been eliminated from these subcategories. In the roofing and floor tile subcategories, COD must be retained as a significant control parameter. The raw water entering the processes may contain significant amounts of COD. It is the intent of the Agency that the limitations in these subcategories be considered as net values over water entering the process. This is accomplished by the special definition for COD in the roofing and floor tile subcategories.

(2) Comments were received objecting to the use of the BOD<sub>5</sub> parameter when COD and/or TOC would be a more accurate measure of the organic matter in waste waters from this industry.

EPA agrees with this comment, however, BOD<sub>5</sub> is being dropped as a control parameter for the reasons cited in the above comment.

(3) One commenter pointed out ambiguous statements in the Development Document and the preamble to the proposed regulation where the asbestos content of suspended solids was discussed. On the one hand, the documents claim asbestos may be a large percentage of the suspended solids, and then state that in general this percentage is small.

It is acknowledged that an erroneous conclusion could have been drawn that all subcategories produce suspended solids in process waste waters with a large percentage of asbestos fibers. This conclusion is true in only five of the identified subcategories. In the roofing and floor tile subcategories, suspended solids contain little, if any, asbestos fibers.

(4) One comment stated that asbestos-cement pipe plants should have a no discharge requirement for 1977, since some multi-product plants making asbestos-cement pipe already have no discharge. Allowing pipe plants to have a discharge will encourage the construction of single product, asbestos-cement pipe plants.

EPA has determined that the technology is not available to allow the setting of a no discharge limitation for 1977 or for new sources in the asbestos-cement pipe subcategory. However, there are many incentives for the construction of multiproduct plants. These incentives include substantial savings from decreased water consumption, raw water and waste water treatment, land use, and monitoring requirements. Such built in incentives will not be ignored by industry.

(5) Another comment argued that the existence of one or two plants in a subcategory with no discharge was sufficient basis to set a no discharge limitation for that subcategory. A specific case mentioned was the asbestos paper (starch binder) subcategory.

The experience at the one plant which is apparently achieving no discharge has not been sufficiently documented or been continuous for a substantial period of time to justify applying the technology to all other plants in this subcategory by 1977 accordingly, it is the opinion of EPA that this technology would not qualify as best practicable control technology currently available as defined by the Act.

(6) A question was raised during the comment period concerning the application of best available technology economically achievable to some of the new source performance standards. The commenter claimed that new plants should use best practicable control technology currently available.

In the case of the asbestos paper, asbestos-cement sheet, and asbestos roofing subcategories, the technology does exist for total recycle as proven by a few plants in each subcategory. As mentioned in the previous comment, these few plants were not sufficient to set a no discharge using

best practicable control technology currently available as defined by the Act. A more stringent limitation for new sources is deemed feasible since they have additional flexibilities to optimize in-process controls and end-of-line pollution control measures.

(7) A question was raised with respect to the logic for different ratios of daily to monthly limitations employed in the various subcategories.

These numbers were based on the data available on raw waste loads and treatment efficiencies, and the fluctuations normally experienced in each subcategory. The manufacturing of asbestos-cement products produced greater fluctuations in raw loads than the other subcategories. The regulations therefore reflect this finding, the ratio of daily maximum to monthly average limitations are higher for the asbestos-cement pipe and asbestos-cement sheet subcategories than the other subcategories with allowable discharges.

(b) *Revisions of the proposed regulations prior to promulgation.* As a result of public comments, continuing review and evaluation of the proposed regulation by EPA, the following changes have been made in the regulation.

(1) Sections 427.21, 427.31, 427.41, 427.51, 427.61, and 427.71 entitled "Specialized Definitions" now include references to general definitions and methods of analysis in 40 CFR 401 which reduces the need for some specialized definitions in this regulation.

(2) The BOD<sub>5</sub> limitations in the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder) and asbestos paper (elastomeric binder) subcategories have been eliminated. In the asbestos-cement subcategories, the low levels of BOD<sub>5</sub> do not warrant a limitation. The incoming water often contains equal or greater amounts of BOD<sub>5</sub> than the limitations. In the paper subcategories, the BOD<sub>5</sub> is present as starch which is removed by settling. The efficiency of treatment is more accurately measured by the suspended solids parameter.

(3) The COD limitations in the roofing and floor tile subcategories have been retained. However, these limitations can not be used as gross figures due to the presence of relatively high COD values in incoming waters. The regulations as promulgated for these subcategories define COD as the COD added to the process waste waters.

(4) The preamble to the proposed regulations recommended that solid wastes from all subcategories should be disposed of so as to prevent horizontal or vertical migration of asbestos fibers. As explained above in the comment section, not all subcategories produce a solid waste with a significant amount of asbestos fibers. Therefore, in the preamble to the proposed regulation, the discussion of solid waste control in the "Non-water Quality Aspects" section should not be considered to be applicable to solid waste generated by the waste water treatment processes from the roofing and floor tile subcategories.

(5) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The changes to the regulations mentioned above will not affect the results of the economic analysis prepared for the proposed regulation.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the building, construction and paper segment of the asbestos manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Building, Construction and Paper Segment of the Asbestos Manufacturing Point Source Category" (February 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines the Asbestos Products Manufacturing Industry" (September 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the asbestos manufacturing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms,

represent a relatively small percentage of the total capital investment in the industry.

(e) *Solid waste control.* Solid waste control must be considered. The water-borne wastes from the asbestos industry may contain a considerable volume of asbestos particles as a part of the suspended solids pollutant. Best practicable control technology and best available control technology as they are known today, require disposal of the pollutants control technology as they are known removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In some cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(f) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c), a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Building, Construction and Paper Segment of the Asbestos Manufacturing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401, for a nominal fee.

(g) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 427, Asbestos Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 29, 1974.

Dated: February 15, 1974.

JOHN QUARLES,  
Acting Administrator.

PART 427—ASBESTOS MANUFACTURING  
POINT SOURCE CATEGORY

Subpart A—Asbestos-Cement Pipe Subcategory

Sec. 427.10 Applicability; description of the asbestos-cement pipe subcategory.  
427.11 Specialized definitions.  
427.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.



- Sec. 427.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 427.14 [Reserved]
- 427.15 Standards of performance for new sources.
- 427.16 Pretreatment standards for new sources.
- Subpart B—Asbestos-Cement Sheet Subcategory**
- 427.20 Applicability; description of the asbestos-cement sheet subcategory.
- 427.21 Specialized definitions.
- 427.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 427.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 427.24 [Reserved]
- 427.25 Standards of performance for new sources.
- 427.26 Pretreatment standards for new sources.
- Subpart C—Asbestos Paper (Starch Binder) Subcategory**
- 427.30 Applicability; description of the asbestos paper (starch binder) subcategory.
- 427.31 Specialized definitions.
- 427.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 427.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 427.34 [Reserved]
- 427.35 Standards of performance for new sources.
- 427.36 Pretreatment standards for new sources.
- Subpart D—Asbestos Paper (Elastomeric Binder) Subcategory**
- 427.40 Applicability; description of the asbestos paper (elastomeric binder) subcategory.
- 427.41 Specialized definitions.
- 427.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 427.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 427.44 [Reserved]
- 427.45 Standards of performance for new sources.
- 427.46 Pretreatment standards for new sources.
- Subpart E—Asbestos Millboard Subcategory**
- 427.50 Applicability; description of the asbestos millboard subcategory.
- 427.51 Specialized definitions.
- 427.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 427.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- Sec. 427.54 Reserved.
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- 427.56 Pretreatment standards for new sources.
- Subpart F—Asbestos Roofing Subcategory**
- 427.60 Applicability; description of the asbestos roofing products subcategory.
- 427.61 Specialized definitions.
- 427.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 427.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 427.64 [Reserved]
- 427.65 Standards of performance for new sources.
- 427.66 Pretreatment standards for new sources.
- Subpart G—Asbestos Floor Tile Subcategory**
- 427.70 Applicability; description of the asbestos floor tile subcategory.
- 427.71 Specialized definitions.
- 427.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 427.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 427.74 [Reserved]
- 427.75 Standards of performance for new sources.
- 427.76 Pretreatment standards for new sources.
- Subpart A—Asbestos-Cement Pipe Subcategory**
- § 427.10 Applicability; description of the asbestos-cement pipe subcategory.
- The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, Portland cement, silica and other ingredients are used in the manufacturing of asbestos-cement pipe.
- § 427.11 Specialized definitions.
- For the purpose of this subpart:
- (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.
- § 427.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- (a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these

limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.57	0.19
pH.....	Within the range 6.0 to 9.0.	
English units (lb/ton of product)		
TSS.....	1.14	0.38
pH.....	Within the range 6.0 to 9.0.	

§ 427.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.14 [Reserved]

§ 427.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of

pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.57	0.19
pH.....	Within the range 6.0 to 9.0.	
English units (lb/ton of product)		
TSS.....	1.14	0.38
pH.....	Within the range 6.0 to 9.0.	

§ 427.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos-cement 'pipe' subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.15; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

#### Subpart B—Asbestos-Cement Sheet Subcategory

§ 427.20 Applicability; description of the asbestos-cement sheet subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, Portland cement, silica, and other ingredients are used in the manufacturing of asbestos-cement sheets. Discharges resulting from manufacture of asbestos-cement sheet laboratory tops are specifically excluded from the provisions of this subpart.

§ 427.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 427.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to col-

lect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.68	0.23
pH.....	Within the range 6.0 to 9.0.	
English units (lb/ton of product)		
TSS.....	1.35	0.45
pH.....	Within the range 6.0 to 9.0.	

§ 427.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no

discharge of process waste water pollutants to navigable waters.

§ 427.24 [Reserved]

§ 427.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste waters pollutants to navigable waters.

§ 427.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos-cement sheet subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.25; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

#### Subpart C—Asbestos Paper (Starch Binder) Subcategory

§ 427.30 Applicability; description of the asbestos paper (starch binder) subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, starch binders and other ingredients are used in the manufacture of asbestos paper (starch binder).

§ 427.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 427.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established.



It is, however, possible that data which would affect these limitations have not been available and, as a result, those limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.55	0.35
pH.....	Within the range 6.0 to 9.0	
English units (lb/ton of product)		
TSS.....	1.10	0.70
pH.....	Within the range 6.0 to 9.0	

§ 427.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.34 [Reserved]

§ 427.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of

pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos paper (starch binder) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.35; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart D—Asbestos Paper (Elastomeric Binder) Subcategory

§ 427.40 Applicability; description of the asbestos paper (elastomeric binder) subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, elastomeric binder, and other ingredients are used in the manufacture of asbestos paper (elastomeric binder).

§ 427.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 427.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional

Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.55	0.35
pH.....	Within the range 6.0 to 9.0	
English units (lb/ton of product)		
TSS.....	1.10	0.70
pH.....	Within the range 6.0 to 9.0	

§ 427.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.44 [Reserved]

§ 427.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
TSS.....	0.55	0.35
pH.....	Within the range 6.0 to 9.0	
English units (lb/ton of product)		
TSS.....	1.10	0.70
pH.....	Within the range 6.0 to 9.0	

§ 427.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos paper (elastomeric binder) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.45; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart E—Asbestos Millboard Subcategory

§ 427.50 Applicability; description of the asbestos millboard subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos in combination with various other materials such as cement, starch, clay, lime, and mineral wool are used in the manufacture of asbestos millboard.

§ 427.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 427.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established.

It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.54 [Reserved]

§ 427.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source

within the asbestos millboard subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.55; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart F—Asbestos Roofing Subcategory

§ 427.60 Applicability; description of the asbestos roofing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos paper is saturated with asphalt or coal tar with the subsequent application of various surface treatments to produce asbestos roofing products.

§ 427.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) COD shall mean COD added to the process waste water.

§ 427.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator

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(or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/kg of product)		
COD.....	0.015	0.008
TSS.....	.010	.006
pH.....	Within the range 6.0 to 9.0.	
English units (lb/ton of product)		
COD.....	0.029	0.016
TSS.....	.020	.012
pH.....	Within the range 6.0 to 9.0.	

§ 427.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.64 [Reserved]

§ 427.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos millboard subcategory, which is a user of a publicly owned treatment works (and which would be a

new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.65; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

#### Subpart C—Asbestos Floor Tile Subcategory

§ 427.70 Applicability: description of the asbestos floor tile subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, polyvinyl chloride resin, chemical stabilizers, limestone, and other fillers are used in the manufacture of asbestos floor tile.

§ 427.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The abbreviation "mpc" shall mean 1000 pieces of floor tile.

(c) The term "pieces" shall mean floor tile measured in the standard size of 12" x 12" x 3/4".

(d) COD shall mean COD added to the process waste water.

§ 427.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis

of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units (kg/mpc of product)		
COD.....	0.14	0.09
TSS.....	.06	.04
pH.....	Within the range 6.0 to 9.0.	
English units (lb/mpc of product)		
COD.....	0.30	0.18
TSS.....	.13	.08
pH.....	Within the range 6.0 to 9.0.	

§ 427.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.74 [Reserved]

§ 427.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 427.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the asbestos floor tile subcategory,

which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced

into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 427.75; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-4383 Filed 2-25-74;8:45 am]



# ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 427]

## ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

### Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304, and 307(b) of the Federal Water Pollution Control Act, as amended (the Act), 33 U.S.C. 1251, 1311, 1314, and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal would amend 40 CFR Part 427— asbestos manufacturing point source category by establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products and asbestos floor tile subcategories of the asbestos manufacturing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters.

The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR 427) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as pro-

vided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307 (c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301 (b) and 304 (b) of the Act; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; *And provided further*, That when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 427.15, 427.25, 427.35, 427.45, 427.55, 427.65, and 427.75 of the proposed regulation for point sources within the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products and asbestos floor tile subcategories (October 30, 1973; 38 FR 29944), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contain §§ 427.16, 427.26, 427.36, 427.46, 427.56, 427.66, and 427.76 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Building, Construction, and Paper Segment of the Asbestos Manufacturing Point Source Category" is now being published. The

economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, The Asbestos Products Manufacturing Industry" (September 1973), was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973 (38 FR 15653), the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of asbestos products, the characteristics of these pollutants, and the degree of pollutant reduction attainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available

to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of asbestos products. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the asbestos manufacturing category (38 FR 29944; October 30, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 427) which is being published simultaneously in the Rules and Regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction attainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products and asbestos floor tile subcategories, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

The pollutants from this industry are deemed to be compatible with publicly owned treatment works. They do not interfere with nor pass through such works untreated. The main pollutant parameter from this industry is suspended solids, and municipal treatment systems are equipped to remove this pollutant parameter. The following regula-

tions, therefore, declare that the guidelines do not apply to existing sources discharging to publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative better satisfies the detailed requirements of sections 301, 304, and 307 (b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 427 be amended to add §§ 427.14, 427.24, 427.34, 427.44, 427.54, 427.64, and 427.74. All comments received on or before March 28, 1974, will be considered.

Dated: February 15, 1974.

JOHN QUARLES,  
Acting Administrator.

## PART 427—ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

40 CFR Part 427 is proposed to be amended as follows:

### § 427.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.12 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

### § 427.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.22 shall not apply and,

subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

### § 427.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.32 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

### § 427.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.42 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

### § 427.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.52 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

### § 427.64 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.62 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

### § 427.74 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 427.72 shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

[FR Doc. 74-4384 Filed 2-25-74; 8:45 am]

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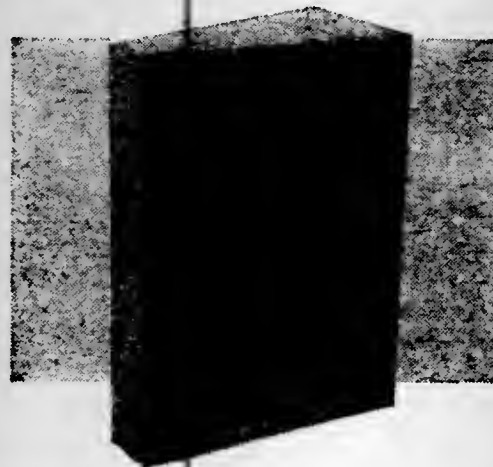
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# February 27, 1974 Federal Register

February 27, 1974—Pages 7537-7766

WEDNESDAY, FEBRUARY 27, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 40

Pages 7537-7766

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NOTE: There were no laws signed by the President during the week.

Weekly List of Public Laws

NOTE: There were no laws signed by the President during the week.

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## Rules and Regulations

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### Title 40—Protection of Environment CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

#### PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES Motor Vehicle Certification Procedures

On February 26, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER, 38 FR 5183, concerning various proposals to amend the motor vehicle certification procedures contained in 40 CFR 85. Interested persons were given until April 27, 1973, to submit written comments on the proposal, and such comments were received from the Motor Vehicle Manufacturers Association, American Motors, British Leyland, Caterpillar Tractor, Chrysler, Cummins Engine, Fiat, Ford, General Motors, Peugeot, Renault, Toyota, Volkswagen, and Volvo. Numerous changes from the proposal have been made in the final rules as a result of these comments, though their basic structure remains essentially the same.

*Explanatory statement.* Four major purposes are intended to be served by today's amendments.

1. EPA practice under the Clean Air Amendments of 1970 has been, and will continue to be, to place a major share of the responsibility for certification testing of motor vehicles on the applicant manufacturer. This approach, besides relieving EPA of an administrative burden, benefits the manufacturer by leaving his personnel in control of many aspects of the testing organization. At the same time, the inevitable conflict of interest imposed on the applicant makes stringent monitoring of these tests by EPA personnel advisable to ensure that the Administrator is provided with the accurate test data he must have before deciding that certification is in order.

These regulations codify and extend some aspects of EPA practice in this field by spelling out exactly what records and other documents concerning certification must be retained, and for how long. The procedures by which the right of inspection contained in sections 206 and 208 of the Clean Air Act will be exercised are also specified. Finally, the regulations provide that any failure to maintain or submit required information or to permit required inspections will raise doubts about the reliability of the data affected that may well be serious enough to preclude EPA reliance on it.

2. Unless there is proof that production cars for a model year will closely resemble the vehicles used for certification

testing, the fact that prototype cars pass the certification tests is not sufficient evidence that the production models will meet emission standards. Accordingly, these regulations provide that cars which are not in all material respects of the same design as the vehicles actually described in the application, tested (if applicable), and certified will be considered to be uncertified. These regulations also increase the information that must be made available on the processes used in the build-up of prototype vehicles. Specifically, records reflecting the methods and processes employed in the construction of the prototype test vehicles are required to be maintained. The proposed regulations stated that a test vehicle might be rejected if the Administrator found that it was built using a process substantially different from the one to be used in building the corresponding production vehicle. That provision has been deleted from the regulations promulgated today, and will be the subject of future rulemaking. This change was made in order that EPA could consider, in more detail, the questions raised by the automobile industry concerning building processes.

3. In 1972, approximately 11.0 million new cars were sold in this country. About 2.0 million, or 18 percent, were imports. In the last 4 years, the imports' share of the market has never been less than 10 percent.

Without exception, the manufacturers of these imports have located their production and certification testing facilities overseas. Nothing in the Clean Air Act or the regulations under it forbids that choice. However, these regulations make clear that all testing and production facilities, wherever located, are subject to the same recordkeeping and inspection requirements. Since these requirements are necessary to ensure the integrity of the testing process, and the conformity of production cars to the requirements of the certificate, tests which are not subject to them cannot be considered reliable, nor can there be assurance that production facilities not subject to them are producing cars that conform to the certificate. In addition, to fail to apply these requirements to facilities located overseas would discriminate unjustly against domestic manufacturers in favor of their foreign competition.

These amendments will apply even to facilities located in jurisdictions where local law forbids the kind of summary inspections they allow. Though it is well established that American courts will not order a person to disclose documents or other information located in a for-

ign jurisdiction that forbids such disclosure, the reason behind that rule is to avoid a conflict of laws, and is not applicable here. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to ensure the accuracy of data generated at a facility or the conformity to design requirements of cars produced at it, no informed judgment that a car is certifiable or covered by a certificate can properly be made. It is the responsibility of the manufacturer to locate his testing and production facilities in jurisdictions where this situation will not arise.

4. Finally, the amendments expressly authorize the Administrator (i) to reject an application for a certificate of conformity if the manufacturer who applies for it employs a scheme which, except under certain conditions, renders the emission control system partly or wholly ineffective under conditions reasonably expected to be encountered in normal urban vehicle use, (ii) to withhold, deny, suspend, or revoke a certificate of conformity if the applicant submits false or incomplete certification information, renders inaccurate or invalid the test results by which conformity is to be judged or otherwise circumvents the intent of the Act or denies to an EPA Enforcement Officer access or reasonable assistance in the conduct of authorized inspections, and (iii) to deem void ab initio a certificate issued in reliance on information or data submitted by the manufacturer and known by him to be false, incomplete, inaccurate, or invalid.

*Comments received.* The comments submitted on notice of proposed rule making fell overwhelmingly into two categories, the first questioning EPA's legal authority to adopt some of the measures proposed, and the second objecting on technical and organization grounds to various details of the proposal. EPA maintains that the measures proposed in February are all within its legal power to adopt, and therefore no significant change has been made in the rules on account of the first category of comments. However, many of the comments in the second category have been found constructive and responsive changes have been incorporated in the rules as promulgated.

*I. Legal authority.* The domestic auto companies, through comments submitted on their behalf by the Motor Vehicle Manufacturers Association, argue that EPA lacks both statutory and constitutional authority to promulgate these inspection rules and to enforce them by

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making compliance with them a condition of the certificate of conformity issued under section 206. This position, however, is not supported either by the text of the Clean Air Act, or by the governing cases on the relevant constitutional provisions.

A. *Statutory authority.* The existence of statutory authority for these measures can best be demonstrated by dividing the cases in which an inspection will be authorized into three categories and discussing each one separately. However, the division is somewhat artificial in that points made under one heading will often be applicable to the other two as well.

1. *Inspection of certification records and facilities to help EPA decide whether a certificate should be issued.* Section 203 of the Clean Air Act, 42 U.S.C. 18571-2, provides that no new automobile may be sold in this country unless it is covered by a certificate of conformity issued by the Administrator of the Environmental Protection Agency. Section 206(a)(1), in turn requires that the Administrator "test, or require to be tested in such manner as he deems appropriate" any new motor vehicle to make sure it conforms to the applicable emissions standards and other regulations implementing section 202 before he may issue a certificate for it.

The question whether the Administrator can conclude with confidence that a test vehicle meets the standards is inseparable from the question whether he can conclude with confidence that the test procedures laid down by EPA for the testing of such vehicles have been rigorously observed. Plainly serious questions would arise as to whether that second conclusion was justified if representatives of the Administrator were denied or restricted in their access to the facilities where certification testing is carried out, or to the records concerning such tests. The regulations promulgated today recognize and spell out the implications of that fact and attempt to ensure that no such doubts about the integrity of the testing process will arise.

In addition to these considerations based on statutory purpose, the text of section 206(a)(1) explicitly authorizes such requirements when it states in the alternative that EPA may either test certification vehicles itself, or may delegate that responsibility to the manufacturers. EPA interprets this statement in the alternative to mean that tests conducted by the manufacturers must be in all respects bearing on their accuracy and integrity the equivalent of tests conducted by EPA. It follows that regulations designed to ensure EPA the same degree of access to these facilities are authorized.

2. *Inspection of certification records and facilities to determine the validity of a certificate already issued.* Ford and General Motors concede that a certificate which has already been issued may be suspended or revoked if EPA's decision to grant it was based on false or incomplete information or on data rendered inaccurate or invalid by the manufac-

turer. No other answer is possible—if a vehicle was in fact not tested in conformity with the required procedures, the regulatory preconditions for issuing a certificate have simply not been met, even though it may have appeared at one time that they had been. If the manufacturer knowingly misleads the Administrator into reliance on faulty information or data, it is EPA's further opinion that the fraudulent nature of the act serves to invalidate the certificate from the beginning.

Given that EPA has power under the Clean Air Act to grant and revoke a certificate, it follows that Congress must also have intended to confer on the Administrator the authority to make the kind of inspections of records and facilities that are necessary to make the exercise of that power more than a perfunctory practice. In order for the Administrator to determine that the certificate issued was not based on false or incomplete information, he must make inspection of records and facilities of the manufacturer to obtain the facts necessary to form a basis for that determination. If EPA operated the certification facilities itself, it would of course be free to make such inspections, and, as concluded above, Congress intended certification facilities run by manufacturers to be fully as open as those run by EPA.

Though this logic alone would be enough to justify issuance under EPA's general rule-making power of the regulations approved today, there is also a specific statutory locus of such authority. That is section 206(c), which provides in very broad terms for comprehensive EPA inspection of certification testing facilities and records concerning them.

Nowhere in the Act is there an expressed provision for judicial enforcement of the section 206(c) inspection requirements with regard to access to facilities, processes, and controls, although that authority is explicitly granted in each of the other instances where Federal inspections are provided for by the statute. Compare sections 113(b), 114, 203(a)(2), 208 and 307(a); 42 U.S.C. § 1857c-3(b), 1857c-9, 18571-2(a)(2), 1857h-5(a).

Congress would not have included a right of access under section 206(c) in the Clean Air Act if it had not intended it to be enforceable even against an unwilling manufacturer. It can be argued that the term "provide such information" in section 208 was intended to be interpreted broadly to include all the rights in section 206 including the right of access to facilities, processes, and controls. But even assuming (as EPA believes) that this is the proper interpretation of § 208, we are dealing here with section 206, and it is still true that the lack of any provision for judicial enforcement of that section indicates that Congress did not intend the courts to be the primary avenue for its enforcement.

This in turn suggests that Congress intended that this particular right of inspection be administratively enforced.

By far the most logical and legally defensible method of such administrative enforcement is through a term in the certificate itself.<sup>1</sup>

3. *Inspections of production design and assembly facilities.* Certification testing by its nature, can only be carried out on prototype samples of a given model line, and yet the certificate must be read to cover all the production cars of that model which the manufacturer intends to sell. This has been true since certification testing first began under the Motor Vehicle Air Pollution Act of 1965.

A question plainly arises as to the degree of similarity that must exist between a certification and a production vehicle before a conclusion that the latter is covered by the certificate issued to the former will be justified. The statute originally provided that a certificate would only cover vehicles "in all material respects of substantially the same construction" as the vehicle actually tested and certified. Though this language was dropped out of the statute in 1970, the same language has continued to be included in certificates. It is EPA's opinion that in dropping this phrase, Congress did not intend any change in the philosophy of the certification program, but merely meant to confer discretion on the Administrator in choosing the form of language when he issued certificates "upon such terms . . . as he may prescribe." The certificate language is changed by today's regulations to state that production vehicles must conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification before they will be covered.

If EPA has power to include a substantive term in the certificate to define

<sup>1</sup> A mingled question of statutory interpretation and administrative practicability also supports the notion that inspections under section 206 should be enforced through conditions in the certificate of conformity. Congress clearly intended foreign manufacturers selling cars in this country to be subject to the same certification testing requirements as domestic manufacturers. Inspections are an integral part of these procedures.

However, any attempt to enforce inspection requirements on foreign companies through orders obtained from American courts would face serious obstacles, in addition to those that would accompany any attempt at judicial enforcement of section 206 on the domestic scene. Jurisdiction would have to be obtained either by serving the foreign company directly, or through a subsidiary in this country. Enforcement would be contingent on finding an entity affiliated with the company in this country that could be penalized for non-compliance. Finally, the courts might be reluctant to assert extra-territorial jurisdiction by issuing an order directing a foreign company to take certain action on foreign soil.

By contrast, to condition the certificate of conformity on consent to such inspections would not involve any extraterritorial extension of judicial authority. It would simply set conditions under which goods may be imported into this country, an exercise of the commerce power clearly justified both under the Constitution and under usual concepts of private international law.

the substantive relationship between vehicles described in the application for certification and production vehicles, it follows that it has power to include further, subordinate, procedural terms to ensure that the substantive term is lived up to in practice. Any other conclusion would rob the certification program of regulatory content by reducing it to a means of assuring that a few prototype cars meet the standards without any effective corresponding way of checking on whether millions of production vehicles are in fact designed to the same standard-meeting specifications as the prototype on which they are said to be modeled. Hence, inspections of production design and assembly facilities may be enforced through a term in the certificate.

There is a separate, independent reason why consent to assembly-line visits may be made a term of the certificate. Section 206(c) provides for inspections of assembly plants "for the purpose of conducting tests of vehicles or engines". EPA interprets the word "tests" to include actions taken to determine either directly, e.g., by emission tests, or by inference, e.g., by examining the conformity of the vehicle to certified design specification, whether a vehicle is in conformity with the prescribed emissions standards. Action of each type serves the same statutory purpose of determining that production vehicles conform with the regulations with respect to which the certificate of conformity was issued.

In addition, it should be pointed out that section 208(a) of the Clean Air Act, 42 U.S.C. 18571-6(a), provides comprehensively that:

Every manufacturer shall establish and maintain records, make such reports, and provide such information as the Administrator may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this part and regulations thereunder and shall, upon request of an officer or employee duly designated by the Administrator, permit such officer or employee at reasonable times to have access to and copy such records.

The regulations approved today define these legal requirements more precisely by specifying exactly what records must be kept, when and in what manner information must be provided and when and in what manner EPA employees may have access to these records and receive this information. Although the primary authority for the regulations providing for inspections of facilities and interviews of employees is section 206, as demonstrated above, it is EPA's position that these requirements are also a proper administrative definition of the scope of a manufacturer's duty to furnish "information" under section 208.

B. *Constitutional validity.* The domestic auto makers object on Constitutional (and other) grounds both to the requirement that EPA Enforcement Officers be allowed to interview their employees and to the conduct by EPA of unannounced, warrantless inspections.

However, if the right to gather information for the purposes outlined above

is to have the necessary scope, EPA employees must be able both to obtain access to any such information that has not been reduced to writing, and to have information that is incomplete or confusing supplemented or clarified. These inspections, after all, are not for the purpose of inquiring into work that the auto makers have done on their own for their own purposes, but to examine the efforts they have made to comply with the requirements of a statute that EPA is charged with administering.

The only constitutional requirements that can legitimately be said to bear on this right to ask questions are the Fifth Amendment privilege against self-incrimination and the right to counsel guaranteed by the Sixth Amendment. However, the cases in which these amendments will be a factor cannot be expected to be frequent. The right to "Miranda" warning only attaches when a specific criminal investigation is underway and has "focused" on the individual in question. The only criminal statutes that could be relevant to an inquiry under these regulations are section 113 of the Clean Air Act, which forbids any person to supply false information to EPA, and 18 U.S.C. 1001, which forbids essentially the same thing in more general term. In any event, a corporation has no Fifth Amendment rights against being incriminated by the testimony of its employees.

The Administrative Procedure Act provides that "A person compelled to appear in person before an agency or representative thereof is entitled to be accompanied, represented and advised by counsel." 5 U.S.C. 555(b). The regulations approved today do not compel an employee to appear before an EPA Enforcement Officer until a written request for his appearance signed by EPA's Assistant Administrator for Enforcement and General Counsel has been served on his employer. Accordingly the right to counsel under the APA does not attach until then. The regulations specify that no lawyer who represents an employee being questioned by EPA may represent any other person involved in the investigation. This requirement is patterned on a long-standing SEC regulation, 17 CFR 203.7(b).

The constitutional objections to the warrantless nature of the search requirements promulgated today are similarly without substance.

The law is clear that a government license can be conditioned on consent to warrantless inspections. This was stated in dictum in "See v. Seattle," 387 U.S. 541, 546 (1967) ("[W]e [do not] question such accepted regulatory techniques as licensing programs which require inspections prior to . . . marketing a product") and "Colonnade Catering v. United States," 397 U.S. 72, 73 (1970).

In "Wyman v. James," 400 U.S. 309, 317-18, 325-26 (1971), the Supreme Court upheld warrantless visits of welfare workers to the homes of welfare recipients largely on the ground that "the visitation in itself is not forced or com-

pelled, [by criminal penalties] and the denial of permission [for the visit] is not a criminal act. If consent to the visitation is withheld, no visitation takes place. The [welfare] aid then never begins or merely ceases, as the case may be."

If the term "certification" is substituted for the word "aid", the logic of this passage applies exactly to EPA visits to assembly lines. Just as the case worker visits the home to make sure that the preconditions to welfare assistance are still being met so the EPA Inspector visits the assembly line to check on whether the preconditions of coverage by a certificate are present.

In the case of certification facilities, the argument is far stronger, for welfare recipients do not run their homes for the benefit of the welfare agency, while certification facilities have been established for the sole purpose of performing a function which would otherwise be performed by EPA.

Even if the licensing aspect of EPA's motor vehicle emissions control program is disregarded, the extensive pattern of regulation the Clean Air Act contemplates, and the need for summary inspections if the purpose of the statute is to be served, would be enough to justify warrantless searches. Warrantless searches of premises and records under Federal statutes as part of a comprehensive plan for the regulation of an economic enterprise have recently been upheld by the Supreme Court. "Colonnade Catering Corp. v. U.S.," 397 U.S. 72 (1970); "United States v. Biswell," 92 S. Ct. 1593 (1972).

In the latter case, which upheld a statute that required gun dealers to keep comprehensive records and to allow Federal investigators free access both to those records and to their business premises, Justice White said:

Here, if inspection is to be effective and serve as a credible deterrent, unannounced, even frequent, inspections are essential. In this context, the prerequisite of a warrant could easily frustrate inspection; and if the necessary flexibility as to time, scope and frequency is to be preserved, the protections afforded by a warrant would be negligible. It is also plain that inspections for compliance with the Gun Control Act pose only limited threats to the dealer's justified expectations of privacy. When a dealer chooses to engage in this pervasively regulated business and to accept a federal license, he does so with the knowledge that his business records, firearms, and ammunition will be subject to effective inspection. 92 S. Ct. 1597.

This logic applies exactly to the regulations promulgated today. In many instances, evidence of non-conformity with certification procedures or the terms of the certificate can be quickly and easily concealed. Non-conformity with certification procedures take the form of unauthorized maintenance of which no records are kept, misrecording of test data, failure to follow the prescribed procedures regarding mileage accumulation, malfunction diagnosis by emission testing and the like. Similarly, a production vehicle may not conform with the certificate because the certificate requires produced vehicles to conform to the same



design specifications pertaining to emission-related components and systems as those vehicles described in the application for certification. Slight changes in such design specifications can result in significantly increased emissions and at the same time serve the manufacturers' purpose of improving vehicle driveability.

Many of the comments suggested possible kinds of misunderstandings or other difficulties that might arise from making unannounced inspection visits. These concerns are valid. In many, perhaps most, cases it will be to the mutual advantage of EPA and the auto companies to consult before inspections or interviews, and that will be done. Accordingly the regulations provide for 24 hours prior written or oral notice. But regulations must attempt to provide for every case, not just a category of them, and in some instances it may well be necessary for EPA to make unannounced inspections, and carry out individual interviews, if the requirements of the Act are to be enforced. Unannounced inspections shall be authorized by the Assistant Administrator for Enforcement and General Counsel.

II. "Defeat devices." Manufacturers objected to the lack of specific criteria in the definition of "defeat devices" and to its inclusion in the statement of reasons for refusal to issue or revocation of a certificate. They raised the possibility that a certificate would be denied on this ground after certification testing had been completed for reasons that could not have been anticipated.

In response to these comments, the description of "defeat devices" has been expanded by inclusion of two definitions originally contained in MSPC Advisory Circular No. 24 (December 11, 1972). Not only does this language itself provide a more precise definition of what is forbidden, but its inclusion makes relevant the Administrator's orders of December 15, 1972, characterizing certain devices, but not others, as unacceptable to EPA, and the subsequent modification of some of those orders as a result of administrative proceedings. Since these orders and the subsequent proceedings interpreted and applied MSPC Advisory Circular No. 24, they are equally applicable to the interpretation of the same language as set forth in these regulations.

Second, the language concerning "defeat devices" has been removed from the "denial of certification" section, and placed in the sections that specify the contents and acceptability of certification applications. The changed version is a more logical and equitable approach since the question of whether a given modulating device is not permissible is one which can and should be decided before a manufacturer has performed his certification testing.

Because of this shift, section 202 of the Clean Air Act has been added to the cited sections supporting the regulations issued today. While it is true that section 202 standards should be set primarily in terms of a test procedure, not test can cover everything, and it is con-

sistent with the intent of the statute that regulations under that section provide for the maximum practicable reduction in overall auto emissions by mandating that no device, except under certain conditions, be used which has the effect of reducing emissions control performance in circumstances not encountered in the certification test cycle.

The legal effect of this change will be that production vehicles which incorporate any such device that was not described in the application, will not be covered by the certificate.

III. Detailed suggestions. A great many of the comments received addressed the record-keeping requirements of the proposed regulations. The regulations approved today have been revised in response to each of the major points made. Specifically:

1. Several manufacturers pointed out that since certification vehicles are constructed by taking vehicles of the current model year off the assembly line and modifying them, it was unrealistic to require that detailed records be kept from the time construction of a certification vehicle was begun. The regulations have accordingly been modified so that record-keeping will begin when the vehicle is selected for modification. The requirement that prototype vehicles be built by the same process as production vehicles has been deleted pending further analysis of the automobile manufacturers' comments concerning build processes. Nevertheless, the requirement to maintain records pertaining to build processes is retained so that additional information concerning the general practice in this area can be obtained.

2. The proposed requirements for description and possible inspection of each part of the vehicle if read literally would have applied to parts that have no conceivable relation to emissions, such as a door lock or a rear window heater. It is EPA's intent that the descriptions should only cover changes, components, and processes that may reasonably be expected to have an effect on emissions, and §§ 85.006(a)(2)(i)(A) and 85.006(c)(3)(i) have been amended accordingly.

3. The requirement that a vehicle history physically accompany the vehicle drew almost universal objection on the ground that the security, completeness, and integrity of the records can be better assured if they are kept by a separate staff at a central place. This argument seems justified, and the regulations have been modified to allow that. In addition, the requirement that the vehicle log be updated daily has been somewhat relaxed, as has the requirement that the names of all persons taking part in an emissions test be listed, and the language requiring a listing of vehicle operation and test results has been somewhat revised.

4. Some manufacturers objected to the requirement that maintenance be justified by a recitation of why the average driver would have chosen to have it performed. The language has been deleted because its purpose was mooted by regu-

lations promulgated at 38 FR 14682 (June 4, 1973) concerning certification vehicle maintenance.

5. Other comments noted that when an EPA enforcement officer in the course of his duties learns trade secrets of a manufacturer, he, and EPA, should keep them secret. This subject is already adequately covered by EPA's Freedom of Information Act regulations set forth at 40 CFR Part 2; there is no need to state explicitly that they will govern here.

The following minor changes and additions have also been made:

1. Chrysler's suggestion that all EPA testing be non-destructive has been accepted.

2. GM suggested that the definition of "emissions tests" in § 85.006(a)(2)(i)(B) should be revised to state explicitly that these are tests of the nature specified by EPA. This has been done.

3. Paragraph (a)(4) of § 85.006 has been reworded as GM suggests to permit the retention of records on microfilm or in computer memories.

4. GM made a suggestion for improving the predictive accuracy of certification test procedures through the use of more sophisticated statistical techniques. This is one of a number of suggestions for statistical refinements in these procedures that EPA has received in recent months. We solicit detailed and comprehensive comments on this subject from interested parties with a view to addressing it in rule-making proceedings at some future date.

5. The final regulations require that all manufacturers seeking certification must submit multiple copies of their application and any amendments thereto in addition to multiple copies of all other notifications and reports required by the regulations as the Administrator may require.

These regulations are issued under authority of the following sections of the Clean Air Act, as amended:

(Sec. 202, 79 Stat. 992, as amended by sec. 6 (a), 84 Stat. 1690, 42 U.S.C. 1857f-1; 206 (Sec. 206, 79 Stat. 994, as amended by Section 8 (a), 84 Stat. 1694, 42 U.S.C. 1857f-5); 208 (Sec. 207, 79 Stat. 994, 42 U.S.C. 1857f-6); and 301(a) (Sec. 301(a), 81 Stat. 504, as amended by Sec. 15(c), 84 Stat. 1713, 42 U.S.C. 1857g(a).)

They implement sections 202, 206, and 208 of the Clean Air Act.

They shall take effect March 29, 1974.

Dated: February 15, 1974.

JOHN QUARLES,  
Acting Administrator.

Part 85 of 40 CFR Chapter I, is hereby amended as follows:

1. Section 85.002(a) is amended by adding new subparagraphs (28), (29), and (30) reading as follows:

§ 85.002 Definitions.

(a) . . .  
(28) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(29) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(30) "Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirements of engine starting.

2. Paragraphs (a)(1), (a)(3), and (b)(1) of § 85.005 are revised and paragraph (a)(4) is added as follows:

§ 85.005 Hearings on certification.

(a)(1) After granting a request for a hearing under § 85.073-3, § 85.074-3 and § 85.075-3 or § 85.073-30, § 85.074-30 and § 85.075-30, the Administrator will designate a Presiding Officer for the hearing.

(3) If a time and place for the hearing has not been fixed by the Administrator under §§ 85.073-3, 85.074-3 and 85.075-3 or 85.073-30, 85.074-30 and 85.075-30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to §§ 85.073-30(c)(5)(i), 85.074-30(c)(5)(i) or 85.075-30(c)(5)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under §§ 85.073-3, 85.074-3, and 85.075-3 or 85.073-30, 85.074-30, and 85.075-30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

3. Paragraphs (a) and (c) of § 85.006 are revised to read as follows:

§ 85.006 Maintenance of records; submission of information; right of entry.

(a) The manufacturer of any new motor vehicle subject to any of the stand-

ards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) General records. (i) (A) Identification and description of all certification vehicles for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification vehicle. (C) A description of all procedures used to test each such certification vehicle. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a)(1).

(2) Individual records. (i) A brief history of each motor vehicle used for certification under this subpart in the form of a separate booklet or other document for each separate vehicle in which shall be recorded:

(A) In the case where a current production engine is modified for use in a certification vehicle, a description of the process by which the engine was selected and of the modifications made, giving specifically the place of modification and installation of the engine into the certification vehicle and the person(s) in charge of modification and installation. In the case where the engine for a certification vehicle is not derived from a current production engine, a general description of the build up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and installation into a certification vehicle and the person(s) in charge of engine assembly and installation. In both cases above, a description of the origin and selection process for the carburetor, distributor, fuel system, emission control system components, and exhaust aftertreatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle with respect to its engine, drive train, fuel system, emission control system components, exhaust aftertreatment device, weight or any other device or component that can reasonably be expected to influence exhaust or evaporative emissions will be representative of production vehicles and that either all components and/or vehicles construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles are reasonably likely to be implemented for production vehicles or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.075-9 through 85.075-27 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test; the number of miles accumulated on the vehicle when the test began and ended; and the

names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each mileage accumulation run, listing both the mileage accumulated and the name of each driver or each operator of the automatic mileage accumulation device.

(D) If used, the record of any devices employed to record the speed and/or mileage in relationship to time of the test vehicle.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the vehicle was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the vehicle during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents or driver speeding citations or warnings.

(i) Each such history shall be started on the date that the first of any of the selection or build up activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification vehicle, shall be updated each time the operational status of the vehicle changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of vehicles for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, provided. That in every case all the information contained in the hard copy shall be retained.

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.



(ii) Any facility where any new motor vehicle which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such a vehicle into a certification vehicle is taking place or has taken place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle preconditioning, emissions tests and mileage accumulation, maintenance, and vehicle soak and storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification vehicle and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicles conform in all material respects to the design specifications which applied to those vehicles described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production vehicles is located or carried on; and

(ii) Any facility where any motor vehicles to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) to inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) to inspect and make copies of any such records, documents or designs; and

(iii) to inspect and photograph any part or aspect of any such new motor vehicles and any component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such rea-

sonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that a vehicle or engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all times during which testing, maintenance, mileage accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to vehicle manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any vehicle which is being, has been, or will be used for certification testing. Such tests shall be non-destructive, but may require appropriate mileage accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the af-

fecting manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

4. Paragraph (b)(1) of § 85.075-2 is revised and paragraph (c) is added as follows:

**§ 85.075-2 Application for certification.**

(b) . . .

(1) Identification and description of the vehicles covered by the application and a description of their engine, emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle.

(c) Complete copies of the application and of any amendments thereto, and all notifications under §§ 85.075-32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

5. Section 85.075-3 is amended to read as follows:

**§ 85.075-3 Approval of application for certification; test fleet selections.**

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.075-5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed mileage accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.005 with respect to such issue.

6. Paragraph (b)(2) of § 85.075-29 is amended by adding the following after "established by the manufacturer":

**§ 85.075-29 Testing by the Administrator.**

(b) . . .

(2) . . . : And further provided, That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or

has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

7. Paragraphs (a)(1), (a)(2) and the first sentence of paragraph (b)(3) of § 85.075-30 are amended and paragraph (c) is added as follows:

**§ 85.075-30 Certification.**

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.006(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the ----- model year production period of the said manufacturer, as defined in 40 CFR 85.002(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.006(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.006(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.075-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.075-30(c).

(b) . . .

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.075-29, data or information derived from any inspection carried out under § 85.006(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c)(1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.006(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.006(c)) in examining any of the items listed in paragraph (c)(1) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.006(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.005 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of

the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.005. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he will grant the request with respect to such issue.

8. Paragraph (b)(1) of § 85.074-2 is revised and paragraph (c) is added as follows:

**§ 85.074-2 Application for certification.**

(b) . . .

(1) Identification and description of the vehicles covered by the application and a description of their engine, emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle.

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.074-32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

9. Section 85.074-3 is amended to read as follows:

**§ 85.074-3 Approval of application for certification; test fleet selections.**

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.074-5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed mileage accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.005 with respect to such issue.



10. Paragraph (b) (2) of § 85.074-29 is amended by adding the following after "established by the manufacturer":

§ 85.074-29 Testing by the Administrator.

(2) . . . . And further provided, That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of their further information.

11. Paragraphs (a) (1), (a) (2) and the first sentence of paragraph (b) (3) of § 85.074-30 are amended and paragraph (c) is added as follows:

§ 85.074-30 Certification.

(a) (1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.006(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the . . . . . model year production period of the said manufacturer, as defined in 40 CFR 85.002(a) (3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.006(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.006(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.074-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.074-30(c).

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.074-29, data or information derived from any inspection carried out under § 85.006(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet

applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c) (1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.006(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.006(c)) in examining any of the items listed in paragraph (c) (1) (iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c) (1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c) (1) (iii), or (c) (1) (iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.006(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c) (1) (iii) or (c) (1) (iv) of this section, shall have the burden of establishing that conten-

tion to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c) (1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.005 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b) (3) of this section that any determination made by the Administrator under paragraph (c) (1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.005. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

12. Paragraphs (a) (1), (a) (2) and the first sentence of paragraph (b) (3) of § 85.073-30 are amended and paragraph (c) is added as follows:

§ 85.073-30 Certification.

(a) (1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.006(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

2. Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the . . . . . model year production period of the said manufacturer, as defined in 40 CFR 85.002(a) (3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.006(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.006(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.073-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.073-30(c).

(b) . . . .

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.073-29, data or information derived from any inspection carried out under § 85.006(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c) (1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.006(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in paragraph (c) (1) (iii) (C) of this section, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.006(c)) in examining any of the items listed in paragraph (c) (1) (iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (c) (1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c) (1) (i) or (c) (1) (iv) of this section, and in which the Administrator has presented to the manufacturer in-

volved reasonable evidence that a violation of § 85.006(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c) (1) (iii) or (c) (1) (iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c) (1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.005 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b) (3) of this section that any determination made by the Administrator under paragraph (c) (1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.005. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

13. Section 85.102 is amended by adding new paragraphs (a) (21), (22), and (23) reading as follows:

§ 85.102 Definitions.

(a) . . . .

(21) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(22) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(23) "Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedures, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirements of engine starting.

14. Paragraphs (a) (1), (a) (3), and (b) (1) of § 85.105 are revised and paragraph (a) (4) is added as follows:

§ 85.105 Hearings on certification.

(a) (1) After granting a request for a hearing under § 85.175-3 or § 85.175-30, the Administrator will designate a Presiding Officer for the hearing.

(3) If a time and place for the hearing have not been fixed by the Administrator under § 85.175-3 or § 85.175-30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 85.175-30(b) (4) (i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b) (1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of a notice issued by the Administrator under § 85.175-3 or § 85.175-30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

15. Paragraphs (a) and (c) of § 85.106 are revised to read as follows:

§ 85.106 Maintenance of records; submission of information; right of entry.

(a) The manufacturer of any new motor vehicle subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) General records. (i) (A) Identification and description of all certification vehicles for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification vehicle. (C) A description of all procedures used to test each such certification vehicle. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a) (1).

(2) Individual records. (i) A brief history of each motor vehicle used for certification under this subpart in the form of a separate booklet or other document for each separate vehicle in which shall be recorded:

(A) In the case where a current production engine is modified for use in a certification vehicle, a description of the process by which the engine was selected, and of the modifications made, giving specifically the place of modification and

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installation of the engine into the certification vehicle and the person(s) in charge of modification and installation. In the case where the engine for a certification vehicle is not derived from a current production engine, a general description of the build up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and installation into a certification vehicle and the person(s) in charge of engine assembly and installation. In both cases above, a description of the origin and selection process for the fuel injection components, fuel system, emission control system components, and exhaust aftertreatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle with respect to its engine, drive train, fuel system, emission control system components, exhaust aftertreatment device, weight or any other device or component that can reasonably be expected to influence exhaust emissions will be representative of production vehicles and that either all components and/or vehicle construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles are reasonably likely to be implemented for production vehicles or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.175-9 through 85.175-23 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test; the number of miles accumulated on the vehicle when the test began and ended; and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each mileage accumulation run, listing both the mileage accumulated and the name of each driver or each operator of the automatic mileage accumulation device.

(D) If used, the record of any devices employed to record the speed and/or mileage in relationship to time of the test vehicle.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the vehicle was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the vehicle during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents or driver speeding citations or warnings.

(ii) Each such history shall be started on the date that the first of any of the selection or build up activities in paragraph (a) (2) (i) (A) of this section occurred with respect to the certification vehicle, shall be updated each time the operational status of the vehicle changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of vehicles for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer. *Provided*, That in every case all the information contained in the hard copy shall be retained.

(c) (1) Any manufacturer who has applied for certification of a new motor vehicle subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such a vehicle into a certification vehicle is taking place or has taken place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c) (1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle preconditioning, emissions tests and mileage accumulation, maintenance, and vehicle soak and storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certifica-

tion vehicle and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicles conform in all material respects to the design specifications which applied to those vehicles described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production vehicles is located or carried on; and

(ii) Any facility where any motor vehicles to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c) (3) of this section, any EPA Enforcement Officer shall be allowed:

(i) to inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) to inspect and make copies of any such records, documents, or design; and

(iii) to inspect and photograph any part or aspect of any such new motor vehicles and any component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the application controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that a vehicle or engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all

times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c) (7) (ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all times during which testing, maintenance, mileage accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to vehicle manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any vehicle which is being, has been, or will be used for certification testing. Such tests shall be non-destructive, but may require appropriate mileage accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

16. Paragraph (b) (1) of § 85.175-2 is revised and paragraph (c) is added as follows:

#### § 85.175-2 Application for Certification.

(b) . . . . .

(1) Identification and description of the vehicles covered by the application and a description of their engine, emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle.

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.175-32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

17. Section 85.175-3 is amended to read as follows:

#### § 85.175-3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.175-5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed mileage accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The requests shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.105 with respect to such issue.

18. Paragraph (b) (2) of § 85.175-29 is amended by adding the following after "established by the manufacturer":

#### § 85.175-29 Testing by the Administrator.

(b) . . . . .

(2) . . . . . And further provided, that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

19. Paragraphs (a) (1), (a) (2) and the first sentence of paragraph (b) (3) of § 85.175-30 are amended and paragraph (c) is added as follows:

#### § 85.175-30 Certification.

(a) (1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.106(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this

subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the ---- model year production period of the said manufacturer, as defined in 40 CFR 85.102(a) (3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.106(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.106(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.175-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.175-30(c).

(b) . . . . .

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.175-29, data or information derived from any inspection carried out under § 85.106(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c) (1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.106(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build-up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in (C) of this subdivision, or

(E) Any records, documents, reports and histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.106(c)) in examining any of the items listed in paragraph (c) (1) (iii) of this section.

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(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c) (1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c) (1) (iii), or (c) (1) (iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.106(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c) (1) (iii) or (c) (1) (iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c) (1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.105 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b) (3) of this section that any determination made by the Administrator under paragraph (c) (1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.105. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

20. Section 85.202(a) is amended by adding new subparagraphs (26), (27) and (28) reading as follows:

**§ 85.202 Definitions.**

(a) . . .

(26) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(27) "Auxiliary Emission Control Device (AECDD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modu-

lating, delaying, or deactivating the operation of any part of the emission control system.

(28) "Defeat Device" means an AECDD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECDD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECDD does not go beyond the requirements of engine starting.

21. Paragraphs (a) (1), (a) (3), and (b) (1) of § 85.205 are revised and paragraph (a) (4) is added as follows:

**§ 85.205 Hearings on certification.**

(a) (1) After granting a request for a hearing under § 85.275-3 or § 85.275-30, the Administrator will designate a Presiding Officer for the hearing.

(3) If a time and place for the hearing have not been fixed by the Administrator under § 85.275-3 or § 85.275-30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 85.275-30(b) (4) (i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b) (1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under §§ 85.275-3 or 85.275-30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

22. Paragraphs (a) and (c) of § 85.206 are revised to read as follows:

**§ 85.206 Maintenance of records; submission of information; right of entry.**

(a) The manufacturer of any new motor vehicle subject to any of the standards or procedures prescribed in this subpart shall establish, maintain, and retain the following adequately organized and indexed records:

(1) *General records.* (i) (A) Identification and description of all certification vehicles for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification vehicle. (C) A description

of all procedures used to test each such certification vehicle. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a) (1).

(2) *Individual records.* (i) A brief history of each motor vehicle used for certification under this subpart in the form of a separate booklet or other document for each separate vehicle in which shall be recorded:

(A) In the case where a current production engine is modified for use in a certification vehicle, a description of the process by which the engine was selected, and the modifications made, giving specifically the place of modification and installation of the engine into the certification vehicle and the person(s) in charge of modification and installation. In the case where the engine for a certification vehicle is not derived from a current production engine, a general description of the build up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and installation into a certification vehicle and the person(s) in charge of engine assembly and installation. In both cases above, a description of the origin and selection process for the carburetor, distributor, fuel system, emission control system components, and exhaust after-treatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle with respect to its engine, drive train, fuel system, emission control system components, exhaust after-treatment device, weight or any other device or component that can reasonably be expected to influence exhaust or evaporative emissions will be representative of production vehicles and that either all components and/or vehicle construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles are reasonably likely to be implemented for production vehicles or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.275-9 through 85.275-27 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test; the number of miles accumulated on the vehicle when the test began and ended; and the names of supervisory personnel responsible for the conduct of the test. (C) The data and times of each mileage accumulation run, listing both the mileage accumulated and the name of each driver or each operator of the automatic mileage accumulation device. (D) If used, the record of any devices employed to record the speed and/or

mileage in relationship to time of the test vehicle. (E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance. (F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test. (G) The dates and times that the vehicle was idle in storage, and in transit or transport. (H) A brief description of any significant events affecting the vehicle during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents or driver speeding citations or warnings.

(I) Each such history shall be started on the date that the first of any of the selection or buildup activities in paragraph (G) (2) (i) (A) of this section occurred with respect to the certification vehicle, shall be updated each time the operational status of the vehicle changes or additional work is done on it, and shall be kept in a designated location.

(J) This paragraph shall apply to the extent practicable to certification testing of vehicles for the 1975 model year and in full to all subsequent model years.

(K) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, provided, That in every case all the information contained in the hard copy shall be retained.

(c) (1) Any manufacturer who has applied for certification of a new motor vehicle subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed. (ii) Any facility where any new motor vehicle which is being, was, or is to be tested is present. (iii) Any facility where any construction process or assembly process used in the modification or build up of such a vehicle into a certification vehicle is taking place or has taken place.

(iv) Any facility where any record or other document relating to any of the above is located. (2) Upon admission to any facility referred to in paragraph (c) (1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle preconditioning, emissions tests and mileage accumulation, maintenance, and vehicle soak and storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification vehicle and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicles conform in all material respects to the design specifications which applied to those vehicles described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production vehicles is located or carried on; and

(ii) Any facility where any motor vehicles to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c) (3) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) To inspect and make copies of any such records, documents or designs; and

(iii) To inspect and photograph any part or aspect of any such new motor vehicles and any component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA

will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that a vehicle or engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c) (7) (ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all times during which testing, maintenance, mileage accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to vehicle manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any vehicle which is being, has been, or will be used for certification testing. Such tests shall be non-destructive, but may require appropriate mileage accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

23. Paragraph (b) (1) of § 85.275-2 is revised and paragraph (c) is added as follows:



**§ 85.275-2 Application for Certification.**

(b) . . . . .

(1) Identification and description of the vehicles covered by the application and a description of their engine, emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle.

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.275-32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

24. Section 85.275-3 is amended to read as follows:

**§ 85.275-3 Approval of application for certification; test fleet selections.**

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.275-5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed mileage accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.205 with respect to such issue.

25. Paragraph (b) (2) of § 85.275-29 is amended by adding the following after "established by the manufacturer":

**§ 85.275-29 Testing by the Administrator.**

(b) . . . . .

(2) . . . . . And further provided, that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

26. Paragraph (a) (1), (a) (2) and the first sentence of paragraph (b) (3) of

§ 85.275-30 are amended and paragraph (c) is added as follows:

**§ 86.275-30 Certification.**

(a) (1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.206(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the model year production period of the said manufacturer, as defined in 40 CFR 85.202(a) (3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.206(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.206(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.275-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.275-30(c).

(b) . . . . .

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.275-29, data or information derived from any inspection carried out under § 85.206(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c) (1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.206(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in paragraph (c) (1) (iii) (C) of this section, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.206(c)) in examining any of the items listed in paragraph (c) (1) (iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (c) (1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c) (1) (iii), or (c) (1) (iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.206(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding denial, revocation, or suspension of certification under either paragraph (c) (1) (ii) or (c) (1) (iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c) (1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.205 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b) (3) of this section that any determination made by the Administrator under paragraph (c) (1) of this section to withhold or deny certification

be reviewed in a hearing conducted in accordance with § 85.205. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

27. Section 85.702(a) is amended by adding new subparagraphs (20), (21), and (22) reading as follows:

**§ 85.702 Definitions.**

(a) . . . . .

(20) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(21) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control system.

(22) "Defeat Device" means and AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirement of engine starting.

28. Paragraphs (a) (1), (a) (3), and (b) (1) of § 85.705 are revised and paragraph (a) (4) is added as follows:

**§ 85.705 Hearings on certification.**

(a) (1) After granting a request for a hearing under §§ 85.773-3 and 85.774-3 or 85.773-30 and 85.774-30, the Administrator will designate a Presiding Officer for the hearing.

(3) If a time and place for the hearing has not been fixed by the Administrator under §§ 85.773-3 and 85.774-3 or 85.773-30 and 85.774-30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to §§ 85.773-30(c) (5) (i) and 85.774-30(c) (5) (i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b) (1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hear-

ing file. The file shall consist of the notice issued by the Administrator under §§ 85.773-3 and 85.774-3 or §§ 85.773-30 and 85.774-30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

29. Paragraph (a) (and (c) of § 85.706 are revised to read as follows:

**§ 85.706 Maintenance of records; submission of information; right of entry.**

(a) The manufacturer of any new motor vehicle engine subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i) (A) Identification and description of all certification engines for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification engine. (C) A description of all procedures used to test each certification engine. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a) (1).

(2) *Individual records.* (i) A brief history of each motor vehicle engine used for certification under this subpart in the form of a separate booklet or other document for each separate engine in which shall be recorded:

(A) In the case where a current production engine is modified for use as a certification engine, a description of the process by which the engine was selected, and of the modifications made, giving specifically the place of modification and the person(s) in charge of modification. In the case where the certification engine is not derived from a current production engine, a general description of the build-up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and the person(s) in charge of engine assembly. In both cases above, a description of the origin and selection process for the carburetor, distributor, and fuel system, emission control components, and exhaust aftertreatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification engine with respect to its fuel system, emission control components, exhaust aftertreatment device, or any other device or component that can reasonably be expected to influence exhaust emissions will be representative of production engines and that either all component and/or engine construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such engines are reasonably likely to be implemented for production engines or that they are as closely analogous as prac-

ticable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.774-9 through 85.774-18 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof, the date, time, purpose, and location of each test, the number of hours accumulated on the engine when the test began and ended, and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each service accumulation listing both the number of operating hours accumulated and the name of each dynamometer operator.

(D) If used, the record of any devices employed to record the engine RPM, and/or horsepower and/or torque in relationship to engine operating time.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the engine was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the engine during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as accidents involving the engine or dynamometer runaway.

(i) Each such history shall be started on the date that the first of any of the selection or build up activities in paragraph (a) (2) (i) (A) of this section occurred with respect to the certification engine, shall be updated each time the operational status of the engine changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of engines for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer,

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provided, That in every case all the information contained in the hard copy shall be retained.

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle engine subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle engine which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or buildup of such an engine into a certification engine is taking place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring engine preconditioning, emissions tests and service accumulation, maintenance, and engine storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification engine and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform in all material respects to the design specification which applied to those engines described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production engines is located or carried on; and

(ii) Any facility where any motor vehicle engines to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) To inspect and make copies of any such records, documents or designs; and

(iii) To inspect and photograph any part or aspect of any such new motor vehicle engine and component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that an engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA enforcement Officer.

(ii) Where engine, or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all during which testing, maintenance, service, accumulation, production or compilation of records, or any other procedure or activity relating to certification testing, to translation of engine designs from the test stage to the production stage, or to engine manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any engine which is being, has been, or will be used for certification testing. Such tests shall be non-destructive, but may require appropriate service accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance,

signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear, will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

30. Paragraph (b)(1) of § 85.774-2(b) is revised and paragraph (c) is added as follows:

§ 85.774-2 Application for certification.

(b) . . . .

(i) Identification and description of the engines covered by the application and a description of their emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test engine.

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.774-32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

31. Section 85.774-3 is amended to read as follows:

§ 85.774-3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.774-5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed service accumulation procedures, test equipment, or fuel, and incorporation of defeat devices on engines described by the application.

(c) Where any part of an application is rejected the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.705 with respect to such issue.

32. Paragraph (b)(2) of § 85.774-29 (b) is amended by adding the following after "established by the manufacturer":

§ 85.774-29 Testing by the Administrator.

(b) . . . .

(2) . . . . And further provided, That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

33. Paragraph (a)(1) and (a)(2) and the first sentence of paragraph (b)(3) of § 85.774-30 are amended and paragraph (c) is added as follows:

§ 85.774-30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.706(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the . . . model year production period of the said manufacturer, as defined in 40 CFR 85.702(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.706(c) which concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.706(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.774-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 85.774-30(c).

(b) . . . .

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.774-29, data or information derived from any inspection carried out under § 85.706(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet

applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c)(1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.706(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or

(B) Any components used or considered for use in its modification or build up into a certification engine, or

(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of an engine described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.706(c)) in examining any of the items listed in paragraph (c)(1) (iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1) (iii), or (c)(1) (iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.706(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1) (iii) or (c)(1) (iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.705 hereof.

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.705. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

34. Paragraph (a)(1) and (a)(2) and the first sentence of subparagraph (b)(3) of § 85.773-30 are amended and paragraph (c) is added as follows:

§ 85.773-30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.706(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the . . . model year production period of the said manufacturer, as defined in 40 CFR 85.702(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.706(c) which concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.706(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.773-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 85.773-30(c).

(b) . . . .

(3) If, after a review of the test reports and data submitted by the manu-



facturer, data derived from any additional testing conducted pursuant to § 85.773-29, data or information derived from any inspection carried out under § 85.706(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c) (1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.706(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or

(B) Any components used or considered for use in its modification or build up into a certification engine, or

(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of an engine described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.706(c)) in examining any of the items listed in paragraph (c) (1) (iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c) (1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c) (1) (iii), or (c) (1) (iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.706(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved

in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c) (1) (iii) or (c) (1) (iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c) (1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.705 hereof.

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b) (3) of this section that any determination made by the Administrator under paragraph (c) (1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.705. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

35. Paragraph (a) of § 85.802 is amended by adding new subparagraphs (25), (26), and (27) reading as follows:

§ 85.802 Definitions.

(a) . . .

(25) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(26) "Auxiliary Emission Control Device (AECDD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(27) "Defeat Device" means an AECDD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECDD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECDD does not go beyond the requirement of engine starting.

36. Paragraphs (a) (1), (a) (3), and (b) (1) of § 85.805 are revised and paragraph (a) (4) is added as follows:

§ 85.805 Hearings on certification.

(a) (1) After granting a request for a hearing under §§ 85.873-3 and 85.874-3 or 85.873-30 and 85.874-30, the Administrator will designate a Presiding Officer for the hearing.

(3) If a time and place for the hearing have not been fixed by the Administrator under §§ 85.873-3 and 85.874-3 or 85.873-30 and 85.874-30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to §§ 85.873-30(c) (5) (i) and 85.874-30(c) (5) (i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b) (1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under §§ 85.873-3 and 85.874-3 or 85.873-30 and 85.874-30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

37. Paragraphs (a) and (c) of § 85.806 are revised to read as follows:

§ 85.806 Maintenance of records; submission of information; right of entry.

(a) The manufacturer of any new motor vehicle engine subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) General records. (i) (A) Identification and description of all certification engines for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification engine. (C) A description of all procedures used to test each certification engine. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a) (1).

(2) Individual records. (i) A brief history of each motor vehicle engine used for certification under this subpart in the form of a separate booklet or other document for each separate engine in which shall be recorded:

(A) In the case where a current production engine is modified for use as a certification engine, a description of the process by which the engine was selected, and of the modifications made, giving specifically the place of modification and the person(s) in charge of modification. In the case where the certification engine is not derived from a current production engine, a general description of the build-up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically

the place of engine assembly and the person(s) in charge of engine assembly. In both cases above, a description of the origin and selection process for fuel injection components, fuel system components and smoke exhaust emission control components shall be included. The required descriptions shall specify the steps taken to assure that the certification engine with respect to its fuel system, smoke exhaust emission control components, or any other device or component that can reasonably be expected to influence exhaust emissions will be representative of production engines and that either all component and/or engine construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such engines are reasonably likely to be implemented for production engines or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.874-9 through 85.874-18 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test; the number of hours accumulated on the engine when the test began and ended; and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each service accumulation listing both the number of operating hours accumulated and the name of each dynamometer operator.

(D) If used, the record of any devices employed to record the engine RPM, and/or horsepower and/or torque in relationship to engine operating time.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the engine was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the engine during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as accidents involving the engine or dynamometer runaway.

(i) Each such history shall be started on the date that the first of any of the selection or build up activities in paragraph (a) (2) (i) (A) of this section oc-

curred with respect to the certification engine, shall be updated each time the operational status of the engine changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of engines for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, provided, That in every case all the information contained in the hard copy shall be retained.

(c) (1) Any manufacturer who has applied for certification of a new motor vehicle engine subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle engine which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such an engine into a certification engine is taking place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c) (1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring engine preconditioning, emissions tests and service accumulation, maintenance, and engine storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification engine and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform in all material respects to the design specification which applied to those engines described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the trans-

lation of the design and construction of engines and emission related components describe in the application for certification or used for certification testing into production engines is located or carried on; and

(ii) Any facility where any motor vehicle engines to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c) (3) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) To inspect and make copies of any such records, documents or designs; and

(iii) To inspect and photograph any part or aspect of any such new motor vehicle engine and component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that an engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph: (i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where engine, or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c) (7) (ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all during which testing, maintenance, service accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of engine designs from the test stage to the



production stage, or to engine manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any engine which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate service accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear, will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

38. Paragraph (b) (1) of § 85.874-2 is revised and paragraph (c) is added as follows:

**§ 85.874-2 Application for certification.**

(b) . . . . .  
(1) Identification and description of the engines covered by the application and a description of their emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test engine.

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.874-32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

39. Section 85.874-3 is amended to read as follows:

**§ 85.874-3 Approval of application for certification; test fleet selections.**

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.874-5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed service accumulation proce-

dures, test equipment, or fuel, and incorporation of defeat devices on engines described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.705 with respect to such issue.

40. Paragraph (b) (2) of § 85.874-29(b) is amended by adding the following after "established by the manufacturer":

**§ 85.874-29 Testing by the Administrator.**

(b) . . . . .  
(2) . . . . . And further provided, that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

41. Paragraph (a) (1) and (a) (2) and the first sentence of subparagraph (b) (3) of § 85.874-30 are amended and paragraph (c) is added as follows:

**§ 85.874-30 Certification.**

(a) (1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.806(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the ---- model year production period of the said manufacturer, as defined in 40 CFR 85.802(a) (3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.806(c) which

concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.806(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.874-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.874-30(c).

(b) . . . . .  
(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.874-29, data or information derived from any inspection carried out under § 85.806(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c) (1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or  
(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.806(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or  
(B) Any components used or considered for use in its modification or build up into a certification engine, or  
(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or  
(D) Any step in the construction of an engine described in (C) of this subdivision, or  
(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.806(c)) in examining any of the items listed in paragraph (c) (1) (iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (c) (1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and

such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c) (1) (iii), or (c) (1) (iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.806(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c) (1) (iii) or (c) (1) (iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c) (1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.805 hereof.

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b) (3) of this section that any determination made by the Administrator under paragraph (c) (1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.804. If the Administrator finds after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

42. Paragraph (a) (1) and (a) (2) and the first sentence of paragraph (b) (3) of § 85.873-30 are amended and paragraph (c) is added as follows:

**§ 85.873-30 Certification.**

(a) (1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.806(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all

material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the ---- model year production period of the said manufacturer, as defined in 40 CFR 85.802(a) (3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.806(c) which concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.806(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.873-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.873-30(c).

(b) . . . . .

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.873-29, data or information derived from any inspection carried out under § 85.806(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c) (1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or  
(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.806(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or  
(B) Any components used or considered for use in its modification or build up into a certification engine, or  
(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or  
(D) Any step in the construction of an engine described in (C) of this subdivision, or  
(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.806(c)) in examining any of the items listed in paragraph (c) (1) (iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (c) (1) (i), (ii), (iii),

or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c) (1) (iii), or (c) (1) (iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.806(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c) (1) (iii) or (c) (1) (iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c) (1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.805 hereof.

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b) (3) of this section that any determination made by the Administrator under paragraph (c) (1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.805. If the Administrator finds after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

43. Section 85.902(a) is amended by adding new subparagraphs (25), (26), and (27) reading as follows:

**§ 85.902 Definitions.**

(a) . . . . .  
(25) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(26) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.



(27) "Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirement of engine starting.

44. Paragraphs (a)(1), (a)(3), and (b)(1) of § 85.905 are revised and paragraph (a)(4) is added as follows:

**§ 85.905 Hearings on certification.**

(a)(1) After granting a request for a hearing under § 85.974-3 or § 85.974-30, the Administrator will designate a Presiding Officer for the hearing.

(3) If a time and place for the hearing has not been fixed by the Administrator under § 85.974-3 or § 85.974-30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 85.974-30(c)(5)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under § 85.974-3 or § 85.974-30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith, and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

45. Paragraph (a) and (c) of § 85.908 are revised to read as follows:

**§ 85.906 Maintenance of records; submission of information; right of entry.**

(a) The manufacturer of any new motor vehicle engine subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i) (A) Identification and description of all certification engines for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification engine. (C) A description of all procedures used to test each certification engine. (ii) A properly filed application

for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph.

(2) *Individual records.* (i) A brief history of each motor vehicle engine used for certification under this subpart in the form of a separate booklet or other document for each separate engine in which shall be recorded:

(A) In the case where a current production engine is modified for use as a certification engine, a description of the process by which the engine was selected, and of the modifications made, giving specifically the place of modification and the person(s) in charge of modification. In the case where the certification engine is not derived from a current production engine, a general description of the build up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and the person(s) in charge of engine assembly.

In both cases above, a description of the origin and selection process for the fuel injection components, fuel system components, emission control components, and exhaust aftertreatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification engine with respect to its fuel system, emission control components, exhaust aftertreatment device, or any other device or component that can reasonably be expected to influence exhaust emissions will be representative of production engines and that either all component and/or engine construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such engines are reasonably likely to be implemented for production engines or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.974-9 through 85.974-18 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test, the number of hours accumulated on the engine when the test began and ended, and the names of supervisory personnel responsible for the conduct of the test. (C) The date and times of each service accumulation listing both the number of operating hours accumulated and the name of each dynamometer operator. (D) If used, the record of any devices employed to record the engine RPM, and/or horsepower and/or torque in relationship to engine operating time. (E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically con-

sented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance. (F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test. (G) The dates and times that the engine was idle in storage, and in transit or transport. (H) A brief description of any significant events affecting the engine during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as accidents involving the engine or dynamometer runaway.

(ii) Each such history shall be started on the date that the first of any of the selection or buildup activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification engine, shall be updated each time the operational status of the engine changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of engines for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, provided, That in every case all the information contained in the hard copy shall be retained.

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle engine subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle engine which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such an engine into a certification engine is taking place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and

testing facilities, including, but not limited to, monitoring engine preconditioning, emission tests and service accumulation, maintenance, and engine storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification engine and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform in all material respects to the design specification which applied to those engines described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production engines is located or carried on; and

(ii) Any facility where any motor vehicle engines to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) To inspect and make copies of any such records, documents or designs; and

(iii) To inspect and photograph any part or aspect of any such new motor vehicle engine and component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that an engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manu-

facturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where engine, or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all during which testing, maintenance, service accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of engine designs from the test stage to the production stage, or to engine manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any engine which is being, has been, or will be used for certification testing. Such tests shall be non-destructive, but may require appropriate serve accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear, will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

46. Paragraph (b)(1) of § 85.974-2 is revised and paragraph (c) is added as follows:

**§ 85.974-2 Application for certification.**

(b) . . . . .

(1) Identification and description of the engines covered by the application and a description of their emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control de-

vice (AECD) to be installed in or on any certification test engine.

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.974-32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

47. Section 85.974-3 is amended to read as follows:

**§ 85.974-3 Approval of application for certification; test fleet selections.**

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.974-5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed service accumulation procedures, test equipment, or fuel, and incorporation of defeat devices on engines described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.905 with respect to such issue.

41. Paragraph (b)(2) of § 85.974-29(b) is amended by adding the following after "established by the manufacturer":

**§ 85.974-29 Testing by the Administrator.**

(b) . . . . .

(2) . . . . . And further provided, that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

49. Paragraph (a)(1) and (a)(2) and the first sentence of paragraph (b)(3) of § 85.974-30 are amended and paragraph (c) is added as follows:

**§ 85.974-30 Certification.**

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.906(c), and any other pertinent data or information,

testing facilities, including, but not limited to, monitoring engine preconditioning, emission tests and service accumulation, maintenance, and engine storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification engine and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform in all material respects to the design specification which applied to those engines described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production engines is located or carried on; and

(ii) Any facility where any motor vehicle engines to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) To inspect and make copies of any such records, documents or designs; and

(iii) To inspect and photograph any part or aspect of any such new motor vehicle engine and component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that an engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manu-

facturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where engine, or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all during which testing, maintenance, service accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of engine designs from the test stage to the production stage, or to engine manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any engine which is being, has been, or will be used for certification testing. Such tests shall be non-destructive, but may require appropriate serve accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear, will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

46. Paragraph (b)(1) of § 85.974-2 is revised and paragraph (c) is added as follows:

**§ 85.974-2 Application for certification.**

(b) . . . . .

(1) Identification and description of the engines covered by the application and a description of their emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control de-

vice (AECD) to be installed in or on any certification test engine.

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.974-32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

47. Section 85.974-3 is amended to read as follows:

**§ 85.974-3 Approval of application for certification; test fleet selections.**

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.974-5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed service accumulation procedures, test equipment, or fuel, and incorporation of defeat devices on engines described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.905 with respect to such issue.

41. Paragraph (b)(2) of § 85.974-29(b) is amended by adding the following after "established by the manufacturer":

**§ 85.974-29 Testing by the Administrator.**

(b) . . . . .

(2) . . . . . And further provided, that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

49. Paragraph (a)(1) and (a)(2) and the first sentence of paragraph (b)(3) of § 85.974-30 are amended and paragraph (c) is added as follows:

**§ 85.974-30 Certification.**

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.906(c), and any other pertinent data or information,

facturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where engine, or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all during which testing, maintenance, service accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of engine designs from the test stage to the production stage, or to engine manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any engine which is being, has been, or will be used for certification testing. Such tests shall be non-destructive, but may require appropriate serve accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear, will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

46. Paragraph (b)(1) of § 85.974-2 is revised and paragraph (c) is added as follows:

**§ 85.974-2 Application for certification.**

(b) . . . . .

(1) Identification and description of the engines covered by the application and a description of their emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control de-

vice (AECD) to be installed in or on any certification test engine.

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.974-32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

47. Section 85.974-3 is amended to read as follows:

**§ 85.974-3 Approval of application for certification; test fleet selections.**

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.974-5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed service accumulation procedures, test equipment, or fuel, and incorporation of defeat devices on engines described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.905 with respect to such issue.

41. Paragraph (b)(2) of § 85.974-29(b) is amended by adding the following after "established by the manufacturer":

**§ 85.974-29 Testing by the Administrator.**

(b) . . . . .

(2) . . . . . And further provided, that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

49. Paragraph (a)(1) and (a)(2) and the first sentence of paragraph (b)(3) of § 85.974-30 are amended and paragraph (c) is added as follows:

**§ 85.974-30 Certification.**

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.906(c), and any other pertinent data or information,

facturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where engine, or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all during which testing, maintenance, service accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of engine designs from the test stage to the production stage, or to engine manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any engine which is being, has been, or will be used for certification testing. Such tests shall be non-destructive, but may require appropriate serve accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear, will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

46. Paragraph (b)(1) of § 85.974-2 is revised and paragraph (c) is added as follows:

**§ 85.974-2 Application for certification.**

(b) . . . . .

(1) Identification and description of the engines covered by the application and a description of their emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control de-

vice (AECD) to be installed in or on any certification test engine.

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.974-32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

47. Section 85.974-3 is amended to read as follows:

**§ 85.974-3 Approval of application for certification; test fleet selections.**

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.974-5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed service accumulation procedures, test equipment, or fuel, and incorporation of defeat devices on engines described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.905 with respect to such issue.

41. Paragraph (b)(2) of § 85.974-29(b



## RULES AND REGULATIONS

the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the model year production period of the said manufacturer, as defined in 40 CFR 85.902(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.906(c) which concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.906(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.974-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.974-30(c).

(b) \* \* \*

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.974-29, data or information derived from any inspection carried out under § 85.906(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c) (1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.906(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or

(B) Any components used or considered for use in its modification or buildup into a certification engine; or

(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of an engine described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.906(c)) in examining any of the items listed in paragraph (c) (1) (iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (c) (1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c) (1) (iii) or (c) (1) (iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.906(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c) (1) (iii) or (c) (1) (iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c) (1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.905 hereof,

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b) (3) of this section that any determination made by the Administrator under paragraph (c) (1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.905. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

[FR Doc.74-4387 Filed 2-26-74; 8:45 am]

# PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

## Carboxin

A petition (PP 3F1318) was filed by Uniroyal Chemical, Bethany, CT 10825, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the fungicide carboxin (5,6-dihydro-2-methyl-1,4-oxathin-3-carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide-2-methyl-1,4-oxathin-4-oxide (calculated as carboxin) in or on the raw agricultural commodities forages of barley, oats, and wheat at 0.5 part per million; grain and straw or barley and oats, corn fodder and forage, and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.2 part per million.

Subsequently the petitioner amended the petition by proposing tolerances for residues in the meat, fat, and meat by-products of cattle, goats, hogs, horses, sheep, and poultry at 0.1 part per million; and eggs and milk at 0.01 part per million.

Based on consideration given the data submitted in the petition and other relevant material it is concluded that:

1. The fungicide is useful for the purpose for which the tolerances are being established.

2. The proposed tolerances are adequate to cover residues in eggs, meat, milk, and poultry and § 180.6(a)(1) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.301 is revised to read as follows:

§ 180.301 Carboxin; tolerance for residues.

Tolerances are established for combined residues of the fungicide carboxin (5,6-dihydro-2-methyl-1,4-oxathin-3-carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide-2-methyl-1,4-oxathin-4-oxide (calculated as carboxin) (from treatment of seed prior to planting) in or on raw agricultural commodities as follows:

0.5 part per million in or on forages of barley, oats, and wheat.

0.2 part per million (negligible residue) in or on cottonseed.

0.2 part per million in or on barley grain and straw, corn fodder and forage, fresh corn including sweet corn (kernels plus cob with husk removed), oats seed and straw, and wheat grain and straw.

0.1 part per million in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

0.01 part per million in eggs.  
0.01 part per million in milk.

Any person who will be adversely affected by the foregoing order may at any time on or before March 29, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on February 27, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 22, 1974.

HENRY J. KOPF,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.74-4621 Filed 2-26-74; 8:45 am]

## Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE Temporary Boards and Commissions

Section 213.3199 is amended to show that positions as members of the Alaska Native Claims Ad Hoc Appeals Board are excepted under Schedule A.

Effective February 27, 1974, § 213.3199 (q) is added as set out below.

## § 213.3199 Temporary Boards and Commissions.

(q) Alaska Native Claims Ad Hoc Appeals Board.

(1) Members of this Board.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.74-4605 Filed 2-26-74; 8:45 am]

## PART 213—EXCEPTED SERVICE Temporary Boards and Commissions

Section 213.3199 is amended to show that until October 15, 1976, four Legal Research Assistant positions on the staff of the Micronesian Claims Commission are excepted under Schedule A.

Effective February 27, 1974, § 213.3199 (p) is added as set out below.

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## § 213.3199 Temporary Boards and Commissions.

(p) Micronesian Claims Commission.  
(1) Until October 15, 1976, 4 Legal Research Assistant positions on the staff of the Commission.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.74-4606 Filed 2-26-74; 8:45 am]

## PART 213—EXCEPTED SERVICE Treasury Department

Section 213.3305 is amended to show that one position of Special Assistant to the Deputy Under Secretary on Congressional Relations is excepted under Schedule C.

Effective February 27, 1974, § 213.3305 (a) (51) is added as set out below.

## § 213.3305 Department of the Treasury.

(a) Office of the Secretary. \* \* \*

(51) One Special Assistant to the Deputy Under Secretary on Congressional Relations.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.74-4606 Filed 2-26-74; 8:45 am]

## PART 213—EXCEPTED SERVICE Interior Department

Section 213.3312 is amended to show that one position of Confidential Assistant to the Assistant to the Secretary and Director of Communications is excepted under Schedule C.

Effective February 27, 1974, § 213.3312 (a) (13) is added as set out below.

## § 213.3312 Department of the Interior.

(a) Office of the Secretary.

(13) One Confidential Assistant to the Assistant to the Secretary and Director of Communications.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.74-4607 Filed 2-26-74; 8:45 am]

## PART 213—EXCEPTED SERVICE Housing and Urban Development Department

Section 213.3384 is amended to show that one position of Confidential Secretary to the Administrator, New Communities Administration, is excepted under Schedule C.

Effective February 27, 1974 § 213.3384 (k) is added as set out below.

## § 213.3384 Department of Housing and Urban Development.

(k) Office of New Communities Administration.

(1) Confidential Secretary to the Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.74-4608 Filed 2-26-74; 8:45 am]

## Title 7—Agriculture

## CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

## SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FHA Instruction 441.5]

## PART 1832—EMERGENCY LOANS

Subpart E—Special Emergency Loan Policies and Authorizations Implementing Applicable Provisions of Public Law 93-237

Subchapter C, Loans Primarily for Production Purposes, of 7 CFR Chapter XVIII, is amended by adding to Part 1832 a new Subpart E, Special Emergency Loan Policies and Authorizations Implementing Applicable Provisions of Public Law 93-237. New subpart E supplements and modifies Subparts A and B of this part; provides for making and processing Emergency (EM) loans; and provides for processing additional benefits for certain indebted and paid-up EM loan borrowers under the provisions of Public Law 93-237 signed by the President on January 2, 1974.

In accordance with 5 U.S.C. 553, this new subpart is being published without notice of proposed rulemaking, effective immediately, since it implements the provisions of Public Law 93-237, and because a delay in implementing the provisions of the public law by this regulation would be contrary to the public interest. The new subpart E reads as follows:

Subpart E—Special Emergency Loan Policies and Authorizations Implementing Applicable Provisions of Public Law 93-237

Sec.  
1832.81 General.  
1832.82 Receiving applications and verifying loans.



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- Sec.  
1832.83 Emergency loans at 1 percent interest with forgiveness benefits.  
1832.84 Additional benefits for certain indebted and paid-up Emergency loan borrowers.  
1832.85 Emergency loans at 5 percent interest with no forgiveness benefits.  
1832.86 Loan purposes.  
1832.87 Loan limitations.  
1832.88 Payment terms.  
1832.89 Security requirements.  
1832.90 Subsequent loans.  
1832.91 Relationship with other types of FHA loans.  
1832.92 Handling new designations.

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.

## § 1832.81 General.

The basic objective of EM loans is to indemnify eligible farmers, ranchers, and oyster planters for losses resulting from designated disasters in order that they may continue their future farming or livestock operations with credit from other sources (including FHA Operating and Farm Ownership loans). In accordance with this objective, EM loans will be limited to the actual loss sustained, except for subsequent EM loans authorized by § 1832.90(b).

## § 1832.82 Receiving applications and verifying losses.

(a) State Directors will be advised by telegram of counties where EM loans are authorized under §§ 1832.83 and 1832.85. In all counties designated on or before January 2, 1974, based on disasters occurring after December 26, 1972, the termination date for acceptance of applications based on both physical and production losses will be April 2, 1974, except where termination dates previously established would be shortened. Where this situation will occur, the termination date that was previously set beyond April 2, 1974, will be used. Termination dates for any new counties that might be designated after January 2, 1974, will follow the current policy (60 days for physical losses and 9 months for production losses). State Directors will issue an instruction setting forth this information for use in their respective states. State Directors and County Supervisors will inform the news media including newspapers, radio, and television in the affected counties of the provisions of P.L. 93-237.

(b) Applications for EM loans will be received in authorized EM loan counties as provided for in this subpart, and as outlined in subpart A of Part 1801 of this chapter. Form FHA 410-1, "Application for FHA Services," will be used for this purpose.

(1) An applicant operating farms in different counties will be considered for only one EM loan covering all farms rather than a separate loan in connection with each farm. His production losses in authorized EM loan counties must constitute the minimum amount required for his entire farming operation as set forth in § 1832.5(c)(1) in order to be qualifying.

(2) The fact that an EM loan is made to a corporation, partnership, or to individuals doing business as partners, in connection with farming operations being conducted by such entities, does not disqualify the individual stockholder or member from obtaining a separate EM loan to cover his losses in a separate farming operation at a different location which he is conducting as an individual.

(3) Individual members of a partnership, or individuals doing business as partners, will not receive individual loans to finance their interest in the joint or partnership farming operation. The partnership or joint venture will be considered for one loan to cover the loss in the farming operation being conducted jointly or as a partnership.

(c) The applicant's statement of loss or damage will be obtained in support of his application on Form FHA 441-22, "Certification of Disaster Losses." Separate statements will be obtained in connection with applications received under paragraph (b)(2) of this section.

(d) Form FHA 441-26, "County Supervisor's Calculations and Verification of Qualifying Production Losses," will be completed by the County Supervisor in accordance with § 1832.5(c)(1) to determine if production losses shown on Form FHA 441-22 by an applicant are qualifying. Where such losses cannot be fully documented and verified on the face of this form, additional explanations and calculations should be shown on the reverse side to clearly reflect the pertinent situation. This information will be made available to the County Committee for their consideration in certifying to an applicant's loan eligibility. Where a difference of opinion exists between a County Supervisor or the County Committee and an applicant about whether losses are qualifying, the County Supervisor may request the applicant to furnish the same additional supporting information as required to verify losses under § 1832.84(f)(3)(iv).

(e) Losses of a physical nature will be shown by the applicant on Form FHA 441-22 in terms of what it will or has cost to repair, replace or restore the lost or damaged property. The amount of loan made for this purpose will not exceed the amount of repair, replacement, or restoration cost as determined in accordance with paragraph (e)(1), (2), or (3) of this section. Farm real estate and building damage will be verified by an "on sight" inspection of the property by the County Supervisor.

(1) For farm machinery, the current market value at the time of the disaster of the asset damaged or destroyed must be considered in determining actual loss. If the property has appreciated in value since its original purchase, the cost of replacing the same property in kind may be considered as part of the actual loss. However, this does not permit, for example, making a loan to replace an aged item of machinery having a current market value of \$500 with a new item costing \$5,000, even though the applicant might have a need for a new more expensive, possibly larger item. Instead, his

EM loan for such purpose will be limited to \$500. Any additional funds required above the amount of EM loan for this purpose must be obtained from other sources including OL loans.

(2) For farm dwellings, the amount of EM loan will be limited to that which would permit the restored or replaced dwelling to comply with necessary local codes and be adequate, decent, and suitable to the family's needs. Section 1832.87(e) sets forth additional limitations.

(3) For farm service buildings and for farm real estate other than buildings, the amount of EM loan will be limited to an amount sufficient to permit the repair or replacement of the damaged property with a building or property of like quality.

(4) The amount of forgiveness on any loan for farm machinery, building or real estate restoration as authorized by § 1832.83 will be limited to the actual cost to repair or replace such item(s), or the market value at the time of the disaster, whichever is the lesser. The County Supervisor may consult with the County Committee in making a determination of the market value at the time of disaster, and such determination will be documented in the running record of the applicant's county case file.

(f) Where an applicant's farming operation is affected by disasters occurring before and after April 20, 1973, and a qualifying production loss is sustained from disasters occurring during both periods, the applicant may receive a loan under the provisions of § 1832.83 if it is determined that qualifying losses were sustained from a disaster beginning prior to April 20. The amount of forgiveness under these circumstances will not exceed the actual dollar loss attributable to that part of the disaster which occurred after December 26, 1972, but prior to April 20, 1973; and in no event will exceed the \$5,000 maximum.

(g) The amount of any benefits received from the Agricultural Stabilization and Conservation Service (ASCS) disaster type programs including the livestock feed program will be considered as compensation for losses.

(h) An applicant must show an intent to continue farming or ranching in order to qualify for an EM loan with or without a forgiveness benefit. Those applicants who may have stopped temporarily, because of disaster loss or damage to their operations, but show an intent to continue with EM loan assistance will be considered to meet this requirement.

## § 1832.83 Emergency loans at 1 percent interest with forgiveness benefits.

(a) In all counties in which EM loans have been authorized because of a major disaster as determined by the President; a natural disaster as determined by the Secretary of Agriculture; or isolated production losses as authorized by the State Director (all of which are herein-after referred to as "disaster(s)"), where the disaster(s) occurred after December 26, 1972, but prior to April 20, 1973, the following will apply:—

(1) The interest rate will be 1 percent.  
(2) The principal of each EM loan will be canceled to the extent of the loss, damage, or injury resulting from the disaster not compensated for by insurance or otherwise in an amount not to exceed \$5,000.

(3) Applicants will not be required to prove that they are unable to obtain their credit needs elsewhere as a test for eligibility.

(b) An applicant having qualifying losses may receive a separate principal cancellation in connection with each EM loan he might receive as a result of disaster losses occurring after December 26, 1972, but prior to April 20, 1973. However, the total amount authorized to be canceled for the same borrower either by the Small Business Administration and/or the Farmers Home Administration will not exceed \$5,000 for a single disaster.

(c) Where an Emergency loan is made to a "partnership" or to "individuals doing business as partners," only one principal cancellation not exceeding \$5,000 will be processed in connection with that loan and the cancellation must be based on qualifying loss or damage to the partnership farming operation. However, this does not prohibit an individual member of such an entity from obtaining a separate Emergency loan principal cancellation in connection with a separate farming operation at a different location that he might be conducting as an "individual."

(1) The following sources should be used as a means of determining whether applicants qualify for Emergency loans as "partnerships" or as "individuals doing business as partners."

(i) Prior written agreements that set forth the farming arrangement and ownership of property.

(ii) County Agricultural Stabilization and Conservation Service (ASCS) office records.

(iii) Local bank and Production Credit Association (PCA) records.

(iv) Invoices and receipts reflecting purchase of farm supplies, livestock, and machinery.

(v) Records or receipts from sale of farm produced products or commodities.

(vi) Written farm rental agreements.

(vii) Income tax returns.

(viii) Financial statements.

(d) *Loan docket preparation.* (1) When the entire loan will be canceled, an applicant investigation as required in subpart A of Part 1801 of this chapter will not be necessary, and only the following will be processed:

(i) Form FHA 410-1, "Application for FHA Services."

(ii) Form FHA 440-2, "County Committee Certification of Recommendation."

(iii) Form FHA 441-22, "Certification of Disaster Losses."

<sup>1</sup> Complete only items 1 through 12 and items 22 and 23 of Form FHA 410-1. The first sentence in item 23 will be deleted and will be initiated by the applicant.

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(iv) Form FHA 441-26, "County Supervisor's Calculations and Verification of Production Losses."

(v) Form FHA 440-1, "Payment Authorization."

(vi) Form FHA 440-44, "Application for Principal Cancellation—Emergency Loans."

(vii) Form FHA 431-2, "Farm and Home Plan."

(viii) Form FHA 402-1, "Deposit Agreement."

(ix) Form FHA 424-1, "Development Plan," (including any plans, specifications, and cost estimates).<sup>2</sup>

(x) Form FHA 402-2, "Statement of Deposits and Withdrawals."

NOTE: The following forms require certifications by the loan applicant as indicated: Form FHA 441-22:

Applicant Certification: It is understood that the information shown herein and on attached sheets will be used to determine my Emergency loan eligibility, and I certify under penalties provided by law, including any civil and criminal fraud penalties that such information is true, correct and complete to the best of my knowledge and belief.

Date	Signature of Applicant
Form FHA 440-44:	

Based on the information contained in Form FHA 441-22, "Certification of Disaster Losses," which I executed on \_\_\_\_\_, 19\_\_\_\_, I apply for a principal cancellation in the amount of \$ \_\_\_\_\_ in connection with the loan being made or already made as a result of loss caused by a disaster occurring after December 26, 1972, and prior to April 20, 1973. I understand that the law prohibits cancellation of more than \$5,000 for any borrower as a result of any loss from the same disaster. I hereby certify that the cancellation applied for herein, when added to any other loan cancellation benefits received by me in connection with the specified disaster from any other agency of the United States, does not exceed \$5,000.

Farmers Home Administration:	
Emergency Loan \$ _____	
Small Business Administration Loan \$ _____	

If this application is in connection with an FHA loan(s) already made, the loan number(s) involved is \_\_\_\_\_

Date	Signature of Applicant
(e) <i>Loan docket preparation when balance after forgiveness is not more than \$2,500.</i> When the EM loan balance after principal cancellation will not be more than \$2,500, Tables A, B, C, D, and E of Form FHA 431-2, "Farm and Home Plan," may be left blank provided Form FHA 410-1, "Application for FHA Services," is completed and is believed to accurately reflect the applicant's circumstances.	

(f) *Supervised bank accounts.* EM loan funds will be handled as provided \_\_\_\_\_

<sup>2</sup> When applicable.  
<sup>3</sup> The first sentence of the applicant's certification will be deleted and initialed by the applicant.

<sup>4</sup> Complete only tables F, G, H, and I.

for in Part 1803 of this chapter even though the entire loan is canceled. When a loan is made to reimburse an applicant for expenditures he has already made, the loan check may be turned over directly to him after such prior expenditures have been reasonably verified by the County Supervisor and he documents this verification in the borrower's county case file.

(g) *Principal cancellations will be processed as follows.*—(1) *Certification of losses.* Each EM loan applicant will be informed about the benefits authorized by P.L. 93-237 and given an opportunity to file a Form FHA 441-22, "Certification of Disaster Losses."

(2) *Application for principal cancellation.* If the supporting information submitted on Form FHA 441-22 by an applicant for an EM loan shows that he has qualifying losses, he will be given an opportunity to apply for a principal cancellation on Form FHA 440-44, "Application for Principal Cancellation." Form FHA 440-44 will be prepared in an original and two copies.

(3) *Approval authorization.* Subject to the foregoing requirements of this section, FHA loan approval officials are authorized to approve principal cancellations without further recommendation by the County Committee in connection with the approval of EM loans being made within their respective approval authorizations. The original Form FHA 440-44 and one copy will be submitted to the Finance Office with the promissory note, when the loan is larger than the cancellation. (See § 1832.32(h)(4) for preparation of the promissory note where cancellations are involved.) If the entire loan is to be canceled, the original and one copy of Form FHA 440-44 will be submitted to the Finance Office with Form FHA 440-1, "Payment Authorization."

(4) *Finance Office action.* Upon receipt of the original and one copy of Form FHA 440-44, approving a principal cancellation, the Finance Office will immediately apply the approved amount of the principal cancellation, as of the date of the promissory note, to the earliest installment(s) having the shortest maturity. The Finance Office will indicate the action taken in the appropriate space of the copy of Form FHA 440-44 and return it to the County Office.

(5) *Conforming County Office records and informing borrower.* When a processed copy of Form FHA 440-44 is received from the Finance Office, the County Office will conform the copy maintained in the County Office file and credit the borrower's EM loan account with the approved principal cancellation on the appropriate Form FHA 405-1, "Management System Card—Individual," as described in appropriate FHA regulations, and the processed copy of Form FHA 440-44 will be delivered to the borrower.

## § 1832.84 Additional benefits for certain indebted and paid-up Emergency loan borrowers.

(a) *General.* As authorized by Public Law 93-237, effective January 2, 1974,



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this section provides the policies and procedures for extending additional benefits to eligible Farmers Home Administration (FHA) borrowers who received EM loans because of qualifying losses caused by a major disaster as determined by the President; a natural disaster as determined by the Secretary of Agriculture; or isolated production losses as authorized by the State Director; where the disaster(s) occurred after December 26, 1972, but prior to April 20, 1973. The County Supervisor will furnish the Finance Office with information for each active and paid-up EM loan that qualified for such benefits. The Finance Office will process principal cancellations and refunds and adjust interest to a reduced rate of 1 percent. These additional benefits are available in the same counties in which EM loans are authorized to be made under § 1832.83. Applications from EM borrowers for such additional benefits must be submitted by close of business April 2, 1974.

(1) The benefit are:

(i) *Reduced rate of interest.* The Finance Office will:

(A) Adjust the interest rate to 1 percent as of the date of the promissory note.

(B) Recalculate interest payments, in applicable situations, received from a borrower prior to adjustment under this subpart at the reduced interest rate of 1 percent, and deduct the difference from the principal balance outstanding or refund it to the borrower if he has paid in full.

(ii) *Principal cancellation or refund on current loans.* In processing the principal cancellation or refund, the Finance Office will:

(A) Consider EM loans already made as a result of qualifying losses caused by a disaster occurring after December 26, 1972, but prior to April 20, 1973, for principal cancellations or refunds to the extent of loss, damage, or injury not compensated for by insurance or otherwise up to the first \$5,000 of the principal amount of the loan. Cancellations are to apply as of the date of the promissory note.

(B) Refunds of principal on paid loans. Make refunds of principal where applicable when EM loans have been paid in full.

(2) The Finance Office will not change the repayment period set forth in the promissory note because of adjustments in a loan account.

(b) *Counties where benefits are to be made available.* To assist in determining where retroactive provisions are applicable, the National Office will furnish information by telegram of counties in those states involved in the processing of retroactive benefits. State Directors will issue an instruction setting forth this information for use in their respective states.

(c) *Policy guides.* Observe the following guides in connection with each application for benefits under this section.

(1) An applicant having qualifying losses may receive a separate principal cancellation or refund in connection

with each EM loan he received as the result of disaster losses occurring after December 26, 1972, but prior to April 20, 1973. However, the total amount of principal cancellation authorized for the same borrower by the Small Business Administration and/or Farmers Home Administration will not exceed the total amount of \$5,000 for a single disaster.

(2) Make principal refunds, cancellations, and combinations of refunds and cancellations only in connection with EM loans made to enable borrowers to continue their damaged farming operations for periods not to exceed one full crop year; or repair, rehabilitate or replace damaged or destroyed property. However, where partial EM loan financing was necessary due to a disaster occurring late in a crop year, the amount of such partial EM loan plus the EM loan made to finance the operations for the ensuing crop year, will be used as the amount of the loan in qualifying for the maximum cancellation in an amount not to exceed \$5,000, and in no case to exceed the actual loss.

(3) When an EM loan is based on one or more disasters included in the same designation, the borrower will receive only one cancellation in connection with that loan. Also, if a subsequent disaster caused additional losses during that loan year, the borrower will not receive an additional cancellation on his loan to compensate him for the additional loss, unless the county was designated because of the subsequent disaster, after December 26, 1972, but prior to April 20, 1973; and the borrower received another loan because of his additional loss. Under these conditions he would be eligible to receive an additional cancellation up to \$5,000 in connection with the new loan, but not in an amount in excess of his actual losses resulting from the subsequent disaster.

(d) *Preparing lists of borrowers.* Each County Supervisor whose county appears in the State Instruction provided for in paragraph (b) of this section will prepare a list of indebted and paid-up borrowers who received EM loans as a result of the disasters in his county.

(e) *Notifying borrowers on list.* The County Supervisor will mail a letter described in appropriate FHA regulations to borrowers on the list advising them to come to the FHA County Office and complete a new Form FHA 441-22, "Certification of Disaster Losses." The County Supervisor will review the information shown by the applicant on this form, and if the applicant shows production losses he will then complete Form FHA 441-26, "County Supervisor's Calculations and Verification of Qualifying Production Losses," to determine if the applicant's losses qualify him for a principal cancellation or refund, and if so, the amount he is eligible to receive. For borrowers who have not responded to the first mailing within 20 days, the County Supervisor will send a second and final letter by certified or registered mail—return receipt requested. Such proof of delivery will constitute proper notification about EM loan additional benefits. A copy of

each letter and the returned receipt will be retained in the borrower's county case file.

(f) *County Office processing.* (1) The County Supervisor will use Form FHA 440-20, "Additional Benefits Due EM and RHD Borrowers Under Public Law 92-345," with appropriate modification to document the necessary information for each borrower shown on the list. He will complete Form FHA 440-20 and forward these completed forms to the Finance Office at the end of each working day. When a borrower is eligible to receive more than one cancellation or refund benefit on loans based on separate disasters, the County Supervisor will complete a separate Form FHA 440-20 reflecting all loans for each separate disaster. These forms are available in the Finance Office and needed supplies should be requested.

(2) Complete Form FHA 440-20 for each borrower from information available in the County Office Management System and from losses reported on Form FHA 441-22 and verified by the County Supervisor on Form FHA 441-26. Do this as soon as possible after a completed Form FHA 441-22 is received from a borrower and the amount of any benefits he is eligible to receive is determined. Forward the original Form FHA 440-20 to the Finance Office and retain a copy in the borrower's County Office case file.

(3) Certification of losses. Each EM loan borrower either active or paid in full, must have on file in the County Office case file, a duly executed Form FHA 441-22, and Form FHA 441-26, where production losses are claimed.

(i) Borrowers will be required to file Form FHA 441-22 in order to determine their retroactive benefits. The old Form FHA 441-22, "Statement of Production Losses and Certification," which was obtained previously may be accepted and used to complete the new Form FHA 441-22, "Certification of Disaster Losses." No upward revisions of losses on Form FHA 441-22, already on file, will be permitted.

(ii) County Supervisors must verify any claimed losses which appear to be excessive by checking ASCS records concerning the borrower's farm, or by other appropriate means.

(iii) Production losses listed on Form FHA 441-22 when transferred to dollar losses on Form FHA 441-26 will need verification in accordance with paragraph (f) (3) (iv) of this section only if a difference of opinion exists between the County Supervisor and a borrower.

(iv) If additional supporting information is required to verify the borrower's stated losses in order to qualify him for retroactive benefits, it will be in the form of one or more of the following:

(A) A written statement from the County Agricultural Stabilization and Conservation Service Office showing his production record for the year of the disaster and also for each of the two previous years.

(B) Signed statements from three neighbors describing in detail the property damage and crop or livestock losses which made the EM loan necessary.

(C) Signed statements from professional bookkeepers and accountants who are familiar with the borrower's operations supported by their records.

(D) Computer records from farm financial management systems.

(v) Conversion to dollar amounts shall be accomplished by using the prevailing market price in effect at the time of the disaster as evidenced by state crop reporting service reports. The same unit price for each crop or commodity will be used for both the disaster year and the most recent normal year. A list will be prepared by the State Director and distributed to affected County Supervisors indicating the prices to be used.

(vi) Prepare separate Forms FHA 441-22 and 441-26 for each disaster loss where borrowers are eligible to receive benefits in connection with loans based on more than one disaster.

(vii) After the County Supervisor determines the amount of cancellation due a borrower, he will prepare Form FHA 440-44 in an original only, and have the borrower sign the form. If the borrower has received a cancellation from the Small Business Administration for the same disaster, the amount of such cancellation will be subtracted from the amount of cancellation he is to receive from FHA. The loan approval official will then approve the Form FHA 440-44, if the borrower is entitled to additional benefits, and retain the form in the borrower's County Office file.

(4) Approval authorization. The FHA County Supervisor is authorized to approve these retroactive benefits for eligible borrowers without further recommendation by the County Committee, regardless of the level of the loan approval official who approved the loan(s). To do this he will sign Form FHA 440-20 and Form FHA 440-44.

(g) *Finance Office action.* (1) The Finance Office will first process principal cancellations as of the date of the promissory note. It will then apply the amount cancelled first to any installment due through January 1, 1974, and second to the final note installment. It will adjust the interest rate on any unpaid balance, after cancellation, and reapply payments received after the date of the note at the reduced interest rate; make any required refunds; and notify the County Supervisor of the actions taken on each loan account by Form FHA 451-31, "Borrower Transaction Record." The Finance Office will do this using information provided by the County Supervisors on Form FHA 440-20 for each active and paid-up EM loan that qualifies for such benefits. However, the maturities as scheduled in the promissory note will not be changed.

(2) Conforming County Office records and informing borrower. The Finance Office will provide the County Office and the borrower with Forms FHA 451-31 showing its action and the status of each borrower's account after the additional benefits have been applied. If a refund check is involved, it will be sent to the County Office at the same time as the Forms FHA 451-31. The County Super-

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visor will use this information to conform County Office records. When a refund check is received in the County Office from the Finance Office, it will be delivered to the borrower. If a refund check cannot be delivered to a borrower within 30 days, the County Supervisor will return the check to the Finance Office. However, he will make a diligent effort to locate the borrower during the 30-day period before returning the check and he will document his efforts in the County Office file.

(3) Amount of refund. If a refund is due after the application of the additional benefits, the Finance Office will perform the following operations, in the same sequence shown, before the refund check is issued:

(i) Apply refund to the unpaid interest and principal of any other EM loan(s) made as the result of the same disaster, and shown on Form FHA 440-20.

(ii) Finance Office will not apply any refund to another loan unless that loan pertains to the same disaster and is shown on Form FHA 440-20. This includes a borrower receiving additional benefits from more than one disaster and/or a borrower having unpaid Operating, Farm Ownership, or Rural Housing loans.

(h) *Special cases.* Cases involving situations which do not fall within any of the categories contained in this subpart will be submitted with complete information to the National Office for instructions.

(i) *Processing expiration date.* There is no statutory expiration date for processing retroactive benefits provided under Public Law 93-237, which are made available to borrowers by § 1832.84. However, State Directors should strive to complete all such actions for borrowers in their respective states before June 30, 1974.

§ 1832.85 Emergency loans at 5 percent interest with no forgiveness benefits.

(a) In all counties in which EM loans have been authorized because of a major disaster as determined by the President; a natural disaster as determined by the Secretary of Agriculture; or isolated production losses as authorized by the State Director (all of which are hereinafter referred to as "disaster(s)"), where the disaster occurred on or after April 20, 1973, the following will apply:

(1) The interest rate will be 5 percent with no cancellation benefit.

(2) Applicants will not be required to prove that they are unable to obtain their credit needs elsewhere as a test for eligibility.

(i) The first sentence of item 23 of Form FHA 410-1, "Application for FFA Services," will be deleted and initialed by the applicant.

(ii) The first sentence of the applicant's certification on Form FHA 440-1, "Payment Authorization," will be deleted and initialed by the applicant.

(b) Applicants that were previously rejected solely because they were able to obtain credit from their regular lend-

er(s) will be notified by letter that they should reapply if they are still interested in an EM loan. Applicants that were rejected for this reason along with other valid reasons which would prevent eligibility will not be notified.

§ 1832.86 Loan purposes.

EM loan funds will be used for the following purposes, except that subsequent EM loans authorized by § 1832.90 (b) may be made for any purpose authorized by § 1832.7.

(a) To repair, restore, or replace damaged or destroyed farm or ranch property and supplies as well as reimburse applicants for expenses already incurred for such purposes. This includes paying off debts owed other creditors when such debts were incurred for the purpose(s) set forth above. In addition, loans may include funds to reimburse applicants for production expenses which went into damaged or destroyed crop and livestock enterprises, but may not include funds to produce new crops during 1974.

(b) To purchase essential replacement personal possessions, home equipment and furnishings, and the payment for home equipment repairs required by the applicant family to sustain itself on the farm in a reasonably satisfactory manner. Also, funds may be used to reimburse the applicant for expenses already incurred or to pay off debts for such purposes.

(c) Meet EM loan closing costs, when the advance of funds for this will not result in the loan exceeding the amount of actual loss.

NOTE: Since the loan will be used to indemnify the applicant for actual losses sustained and he is entitled to receive a loan up to such amount if he can provide security and has payment ability which will reasonably protect the Government's interest, it will not ordinarily be necessary to require an applicant to furnish proof of expenditures in order to receive funds for reimbursement purposes. The County Supervisor may request verification from the applicant or third parties of claimed expenditures. In all cases, the applicant must furnish a signed statement itemizing all expenditures for which he is requesting reimbursement. The County Supervisor will document this verification in the applicant's county case file. When funds are used to pay off secured debts the applicant will be required to furnish proof of the indebtedness and give FHA the proper security interest in the chattel or real property being paid off.

§ 1832.87 Loan limitations.

Except for subsequent EM loans authorized by § 1832.90(b), which are covered by limitations in § 1832.8, EM loans will not be made:

(a) For more than the actual loss sustained from a designated disaster.

(b) For purchase of or to pay off debts on passenger automobiles or other equipment not essential to the farming or ranching operation.

(c) To replace personal possessions of a luxury nature such as antiques, fur coats, jewelry, etc.

(d) That would cause the total loan for personal possessions, and/or home fur-



nishings and equipment to exceed \$10,000.

(e) To replace a farm or ranch dwelling with a new dwelling that does not meet minimum codes and specifications required for Rural Housing loans made by FHA. The new dwelling must be similar in design and not exceed the size of the one being replaced except as is necessary to meet minimum FHA standards. Also, the total loan for repair or replacement of a dwelling and previously existing adjacent facilities, such as the yard, driveway, and yard fence, may not exceed \$50,000.

(f) Which would allow the applicant to use damage or loss to specific farm property in order to qualify him for a loan that would be used for another purpose. For example, an applicant may not use structural damage to his barn for the purpose of obtaining a loan to buy a tractor, whether or not such use of funds would be more advantageous to him. This same principal applies to use of loan funds after a loan is made.

(g) To flood and mudslide victims to repair or replace damaged or destroyed farm dwellings or farm service buildings and the contents therein, in areas where "National Flood Insurance" is available, except under the same conditions as authorized for Rural Housing Disaster (RHD) loans in appropriate FHA regulations.

(h) For refinancing other creditors under the terms and conditions contained in § 1832.19.

(i) To refinance or pay off debts owed to the Farmers Home Administration.

(j) To an applicant whose debts have been settled pursuant to Part 1864 of this chapter, or who has been released from personal liability under subpart A of Part 1872 of this chapter as reflected by the County Office records, or where settlement or release under such instruction is contemplated, unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control; the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been removed; and the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations, prior to approval of the loan, the loan docket and any available case folders, including the County Supervisor's justification for making the loan, will be submitted to the State Office for a determination as to whether the loan should be made.

(k) To the following types of applicants:

(1) An estate or a trust.

(2) A corporation owned primarily by an estate, trust, other corporations, or partnerships.

(3) A partnership composed primarily of an estate, trust, corporation, or other partnerships.

(4) A partnership or corporation not primarily engaged in farming, ranching, or oyster planting.

(l) To an applicant operating under the jurisdiction of a bankruptcy court.

#### § 1832.88 Payment terms.

EM loans will be scheduled for payment in annual installments as set forth below, consistent with the applicant's reasonable ability to pay. This will be determined by his operations as reflected in his Farm and Home Plan, except that subsequent EM loans authorized by § 1832.90(b) may be scheduled for payment as authorized in § 1832.10.

(a) Amounts that have been used for farm operating expenses may be scheduled for payment over a 1 to 5 year period.

(b) Amounts that have been or will be used for replacement of home furnishings, machinery, and breeding livestock may be scheduled for payment over the useful life of such items, but not to exceed 7 years.

(c) Amounts that have been or will be used for real estate restoration, except housing, may be scheduled for payment over a period not to exceed 20 years.

(d) Amounts that have been or will be used for farm housing restoration may be scheduled for payment over a period not to exceed 33 years.

(e) When a loan is scheduled for payment over a period longer than 10 years, as in the case of farm real estate, dwelling, and building restoration, Form FHA 440-16, "Promissory Note," will be used. In such cases payments will be scheduled in annual installments amortized over the shortest period consistent with payment ability, except that no loan of \$2,500 or less will be scheduled for payment over periods in excess of 5 years.

(f) Form FEA 440-16 will be prepared and executed in accordance with the Forms Manual Insert. "EM" will be inserted in the appropriate box to show the kind of loan.

#### § 1832.89 Security requirements.

EM loans will be secured as follows, except that subsequent EM loans authorized by § 1832.90(b) will be secured in accordance with the requirements of § 1832.11.

(a) When it is reasonable to believe that the EM loan will be paid in full from 1974 crops and the loan is scheduled for payment from such income and a first lien cannot be obtained, it may be secured by a second lien on crops provided that the repayment of the loan evidenced by the Government's security instruments is adequately secured either by a lien on crops themselves, a lien on other collateral, a written division of income agreement from the holder of the first crop lien, or otherwise, and further provided that the loan balance after any forgiveness does not exceed \$2,500.

(b) The loan approval official will determine whether Federal Crop Insurance should be required in accordance with § 1832.12(d) in those cases where a first crop lien will be taken. This determination is a judgment factor and it will be based on the amount and type security other than crops that the applicant can provide.

(c) When the loan is scheduled for payment over a period longer than 1 year but not more than 7 years, it may be

secured by the best lien obtainable on the applicant's farm machinery and/or livestock provided the loan balance after any forgiveness does not exceed \$25,000, and provided there is adequate equity in such security to fully secure the EM loan.

(c) Where the loan is scheduled for payment over a period in excess of 7 years or exceeds \$25,000, it must be fully secured by equity in the applicant's farm real estate.

(d) When an FHA Operating loan is made for 1974 farm operating expenses simultaneously with an EM loan, a single security interest may be taken to secure both loans. In such cases, payments will be applied on a pro rata basis to each loan installment as they are received until one of the loan installments is paid current. Then all payments will be applied to the other loan installment due that year.

(e) A first lien will be obtained on all items of farm machinery and livestock purchased with loan funds. A junior lien may be accepted where funds are used to make a payment on such items when there will be sufficient equity to cover the amount paid on them.

(f) The best lien obtainable will be obtained on farm real estate being repaired or restored. However, such a lien must fully secure the loan. Title evidence is required in these cases.

(g) Determination of an applicant's equity in real estate offered as security will be based on an appraisal showing the market value of the property and the amount of any liens or other encumbrances thereon. This appraisal will be made by a qualified FHA employee authorized to make appraisals. Form FHA 422-1, "Appraisal Report (Farm Tract)," and related forms will be used. When the amount of the loan plus present indebtedness against the property does not exceed \$10,000, only parts 1, 2, and 8 of Form FHA 422-1 will be completed and the recommended market value of the property will be shown in part 8.

(h) If the real estate offered as security is held under a purchase contract, it must be determined that:

(1) The applicant has mortgageable interest in the property under a long-term purchase contract.

(2) The purchase contract is not subject to summary cancellation upon default, and does not contain other provisions which might jeopardize the Government's security position or the borrower's ability to repay the loan.

(3) The vendor of the purchase contract agrees in writing to give FHA notice of any breach by the purchasers and further agrees to give FHA 30 days from breach to rectify said conditions.

(4) If any of the prior liens against real estate offered as security contain future advance provisions, or other provisions which might jeopardize the security position of the Government or the applicant's ability to meet his obligations under these prior liens and to pay for his EM loan, the prior lienholders involved must agree in writing, before the loan is closed, to modify, waive, or subordinate

such objectionable provisions. This will be accomplished usually on Form FHA 427-8, "Agreement with Prior Lienholder," subject to any modifications necessary to meet legal requirements for closing a particular loan.

(j) In states where a prior lienholder may foreclose his security instrument under power of sale or otherwise, and extinguish junior liens of private parties without giving junior lienholders actual notice; and where a junior lien on real estate is to be taken as security for the loan, the prior lienholder must agree in writing to give the Government advance notice of foreclosure or assignment of the mortgage. A State Instruction will be issued, with the advice of the OGC, to indicate whether such agreements will be necessary in each particular State, and if so, to set forth the procedure and requirements for obtaining and recording such agreements.

(k) If there are essential insurable buildings located on the property, or if new buildings are to be erected, or major improvements made to existing buildings, the applicant will provide adequate property insurance coverage at the time of the loan closing or as of the date materials are delivered to the property, whichever is appropriate, in accordance with the provisions of Part 1806 of this chapter.

(l) If insurance claims for loss or damage to buildings to be replaced or repaired with loan funds are outstanding at the time the loan is made, the applicant will be required to agree in writing when settlement is made for the proceeds of such claims to be used for replacement or repair of buildings, to be paid to the Government for application on the loan or for such proceeds to be applied on debts secured by prior liens.

(m) Liens will not be taken to secure loan amounts for personal possessions and home equipment or furnishings. Instead, the amount loaned for this purpose will be reasonably secured by a security interest in crops, livestock, farm machinery and/or farm real estate.

NOTE: The County Supervisor will appraise all chattel and real property that will serve as EM loan security when the balance after forgiveness exceeds \$2,500.

#### § 1832.90 Subsequent loans.

Subsequent EM loans are defined as loans made to borrowers indebted for EM loans. Such loans are authorized under the following circumstances:

(a) Where the initial EM loan was for less than the amount of the actual loss sustained, a supplemental loan may be made for the balance of the actual loss. The interest rate on such a loan depends on whether it is made under § 1832.83 or § 1832.85. No applications will be accepted for this purpose after the termination date for acceptance of applications in a county.

(b) For applications filed before April 2, 1974, subsequent loans may be made only when it is necessary to preserve and protect the security for, or the

lien or priority of the lien, securing an outstanding EM loan. The following points will be considered in arriving at the required determination that a subsequent loan is needed to protect the Government's interest; and the County Supervisor will comment on these points in the running case record of the borrower's county case file to show justification for a subsequent loan before it is approved.

(1) Will FHA lose control of future farm or ranch income that ordinarily would be available for payment on the EM loan balance if the subsequent loan is not made?

(2) Will FHA's security position be weakened if the subsequent loan is not made?

(3) Will FHA take a financial loss if the borrower is forced out of farming or ranching because he could not obtain financing from a regular lender?

Additionally, before a subsequent loan may be made, there must be reasonable assurance that the subsequent loan will be repaid and that the balances owed on previous loan(s) will be repaid or substantially reduced within a reasonable period. Borrowers who receive subsequent loans under this authority will be advised in writing by the County Supervisor that no additional subsequent loans will be made and that such borrowers' future credit needs will have to be met from commercial sources or the regular FHA loan programs if they are eligible thereunder. The interest rate on these subsequent loans will be 5 percent. No borrower who has paid his EM loan in full is eligible for a subsequent loan.

#### § 1832.91 Relationship with other types of FHA loans.

(a) When an applicant needs credit in addition to an EM loan, he may receive another type FHA loan simultaneously or at a later date to meet this need during the same or a subsequent crop year.

(b) Otherwise eligible farmers and ranchers who have sustained damage to essential farm dwellings and farm service buildings from a qualifying disaster will be considered first for an EM loan instead of an RH or FO loan to restore such real estate property.

#### § 1832.92 Handling new designations.

Instructions for handling new designations will be forthcoming. In the meantime, natural disasters should be reported and designation requests submitted in accordance with the procedure set forth in § 1832.3. County Supervisors may complete the presently prescribed report in its present form, except that item 9 should address only the need for credit brought about by the disaster and not the availability of credit by commercial lenders.

Dated: February 21, 1974.

FRANK B. ELLIOT,  
Administrator,  
Farmers Home Administration.  
[FR Doc. 74-4641 Filed 2-26-74; 8:46 am]

#### CHAPTER XXVI—OFFICE OF INVESTIGATION, DEPARTMENT OF AGRICULTURE

##### PART 2610—AVAILABILITY OF INFORMATION TO THE PUBLIC PART 2620—AVAILABILITY OF INFORMATION TO THE PUBLIC

Chapter XXVI of 7 CFR is hereby revised by deleting "Office of the Inspector General" from the caption describing Chapter XXVI and inserting in its place "Office of Investigation", by deleting all of Part 2610—Availability Of Information To The Public, and by adding a new Part 2620—Availability Of Information To The Public. The fee schedule for copies of available documents is published as a notice in the FEDERAL REGISTER (currently 38 FR 26742). Such notice is subject to revision from time to time. The new Part 2620 reads as follows:

Sec.  
2620.1 General statement.  
2620.2 Requests.  
2620.3 Exempt records.  
2620.4 Denials.  
2620.5 Appeals.  
AUTHORITY: 5 U.S.C. 301, 5 U.S.C. 552, 5 U.S.C. 559.

##### § 2620.1 General statement.

This part is issued in accordance with, and subject to, the regulations of the Secretary of Agriculture, §§1.1 through 1.4 of this title, and governs the availability of records of the Office of Investigation (OI) to the public upon request.

##### § 2620.2 Requests.

(a) Requests for OI records shall be made in writing to the Assistant Director, Evaluation, OI, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Each record requested must be identified with reasonable specificity.

(c) Records so requested will be made available, except for exempt records in the categories specified in § 2620.3.

(d) Available records may be inspected and copied in the Office of the Assistant Director, Evaluation, during regular working hours, or may be obtained by mail. Copies will be provided upon payment of applicable fees prescribed by regulations published in the FEDERAL REGISTER (currently 38 FR 26742).

##### § 2620.3 Exempt records.

The following records of OI are exempt from disclosure:

(a) Matters specifically required by Executive Order to be kept secret.

(b) Matters relating solely to internal personnel rules and practices.

(c) Matters specifically exempted from disclosure by statute.

(d) Matters that are trade secrets and commercial and financial information obtained from a person and privileged or confidential.

(e) Interagency or intra-agency memorandums, letters, and other similar communications that would not be available to a party other than an agency in litigation with the agency.



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(f) Personnel and medical files, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory files compiled for law enforcement purposes, except to the extent available by law to a party other than an agency. This would include investigation reports and related notes, work papers, and correspondence.

(h) Matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency of the Department responsible for the regulation or supervision of financial institutions.

#### § 2620.4 Denials.

If the Assistant Director, Evaluation, determines that a requested record is exempt, he shall give prompt written notice of denial, together with the reasons therefor: *Provided*, That except where disclosure is prohibited by Executive Order or statute, or by regulations of other Government agencies, the Assistant Director, Evaluation, may, in individual cases, make available records that are exempt from disclosure, if he determines that disclosure will not adversely affect the national interest or constitute an unwarranted invasion of individual privacy.

#### § 2620.5 Appeals.

The denial of a requested record may be appealed, by the person who made the request, to the Director, Office of Investigation, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. The appeal shall be made in writing within 15 days of the date of receipt of the notice of denial. The Director will give written notice of his final determination.

Effective date: February 27, 1974.

Signed at Washington, D.C. this 21st day of February 1974.

L. L. GAST,  
Acting Director.

[FR Doc.74-4536 Filed 2-26-74; 8:45 am]

#### Title 13—Business Credit and Assistance CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

#### PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

##### Direct Grants for Public Works Impact Program

Part 305 of 31 CFR Chapter III is hereby amended by revising § 305.4.

In that the matter contained herein is a matter relating to the grant program of the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Section 305.4 is revised to read as follows:

#### § 305.4 Direct grants for Public Works Impact Program.

The Assistant Secretary may make direct grants not exceeding 50 percent of the cost of a Public Works Impact Program project under section 101 and 401 (a) (6) of the Act, if he determines that the project for which the grant is sought will:

(a) Fulfill a pressing need of the designated redevelopment area or part thereof in which it is or will be located;

(b) Provide immediate useful work primarily through construction jobs to the unemployed and underemployed persons in the redevelopment area or part thereof in which it is or will be located;

(c) Have maximum on-site employment costs as a substantial portion of the total project;

(d) Have the largest possible proportion of the project expenditures within the project area;

(e) Be such that construction can be substantially completed within 12 months from the date of its commencement;

(f) Satisfy public need and timing in getting construction underway and becoming operational.

(Sec. 701, Public Law 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10-4 (April 1, 1970)).

Effective date. This revision becomes effective on February 27, 1974.

Dated: February 20, 1974.

WILLIAM W. BLUNT, JR.,  
Assistant Secretary  
for Economic Development.

[FR Doc.74-4612 Filed 2-26-74; 8:45 am]

#### Title 14—Aeronautics and Space CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

##### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CON- TROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Federal Airway

On December 27, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 35325) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish VOR Federal Airway No. 499 from Lancaster, Pa., to Binghamton, N.Y.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 25, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307) is amended by adding: V-499 From Lancaster, Pa., to Binghamton, N.Y.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on February 21, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.74-4613 Filed 2-26-74; 8:45 am]

[Airspace Docket No. 73-WA-7]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CON- TROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Terminal Control Area at Pittsburgh, Pennsylvania

On August 15, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 22043) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for Pittsburgh, Pa.

Subsequent investigation discovered that the glide slope to runway 10L and the projected departure profiles from runways 10R and 28R would not be contained at or above the TCA floors. On December 6, 1973, a Supplemental NPRM was published in the Federal Register (38 FR 33603) containing an amended proposal that would extend the proposed Area B from 10 to 11 miles in the area of the extended runway centerlines.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received in response to the NPRM and Supplemental NPRM were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

In § 71.401(b) (39 FR 636) the following Pittsburgh, Pa., Group II Terminal Control Area is added:

##### PITTSBURGH, PA., TERMINAL CONTROL AREA

Primary Airport: Greater Pittsburgh Airport (Latitude 40°29'37" N., Longitude 80°13'54" W.)

Boundaries. (Based on Imperial VORTAC (IRL) (Latitude 40°29'12" N., Longitude 80°14'03" W.)

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within the Pittsburgh, Pa. (Greater Pittsburgh) Control Zone.

Area B. That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL within a 10-mile radius of IRL VORTAC, and between the 10 and 11 mile radii of the IRL VORTAC extending from the 076° radial clockwise to the 106° radial and from the 259° radial clockwise to the 288° radial; excluding Area A.

Area C. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of IRL VORTAC and between the 20 and 30-mile radii of the IRL VORTAC extending from the 076° radial clockwise to the 106° radial and

from the 259° radial clockwise to the 288° radial; excluding Areas A and B.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on February 21, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.74-4614 Filed 2-26-74; 8:45 am]

[Reg. Docket No. 13546; Amdt. 95-243]

#### PART 95—IFR ALTITUDES

##### Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of the Federal Aviation Regulations is amended, effective March 28, 1974 as follows:

1. By amending Subpart C as follows:

Section 95.47 *Green Federal airway 7* is amended to delete:

From, to, and MEA

Nome, Alaska, LFR; Norton Bay, Alaska, LF/RBN; \*5,000. \*4,200—MOCA.

Section 95.47 *Green Federal airway 7* is amended by adding:

Port Davis, Alaska, LF/RBN; Norton Bay, Alaska, LF/RBN; \*5,000. \*4,200—MOCA.

Section 95.48 *Green Federal airway 8* is amended to read in part:

Mantanuska INT, Alaska; Glenallen, Alaska, LF/RBN; \*10,000. \*9,300—MOCA.

Glenallen, Alaska, LF/RBN; Northway, Alaska, LFR; \*10,000. \*9,900—MOCA.

Section 95.101 *Amber Federal airway 1* is amended to delete:

Darby INT, Alaska; Nome, Alaska, LFR; 3,000.

Section 95.101 *Amber Federal airway 1* is amended by adding:

Darby INT, Alaska; Fort David, Alaska, LF/RBN; 3,000.

Section 95.101 *Amber Federal airway 1* is amended to read in part:

\*Egg Island INT, Alaska; Hinchinbrook, Alaska, LF/RBN; 3,100. \*2,500—MOCA Egg Island INT, westbound.

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Hinchinbrook, Alaska, LF/RBN; Storey INT, Alaska; 5,000.

Section 95.625 *Blue Federal airway 25* is amended to read:

Clear INT, Alaska; \*Hinchinbrook, Alaska, LF/RBN; 4,000. \*5,500—MOCA Hinchinbrook LF/RBN, northeast-bound.

Hinchinbrook, Alaska, LF/RBN; \*Sheep Bay INT, Alaska; 6,000. \*5,500—MOCA Sheep Bay INT, northeast-bound.

Sheep Bay INT, Alaska; Glenallen, Alaska, LF/RBN; 9,500.

Glenallen, Alaska, LF/RBN; \*Big Delta, Alaska, LFR; \*12,000. \*9,200—MOCA Big Delta LFR, southbound. \*11,500—MOCA.

Section 95.627 *Blue Federal airway 27* is amended to delete:

Oscarville, Alaska, LF/RBN; Nome, Alaska, LFR; \*4,000. \*3,800—MOCA.

Nome, Alaska, LFR; Kotzebue, Alaska, LF/RBN; \*6,000. \*5,400—MOCA.

Section 95.627 *Blue Federal airway 27* is amended by adding:

Oscarville, Alaska, LF/RBN; Port Davis, Alaska, LF/RBN; \*4,000. \*3,800—MOCA.

Port Davis, Alaska, LF/RBN; Kotzebue, Alaska, LF/RBN; \*6,000. \*5,400—MOCA.

##### Puerto Rico Routes

Section 95.1001 *Direct Routes—U.S.*

Route 2 is amended to read in part:

Ramey, P.R., VOR; \*Pueblo INT, P.R.; 2,000. \*2,500—MRA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

\*Planter INT, S.C.; Myrtle Beach, S.C., VOR; 2,000. \*2,500—MRA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Alexandria, Minn., VOR; Minneapolis, Minn., VOR; 3,000.

Minneapolis, Minn., VOR; Prescott INT, Wis.; 3,600.

Minneapolis, Minn., VOR via north alter; River Falls INT, Wis., via north alter; 3,600.

Section 95.6006 *VOR Federal airway 6* is amended to delete:

Harmon INT, Ill.; Shabbona INT, Ill.; \*2,500. \*2,100—MOCA.

Shabbona INT, Ill.; Naperville, Ill., VOR; \*2,600. \*2,200—MOCA.

Naperville, Ill., VOR; Steamboat INT, Ill.; \*2,500. \*2,300—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended by adding:

Harmon INT, Ill.; Du Page INT, VOR; \*2,700. \*2,200—MOCA.

Niles INT, Ill.; Steamboat INT, Ill.; \*2,500. \*2,300—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Greenville, Fla., VOR; Reno, INT, Ga.; 2,200.

Reno, INT, Ga.; Pansey INT, Ala.; \*1,800. \*1,600—MOCA.

Pansey INT, Ala.; Dothan, Ala., VOR; 2,500.

Montgomery, Ala., VOR; \*Jones INT, Ala.; 2,000. \*3,000—MRA.

Jones INT, Ala.; Birmingham, Ala., VOR; 3,000.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Harmon INT, Ill.; Scar INT, Ill.; \*2,700. \*2,200—MOCA.

Scar INT, Ill.; Joliet, Ill., VOR; \*2,700. \*2,000—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to delete:

Joliet, Ill., VOR; Naperville, Ill., VOR; \*2,500. \*2,200—MOCA.

Naperville, Ill., VOR; Don Dee INT, Ill.; \*2,800. \*2,300—MOCA.

Don Dee INT, Ill.; Poplar INT, Ill.; \*2,900. \*2,300—MOCA.

Poplar INT, Ill.; Jay Bee INT, Wis.; \*2,900. \*2,600—MOCA.

Jay Bee INT, Wis.; Milwaukee, Wis., VOR; \*2,900. \*2,700—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended by adding:

Joliet, Ill., VOR; Belvidere INT, Ill.; \*2,600. \*2,200—MOCA.

Belvidere INT, Ill.; Milwaukee, Wis., VOR; \*2,900. \*2,700—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to delete:

Planco INT, Ill.; Naperville, Ill., VOR; \*2,700. \*2,100—MOCA.

Naperville, Ill., VOR; Steamboat INT, Ill.; \*2,500. \*2,300—MOCA.

Naperville, Ill., VOR via north alter; \*Surf INT, Ill., via north alter; 3,400. \*3,100—MCA Surf INT, westbound.

Surf INT, Ill., via north alter; Neptune INT, Ill., via north alter; \*2,300. \*2,000—MOCA.

Neptune INT, Ill., via north alter; South Bend, Ind., VOR via north alter; 2,600.

Section 95.6010 *VOR Federal airway 10* is amended by adding:

Planco INT, Ill.; Chicago O'Hare, Ill., VOR; 2,600.

Niles INT, Ill.; Steamboat INT, Ill.; \*2,500. \*2,300—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Farmington, Minn., VOR; Grantsburg, Wis., VOR; 3,600.

Lydia INT, Minn., via west alter; Minneapolis, Minn., VOR via west alter; 3,000.

Minneapolis, Minn., VOR via west alter; Grantsburg, Wis., VOR via west alter; 3,000.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Albuquerque, N. Mex., VOR via west alter; Zia INT, N. Mex., via west alter; \*9,000. \*8,500—MOCA.

Zia INT, N. Mex., via west alter; Santa Fe, N. Mex., VOR via west alter; 9,000.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Flying Cloud, Minn., VOR; River Falls INT, Wis.; 3,300.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Mooreville INT, N.C.; Ostwalt INT, N.C.; 3,000.

Ostwalt INT, N.C.; Burch INT, N.C.; \*5,000. \*3,500—MOCA.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

Wyand INT, Ill.; Joliet, Ill., VOR; \*2,500. \*2,000—MOCA.



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Section 95.6045 VOR Federal airway 45 is amended to read in part:

Waterville, Ohio, VOR; Japer INT, Mich.; \*2,600. \*2,000—MOCA.  
Japer INT, Mich.; Jackson, Mich., VOR; \*2,800. \*2,500—MOCA.

Section 95.6063 VOR Federal airway 63 is amended to read in part:

Janesville, Wis., VOR; \*Rast INT, Wis.; \*2,900. \*3,500—MRA. \*2,700—MOCA.  
Rast INT, Wis.; Milwaukee, Wis., VOR; \*2,900. \*2,700—MOCA.

Section 95.6068 VOR Federal airway 68 is amended to read in part:

Albuquerque, N. Mex., VOR via south alter.; \*Becker INT, N. Mex., via south alter.; 8,000. \*9,000—MCA Becker INT, SE-bound. Becker INT, N. Mex., via south alter.; Corona, N. Mex., VOR via south alter.; 10,000.

Section 95.6078 VOR Federal airway 78 is amended to read in part:

Darwin, Minn., VOR; Minneapolis, Minn., VOR; 3,000.  
Minneapolis, Minn., VOR; Boyceville INT, Wis.; 3,600.

Section 95.6082 VOR Federal airway 82 is amended to read in part:

Brainerd, Minn., VOR; Minneapolis, Minn., VOR; 3,000.  
Minneapolis, Minn., VOR; Farmington, Minn., VOR; 3,000.

Section 95.6097 VOR Federal airway 97 is amended by adding:

Chicago Heights, Ill., VOR; Joliet, Ill., VOR; \*2,600. \*2,300—MOCA.  
Joliet, Ill., VOR; Tiger INT, Ill.; \*2,500. \*2,100—MOCA.  
Tiger INT, Ill.; Woodstock INT, Ill.; \*2,700. \*2,200—MOCA.  
Woodstock INT, Ill.; Janesville, Wis., VOR; \*2,900. \*2,300—MOCA.

Section 95.6097 VOR Federal airway 97 is amended by adding:

Northbrook, Ill., VOR; Woodstock INT, Ill.; \*2,700. \*2,200—MOCA.  
Woodstock INT, Ill.; Janesville, Wis., VOR; \*2,900. \*2,300—MOCA.

Section 95.6097 VOR Federal airway 97 is amended to read in part:

Knoxville, Tenn., VOR via east alter.; Maynardville INT, Tenn., via east alter.; \*3,800. \*3,600—MOCA.  
Maynardville INT, Tenn., via east alter.; London, Ky., VOR via east alter.; 5,300.  
Prescott INT, Wis.; Minneapolis, Minn., VOR; 3,600.

Section 95.6098 VOR Federal airway 98 is amended to read in part:

Hudson INT, Mich.; Japer INT, Mich.; \*3,000. \*2,000—MOCA.  
Japer INT, Mich.; Carleton, Mich., VOR; 2,500. \*2,000—MOCA.

Section 95.6100 VOR Federal airway 100 is amended to read in part:

Rockford, Ill., VOR; Woodstock, INT, Ill.; \*2,800. \*2,500—MOCA.

Section 95.6115 VOR Federal airway 115 is amended to read in part:

Montgomery, Ala., VOR; \*Jones INT, Ala.; 2,000. \*3,000—MRA.  
Jones INT, Ala.; Birmingham, Ala., VOR; 3,000.

Section 95.6116 VOR Federal airway 116 is amended to delete:

Joliet, Ill., VOR; Naperville, Ill., VOR; \*2,500. \*2,200—MOCA.  
Naperville, Ill., VOR; \*Surf INT, Ill.; 3,400. \*3,100—MCA Surf INT, westbound.  
Surf INT, Ill.; Neptune INT, Ill.; \*2,300. \*2,000—MOCA.

Naperville, Ill., VOR via south alter.; Steamboat INT, Ill., via south alter.; \*2,500. \*2,300—MOCA.  
Steamboat INT, Ill., via south alter.; Keeler, Mich., VOR via south alter.; \*2,800. \*2,100—MOCA.

Section 95.6148 VOR Federal airway 148 is amended to read in part:

Mayer INT, Minn.; Minneapolis, Minn., VOR; 3,000.

Section 95.6161 VOR Federal airway 161 is amended to read in part:

River Falls INT, Wis.; Minneapolis, Minn., VOR; 3,600.  
Minneapolis, Minn., VOR; Brainerd, Minn., VOR; 3,000.

Section 95.6177 VOR Federal airway 177 is amended to delete:

Naperville, Ill., VOR; Don Dee INT, Ill.; \*2,800. \*2,300—MOCA.

Don Dee INT, Ill.; Janesville, Wis., VOR; \*2,700. \*2,500—MOCA.

Section 95.6177 VOR Federal airway 177 is amended by adding:

Du Page, Ill., VOR; Janesville, Wis., VOR; \*2,800. \*2,400—MOCA.

Section 95.6187 VOR Federal airway 187 is amended by adding:

Albuquerque, N. Mex., VOR via east alter.; Pedro INT, New Mexico, via east alter.; 9,000.  
Pedro INT, New Mexico, via east alter.; Otis INT, New Mexico, via east alter.; \*11,000. \*9,800—MOCA.

Otis INT, New Mexico, via east alter.; Farmington, N. Mex., VOR via east alter.; 9,000.

Section 95.6190 VOR Federal airway 190 is amended to read in part:

St. Johns, Ariz., VOR via south alter.; \*Stony INT, New Mexico, via south alter.; \*12,000. \*9,500—MCA Stony INT, south-west-bound.  
Stony INT, New Mexico, via south alter.; Albuquerque, N. Mex., VOR via south alter.; 9,000.

Section 95.6196 VOR Federal airway 196 is amended to read in part:

\*Beaver INT, N.Y.; \*Stack INT, N.Y.; 5,000. \*6,000—MRA. \*2,800—MRA.  
Stack INT, N.Y.; Saranac Lake, N.Y., VOR; 5,000.

Section 95.6218 VOR Federal airway 218 is amended to delete:

Rockford, Ill., VOR; Malta INT, Ill.; \*2,700. \*2,100—MOCA.  
Malta INT, Ill.; \*Warren INT, Ill.; \*2,600. \*6,000—MRA. \*2,200—MOCA.  
Warren INT, Ill.; Naperville, Ill., VOR; \*2,600. \*2,200—MOCA.

Naperville, Ill., VOR; \*Surf INT, Ill.; 3,400. \*3,100—MCA Surf INT, westbound.  
Surf INT, Ill.; Neptune INT, Ill.; \*2,300. \*2,000—MOCA.

Neptune INT, Ill.; Keeler, Mich., VOR; \*2,800. \*2,000—MOCA.

Section 95.6218 VOR Federal airway 218 is amended to read in part:

Grand Rapids, Minn., VOR; Minneapolis, Minn., VOR; \*5,500. \*3,000—MOCA.  
Minneapolis, Minn., VOR; Cannon Falls INT, Minn.; 3,500.

Section 95.6225 VOR Federal airway 225 is amended to read in part:

\*Cape Romano INT, Fla.; Fort Myers, Fla., VOR; \*2,000. \*4,500—MRA. \*1,700—MOCA.

Section 95.6227 VOR Federal airway 227 is amended to read in part:

Pontiac, Ill., VOR; Chana INT, Ill.; \*2,700. \*2,400—MOCA.  
Chana INT, Ill.; Rochford, Ill., VOR; \*2,800. \*2,500—MOCA.

Section 95.6317 VOR Federal airway 317 is amended to delete:

Waco, Tex., VOR; Peoria INT, Tex.; \*2,000. \*1,700—MOCA.  
Peoria INT, Tex.; Greater Southwest, Tex., VOR; 2,800.

Greater Southwest, Tex., VOR; Ardmore, Okla., VOR; \*2,700. \*2,300—MOCA.

Section 95.6343 VOR Federal airway 343 is amended to read in part:

Ranger INT, Mont.; \*Gateway INT, Mont., southbound, \*14,000. northbound, 10,000. \*11,500—MCA Gateway INT, southbound.  
Gateway INT, Mont.; Bozeman, Mont., VOR; southbound, \*14,000. northbound, \*8,000. \*7,700—MOCA.

Section 95.6358 VOR Federal airway 358 is added to read:

Waco, Tex., VOR; Peoria INT, Tex.; \*2,000. \*1,700—MOCA.  
Peoria INT, Tex.; Greater Southwest, Tex., VOR; 2,800.  
Greater Southwest, Tex., VOR; Ardmore, Okla., VOR; \*2,700. \*2,300—MOCA.

Section 95.6429 VOR Federal airway 429 is amended to delete:

Joliet, Ill., VOR; Tiger INT, Ill.; \*2,500. \*2,100—MOCA.  
Tiger INT, Ill.; Woodstock INT, Ill.; \*2,700. \*2,200—MOCA.  
Woodstock INT, Ill., Jay Bee INT, Wis.; \*3,000. \*2,600—MOCA.  
Jay Bee INT, Wis.; Oshkosh, Wis., VOR; \*5,000. \*2,300—MOCA.

Section 95.6429 VOR Federal airway 429 is amended by adding:

Joliet, Ill., VOR; Du Page, Ill., VOR; \*2,500. \*2,100—MOCA.  
Du Page, Ill., VOR; \*Rast INT, Wis.; \*3,500. \*3,500—MRA. \*2,500—MOCA.  
Rast INT, Wis.; Oshkosh, Wis., VOR; \*5,000. \*2,300—MOCA.

Section 95.6456 VOR Federal airway 456 is amended to read in part:

Black Hill INT, Alaska; Tanner INT, Alaska; \*14,000. \*2,000—MOCA. \*MEA is established with a gap in navigation signal coverage.  
Tanner INT, Alaska; King Salmon, Alaska, VOR; \*3,000. \*1,300—MOCA. \*MEA is established with a gap in navigation signal coverage.

King Salmon, Alaska, VOR; Big Mountain INT, Alaska; \*5,000. \*4,500—MOCA.

Section 95.7093 Jet route No. 93 is added to read:

From; to; MEA; and MAA  
Ontario, Calif., VORTAC; Julian, Calif., VOR TAC; 18,000; 45,000.  
Julian, Calif., VORTAC; U.S. Mexican Border; 18,000; 45,000.

## RULES AND REGULATIONS

Section 95.7133 Jet route No. 133 is amended to read in part:

Blarka Island, Alaska, VORTAC; Hinchinbrook, Alaska, LF/RBN; 18,000; 45,000.  
Hinchinbrook, Alaska, LF/RBN; Johnstone Point, Alaska, VOR; 18,000; 45,000.

Section 95.7185 Jet route No. 185 is added to read:

Traverse City, Mich., VORTAC; Flint, Mich., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:  
Section 95.8003 VOR Federal airway changeover points:

From; to; changeover point distance from V-506 is amended to delete:

Kodiak, Alaska, VOR; King Salmon, Alaska, VORTAC; 45; Kodiak.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued February 19, 1974.

JAMES M. VINES,  
Chief,  
Aircraft Programs Division.  
[FR Doc.74-4372 Filed 2-26-74; 8:45 am]

# Title 15—Commerce and Foreign Trade CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

## PART 365—MOBILE TRADE FAIRS Deletion of Part

Part 365 is deleted from 15 CFR Chapter III.

Dated: February 20, 1974.

M. VAN GESSEL,  
Deputy Assistant Secretary  
for International Commerce.  
[FR Doc.74-4554 Filed 2-26-74; 8:45 am]

# CHAPTER VI—BUREAU OF DOMESTIC COMMERCE, DEPARTMENT OF COMMERCE

## PART 601—ISSUANCE OF LICENSES UNDER FOREIGN PATENTS OWNED BY THE UNITED STATES

### Revocation of Part

Part 601 of 15 CFR Chapter VI of Title 15 is revoked.

Dated: February 19, 1974.

GARY M. COOK,  
Acting Deputy Assistant  
Secretary for Domestic Commerce.  
[FR Doc.74-4555 Filed 2-26-74; 8:45 am]

# Title 19—Customs Duties CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T. O. 74-77]

## PART 153—ANTIDUMPING Racing Plates (Aluminum Horseshoes) From Canada

FEBRUARY 22, 1974.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury re-

sponsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that racing plates (aluminum horseshoes) from Canada are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of October 23, 1973 (38 FR 29260).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on January 24, 1974, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of racing plates (aluminum horseshoes) from Canada sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of January 31, 1974 (39 FR 4013).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to racing plates (aluminum horseshoes) from Canada.

Section 153.43 of the Customs regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Racing plates (aluminum horseshoes).	Canada...	74-77

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

[SEAL] JAMES B. CLAWSON,  
Acting Assistant Secretary  
of the Treasury.  
[FR Doc.74-4667 Filed 2-25-74; 8:45 am]

## Title 21—Food and Drugs

### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### SUBCHAPTER C—DRUGS PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

##### Iprnidazole

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (43-477V) filed by Hoffmann La Roche, Inc., Nutley, N.J. 07110, proposing an amendment to the regulation for ipronidazole to provide for the manufacture of finished feeds from feed supplements that contain up to 0.0625 percent of ipronidazole. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(f), 82 Stat. 347; 21 U.S.C. 360b(f)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.56 is amended by revising paragraph (e) to read as follows:

## § 135e.56 Iprnidazole.

(e) *Special considerations.* Finished feed processed from feed supplements that contain up to 0.0625 percent ipronidazole and that comply with the provisions of both this paragraph and paragraph (f) of this section are exempted from the requirements of section 512(m) of the act.

*Effective date.* This order shall be effective February 27, 1974.

(Sec. 512(f), 82 Stat. 347; 21 U.S.C. 360b(f))  
Dated: February 19, 1974.

C. D. VAN HOUWELING,  
Director, Bureau of  
Veterinary Medicine.  
[FR Doc.74-4531 Filed 2-26-74; 8:45 am]

## Title 39—Postal Service CHAPTER I—UNITED STATES POSTAL SERVICE

### Miscellaneous Amendments to Chapter

Regulations codified under § 126.1(f) (1) (ii) are amended to require special marking of magnetic material sent to overseas military post offices by surface shipment and to preclude the use of registered mail for these items.

Regulations codified under § 132.1(b) (2) (iii) are amended to add a reference to § 134.5(b) for definitions of the various non-profit organizations and associations listed in subdivisions (a)-(h) thereunder.

Regulations codified under § 144.4(i) are amended to authorize the use of the postage meter ad-plate area for specific postal markings.

Regulations codified under § 159.7(b) (9) (ii) are revised to conform to the previous revocation of Part 620 of Publication 42, dealing with International Mail, which had provided for opening, with the addressee's consent, sealed letters of foreign origin believed to contain prohibited matter.

Regulations codified under § 159.7(e) and (f) contain directions to postal employees concerning (1) the disposition of certain dead letters containing cash, and (2) the preparation of a catalog of unclaimed merchandise from the mail to be sold at public auction. Since these regulations involve purely internal, administrative matters, they are removed from the Code of Federal Regulations. In addition, paragraphs (b) (2) (iii) and (b) (3) of § 159.7 are amended to correct certain section references.

Accordingly, the following amendments are effective immediately:

## PART 126—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

1. In § 126.1 *Preparation and handling*, paragraph (f) (1) (ii) is revised to read as follows:

§ 126.1 *Preparation and handling.*

(f) . . . (1) . . .  
(ii) Magnetic material shipped by air having sufficient magnetic field to cause



## RULES AND REGULATIONS

a compass deviation at 15 feet or more. Magnetic material causing a compass deviation at less than 15 feet shall have the required magnetic equipment caution label affixed. This does not apply to magnetic material sent by surface shipment. However, parcels containing magnetic material with unconfined fields must be clearly identified on the wrapper as **MAGNETIC—KEEP 15 FEET AWAY FROM NAVIGATIONAL EQUIPMENT** and may not be transmitted by registered mail.

## PART 132—SECOND CLASS

2. In § 132.1 Rates, paragraph (b) (2) (iii) is revised to read as follows:

## § 132.1 Rates.

- (b) . . . . .  
(2) . . . . .  
(iii) The rates in paragraph (b) (2) (i) and (ii) of this section apply only to publications issued by and in the interest of the following organizations and associations (see § 134.5(b) for definitions of organizations listed in paragraph (b) (2) (iii) (a)–(h) of this section) not organized for profit and none of the net income of which benefits any private stockholder or individual, when specially authorized by the Postal Service: (see § 132.3(c) (1)).

## PART 144—POSTAGE METERS AND METER STAMPS

3. In § 144.4 Meter stamps, paragraph (1) is revised to read as follows:

## § 144.4 Meter stamps.

(1) *Ad plates.* (i) Advertising matter, slogans, and the postal markings specified in paragraph (1) (2) of this section may be printed with the meter stamps within space limitations. Licensees must obtain the plates for the printing of this matter from authorized meter manufacturers to assure suitable quality and content in accordance with the requirements of the Postal Service. The advertising and slogans must not be objectionable or misleading.

(2) The following postal markings relating to the class of mail are permissible: **FIRST CLASS; THIRD CLASS; BLK. RT.; NONPROFIT ORG.; FOURTH CLASS; BULK CATALOG RATE; AIR MAIL; AND PRIORITY MAIL.** If a postal marking is to appear in the ad plate area, no other matter is to be printed. The marking must fill the entire ad plate area to the extent practicable. All words must be in bold, capital letters which are at least 1/4" in height or 18-point type and legible at two feet. Exceptions for small ad plates that will not accommodate any of the above markings will not be considered.

## PART 159—UNDELIVERABLE MAIL

4. In § 159.7 Dead mail, paragraph (b) (2) (iii), (b) (3), and (b) (9) (ii) are

revised to read as follows, and paragraphs (e) and (f) are deleted and reserved.

## § 159.7 Dead mail.

- (b) . . . . .  
(2) . . . . .  
(iii) Dispose of any letter in the categories listed in paragraphs (b) (8) and (b) (9) of this section and in §§ 159.75 and 159.76 of the Postal Service Manual in accordance with those instructions.

(3) *Letters which cannot be returned or forwarded.* Destroy letters which contain correspondence only and which are without sufficient information to enable return to the sender or delivery to addressee. Dispose of other letters in accordance with paragraphs (b) (8) and (b) (9) of this section and §§ 159.75 and 159.76 of the Postal Service Manual.

(9) . . . . .  
(ii) *Foreign lottery matter.* Dispose of mail of foreign origin containing lottery matter in accordance with the following: (A) Where the sender can be identified as the respondent in an outstanding foreign lottery order (see revised Postal Service Publication 43 and weekly Postal Bulletins), the mail should be disposed of as provided by section 244.4 of Postal Service Publication 42, "International Mail"; (B) Where the sender cannot be so identified, a sample of the mailing should be forwarded to the Consumer Protection Office, Law Department, Headquarters, for appropriate attention pursuant to 39 U.S.C. § 3005, and additional pieces of mail from the same sender should be withheld from delivery pending publication of notice in the Postal Bulletin that a foreign lottery order has been issued against the sender, or the receipt of other instructions from the Law Department. Upon issuance of a foreign lottery order the mail should be disposed of as indicated in paragraph (b) (9) (ii) (A) of this section.

- (e) [Reserved]  
(f) [Reserved]

(39 U.S.C. 491(2))

ROGER P. CRAIG,  
Deputy General Counsel.  
[FR Doc.74-4550 Filed 2-26-74; 8:45 am]

Title 47—Telecommunication  
CHAPTER I—FEDERAL  
COMMUNICATIONS COMMISSION  
PART 13—COMMERCIAL RADIO  
OPERATORS  
Morse Code Examinations

In the matter of amendment of Part 13 of the rules to list the elements of the radiotelegraph Morse Code examinations.

1. Section 13.21 of the rules for commercial radio operators lists the license examination written elements, but not the code test elements. Section 97.21 of the rules for the Amateur Radio Serv-

ices lists both the written and code test elements. The amendments as shown in the attached Appendix will list under the examination elements the four specific levels of Morse Code tests included in the commercial radiotelegraph operator license examinations.

2. The amendments adopted herein are editorial in nature, and hence the prior notice, procedure, and effective date provisions of 5 U.S.C. § 553 do not apply. Authority for the promulgation of the amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's Rules.

3. Accordingly, Part 13 of the Commission's Rules is amended as set forth below, effective March 1, 1974.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 19, 1974.

Released: February 20, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
JOHN M. TORBET,  
Executive Director.

Part 13 of 47 CFR Chapter I is amended as follows:

1. Section 13.21 is amended by adding paragraph (b) as follows:

## § 13.21 Examination elements.

(b) Examination elements of the radiotelegraph Morse Code comprise sending and receiving tests at the following rates:

- (1) Sixteen (16) code groups-per-minute.  
(2) Twenty (20) plain language words-per-minute.  
(3) Twenty (20) code groups-per-minute.  
(4) Twenty-five (25) plain language words-per-minute.

[FR Doc.74-4580 Filed 2-26-74; 8:45 am]

PART 17—CONSTRUCTION, MARKING,  
AND LIGHTING OF ANTENNA STRUC-  
TURES

Construction or Alteration of Antenna  
Towers

In the matter of Amendment of Part 17 of the Commission's rules requiring notice of construction or alteration of antenna towers.

1. Under consideration are editorial amendments to §§ 17.7, 17.14, and 17.57 of the Commission's rules governing the notice requirements of changes in construction, marking and lighting of antenna structures.

2. The notice required in § 17.7 to be given the Federal Aviation Administration (FAA) prior to construction or alteration of antenna structures, and the exemption thereto in Section 17.14, was established in accordance with FAA criteria set forth in its regulations,<sup>1</sup> and are in keeping with FAA's statutory responsibility for promoting safety in air commerce. The changes indicated in the attached appendix permits the Commission's rules to conform with the changes

## RULES AND REGULATIONS

Title 10—Energy  
CHAPTER II—FEDERAL ENERGY OFFICE  
PART 212—MANDATORY PETROLEUM  
PRICE REGULATIONS

Removal of Distillate Production Incentive

On December 5, 1973 the Cost of Living Council amended its Phase IV price regulations to adopt the first step of a refinery incentive program which allowed petroleum refiners to adjust the relative prices of distillate fuel and gasoline in order to encourage increased production of middle distillates. Specifically, refiners were allowed to increase their May 15, 1973 selling prices of distillates by 2 cents and required to reduce their May 15, 1973 selling prices of gasoline by one cent.

The second step of the refinery incentive program was adopted on December 28, 1973. That amendment extended the incentive to produce distillate fuels by use of a sliding-scale matrix which permitted measured increments in distillate fuel prices to the extent that production of these fuels exceeded the production level that resulted from the first step adjustment.

The FEO has reviewed the current status of distillate and gasoline supplies and determined that energy conservation practices and warmer weather than usual, as well as the incentive factors provided for distillate production, have resulted in adequate supplies of distillates for the rest of this winter. Consideration has also been given to the increased needs for gasoline during the spring and summer months and the historical pattern of refinery shifts from maximizing distillate production to maximizing gasoline production that normally occurs at this time of the year. In light of these facts, the FEO has determined that the removal of the distillate incentive factors is appropriate at this time. This action will encourage increased gasoline production by refiners as the summer months approach.

This amendment to the pricing regulations is therefore issued to remove the incentive factors previously adopted in the first and second steps of the refinery incentive program which operated to maximize production of distillates during the winter months. This revocation will result in a decrease in the May 15, 1973 selling prices of distillates by 2 cents and an increase in the May 15, 1973 selling prices of gasoline by one cent, effective March 1, 1974. As was true in December when the original incentive was added, removal of the incentive will have a generally neutral effect upon refiners' profit since the decrease in distillate price roughly balances out the increase in gasoline prices.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum price regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making

nearest landing and takeoff area of each heliport specified in subparagraph (d) of this section.

(c) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed an obstruction standard of the FAA.

(d) Any construction or alteration on any of the following airports (including heliports):

(1) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(2) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and except for military airports, it is clearly indicated that the airport will be available for public use.

(3) An airport that is operated by an armed force of the United States.

Note: Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the Federal Aviation Administration as of the filing date of the application for such radio facilities.

2. Section 17.14(c) is amended to read as follows:

§ 17.14 Certain antenna structures exempt from notification to the FAA.

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the Federal Aviation Administration, the location and height of which is fixed by its functional purpose.

3. Section 17.57 is amended to read as follows:

§ 17.57 Report of radio transmitting antenna construction, alteration, and/or removal.

Any permittee or licensee who, pursuant to any instrument of authorization from the Commission to erect or make changes affecting antenna height or location of an antenna tower for which obstruction marking or lighting is required shall, prior to start of tower construction and upon completion of such construction or changes, fill out and file with the Aeronautical Chart Division of the National Ocean Survey, NOAA Form 76-10 (Report of Radio Transmitting Antenna Construction, Alteration and/or Removal) in order that antenna tower information may be provided promptly for use on aeronautical charts and related publications in the interest of safety in air navigation.

[FR Doc.74-4581 Filed 2-26-74; 8:45 am]

and editorial corrections to FAR Part 77 adopted by FAA on May 2, 1968, and published in the FEDERAL REGISTER (28 FR 5255) on April 2, 1968.

3. Section 17.57 of the Commission's Rules requires that notice of antenna construction or changes be given the "Director, U.S. Coast and Geodetic Survey" prior to or upon completion thereof. Since the US C&GS has been changed to the National Ocean Survey, and the form for reporting of such information has been redesignated NOAA Form 76-10, Section 17.57 is being appropriately amended.

4. The amendments would conform the Commission's rules with those already established and in effect and are, therefore, editorial in nature. Hence, the prior notice and effective date provision of section 4 of the Administrative Procedures Act (5 U.S.C. 553) does not apply. Authority for the changes in contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's Rules and Regulations.

5. In view of the foregoing, it is ordered, That, effective March 4, 1974, Part 17 of the Commission's Rules is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 20, 1974.

Released: February 21, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] JOHN M. TORBET,  
Executive Director.

1. Section 17.7 is amended to read as follows:

§ 17.7 Antenna structures requiring notification to the FAA.

A notification to the Federal Aviation Administration is required, except as set forth in § 17.14, for any of the following construction or alteration:

(a) Any construction or alteration of more than 200 feet in height above ground level at its site.

(b) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(1) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (d) of this section with at least one runway more than 3,200 feet in actual length, excluding heliports.

(2) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (d) of this section with its longest runway no more than 3,200 feet in actual length, excluding heliports.

(3) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the

<sup>1</sup> Federal Aviation Regulations, Part 77, Subpart B.



these amendments effective in less than 90 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11746, 38 FR 28576; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order 47, 39 FR 24).

In consideration of the foregoing, Part 212 of 10 CFR Chapter II is amended as set forth below, effective March 1, 1974.

Issued in Washington, D.C., February 25, 1974.

WILLIAM N. WALKER,  
General Counsel,  
Federal Energy Office.

#### § 212.31 [Amended]

1. Section 212.31 is amended by deleting the definitions of "aviation turbine fuels," "kerosene," "No. 1 heating oil," "No. 1-D diesel fuel," "No. 4 fuel oil" and "No. 4-D diesel fuel."

#### § 212.82 [Amended]

2. Section 212.82 is revised in paragraph (f) (1) (i) to read as follows:

(i) The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 212.83. In computing the base price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

3. Section 212.82 (f) (1) (ii) is deleted.

4. Paragraph (f) (1) (iii) of § 212.82 is renumbered as paragraph (f) (1) (ii).

5. Section 212.82 is revised in paragraph (f) (2) (i) to read as follows:

(i) Notwithstanding the general rule in paragraph (f) (1) of this section, in computing the base price for special products, a refiner may not increase its May 15, 1973 selling price to each class of purchaser more than once in any calendar month to reflect the increased product costs allowable pursuant to the provisions of § 212.83, but may implement the increase on any day during that month.

6. Section 212.82 (f) (2) (ii) is deleted.

7. Paragraph (f) (2) (iii) of § 212.82 is renumbered as paragraph (f) (2) (ii).

§ 212.84 [Deleted]

8. Section 212.84 is deleted.

§ 212.126 [Amended]

9. Section 212.126 is amended in paragraph (b) by deleting the last sentence.

[FR Doc. 74-4782 Filed 2-25-74; 4:25 pm]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[25 CFR Part 221]

## WIND RIVER IRRIGATION PROJECT, WYO.

### Operation and Maintenance Charges

**Basis and purpose.** Notice is hereby given that pursuant to the authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 FR 258), and virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director BIAM 3.1 (34 FR 637) January 16, 1969, and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10-2, 10 BIAM 7.2, § 2.70, notice is hereby given of the intention to modify 25 CFR 221.95, dealing with the irrigable lands of the Wind River Irrigation Project, Wyoming. Purpose of this amendment is to establish the LeClair-Riverton Irrigation District the 1974 irrigation season, and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Superintendent, Bureau of Indian Affairs, Fort Washakie, Wyoming 82514, on or before March 29, 1974.

Section 221.95 as amended would read § 221.95 Charges.

In compliance with the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387), the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1972 and subsequent years until further notice, are hereby fixed at \$4.60 per acre for the assessable area under the constructed works on the diminished Wind River Project and at \$4.20 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian Land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of \$0.45 (45 cents) per acre is hereby fixed.

CLYDE W. HOBBS,  
Superintendent,  
Wind River Agency.

[FR Doc. 74-4556 Filed 2-26-74; 9:45 am]

## Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 1079]

[Docket No. AO-295-A26]

## MILK IN THE DES MOINES, IOWA, MARKETING AREA

### Recommended Decision on Proposed Amendments to Marketing Agreement and Order.

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Des Moines, Iowa, marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250 by March 14, 1974. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

### PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Des Moines, Iowa, on May 8-9, 1973, pursuant to notice thereof, which was issued April 26, 1973 (38 FR 10736).

The material issues on the record of the hearing relate to:

1. Pool plant qualification.
2. Diversion limits on producer milk.
3. Definition of handler.
4. Classification of shrinkage, butterfat dumped or disposed of for animal feed, milk sold to commercial food processors, and milk destroyed or lost under extraordinary circumstances.
5. Location adjustment credit on bulk milk transferred between pool plants.
6. Miscellaneous administrative provisions.

### FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. **Pool plant qualifications.** The provisions of the order pertaining to pool plant performance standards should be modified as follows:

(a) The shipping requirement for a pool supply plant should be reduced from 35 to 30 percent for each of the months of April through August;

(b) Pool plant qualification percentages should be computed on the basis of a plant's physical receipts of bulk fluid milk products together with milk diverted from such plants under the diversion limits adopted elsewhere in this decision. Qualifying percentages are now based on producer milk physically received at a plant plus, in the case of distributing plants, receipts from supply plants; and

(c) Packaged fluid milk products that are transferred to a distributing plant should be considered as route disposition from the transferor plant for the purpose of qualifying it as a pool distributing plant.

**Supply plant shipping requirement.** A cooperative association representing the majority of producers on the Des Moines market proposed a reduction of 5 percentage points in the pool supply plant minimum shipping percentage, which presently is 35 percent each month.

In support of the proposal for a lower minimum shipping performance for pool supply plant status, the cooperative's witness stated that a 30 percent shipping percentage is needed in view of the market's declining Class I utilization.

Proponent's witness stated that two supply plants with long standing in the market have experienced difficulty meeting the 35 percent shipping percentage specified in the order. The witness claimed that on occasions both of these supply plants have engaged in shipping milk to a distributing plant where such milk is received and then reloaded on the same tank truck and hauled back to the supply plant or neighboring nonpool manufacturing facility. Such a practice was said to be uneconomic and an indication that a reduction in the shipping percentage is needed.

Three other cooperatives associated with the Des Moines market supported the proposal, including the cooperative association operating one of the supply plants having difficulty in qualifying. This cooperative, in supporting the major cooperative's proposal, abandoned its proposal to provide pooling status during March through August for a supply plant that shipped not less than 40 percent of its milk to pool distributing plants in the immediately preceding September through November.

Relaxation of supply plant shipping requirements was opposed by a cooperative association and a proprietary han-



der, each of which operates a pool distributing plant located in Des Moines. Such handlers contended in testimony at the hearing and also in their briefs that any reduction in the current shipping requirements for supply plants would enable the pooling of additional supplies of milk for manufacturing use without such milk being made available to pool distributing plants for Class I use.

The proportion of the Des Moines market's supply of milk needed at pool distributing plants for Class I use has declined in recent years. During the period from 1968 to 1972 the Des Moines market's Class I utilization fell from an average of 69 percent to 53 percent, a decline of 16 percentage points. During this 5-year period the quantity of producer milk pooled on the Des Moines market increased 42 percent while the quantity of such milk utilized as Class I increased only 8.6 percent. In 1972 approximately 586.5 million pounds of producer milk were pooled on the Des Moines market, 309.9 million pounds of which were utilized as Class I milk.

The quantity of milk utilized in pool distributing plants has been relatively constant from month to month. Milk production, however, varies seasonally. Average daily deliveries of milk per farm on the Des Moines market are about 30 percent greater in June than in November. In these circumstances, a greater proportion of the market's milk supply is utilized by distributing plants in the short production season than in the months of seasonally high production. Accordingly, a greater proportion of the milk supply that is assembled at supply plants can be expected to be needed at pool distributing plants during the seasonally short production months than during other months.

Pool supply plants on the Des Moines market during 1972 shipped a greater quantity of milk to pool distributing plants during the period of shortest production than in the period of highest production. Such shipments amounted to 16.98 million pounds during October through December and 14.79 million pounds during April through June. Appropriately, supply plant shipping standards should reflect seasonal needs of the market.

Class I utilization in the Des Moines market averaged 54 percent in 1971 and 53 percent in 1972, but there was a wide seasonal variation in the monthly Class I use percentages each year. In 1971 the proportion of producer milk used as Class I milk ranged from a low of 43.4 percent in June to a high of 61.3 percent in November. An even wider range of Class I use percentages was experienced in 1972, from 42.3 percent in June to 70.4 percent in November. During 1971 and 1972 Class I use exceeded 50 percent during each of the months of September through March.

In view of the aforementioned market conditions it is concluded that there is no apparent need to reduce the present 35 percent minimum pool supply plant

shipping standard during September through March, since a majority of the milk on the market is needed at distributing plants for Class I use during such months. Also, the need for supply plant milk to be moved to distributing plants is greatest during these months of seasonally low production.

However, since the Class I utilization percentage has been below 50 percent in each of the months of April through August over the past two years, the 35 percent shipping performance level makes it somewhat more difficult during this period for supply plants to find outlets among distributing plants in the market. Although some distributing plants procure their entire milk supply from supply plants, other distributing plants receive milk both from producers and supply plants.

Because of the seasonal variation in milk production, a distributing plant operator that supplements his direct receipts of producer milk with supply plant milk would need the least volume of supply plant milk in the flush production months. The seasonal variation in the volume of supply plant milk needed would be influenced by the extent that the plant operator relies on milk received directly from producers to fulfill his milk requirements. If only a small proportion of a distributing plant's milk supply consists of producer milk, there will not be as much seasonal variation in the volume of milk purchases from supply plants as in the case of a distributing plant that obtains a majority of its supply directly from producers.

To accommodate such seasonal variation in the quantity of supply plant milk needed at distributing plants, the proposal to reduce the minimum shipping percentage to 30 percent should be adopted for the months of April through August.

Milk included in computation of performance percentage. It was proposed that a supply plant's shipments of milk to pool distributing plants be based on "net" receipts at the pool distributing plant for pooling qualification of such supply plant.

In addition, proponent witness stated that milk diverted from a pool plant should be counted along with actual receipts of milk at the plant for the purpose of determining whether such plant meets the performance requirements for pooling.

A plant's performance percentage for pooling should appropriately reflect all milk associated with the plant and not be limited to milk physically received at such plant. As herein adopted, milk diverted from either a pool distributing plant or supply plant within the limits discussed elsewhere in this decision should be considered as a receipt at such plant for the purpose of computing its pool plant qualification percentage.

Diverted milk may now be pooled on the Des Moines order without being considered as part of the supply of the distributing plant from which diverted in determining the plant's qualification to pool. The order does not now provide for diversions from supply plants.

If the operator of a distributing plant diverts a quantity of milk equal to that which was actually received, as now permitted during April through August, the quantity of milk diverted would not enter into the computation of the plant's pool qualification percentage. In such case, the minimum route disposition required for pooling that plant is effectively reduced by 50 percent as compared to the volume required of a plant of equal size that diverted no milk during the month. Similarly, unless diversions are counted as a receipt of the diverting plant a supply plant's pool qualification percentage would be effectively reduced also in circumstances where milk was diverted from such plant, as proposed herein under Issue No. 3.

Since milk diverted from a plant customarily is part of such plant's milk supply, such milk should be included in the computation of the plant's pool qualification percentage to insure that only plants associated with the market in a significant and regular manner are pooled and to provide greater equity among plants in meeting pooling requirements.

In conjunction with its proposal to reduce the supply plant shipping percentage discussed earlier, the proponent cooperative also proposed that qualifying shipments from a supply plant to pool distributing plants reflect "net receipts" at distributing plants from such supply plant.

Upon inquiry as to how the concept would be carried out, no specific plan or method was offered by proponent witness to define the concept of "net receipts" under the order. In this regard, it may be that certain transfers of milk from distributing plants should be allowed for in any computation of qualifying shipments from supply plants, but the record lacks any specific guidance in this area as to what the impact would be. Accordingly, it is concluded that the proposal for computing net receipts in determining shipments for pooling qualification should not be adopted on the basis of this record.

Distributing plant pooling provisions. Distributing plant pooling provisions should be modified to credit to the transferor plant packaged fluid milk product transfers to other distributing plants for the purpose of determining the transferor plant's association with the market. Under current provisions, the route disposition of such packaged products from the transferee plant is credited to the transferee plant. As a result, the transferor plant receives no pooling credit with respect to milk custom packaged for other plants.

A proprietary handler proposed the change as adopted herein. In November 1972, proponent's plant failed to qualify as a pool plant under the provisions of the Des Moines order because it transferred to another plant packaged Class I fluid milk products that normally were credited as route disposition for the account of the transferor plant, but, for the reasons specified below, were credited as route disposition for the account of the transferee plant.

Proponent's distributing plant had been custom packaging milk for a handler who had discontinued processing milk in his own plant. The latter plant became a distribution point for the custom packaged milk and thus the milk was credited as route disposition of the plant doing the custom packaging. During November, however, milk other than the custom packaged milk was received, processed, and packaged in dispenser cans in the plant where processing had been discontinued. Consequently, the custom packaged milk became a transfer of milk to another plant rather than route disposition through a distribution point.

Custom processing and packaging of fluid milk products by distributing plants is quite common in the industry, since it enables realization of economies of large scale milk processing and packaging operations. Milk plants have tended to become fewer in number and larger in size of operations. Also some plant operators have specialized in processing only certain types of products and/or packaging milk in only a limited number of the various types and sizes of containers but by obtaining custom packaged products still offer for sale a complete line of products and containers.

A bottling plant that custom packages for other plants in the market could be primarily engaged in Class I business in the market but have only a small proportion of such business reflected in direct disposition to wholesale or retail accounts other than plants. In such case the plant's disposition under the present route disposition concept would not fully reflect the plant's association with the market. Accordingly, to better identify a distributing plant's association with the market the order should provide that packaged fluid milk products transferred to other plants be credited to the transferor plant in the determination of the proportion of a plant's milk receipts that are disposed of as Class I packaged fluid milk products in the marketing area.

Continued pool plant qualification. A proprietary handler proposed that the Des Moines order pool plant provisions be modified to provide pool status for a plant that otherwise failed to qualify as a pool plant during the month if such plant qualified as a pool plant on the basis of the applicable performance standards specified in the order during each of the three immediately preceding months.

The operator of a supply plant or distributing plant that operates close to the minimum pooling performance standards may not know until after the end of the current month whether such plant qualified as a pool plant for that month. In the event that a distributing plant loses a wholesale account during the month, it may be difficult for the plant operator, and/or the operator of any supply plant serving such distributing plant, to make the necessary adjustments needed to qualify as a pool plant without making an immediate reduction in milk procurement from producers.

Adoption of the proposal would provide time for the readjustment of milk

procurement patterns, and could thereby avoid the disruptive impact of a handler's inability to pool the milk of established producers. Accordingly, it is concluded that the proposal should be adopted for such purpose. However, in the case of a supply plant, such provision should apply only in the circumstance that the pool distributing plant(s) to which milk was transferred during the prior three months qualified as a pool plant on the basis of applicable performance standards. Otherwise, the provision might encourage a supply plant operator to shift his distributing plant outlet in the market.

A plant operated by a cooperative. A proposal to permit pool plant status for any plant operated by a cooperative association if at least 30 percent of the milk of its member producers is physically received at pool distributing plants, either from such plant or directly from farms, should be denied.

Proponent urged that the proposal be adopted to facilitate its plan to establish a pool supply plant for the purpose of supplying standardized milk and skim milk to distributing plants in the market. Proponent witness stated that, although the anticipated volume of such business would not be very great, the cooperative should be given pooling performance credit for such an operation. He stated that the most efficient means of moving whole milk to market is on a direct shipment basis from farms rather than moving it through a supply plant. By permitting a cooperative supply plant to be pooled on the basis of total deliveries of member producer milk to pool distributing plants, milk not needed at distributing plants can be moved directly to such cooperative (pool) supply plant and retain pooling status under the order.

In view of the adoption elsewhere in this decision of a proposal to permit diversion of milk from supply plants, the proposal is not needed. All supply plants on the market operate as receiving stations, where milk is assembled from farms and transshipped either to pool distributing plants or to nonpool manufacturing plants. In most cases, the nonpool manufacturing plant is in the same building as the pool supply plant from which the milk is transferred. Under the diversion provisions adopted herein milk need not be received at the supply plant, but rather can be diverted as producer milk directly from the farm to the nonpool plant for manufacture.

Similarly, in the case of the plant that proponent contemplated pooling under its proposal, only that milk to be standardized or separated for transshipment to pool distributing plants need be received at the plant. When the plant operates in this manner, it may qualify under the regular shipping performance standards, since when skim milk is shipped, about 91 percent of the volume of milk received for separating would be shipped in such form and the cream obtained from separation would represent only 9 percent of the volume of receipts at the supply plant.

Moreover, since production areas for the several Federal milk orders in Iowa overlap, the granting of automatic pool plant status to a plant operated by a cooperative almost certainly would subject the Des Moines pool to carrying the reserve supplies of member producer milk that the cooperative now markets under neighboring orders. It is concluded, therefore, that no exception to the pool supply plant qualification should be provided to implement the pooling of cooperative milk.

2. *Diversion limits.* The present limitations on diversion of producer milk to a nonpool plant should be relaxed and extended to cover supply plants.

Specifically, the present diversion limit of an amount not to exceed 50 percent of physical receipts at a distributing plant in the months of September through March, and 100 percent in the months of April through August should be changed to 50 percent of a handler's total receipts of producer milk in the months of September through March, and 70 percent in the months of April through August.

A cooperative association representing a majority of the producers supplying the Des Moines market proposed that any handler be permitted to divert up to 70 percent of his supply of producer milk each month. In addition, the cooperative and a proprietary handler proposed that the order be amended to enable the diversion of milk as producer milk from a supply plant. The order now provides for the diversion of milk only from distributing plants.

The diversion privilege is primarily intended to promote efficiency in the marketing of that milk not needed at pool plants for fluid use. Instead of being physically received at the pool plant and then transferred to the nonpool plant, excess milk may be hauled directly from the farms to nonpool plants.

In support of the proposal for relaxing milk diversion limits, proponent witness stated that, in addition to increased reserve supplies on the market, the milk receiving patterns among handlers in the market vary and that an increased allowance for pooling diverted milk should be provided to accommodate the operations of individual handlers. For example, one Des Moines handler supplied by the cooperative receives no milk on Wednesdays and Sundays, but takes about 25 percent of its total weekly milk supply on Tuesdays. A minimum of 45 percent of the producer milk assigned to this particular handler has to be diverted during the week for manufacturing use. Moreover, because of the significant seasonal variation in milk production, the association with a plant of sufficient milk supplies to meet its full requirements during the short production months necessarily increases the need for diversions during the flush production months.

The percentage of the market's milk supply moved to nonpool manufacturing plants has increased over the past few years because milk supplies on the market have increased substantially relative to



Class I use. Producer receipts in 1972 increased 174 million pounds over 1969, while Class I use increased only 26 million pounds. Class I utilization of producer milk was 53 percent in 1972, compared to 69 percent in 1969.

The proportion of the Des Moines market's milk supplies transferred and diverted to nonpool plants during 1972 ranged from 19.8 percent in November to 49.5 percent in June. In view of such wide seasonal variation in the proportion of the market's supply disposed of to nonpool plants, the present seasonally varied diversion limits should be continued, i.e., increased allowance for diversion during April through August compared to September through March.

During the period from September 1972 to March 1973, the monthly proportion of the market's milk supply moved to nonpool plants ranged from 19.8 percent to 45.3 percent. The present diversion limit during such months of 50 percent of that quantity physically received at pool plants (33.3 percent of total supply) is not an adequate allowance to accommodate the movement of the market's reserve supplies directly from producers' farms to nonpool plants. In only two of the seven months from September 1972 to March 1973 was less than 33.3 percent of the market's milk supply moved to nonpool plants. A diversion allowance of 50 percent of a handler's supply of producer milk should be sufficient to accommodate the efficient marketing of reserve supplies during the months of September through March, since no more than 45.3 percent of the market's milk supply was moved to nonpool plants in any of the months of September 1972 through March 1973.

During the other months, April through August, the proportion of the Des Moines market's milk supply moved to nonpool plants ranged from 41.1 percent to 49.5 percent in 1972. Increased allowance for diversion of producer milk should be provided during these months to accommodate efficient marketing of the increased supplies of milk during such period and the variation in procurement patterns among handlers. Proponent's witness stated that during the peak month of production nearly 70 percent of the milk supply now associated with one major Des Moines distributing plant is not needed by such handler.

In view of this circumstance and the revised supply plant shipping standard adopted for the months of April through August, it is appropriate that the proposed 70 percent diversion allowance be adopted for such months.

Since the present diversion provisions were adopted in 1969, several supply plants have become associated with the Des Moines market. These plants function as receiving stations where milk is assembled from farms for transshipment to pool distributing plants or to nonpool manufacturing plants. None of the supply plants have facilities for processing milk into manufactured dairy products. In most instances these supply plants are located adjacent to the nonpool

manufacturing plants to which excess milk supplies are transferred. It would be more economical to move such excess milk directly from farms to the nonpool manufacturing plants rather than double handle it by first receiving it at the pool supply plants. Accordingly, it is appropriate that the proposal to permit the diversion of producer milk from supply plants be adopted.

**3. Definition of a handler.** (a) *Designation of a cooperative association as a handler on bulk tank milk.* The order should provide that a cooperative association shall be the handler for milk of producers it picks up at the farm, for the account of the association, in a tank truck operated by, or under the control of such association for delivery to a pool plant of another person, unless both the cooperative and the operator of the pool plant agree through notice filed with the market administrator that the plant operator will be responsible for payment for the milk on the basis of weight determined at the farm and butterfat tests based on samples taken at the farm. In addition, a cooperative should be the handler for all milk of producers it diverts for its account from a pool plant to a nonpool plant.

Under the current order provisions, a cooperative association may be a bulk tank handler only with respect to that milk it causes to be diverted from a pool plant to a nonpool plant.

Two handlers, who operate pool distributing plants in Des Moines, proposed that a pool plant operator be allowed to purchase producer milk from a cooperative on some other basis than weights and tests determined at the farm. Also, they proposed that a cooperative that controls a farm bulk tank truck route be accountable for shrinkage that may occur from the farm to a pool plant.

Milk produced for the Des Moines market is handled through farm bulk tanks and moved to plants in tank trucks. Milk of any producer when commingled in a tank truck with that of other producers is indistinguishable from other such milk. The amount of a producer's milk placed in a tank truck, and the butterfat content thereof, can be determined only by measurement at the farm and from milk samples taken at the farm. After the milk has been pumped from the farm tank into the tank truck and commingled with the milk of other producers, there is no further opportunity to measure, sample, or reject the milk of the individual producers.

When milk is picked up at the farm by a truck owned or operated by a cooperative association, or by a person under contract to, or otherwise under the control of, such association for delivery to a pool plant, it is the association that determines the weight and butterfat content of each producer's milk. Frequently, the plant operator will not have a direct basis of knowing the identity of the individual producers whose milk he receives, and will know only the aggregate amount of milk received. In such cases, the association obviously must become

the responsible handler for the milk as it leaves the farm.

Since pool plant operators have been accustomed to purchasing all producer milk on the basis of farm weights and tests, it can be expected that arrangements to receive milk marketed by the cooperative on the basis of farm weights and tests will continue to predominate in the market. When milk is received at the pool plant on such basis, it is accounted for as a receipt at such plant directly from producers.

Another situation arises when the pool plant operator receives milk from a cooperative on the basis of its scale weight at the plant rather than on farm weights and tests. In this event, the cooperative's monetary obligation to the pool with respect to the milk for which it is the bulk tank handler is only on any difference in the amounts of milk and butterfat as measured at the farm and those recorded at the receiving plant. This amount usually will be shrinkage in accordance with its value under the shrinkage provisions. The milk delivered to the pool plant would be treated as a transfer by the cooperative association to the pool plant operator.

The order should specify, however, that handlers shall pay a cooperative which is a handler pursuant to § 1079.12(c) at the uniform price for the milk received. It will simplify order accounting if such milk is paid for by the plant operator at the uniform price. This method of payment will facilitate any adjustment required when audit by the market administrator discloses an error such as an error in classification.

Payments into and out of the producer-settlement fund will be made directly between the regulated handler and the market administrator. This will establish directly the responsibility for accounting for milk and for its payment on the part of the handler. When settlement is made through the cooperative association, i.e., when a handler settles with the cooperative at class prices and the cooperative pays into or out of the producer-settlement fund, an unnecessary third party is entered into the transaction. By eliminating the cooperative as an intermediary between the regulated handler and the market administrator with respect to transactions with the producer-settlement fund, problems of financial responsibility, enforcement and subsequent audit adjustments will be greatly reduced.

The order specifies also that the handler operating the pool plant pay the administrative assessment on milk purchased from a cooperative since the Act provides that such costs be borne by regulated handlers who process milk of producers. Accordingly, this would include milk received from a cooperative association pursuant to § 1079.12(c).

A cooperative association may pick up milk of nonmember producers on bulk tank routes under its control. The provisions adopted, which accommodate substantial flexibility in the arrangements under which cooperatives sell to

pool plant operators, make it possible for a cooperative to pick up on its trucks or trucks under its control the milk of nonmember producers for delivery to pool plants, and for the pool plant operator to make payment directly to such nonmember producers for their milk. Thus, the degree of responsibility the cooperative will have for such milk will depend on the terms of the arrangements for its delivery to pool plants. At the same time, the provision will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of such association, has contracted with the cooperative association to act as the marketing agent for his milk. In this connection, the cooperative association may collect payment from pool plant operators for a nonmember producer provided such nonmember has given the association authorization to make such collection.

The Capper-Volstead Act provides the criteria by which cooperative associations are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. This amendment to the order is consistent with that provision of the Capper-Volstead Act that recognizes that cooperatives may "deal in the products of nonmembers" and limits such dealings to amounts not greater in value than such as are "handled by it for members."

In the event the milk of a nonmember producer is diverted as producer milk from a pool plant to a nonpool plant by a cooperative association, the cooperative must be held the responsible handler with respect to such milk, unless the operator of the plant from which the milk is diverted elects by agreement with the cooperative to account for such milk. Here the cooperative performs the complete handling function and in such capacity obviously must be held to be responsible for order obligations applicable to such milk.

The potential of a cooperative to be the handler on nonmember producer milk raises the question whether, in paying a nonmember producer, a cooperative may reblend proceeds due such nonmember producer with those paid to its member producers. If the nonmember producer has signed a contract with the cooperative association whereby he authorizes the cooperative association to market his milk, collect payment therefor, and reimburse him on the same basis as though he were a member of the cooperative association, the cooperative association could pay such nonmember on the same basis as it pays its member producers.

In the absence of a written contract containing the terms set forth above, the cooperative association would be required to pay a nonmember producer, for whose milk it is the handler, not less than the uniform price announced by the market administrator for the month.

(b) For certain reporting or reference purposes, the present terms of the order refer to the operator of an unregulated supply plant, a producer-handler, and

the operator of an other order plant. Such persons, however, are not listed in the handler definition. Accordingly, such persons are covered by the amended definition of handler adopted herein.

**4. Classification of shrinkage, butterfat dumped or disposed of for animal feed, milk sold to commercial food processors, and milk destroyed or lost under extraordinary circumstances.** The order should be amended to provide for the division of Class II shrinkage allowance between assembly and processing functions. Class II classification should be provided for: (1) butterfat dumped or disposed of for animal feed, and (2) milk destroyed or lost under extraordinary circumstances.

**Shrinkage.** The amount of shrinkage of producer milk that may be classified in Class II is limited to 2 percent and presently the full 2 percent applies at the plant of first receipt. No Class II shrinkage allowance applies to milk received from other pool plants.

Three handlers operating pool distributing plants proposed that, with respect to milk transferred between plants, the 2 percent shrinkage allowance in Class II be divided between the transferor and transferee plants, 0.5 percent to the transferor plant and 1.5 percent to the transferee plant. Also, in conjunction with the proposal that a cooperative association be the handler on bulk tank milk picked up in a truck under its control, it was proposed that the cooperative be allowed Class II shrinkage of 0.5 percent.

Shrinkage normally experienced varies with the type of handling involved. More loss is usually experienced in plant processing than in merely receiving milk for delivery to another plant. In recent years, several distributing plants in the Des Moines market have begun obtaining milk from pool supply plants. Appropriately, the order shrinkage provisions should reflect such specialization of milk assembly and processing functions.

With respect to delivery of milk by a cooperative association handler from farms to plants in tank trucks, a Class II shrinkage allowance of 0.5 percent of such milk is provided. Any excess shrinkage over 0.5 percent is classified as Class I. The Class II shrinkage allowance to the processing plant receiving the milk from the cooperative would be 1.5 percent. Thus, a total Class II shrinkage allowance of 2 percent is maintained for such milk from producers in the receiving and processing operations.

In the case of milk diverted from a pool plant to another plant, a shrinkage allowance in Class II of 0.5 percent would be provided the diverting handler if the operator of the plant to which the milk is diverted purchases such milk on the basis of weights and tests determined at the plant. If the milk is purchased at farm weights and tests, no shrinkage allowance would apply for the diverting handler.

When a plant operator disposes of bulk milk or skim milk by transfer to another

plant, his shrinkage allowance should be reduced at the rate of 1.5 percent of the quantity transferred, since the processing function would take place at the transferee plant. In the case of cream, however, the major loss in handling is the separation process whereby the bulk cream is removed from the milk. It is appropriate, therefore, to allocate the full 2 percent shrinkage allowance allocable to the cream to the milk at the transferor plant, where the cream is separated.

The present 2 percent shrinkage allowance on milk received from other order plants (exclusive of the quantity for which Class II use was requested) should be reduced to 1.5 percent. This will provide the same shrinkage on transfers of milk between Federal order markets as herein adopted for milk moved between pool plants, since most orders now provide for the division of shrinkage between assembly and processing functions in the manner adopted above. A shrinkage allowance of 1.5 percent, rather than the present 2 percent, should be provided with respect to receipts of milk from unregulated supply plants (exclusive of the quantity for which Class II use was requested). Thus, the same percentage rate will be applied at the transferee plant to such receipts of bulk fluid milk products as is provided on supplies of pool milk and other order milk.

**Butterfat dumped or disposed of for animal feed.** Class II classification was proposed for butterfat in fluid milk products dumped or disposed of for animal feed. The order presently provides such classification for the skim milk portion of fluid milk products dumped or disposed of for animal feed.

The proposal should be adopted. In normal plant operations, some products, such as route returns of buttermilk, flavored milk, and homogenized milk, are often either dumped or sold for livestock feed. It is not practicable to separate out the butterfat in such products for Class I use. All such dispositions result in loss or in only a low return to the handler. Therefore, Class II classification should be provided for fluid milk products when disposed of in this manner.

Dumping, unlike other dispositions, involves no sales records that could aid in verification of the handler's disposition. Thus, advance notice to the market administrator and opportunity for verification should be required as is now provided with respect to skim milk dumped.

**Milk destroyed or lost under extraordinary circumstances.** Class II classification should be provided for fluid milk products destroyed or lost in an accident, as long as such quantity of product can be verified from records kept by the handler.

In cases where the accidental loss of milk can be verified, it was proposed that such disposition of milk be Class II. Proponent recently experienced a loss of milk in a truck accident. Although the loss was included in shrinkage, since the handler had in excess of 2 percent shrinkage for the month, the amount in excess of 2 percent was classified as Class I use.



Under the present terms of the order, any milk accidentally dumped is considered to be shrinkage. In those cases where milk is accidentally dumped, it is not possible for a handler to give the market administrator prior notice. In certain circumstances, such as when milk is destroyed or lost by accident in transit between plants on a truck, the quantity of milk that was on the truck can be verified by the shipping invoice. Also, in the case of a retail or wholesale route truck accident, the amount of product on the truck at the time of the accident can be determined by using the beginning load for the day and the records of the amount delivered before the accident.

The shrinkage limits are adequate to cover the loss of milk experienced in usual milk handling and processing operations. Such limits are not likely, however, to accommodate extraordinary losses of milk. It is possible that the operator of a supply plant, cooperative association bulk tank handler, or the operator of a distributing plant could lose the entire volume of milk handled on a given day in a truck accident. Such a loss conceivably might exceed the normal volume of shrinkage experienced by such a handler during an entire month. Small volume handlers, more than likely, would have most of any such loss of milk covered as Class I shrinkage. Accordingly, Class II classification of milk destroyed or lost under extraordinary circumstances will assure similar classification of such disposition to all handlers in the market.

**Milk sold to commercial food processors.** It was proposed by two operators of distributing plants that surplus use classification rather than Class I classification be provided on sales of bulk fluid milk products to commercial food processors for use in food products prepared for consumption off the premises.

Classification of milk so used as Class II (in a three-use class scheme) is provided in a revised recommended decision issued August 27, 1973 (38 FR 25522). Under such recommended decision a slightly higher price (10 cents per hundredweight) would apply than under the proposed Class II use in the present two-class scheme. Since this matter is being handled in another proceeding on which final action is still pending it is concluded that no action thereon should be taken on this record.

**5. Location adjustment credit on bulk milk transferred between pool plants.** The provisions limiting the Class I location adjustment credit on bulk milk transferred between plants should be modified.

Such credit should apply to that quantity of Class I milk receipts from transferor pool plants that does not exceed an amount equivalent to 105 percent of the Class I disposition remaining at the transferee plant after the allocation of receipts of other source milk and beginning inventory less the receipts of milk directly from producers.

At present, location credits on Class I milk transferred between pool plants are limited to the quantity of Class I

disposition remaining at the transferee plant after the assignment of receipts of other source milk and beginning inventory, less 95 percent of receipts of producer milk at such plant.

A proprietary operator of a pool distributing plant in Des Moines proposed that, for the purpose of determining the quantity of Class I use of the transferee pool plant that is to be allocated to receipts from transferor plants for location adjustment credit purposes, the Class I use of the transferee plant shall be allocated to producer milk received at the transferee plant and receipts from transferor pool plants, pro rata, according to the respective volumes received from individual transferor plants. This handler's witness stated that all the milk received at the transferee plant, whether directly from producers or from transferor plants, constitutes the supply of milk needed at the plant and such milk is commingled in the processing at the transferee plant. He further stated that the milk used for Class I in a plant cannot be traced back to the lots of milk received at the plant. Accordingly, he contended that the only reasonable and fair method of allocating the Class I use at such plant, for purposes of location adjustments, is by the method he proposed.

A cooperative association that operates a pool distributing plant in Des Moines proposed that a pool supply plant be credited with a location adjustment on all milk shipments to a pool distributing plant if Class I utilization of such distributing plant is at least 60 percent.

In support of its proposal, the cooperative's witness stated that the two largest pool distributing plants in the market cannot pass back full location adjustment credit on Class I milk purchased from pool supply plants, since Class I use at these plants is less than 95 percent. However, these same distributing plants, he said, could purchase milk directly from producers whose farms are in the vicinity of pool supply plants and, since the producers would receive the uniform price applicable at Des Moines (no location adjustment), the producers would be compensated for the added hauling cost of delivering their milk to Des Moines compared to the supply plant, irrespective of the use of the milk at the distributing plant. In view of the latter circumstance, the witness contended that a location adjustment should apply to all transfers to a pool distributing plant from a pool supply plant, unless the transferee plant's Class I utilization was less than 60 percent.

The proposed amendments would allow location credits on additional quantities of supply plant milk moved to distributing plants for use in Class II products.

Except in recognition of unavoidable Class II use at distributing plants there is no basis for accommodating the shipment of supply plant milk to the market's center for Class II use at producers' expense. The Class II price, which is equal to the average of prices paid for

manufacturing grade milk in Minnesota and Wisconsin, will assure the disposition of milk in excess of Class I needs. Such excess can be utilized at plants in the production area.

However, it cannot be expected that pool distributing plants have 100 percent Class I use. In normal plant processing and packaging operations, some milk is lost as Class II shrinkage. In addition, distributing plants often have some fluid milk products, such as route returns, that are disposed of as livestock feed or dumped as Class II milk. Also, a plant could have inventory of fluid milk products on hand at the end of the month, a Class II classification. Such Class II milk could amount to around five percent of the Class I disposition during the month.

The order now provides that location adjustment credits on milk transferred between pool plants be based on Class I disposition at the transferee distributing plant that is in excess of 95 percent of direct receipts of producer milk. Such method of determining the amount of transferred milk on which location adjustment credit is assigned affords a margin for the unavoidable Class II use that can be attributed to receipts of milk directly from producers. However, for a distributing plant that depends mostly on supply plant milk for its Class I milk requirements little or no margin would be provided. To afford a margin of supply plant receipts sufficient to cover unavoidable Class II use at a distributing plant that obtains most or all of its milk from other plants, the limit on location adjustment credits for transferor pool plants should be based on 105 percent of Class I disposition from the transferee pool distributing plant.

The proposal to assign the location adjustment to milk received at a distributing plant from different supply plant sources by prorating the volume eligible for the adjustment in proportion to receipts from each such supply plant should not be adopted.

Since the transfer provisions provide that pool handlers may classify transferred milk on an agreed basis without regard to plant location within the limits of utilization by the transferee plant, there exists the possibility of a conflict between the actual classification of milk and the need to protect producers from absorbing the cost of transporting plant milk in the central market for other Class I use. The conflict appropriately is avoided in the application of location adjustment credits by limiting the amount of such credit to that which would result if the Class I use at the transferee plant were fulfilled first from those supplies received directly and then from transfer involving the least transportation cost. This is provided in the existing order language and no substantive change therein is necessary. For clarification purposes, however, the order language is revised to reflect greater specificity of the computation of such location adjustment credits.

**6. Miscellaneous administrative provisions.** (a) *Producer-settlement fund reserve.* The order should be amended to authorize reducing the amount of unobligated cash retained in the producer-settlement fund.

A cash reserve is maintained in the producer-settlement fund in order to provide for contingencies such as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve is obtained by subtracting 4 to 5 cents per hundredweight in the uniform price computation each month. Also, one-half of the unobligated cash balance in the producer-settlement fund remaining from the preceding month is included in computing the aggregate value used to determine the uniform price. The remaining one-half of the unobligated cash balance in the producer-settlement fund thus is retained each month as a reserve.

Recent experience has indicated that the reserve retained in the producer-settlement fund each month is a greater amount than is reasonably needed to cover contingencies. During the 12 months ended March 1973, the balance in the fund was at least \$42,000 each month. During such period, the amount of money cleared through the fund each month ranged from \$20,000 to \$123,100. In most months, the reserve in the fund amounted to at least one-half of the total payment to and from the fund. Based on this experience, the order provisions should be modified to authorize the market administrator to reduce the amount of the reserve maintained in the fund.

This appropriately can be done by specifying that "at least one-half" of the unobligated balance remaining from the preceding month, rather than the present order requirement that only "one-half" of such balance, be included in the aggregate value used to determine the uniform price. Any additional money so included in the computation will accrue to producers through enhancement of the resultant uniform price.

The order provides that, if the balance in the fund is insufficient to cover payments due to all handlers from the fund, payment to such handlers shall be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers from the fund would be paid as soon as the balance in the fund becomes adequate to meet such payments. Thus, the producer-settlement fund is operative even if the balance in the fund is insufficient to cover contingencies. There is little likelihood of the balance not being sufficient, since 4 to 5 cents per hundredweight of all milk in the pool is set aside as a balance. Moreover, the order also provides that if any handler fails to make the required payment to the producer-settlement fund for the preceding month, the milk received by such handler shall be eliminated from the computation of the uniform price.

(b) *Substitution of "regulatory agency" for "health authority."* "Regulatory agency" should be substituted for "health authority" wherever it appears in those sections of the order defining "producer," "distributing plant," "supply plant," and "pool plant." The regulatory agency approving farms and plants for production and handling of milk for fluid consumption is not always termed a health authority. In Iowa, Grade A milk inspection is under the jurisdiction of the State Secretary of Agriculture, who is required by law to delegate the inspection function to local governments if such governments have qualified personnel to do the work. About 95 percent of the inspection work in Iowa is delegated to local jurisdictions, but, in some instances, agents of the Secretary of Agriculture inspect farms and plants. Accordingly, use of "regulatory agency" provides a more meaningful description of the agencies having jurisdiction in this field.

(c) *Marketing period.* A proposed definition of "marketing period" was included in the notice of hearing. At the hearing, the proposal was abandoned by proponent and no testimony was presented concerning it. Thus, no action is taken on such proposal.

#### RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

On the record of the hearing separate motions were presented to the Administrative Law Judge that (1) no evidence be received with respect to any of the proposed amendments; and (2) that no evidence be received on proposal No. 3. The motions were denied.

In a post-hearing brief it was requested that consideration be given to a reversal of the rulings.

The Administrative Law Judge's rulings have been reviewed in light of the arguments presented. The rulings, for the reasons stated by the Administrative Law Judge on the record, are hereby affirmed.

#### GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

#### RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Des Moines, Iowa, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1079.7 is revised to read as follows:

#### § 1079.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted regulatory agency, and which milk is (a) received at a pool plant, (b) diverted as producer milk pursuant to § 1079.14, or (c) received by a cooperative association in its capacity as a handler pursuant to § 1079.12(c).

2. Section 1079.8 is revised to read as follows:

#### § 1079.8 Distributing plant.

"Distributing plant" means a plant which is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

3. Section 1079.9 is revised to read as follows:



**§ 1079.9 Supply plant.**

"Supply plant" means a plant from which milk, skim milk, or cream, acceptable to a duly constituted regulatory agency for distribution in the marketing area under a Grade A label, is shipped during the month to a pool plant qualified pursuant to § 1079.10.

4. Section 1079.10 is revised to read as follows:

**§ 1079.10 Pool plant.**

"Pool plant" means a plant described in paragraph (a) or (b) of this section except as provided in §§ 1079.60 and 1079.61: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately, and is not approved by any duly constituted regulatory agency for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant:

(1) From which the volume of Class I packaged fluid milk products, except filled milk, disposed of during the month either on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets or moved to other plants, less receipts of packaged fluid milk products, other than filled milk, from other pool distributing plants, is not less than 35 percent of the combined Grade A milk received in bulk form at such plant or diverted therefrom by the plant operator or a cooperative association to a nonpool plant as producer milk; and not less than 15 percent of such receipts or an average of not less than 7000 pounds per day whichever is less, is so disposed of to such outlets in the marketing area.

(2) Qualified as a pool plant in each of the immediately preceding three months on the basis of performance standards described in paragraph (a)(1) of this section.

(b) A supply plant:

(1) From which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent (30 percent for each of the months of April through August) of the Grade A milk received at such plant from dairy farmers and handlers described in § 1079.12(c), and diverted therefrom by the plant operator or a cooperative association as producer milk to a nonpool plant pursuant to § 1079.14: *Provided*, That if such shipments are not less than 50 percent during the immediately preceding period of September through November, such plant shall be a pool plant during each of the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March through June to be designated a nonpool plant for such month and for each subsequent month through June of the same year; or

(2) That qualified as a pool plant in each of the immediately preceding three months on the basis of performance standards described in paragraph (b)(1) of this section with respect to shipment to plants qualified pursuant to paragraph (a)(1) of this section.

5. Section 1079.12 is revised to read as follows:

**§ 1079.12 Handler.**

"Handler" means:

(a) Any person as the operator of one or more pool plants;

(b) Any cooperative association with respect to milk of producers it diverts from a pool plant to a nonpool plant pursuant to § 1079.14;

(c) Any cooperative association with respect to milk it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such association, for delivery to a pool plant operated by another person, unless both the cooperative association and the operator of the pool plant notify the market administrator that the plant operator will be responsible for payment for the milk and is purchasing the milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the qualified handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) Any person defined as a producer-handler;

(f) Any person in his capacity as the operator of an other order plant described in § 1079.61; and

(g) Any person in his capacity as the operator of an unregulated supply plant.

6. Section 1079.14 is revised to read as follows:

**§ 1079.14 Producer milk.**

"Producer milk" shall be that skim milk and butterfat in milk from producers that is:

(a) Received at a pool plant directly from a producer;

(b) Received by a cooperative association in its capacity as a handler pursuant to § 1079.12(c); or

(c) Diverted by the operator of a pool plant or by a cooperative association to a nonpool plant other than a producer-handler plant, subject to the following conditions:

(1) Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant;

(2) Milk of a producer shall not be eligible for diversion from a pool plant under this section unless during the month at least one delivery is made to a pool plant;

(3) A cooperative association may divert the milk of any producer (other than producer milk diverted pursuant to paragraph (c)(4) of this section). The

total quantity of milk so diverted may not exceed 50 percent in the months of September through March, and 70 percent in other months, of the milk for which the cooperative is the handler pursuant to § 1079.12(c) and producer milk which the association causes to be delivered to pool plants, or diverted therefrom during the month;

(4) The operator of a pool plant (other than a cooperative association) may divert for his account the milk of any producer (other than producer milk diverted pursuant to paragraph (c)(3) of this section). The total quantity so diverted may not exceed 50 percent in the months of September through March, and 70 percent in other months, of the milk received at or diverted from such pool plant from producers and for which the operator of such plant is the handler during the month;

(5) Any milk diverted in excess of the limits prescribed pursuant to paragraph (b)(3) and (4) of this section shall not be producer milk and, if the diverting handler fails to designate the dairy farmers whose milk is not producer milk, then no milk diverted by such handler during the month shall be producer milk; and

(6) To the extent that it would result in nonpool plant status for the pool plant from which diverted, milk diverted by a cooperative association from the pool plant of another handler shall not be producer milk.

7. Section 1079.30 is revised to read as follows:

**§ 1079.30 Reports of receipts and utilization.**

On or before the seventh day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantity of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1079.12(c);

(3) Receipts of fluid milk products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products; and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim

milk in route disposition of fluid milk products in the marketing area.

(c) Each handler described in § 1079.12(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers;

(2) The utilization or disposition of all such receipts; and

(3) With respect to a handler described in § 1079.12(b), the plant from which such milk is diverted.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

8. Section 1079.41 is revised to read as follows:

**§ 1079.41 Classes of utilization.**

Subject to the conditions set forth in § 1079.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As otherwise provided in paragraph (b) of this section; and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form;

(3) In fluid milk products that are disposed of by a handler for animal feed;

(4) In fluid milk products that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In fluid milk products destroyed or lost under extraordinary circumstances;

(6) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included in Class I milk pursuant to paragraph (a)(1)(i) of this section; and

(7) In shrinkage assigned pursuant to § 1079.42(a) to receipts specified in § 1079.42(a)(2) and in shrinkage specified in § 1079.42(b) and (c).

9. Section 1079.42 is revised to read as follows:

**§ 1079.42 Shrinkage.**

For purposes of classifying all skim milk and butterfat, to be reported by a handler pursuant to § 1079.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1079.12(c);

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products (except cream) received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk milk (except cream) transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b)(1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1079.12(b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

10. In Section 1079.44 the preamble of paragraph (a) is revised as follows:

**§ 1079.44 Transfers.**

(a) As Class I milk if transferred from a pool plant or by a cooperative association

as a handler pursuant to § 1079.12(c) to a pool plant, unless Class II utilization is requested by the transferee and transferor handlers, subject to the following conditions:

11. Section 1079.45 is revised as follows:

**§ 1079.45 Computation of the skim milk and butterfat in each class.**

(a) Each month the market administrator shall correct for mathematical and other obvious errors, the reports filed pursuant to § 1079.30 and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1079.12(b) and (c) and was not received at a pool plant.

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products plus all the water originally associated with such solids.

12. In § 1079.46 the introductory portion and paragraph (a)(9) are revised as follows:

**§ 1079.46 Allocation of skim milk and butterfat classified.**

After making the computations pursuant to § 1079.45, the market administrator each month shall determine the classification of milk received from producers by each cooperative association handler pursuant to § 1079.12(b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1079.12(c) at each pool plant for each handler as follows:

(a) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(b) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(c) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(d) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(e) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(f) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(g) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(h) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(i) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(j) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(k) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(l) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(m) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(n) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(o) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(p) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(q) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(r) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(s) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(t) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(u) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and

(v) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1079.12(c) according to the classification assigned pursuant to § 1079.44(a); and



without movement in bulk form to a pool distributing plant and for other source milk for which a location adjustment is applicable, the price specified in § 1079.50(b) shall be reduced 10 cents, and shall be reduced an additional 1.5 cents for each 10 miles or fraction thereof in excess of 75 miles from the designated post offices.

(b) For fluid milk products transferred in bulk from a pool plant to a pool distributing plant, the transferor plant Class I location adjustment credit shall be determined by the market administrator as follows:

(1) Determine the pounds of skim milk and butterfat represented by 105 percent of the Class I disposition remaining at the transferee plant after assignments pursuant to § 1079.46(a) (8) and the corresponding step of § 1079.46(b);

(2) Subtract the pounds of skim milk and butterfat in receipts at the transferee plant from producers and cooperative associations pursuant to § 1079.12(c);

(3) Assign such remaining pounds to the receipts from transferor plants, first to the transferor plants at which no location adjustment is applicable and then in sequence beginning with the plant at which the least location adjustment would apply;

(4) Compute the sum of location adjustment credits to be made available to transferor plants by multiplying the hundredweight of skim milk and butterfat assigned at each plant pursuant to paragraph (b) (3) of this section by the applicable location adjustment rate for each such plant and add the resulting amounts;

(5) For each hundredweight of skim milk and butterfat assigned pursuant to paragraph (b) (3) of this section that is transferred as Class I milk, credit each such transferor handler at the location adjustment rate applicable at the plant location;

(6) Subtract the total amount of the credits made pursuant to paragraph (b) (5) of this section from the sum computed pursuant to paragraph (b) (4) of this section and credit any such remaining amount to receipts of Class I milk from other transferor pool plants at the rate per hundredweight of the amount of the location adjustment applicable at each such transferor plant in sequence beginning with the plant at which the least location adjustment rate would apply; and

(7) If such credits to be assigned at any specific rate for a specific volume of skim milk or butterfat are less than the volume of transfers from plants in the same location adjustment zone, such credits shall be prorated to the volume of Class I transfers received from such plants.

14. In § 1079.70 the preamble and paragraph (a) are revised as follows:

§ 1079.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant, and of each

cooperative association handler pursuant to § 1079.12 (b) and (c) with respect to milk which was not received at a pool plant, shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1079.12(c) and allocated pursuant to § 1079.46(a) (9) and the corresponding step of § 1079.46 (b) and the quantity of producer milk in each class, as computed pursuant to § 1079.46(c), by the applicable class prices (adjusted pursuant to §§ 1079.51 and 1079.52);

15. In § 1079.71, paragraph (d) is revised as follows:

§ 1079.71 Computation of aggregate value used to determine uniform price.

(d) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund.

16. In § 1079.80 the introductory portions of paragraphs (a) and (b) are revised and a new paragraph (d) is added to read as follows:

§ 1079.80 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraphs (b) and (d) of this section as follows:

(b) Each handler shall make payment to a cooperative association for producer milk it causes to be delivered to such handler, which association the market administrator determines is authorized by such producers to collect payment for their milk and which has so requested the handler in writing, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(d) Each handler in his capacity as the operator of a pool plant, who receives milk for which a cooperative association is the handler pursuant to § 1079.12(c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(1) On or before the 26th day of each month for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 13th day after the end of each month for milk received during such month, an amount computed at not less than the uniform price adjusted by applicable butterfat and location adjustments, and less the payment made pursuant to paragraph (d) (1) of this section.

17. In § 1079.84 paragraph (b) (i) is revised as follows:

§ 1079.84 Payments to the producer-settlement fund.

(b) . . . . .

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1079.12(c) at the applicable uniform price pursuant to § 1079.72 adjusted pursuant to §§ 1079.81 and 1079.82, less in the case of a cooperative association on milk for which it is the handler pursuant to § 1079.12(c), the amount due from other handlers pursuant to § 1079.80(d); and

18. Section 1079.88 is revised as follows:

§ 1079.88 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1079.12(c)) shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk and milk received from a cooperative association pursuant to § 1079.12(c);

(b) Other source milk allocated to Class I pursuant to § 1079.46(a) (3) and (7) and the corresponding steps of § 1079.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

Signed at Washington, D.C., on February 22, 1974.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.74-4620 Filed 2-26-74; 8:45 am]

#### [ 7 CFR Part 1096 ] MILK IN THE NORTHERN LOUISIANA MARKETING AREA

##### Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Northern Louisiana marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before March 6, 1974. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are all of § 1096.51(b) except as follows:

Class II milk price. The Class II milk price shall be the basic formula price computed pursuant to § 1096.50.

The proposed suspension, which was requested by cooperative associations representing a majority of the producers in the market, would result in establishing the Minnesota-Wisconsin manufacturing milk price as the Class II price under the order. The Class II price is now the lesser of the Minnesota-Wisconsin price or a butter-powder (nonfat dry milk) formula price.

Proponents claim that the butter-powder formula price, which in recent months has been the applicable Class II price under the order, does not reflect the actual value of Class II milk in the Northern Louisiana market and the applicable Class II price should be the Minnesota-Wisconsin price. Proponents also claim that on December 1, 1973, the Louisiana State Milk Commission, under the State's pricing regulations, began pricing surplus milk at the Minnesota-Wisconsin price. Proponents state that the requested suspension would make the State and Federal regulations more uniform with respect to the pricing of surplus milk.

Signed at Washington, D.C. on February 22, 1974.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.74-4619 Filed 2-26-74; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 74-GL-1]

##### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Macomb, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 29, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public instrument approach procedure has been developed for the Macomb Municipal Airport, Macomb, Illinois. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Macomb, Illinois transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

##### MACOMB, ILL.

That airspace extending upward from 700 feet above the surface within a 6 mile radius of Macomb Municipal Airport (latitude 40°31'11" N.; longitude 90°39'17" W.); and within 3 miles each side of the 084° bearing from Macomb Municipal Airport extending from the 6 mile radius area to 8 miles east of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois on January 31, 1974.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc.74-4615 Filed 2-26-74; 8:45 am]

##### [ 14 CFR Part 75 ]

[Airspace Docket No. 74-WE-2]

##### JET ROUTE

##### Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 126 between Avenal, Calif., and Stockton, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 1500 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before March 29, 1974, will be considered before action is taken on the proposed amendment.

ment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign the present dogleg route between Avenal, Calif., and Stockton, Calif., to a direct route, thereby reducing the jet route distance between these two locations.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 20, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Traffic Rules Division.

[FR Doc.74-4616 Filed 2-26-74; 8:45 am]

#### National Highway Traffic Safety Administration

[ 49 CFR Part 571 ]

[Docket No. 74-2; Notice 1]

##### NEW PNEUMATIC TIRES FOR PASSENGER CARS

##### Proposed Revision of Tire Endurance Test; Correction

In FR Doc. 74-3062, appearing at page 4670 in the issue of February 6, 1974, as a correction to FR Doc. 74-795 (39 FR 1516; January 10, 1974), the percentage of test load listed at the top of the second "4-hour" column should be changed from "111" to read "115."

(Secs. 103, 119, 201, 202, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407, 1421, and 1422; delegations of authority at 49 CFR 1.51 and 49 CFR 601.8.)

Issued on February 21, 1974.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.74-4516 Filed 2-26-74; 8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 52 ]

##### OREGON

##### Miscellaneous Amendments to Implementation Plan

On May 31, 1972 (37 FR 10842) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, the State of Oregon plan for implementation of the national ambient air quality standards.

On January 17, 1974, the Department of Environmental Quality submitted amendments to the Oregon implementation plan for dissolution of the air quality control program of the Columbia-



Willamette Air Pollution Authority. Also submitted were special Department air pollution control rules applicable to the areas of Clackamas, Columbia, Multnomah and Washington Counties, including portions of the rules of the former Columbia-Willamette Air Pollution Authority pertaining to emission standards, open burning and prohibited practices.

Copies of the proposed revisions are available for public inspection during normal business hours at EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101; Oregon State Department of Environmental Quality, 1234 S.W. Morrison Street, Portland, Oregon 97205; EPA, 1234 S.W. Morrison Street, Portland, Oregon 97205; Lane Regional Air Pollution Authority, 16 Oak Way Mall, Eugene, Oregon 97401; and at the Freedom of Information Center, EPA, Room 329, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101; Attention: J. Akins. Relevant comments received on or before March 29, 1974, will be considered and will be available during normal working hours at the Region X Office.

This notice of proposed rulemaking is issued under authority of section 110(a) of the Clean Air Act as amended 42 U.S.C. 1857c-5(a).

Dated: February 21, 1974.

JOHN QUARLES,  
Acting Administrator,  
Environmental Protection Agency.  
[FR Doc. 74-4518 Filed 2-26-74; 8:45 am]

#### [ 40 CFR Part 52 ]

#### WASHINGTON

#### Proposed Compliance Schedules for Certain Sources

On May 31, 1973 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, "A Plan for the Implementation, Maintenance and Enforcement of National Ambient Air Quality Standards in the State of Washington." The implementation plan is required to contain certain compliance schedules.

On January 25, 1974, the State of Washington Department of Ecology submitted compliance schedules for the sources identified below. The compliance schedules for individual sources are listed by the respective control agency.

- (1) Department of Ecology:  
Lincoln Mill Corporation, Lincoln (amendment).  
Vaagen Bros. Lumber Co., Colville (amendment).  
Jump Off Lumber Co., Valley (amendment).  
Lehigh Cement Co., Metaline Falls (amendment).

Boise Cascade Corporation, Veneer dryer, Kettle Falls.  
Morrill Asphalt Paving Co., Malaga.  
Les Peak Paving Co., Colville.  
Boise Cascade Corporation, Wigwam burner, Kettle Falls.

(2) Puget Sound Air Pollution Control Agency:

Craftman & Met Press Co., Seattle (change).  
Pick Foundry Co., Tacoma (change).  
Pierce County, Purdy Refuse Site.  
St. Joseph's Hospital and Health Care Center, Tacoma.  
St. Regis Paper Co., Saw Mill Division, Tacoma (change).  
City of Seattle, Department of Lighting, Lake Union Steam Plant, Seattle.  
Port of Tacoma and United Grain Corp., Tacoma.

Weyerhaeuser Co., Mill B, Everett.  
Weyerhaeuser Co., Sulfit mill hog fuel boilers, Everett.  
Weyerhaeuser Co., Hog fuel boiler, Snoqualmie.  
Weyerhaeuser Co., Veneer dryers, Snoqualmie (change).  
Weyerhaeuser Co., White River mill hog fuel boilers, Enumclaw.

(3) Olympic Air Pollution Control Authority:

Pacific County, Dumps.  
Elma Disposal Co., Disposal site, Elma.  
Eastern Grays Harbor Disposal Co., Disposal site, McCleary.  
City of Hoquiam, Dump, Hoquiam.  
Crown Zellerbach Corp., Port Townsend.  
ITT Rayonier, Inc., Sulfit mill—power boilers, Port Angeles.  
A. E. Erickson Enterprises, Inc., Amanda Park.

(4) Southwest Air Pollution Control Authority:

International Paper Co., Chelatchie Prairie, Amboy.  
Centralia Plywood Corp., Centralia.  
(5) Northwest Air Pollution Authority:  
Chris Knutzen and Co., Burlington (change).

Copies of the proposed revisions are available for public inspection during normal business hours at the Office of EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101; at the Department of Ecology, St. Martin's College, Olympia, Washington 98504; and at the Freedom of Information Center, EPA, 401 M Street, S.W., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101; Attention: J. Akins. Relevant comments received on or before March 29, 1974 will be considered and will be available during normal working hours at the Region X Office.

This notice of proposed rulemaking is issued under authority of section 110(a) of the Clean Air Act as amended 42 U.S.C. 1857-5(a).

Dated: February 21, 1974.

JOHN QUARLES,  
Acting Administrator,  
Environmental Protection Agency.  
[FR Doc. 74-4517 Filed 2-26-74; 8:45 am]

#### [ 40 CFR Part 200 ]

[Docket No. ONAC 74-1]

#### NOISE EMISSION STANDARDS FOR NEW PRODUCTS

##### New Portable Air Compressors

Pursuant to the authority contained in sections 5 and 6 of the Noise Control Act of 1972 (86 Stat. 1234, Pub. L. 92-574, hereinafter referred to as the Act), the Environmental Protection Agency (EPA) plans to set noise emission standards for newly manufactured products. This notice is issued in order to invite public participation in the development of standards which may be established for new portable air compressors.

**Background.** The overall purpose of the Act is to provide an environment for all Americans free from noise that jeopardizes their health and welfare. The Act confers the statutory authority to EPA to use the mechanisms of noise emission standards to achieve this objective (sections 5(b) and 6).

**Basis for this notice.** Section 5(b) of the Noise Control Act of 1972 requires EPA, after consultation with appropriate Federal agencies, to compile and publish a report or series of reports (1) identifying products or classes of products which, in the Administrator's judgment are major sources of noise and (2) giving information on control technology, costs and alternative methods of noise control. The first report shall be published by April 27, 1974 in the FEDERAL REGISTER.

Section 6(a) requires EPA to issue noise regulations for products which meet certain requirements. Any regulation issued under section 6(a) must include a noise emission standard. Section 6(c) states that the standard "shall be a standard which in the Administrator's judgment, based on criteria issued under section 5, is requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of such products (alone or in combination with other noise sources), the degree of noise reduction achievable through the application of the best available technology, and the cost of compliance." The Administrator is also required to consider standards under other laws designed to safeguard the public health and welfare. Specifically, the Administrator must consider standards issued under the National Traffic and Motor Vehicle Safety Act of 1966, the Clean Air Act of 1970, and the Federal Water Pollution Control Act of 1970.

In addition, any regulation under section 6(a) may contain testing procedures necessary to assure compliance with the emission standards and may contain provision respecting manufacturers instructions for maintenance use and repair of the products.

Under section 4 of the Act the EPA is required to coordinate the programs of all Federal agencies relating to noise research and noise control. Section 4 also requires that Federal agencies furnish to EPA, upon request, information on the nature, scope, and results of noise research and noise control programs. This notice requests that all Federal agencies

inform EPA of their present and planned programs that relate to these Noise Control Act sections 5 and 6 activities.

**Portable air compressors.** EPA presently is gathering noise profiles, technology, costs, and other relevant data on portable air compressors. Inputs from industry, trade groups, State and local governments as well as interested citizens and citizen groups are invited. Interested individuals and groups can participate by submitting such written data, views, or arguments as they may desire. Any information or data which addresses any or all of the following topics and any other relevant data on noise emissions from portable air compressors or their public health and welfare effects would be useful in this EPA activity.

#### SUGGESTED AREAS OF INFORMATION USEFUL TO EPA

1. Data on current noise levels of in-use and newly manufactured foreign and domestic portable air compressors and the test procedures and methodologies used in the collection of the data.

2. Information regarding the currently available noise abatement technology utilized in foreign and domestic portable air compressors. Specifically, what hardware and techniques are employed for the purpose of reducing the noise emissions?

3. With respect to item #2 above, was noise reduction a specific part of the design criteria used? If so, approximately what fraction of the total design effort and what cost and time was involved in noise reduction.

4. Information concerning additional noise reduction which could be achieved utilizing other available, but heretofore unused, technology. The unused technology may encompass those items which are not now economically feasible to incorporate or those which are not considered completely reliable.

5. Information concerning current research and development efforts which are underway both in the United States and abroad to further reduce noise from portable air compressors.

6. Estimates of the time required to place state-of-the-art technology into production.

7. Discussion of the impact which present international, Federal or local noise regulations have had on the industry.

8. Information on products where noise control measures have already been taken, including the increase in cost (both manufacturing costs and costs to consumer) which has occurred as a result of reducing the noise emissions.

9. Information on the number and type of portable air compressors which are now in service and are sold in a given period of time.

10. Information concerning the effects upon portable air compressor performance which have been observed as a result of noise control measures. Comments are desired regarding performance parameters, including fuel consumption, on which noise regulations may have an effect.

11. Discussion of problems which have arisen as a result of efforts taken to quiet portable air compressors. Points of interest here involve changes in the marketability of the item, the use of unreliable noise control practices, the changes in the maintainability or cost of maintenance of a portable air compressor.

12. Information on typical duty cycles and uses for portable air compressors. Encompassed by this question are hours of operation during a period of time (year, season, day, etc.), mode of operation, or type of use.

13. Discussion of recommended methods for classifying portable air compressors. Where applicable, engine size, weight limits, volume capacities or other parameters should be used in describing the classification scheme.

14. Information concerning noise induced health and welfare effects which has been linked to the use of portable air compressors.

15. Data on who manufactures, distributes, sells, and uses portable air compressors and, in general, what percentage of the market they have.

16. Information on the types of activities in which portable air compressors are utilized and their contributions to the total noise associated with these activities.

17. Information concerning the number of portable air compressors which are used at any one time in these activities.

18. Information concerning international, Federal, State and local laws which are planned or are in effect regarding noise emitted from portable air compressors and the rationale for these regulations.

19. Discussion of the effect on the national energy situation of setting noise emission limits on portable air compressors.

20. Description, including cost of performance, of the noise measurement methodology that may be used to determine compliance of the identified product with an applicable emission standard.

21. Information concerning the application of a compliance measurement methodology to all or a representative sample of manufactured products on the production line.

22. Information concerning the feasibility of categorizing product models or configurations according to their noise emission characteristics.

23. Information concerning the feasibility of establishing a useful life (or a period in which a product's noise emission performance may be preserved at or below the standard level with appropriate maintenance) for the identified products.

Communications should identify the docket number and be submitted with 5 copies to the Office of Noise Abatement and Control, Environmental Protection Agency, 1221 Jefferson Davis Highway, Arlington, Virginia 20460. To be effectively considered, comments on this ANPRM should be received at this Environmental Protection Agency address on or before March 29, 1974.

This advance notice of proposed rule making is issued under the authority of sections 5 and 6 of the Noise Control Act of 1972 (86 Stat. 1234, Public Law 92-574).

JOHN QUARLES,  
Acting Administrator.

FEBRUARY 22, 1974.

[FR Doc. 74-4625 Filed 2-26-74; 8:45 am]

#### [ 40 CFR Part 200 ]

[Docket No. ONAC 74-2]

#### NOISE EMISSION STANDARDS FOR NEW PRODUCTS

##### New Medium and Heavy Duty Trucks

Pursuant to the authority contained in sections 5 and 6 of the Noise Control Act of 1972 (86 Stat. 1234, Pub. L. 92-574, hereinafter referred to as the Act), the Environmental Protection Agency (EPA) plans to set noise emission standards for newly manufactured products. This notice is issued in order to invite early public participation in the devel-

opment of standards which may be established for new medium and heavy duty trucks.

**Background.** The overall purpose of the Act is to provide an environment for all Americans free from noise that jeopardizes their health and welfare. The Act confers the statutory authority to EPA to use the mechanisms of noise emission standards to achieve this objective (sections 5(b) and 6).

**Basis for this notice.** Section 5(b) of the Noise Control Act of 1972 requires EPA, after consultation with appropriate Federal agencies, to compile and publish a report or series of reports (1) identifying products or classes of products which, in the Administrator's judgment are major sources of noise and (2) giving information on control technology, costs and alternative methods of noise control. The first report shall be published by April 27, 1974, in the FEDERAL REGISTER.

Subsection 6(a) requires EPA to issue noise regulations for products which meet certain requirements. Any regulation issued under section 6(a) must include a noise emission standard. Section 6(c) states that the standard "shall be a standard which in the Administrator's judgment, based on criteria issued under section 5, is requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of such product (alone or in combination with other noise sources), the degree of noise reduction achievable through the application of the best available technology, and the cost of compliance." The Administrator is also required to consider standards under other laws designed to safeguard the public health and welfare. Specifically, the Administrator must consider standards issued under the National Traffic and Motor Vehicle Safety Act of 1966, the Clean Air Act of 1970, and the Federal Water Pollution Control Act of 1970.

In addition, any regulation under section 6(a) may contain testing procedures necessary to assure compliance with the emission standards and may contain provision respecting manufacturers instructions for maintenance use and repair of the product.

Under section 4 of the Act the EPA is required to coordinate the programs of all Federal agencies relating to noise research and noise control. Section 4 also requires that Federal agencies furnish to EPA, upon request, information on the nature, scope, and result of noise research and noise control programs. This notice requests that all Federal agencies inform EPA of their present and planned programs that relate to these Noise Control Act sections 5 and 6 activities.

**Trucks.** EPA presently is gathering noise profiles, technology, cost, and other relevant data on trucks. Inputs from industry, trade groups, State and local governments as well as interested citizens and citizen groups are invited. Interested individuals and groups can participate by submitting such written data, views, or arguments as they may desire. Any information or data which addresses any or all of the following topics and any



other relevant data on noise emissions from trucks or their public health and welfare effects would be useful in this EPA activity.

**SUGGESTED AREAS OF INFORMATION  
USEFUL TO EPA**

1. Data on current noise levels of in-use and newly manufactured foreign and domestic trucks and the test procedures and methodologies used in the collection of the data.
2. Information regarding the currently available noise abatement technology utilized in foreign and domestic trucks. Specifically, what hardware and techniques are employed for the purpose of reducing the noise emissions?
3. With respect to item #2 above, was noise control a specific part of the design criteria used? If so, approximately what fraction of the total design effort and what cost and time was involved in noise control?
4. Information concerning additional noise reduction which could be achieved utilizing other available, but heretofore unused, technology. The unused technology may encompass those items which are not now economically feasible to incorporate or those which are not considered completely reliable.
5. Information concerning current research and development efforts which are underway both in the United States and abroad to further reduce noise from trucks.
6. Estimates of the time required to place state-of-the-art technology into production.
7. Discussion of the impact which present international, Federal or local noise regulations have had on the industry.
8. Information on products where noise control measures have already been taken, including the increase cost (both manufacturing costs and costs to consumer) which has occurred as a result of reducing the noise emissions.
9. Information on the number and type of trucks which are now in service and are sold in a given period of time.
10. Information concerning the effects upon truck performance which have been observed as a result of noise control measures. For example, effects on fuel consumption and driveability. Comments are desired regarding other performance parameters on which noise regulations may have an effect.
11. Discussion of problems which have arisen as a result of efforts taken to quiet trucks. Points of interest here involve changes in the marketability of the item, the use of unreliable noise control practices, and changes in the maintainability or cost of maintenance of a truck.
12. Information on typical duty cycles and uses for trucks. Encompassed by this question are hours of operation during a period of time (year, season, day, etc.), mode of operation, or type of use.
13. Discussion of recommended methods for classifying trucks. For example, weight, engine size, volume capabilities or other parameters.
14. Information concerning noise induced health and welfare effects which have been linked to the use of trucks.
15. Data on who manufactures, distributes, sells, and uses trucks and, in general, what percentage of the market do they have.
16. Information on the types of activities in which trucks are utilized and their contributions to the total noise associated with these activities.
17. Information concerning the number of trucks which are used at any one time in these activities.

**PROPOSED RULES**

18. Information concerning international, Federal, State, and local laws which are planned or are in effect regarding noise emitted from trucks and the rationale for these regulations.
19. Discussion of the effect on the national energy situation of setting noise emission limits on trucks.
20. Information on dynamic and stationary test procedures, including test data and correlations between the two.
21. Information on the correlation between various truck noise measurements and methodologies and their community noise impact.
22. Description, including cost of performance, of the noise measurement methodology that may be used to determine compliance of the identified product with an applicable emission standard.
23. Information concerning the application of a compliance measurement methodology to all or a representative sample of manufactured products on the production line.
24. Information concerning the feasibility of categorizing product models or configurations according to their noise emission characteristics.
25. Information concerning the feasibility of establishing a useful life (or a period in which a product's noise emission performance may be preserved at or below the standard level with appropriate maintenance) for the identified products.

Communications should identify the docket number and be submitted with 5 copies to the Office of Noise Abatement and Control, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, Virginia 20460. To be effectively considered, comments on this ANPRM should be received at this Environmental Protection Agency address on or before March 29, 1974.

This advance notice of proposed rule making is issued under the authority of sections 5 and 6 of the Noise Control Act of 1972 (86 Stat. 1234, Public Law 92-574).

JOHN QUARLES,  
Acting Administrator.

FEBRUARY 22, 1974.

[FR Doc.74-4626 Filed 2-26-74; 8:45 am]

**FEDERAL COMMUNICATIONS  
COMMISSION**

[47 CFR Part 73]

[Docket No. 19902]

**DAYTIME AM BROADCAST STATIONS**

**Advancement in Sign-on Times; Order Extending Time for Filing Comments and Reply Comments**

In the matter of amendment of Part 73 of the Commission's rules to provide a one-hour advancement in the sign-on times of daytime AM broadcast stations to recoup the morning hour lost by the enactment of year-round Daylight Saving Time.

1. On December 18, 1973, the Commission adopted a notice of inquiry and proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER January 4, 1974, 39 FR 1075. The dates for filing comments and

reply comments are presently February 20 and March 22, 1974, respectively.

2. On February 11, 1974, Clear Channel Broadcasting Service (CCBS), by its attorneys, requested that the time for filing comments be extended to and including March 25, 1974. Counsel states that CCBS and its members are engaged in preparing a detailed engineering evaluation of the effects of the new interference and in order to complete the substantial amount of work involved in the engineering studies and prepare meaningful comments on the data, an additional month will be needed.

3. On February 15, 1974, The U.S. Transdynamics Corporation (U.S. Transdynamics), licensee of Station WAVA, Arlington, Virginia filed an opposition to the CCBS request that the time for filing comments be extended. U.S. Transdynamics, basing its opposition on the following issues: CCBS has made insufficient showing pursuant to Section 1.46 of the Commission's Rules; U.S. Transdynamics, working alone, has also undertaken extensive studies and questions why CCBS, a large association, can not do its work in a like period; if the CCBS request is granted there will be no possibility of relief for stations like WAVA prior to April and their Class II stations will be put to a disadvantage in planning program schedules for the fall of 1974.

4. By letter dated February 19, 1974, counsel for the Association for Broadcast Engineering Standards (ABES) expressed its support for the request by CCBS for additional time in which to file comments and reply comments in Docket 19902. ABES believes that CCBS has demonstrated good cause for the extension in dates which it seeks, and states further, that it has asked its Technical Committee to study the instant proposal in light of the skywave measurement data which ABES submitted in Docket 14419, and incorporate the results of that study in Docket 19902. Therefore ABES requests that the full extension requested by CCBS be granted.

5. We are of the view that CCBS has made adequate showing pursuant to Section 1.46 of the Commission's Rules and that in view of the seriousness of this matter the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including March 25 and April 26, 1974, respectively.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: February 19, 1974.

Released: February 21, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] HAROLD L. KASSENS,  
Acting Chief,  
Broadcast Bureau.

[FR Doc.74-4579 Filed 2-26-74; 8:45 am]

**Notices**

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

**DEPARTMENT OF THE TREASURY**

**Comptroller of the Currency**

**REGIONAL ADVISORY COMMITTEE ON  
BANKING POLICIES AND PRACTICES  
OF THE NINTH NATIONAL BANK  
REGION**

**Notice of Closed Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Ninth National Bank Region will be held at 11:30 A.M. on March 22, 1974, at the Holiday Inn Central, 1313 Nicollet Avenue, Minneapolis, Minnesota.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Ninth National Bank Region.

It is hereby determined pursuant to section 19(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10 (a) (1) and (a) (3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated: February 21, 1974.

[SEAL] JAMES E. SMITH,  
Comptroller of the Currency.

[FR Doc.74-4551 Filed 2-26-74; 8:45 am]

**Office of the Secretary**

**OFFICE OF REVENUE SHARING**

**Procedure for Improvement of Entitlement  
Data**

The data used by the Office of Revenue Sharing in calculating revenue sharing allocations for units of local governments pursuant to the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512, 31 U.S.C. Chapter 24) for the fifth entitlement period (July 1, 1974 through June 30, 1975) have been provided to each recipient government. Collective data for all of the units of local governments will be available in final form from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, on May 15, 1974.

These data have been compiled by the Bureau of the Census and definitions of

each data element are provided in this notice if recipient governments believe that there are errors in this data, relative to these definitions and effective dates, they should so inform the Office of Revenue Sharing in writing and provide evidence and documentation justifying the basis for their view. This may be accomplished by returning the form (Form 3233) provided to each recipient government together with full justification to support proposed corrections of data. The form and justification must be received by the Office of Revenue Sharing on or before March 22, 1974. If the Office of Revenue Sharing has not been advised, in writing, of proposed corrections of data on or before March 22, 1974, the data elements published will be determined to be correct and, as such, will constitute a final determination by the Department of the Treasury. All data elements which were the subject of an earlier data appeal procedure, or which were the result of such procedure, are not eligible for further review under this procedure since a final determination with respect to them has been made by the Department.

Upon receipt of any written response from recipient governments the Office of Revenue Sharing will, as timely as practicable, work with the Bureau of the Census to substantiate or correct all data questioned and advise the recipient governments of its findings. Those findings will constitute a final determination of the recipient government's revenue sharing data elements.

In order to assure equitable treatment of each recipient, the books will be kept open until all evidence and documentation received on or before March 22, 1974, have been reviewed, and data determined to be erroneous have been corrected.

There is one instance in which the Office of Revenue Sharing has determined that the Census data may not provide for equitable allocations. For cities and towns of under 500 in population, the per capita income is subject to substantial statistical error, and the Office has, therefore, determined that it will use the per capita income of the county area in which such unit of government is located as an estimate of the per capita income of that unit.

[SEAL] JOHN K. PARKER,  
Deputy Director,  
Office of Revenue Sharing.

I. **Population.** The population of a unit of local government for revenue sharing purposes is the resident population as of April 1, 1970, as determined by the Bureau of the Census in the 1970

Census of Population and Housing. Where the 1970 Census of Population count was corrected or developed by the Bureau of the Census subsequent to tabulating the count appearing in Census publications or as a result of a qualifying boundary change after January 1, 1970, such revised population count is indicated with an asterisk on data forms issued to each recipient government by the Office of Revenue Sharing in its continuing data improvement program.

The 1970 Census was conducted primarily through self-enumeration. Each person enumerated in the 1970 Census was counted as an inhabitant of his usual place of residence. This means the place where he lives and sleeps most of the time, not necessarily his legal residence or voting residence. Members of the Armed Forces living on military installations were counted as residents of the area in which the installation was located. Members of the Armed Forces not living on a military installation were counted as residents of the area in which they were living. Crews of most U.S. Naval vessels were counted as residents of the home port to which the particular vessel was assigned. College students were counted as residents of the area in which they were living while attending college. Inmates of institutions were counted as residents of the area where the institution was located. Persons without a usual place of residence were counted where they were enumerated.

The population data used for all revenue sharing entitlements to date is as of April 1, 1970.

The population is related to boundaries of geographic areas existing as of December 31, 1973 (includes new incorporations and qualifying annexations, i.e., annexations made by places with a 1970 population of at least 5,000 and for which the annexed areas include population equal to 5 percent or more of the annexing government's population).

II. **Per capita income.** The per capita income is the mean, or "average" income of all persons in a given political jurisdiction government, as defined by the 1970 Census. Unlike the population, in which everyone was counted, the average per capita income was measured through a questionnaire which went to only 20% of the households on a systematic sampling basis. Since this method of measurement produces unreliable results for small places, the Office of Revenue Sharing has estimated the per capita income for cities and towns with fewer than 500 persons to be the same as that of the county in which the place is located.

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Per capita income was computed from calendar year 1969 money income data which were collected during the 1970 Census. Total money income is the sum of:

- (1) Wage or salary income.
- (2) Net nonfarm self-employment income.
- (3) Net farm self-employment income.
- (4) Social Security or railroad retirement income.
- (5) Public assistance income.
- (6) All other income such as interest, dividends, veteran's payments, pensions, unemployment insurance, alimony, etc. The total represents the amount of income received before deductions for personal income taxes, Social Security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; withdrawal of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

III. *Adjusted taxes.* The adjusted taxes for a unit of local government, as derived from the General Revenue Sharing Survey conducted by the Bureau of the Census in 1973, are the total taxes of the unit of government in Fiscal Year 1973 (that government's 12-month accounting period that ended between July 1, 1972 and June 30, 1973) excluding taxes for schools and other educational purposes. A government's total Fiscal Year 1973 taxes are those which were exacted by that government and which were collected by or for that government during Fiscal Year 1973. Total general purpose taxes include:

1. Property taxes—county, municipal or township taxes levied on the value of real or personal property.
2. Sales taxes—county, municipal or township taxes, either general or specific, on goods and services, measured as a percent of sales or receipts, or as an amount per unit sold:

- Sales taxes are of two types:
- (a) General sales or gross receipts tax.
  - (b) Selective sales or gross receipts tax.

Examples of selective sales taxes are:

- (i) Gasoline tax
- (ii) Liquor tax
- (iii) Cigarette and tobacco tax
- (iv) Public utilities excise tax
- (v) Amusement tax
- (vi) Hotel and motel room occupancy and meals tax.

3. *License, permits and other taxes*—county, municipal or township taxes not included in items 1 and 2 above.

- Examples of license taxes are:
- (a) Alcoholic beverage licenses.
  - (b) Business privilege licenses.
  - (c) Motor vehicle and operators licenses.

- (d) Hunting and fishing licenses
- (e) Marriage licenses
- (f) *Inspection fees* charged in connection with the granting or renewal of a license

Examples of permits are:

- (a) Building permits
- (b) Permits for a business or nonbusiness privilege

Examples of other taxes are:

- (a) Income, payroll or earnings tax
- (b) Mortgage transfer and recordation tax
- (c) Severance taxes
- (d) Fee retained by the government for collecting taxes for other governments.

General purpose taxes do not include receipts from service charges, special assessments, interest earnings or fines.

A tax which is jointly imposed by a State government and units of local government is apportioned in order to determine local tax effort. An example of a jointly imposed tax would be a five percent sales tax of which four percent was imposed by the State government and one percent was imposed by local government. In such case the amount of revenue realized by virtue of the one percent locally imposed portion will be credited to local tax effort. It is important to distinguish a "jointly imposed tax" from a wholly State imposed tax where part of the tax revenue is shared with local governments. An example of a shared State tax would be a five percent locally imposed portion will be State, but which provides a 20 percent revenue share to units of local government. A local government's share of a "wholly State imposed tax" is classified as an intergovernmental transfer and not as local tax effort. Thus, in determining local tax effort the point of reference is the government which imposed the tax rather than the government which expended the resulting tax revenue.

Amounts in lieu of taxes received by a government from a utility it operates are treated as internal transfers and are excluded from taxes. Amounts in lieu of taxes received from utilities operated by other governments are reported as governmental transfers.

School taxes are tax revenues of a unit of government which are allocated for school purposes. They consist of taxes levied for current operation, capital outlay and debt service including amounts collected for a governmental unit's schools by the State or a local government acting as collecting agent.

In some jurisdictions tax revenues for purposes of education are not separately identifiable because education is financed by expenditure or transfer of monies from a general fund to a school fund. If so, then the ratio of tax revenues to total revenues in such general fund multiplied by the expenditure or transfer of monies from the general fund (or similarly named fund) for education purposes is taken to be the amount of tax revenues allocable to expenses for education.

IV. *Intergovernmental Transfers of Revenue.* Intergovernmental transfers of revenue are amounts received by a unit of government from other governments in Fiscal Year 1973 (the government's 12-month accounting period that ended between July 1, 1972 and June 30, 1973) for use either for specific functions or for general financial support. This amount is derived from the General Revenue Sharing Survey conducted by the Bureau of Census in 1973. The figure includes grants, shared taxes, contingent loans and reimbursements for tuition costs, hospital care, construction costs, etc. Intergovernmental revenue does not include amounts received from sale of property or commodity or utility services to other governments or Federal revenue sharing entitlement funds.

[FR Doc.74-4617 Filed 2-22-74; 4:24 pm]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management OUTER CONTINENTAL SHELF OFF LOUISIANA

#### Oil and Gas Lease Sale #33; Bid Submission and Procedures Correction

In FR Doc. 74-4525, appearing at page 7209, in the issue for Monday, February 25, 1974, in the chart in the middle column of page 7211 headed "Official leasing map, Garden Banks, NG-15-2 (Approved Feb. 15, 1973)", the 20th entry now reading "33-193-N649 E121-A11-3472.91", should be deleted.

### Fish and Wildlife Service Bureau of Sport Fisheries and Wildlife BIG LAKE NATIONAL WILDLIFE REFUGE

#### Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577:78 Stat. 890-896:16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on April 16, 1974, in the Elementary School Gymnasium, Manila, Arkansas, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Big Lake Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Big Lake National Wildlife Refuge, which is located in Mississippi County, Arkansas.

A study summary containing a map and information on the Big Lake Proposal may be obtained from the Refuge Manager, Big Lake National Wildlife Refuge, Box 67, Manila, Arkansas 72442 or the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, N. E. Atlanta, Georgia 30329.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion

in the official record of the hearing to the Regional Director at the above address by May 16, 1974.

F. V. SCHMIDT,  
Deputy Director, Bureau of  
Sport Fisheries and Wildlife.  
FEBRUARY 21, 1974.

[FR Doc.74-4560 Filed 2-26-74; 8:45 am]

### NOXUBEE NATIONAL WILDLIFE REFUGE Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577:78 Stat. 890-896:16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on March 29, 1974, Dorman Hall Auditorium, Mississippi State University, Starkville, Mississippi, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Noxubee Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Noxubee National Wildlife Refuge, which is located in Winston, Noxubee, and Oktibeha Counties, Mississippi.

A study summary containing a map and information on the Noxubee Wilderness Proposal may be obtained from the Refuge Manager, Noxubee National Wildlife Refuge, Route 1, Brooksville, Mississippi 39739 or the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by April 29, 1974.

LYNN A. GREENWALT,  
Director, Bureau of  
Sport Fisheries and Wildlife.  
FEBRUARY 21, 1974.

[FR Doc.74-4559 Filed 2-26-74; 8:45 am]

### Office of the Secretary [INT DES 74-13] BIG BUTTE AREA OF MENDOCINO AND TRINITY COUNTIES, CALIFORNIA; TIM- BER SALE

#### Availability of Draft Environmental Statement

Pursuant to section 102 (2) (C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental statement for a proposed timber sale in Mendocino and Trinity Counties, California and invites your written comments within 45 days of this notice.

The proposal involves construction of an access road, logging of old growth timber, and provision of public access into approximately 10,000 acres of public land.

Copies are available for inspection at the following locations:

Office of Information, Bureau of Land Management, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240, telephone: (202) 843-5717.

California State Office, Bureau of Land Management, Federal Building, 2800 Cottage Way, Sacramento, California 95825, telephone: (916) 484-4724.

Ukiah District Office, Bureau of Land Management, 168 Washington Avenue, Ukiah, California 95482, telephone: (707) 462-8891.

Redding District Office, Bureau of Land Management, 2400 Athens Avenue, Redding, California 96001, telephone: (916) 246-5325, Ext. 352.

A limited number of single copies are available and may be obtained from the Office of Information, Bureau of Land Management or the California State Director. Otherwise copies may be obtained for \$1.00 each by writing the Director (130), Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number above.

Dated: February 20, 1974.

WILLIAM A. VOGELY,  
Acting Deputy Assistant  
Secretary of the Interior.  
[FR Doc.74-4561 Filed 2-26-74; 8:45 am]

### [INT DES 74-16] CHEMEHUEVI SHORELINE, CALIF. Availability of Draft Environmental Statement

Pursuant to section 102(2) (c) of the National Environmental Policy Act, the Department of the Interior has prepared a Draft Environmental Statement for a Proposed Secretarial Order for the Resolution of Title to the Chemehuevi Shoreline, California.

The Environmental Statement considers human and physical environmental affects associated with the proposed action by the Secretary of the Interior to recognize and/or establish equitable fee title to certain lands riparian to Lake Havasu, San Bernardino County, California, in the Chemehuevi Tribe of Indians. Written comments are invited within forty-five (45) days of this notice.

Copies are available for inspection at the following locations:

Bureau of Indian Affairs  
Division of Trust Facilitation  
Room 3042  
Washington  
Washington, D.C. 20245  
Telephone (202) 343-4004  
Bureau of Indian Affairs  
Phoenix Area Office  
Room 105  
124 West Thomas  
Phoenix, Arizona 85011  
Telephone (602) 261-4195  
Bureau of Indian Affairs  
Colorado River Agency Office  
Parker, Arizona 85344  
Telephone (602) 689-2134

Single copies of the draft environmental statement may be obtained from the Bureau of Indian Affairs, Phoenix

Area Office, Room 105, 124 West Thomas, Phoenix, Arizona. Additional copies needed may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

WILLIAM A. VOGELY,  
Acting Deputy Assistant  
Secretary of the Interior.

FEBRUARY 20, 1974.

[FR Doc.74-4544 Filed 2-26-74; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service NEW YORK AND PENNSYLVANIA GRAIN INSPECTION POINTS

#### Transfer and Cancellation of Designations

Notice is hereby given pursuant to § 26.101 of the regulations (7 CFR 26.101) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on January 7, 1974, there was published in the *Federal Register* (39 FR 1289) a notice announcing (1) a proposed transfer of the designation to operate as an official inspection agency, as defined in section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 7 (f)), at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., and (2) the application by Albany Port District Commission, Albany, N.Y., for designation to operate as an official inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., and to submit written views and comments with respect to the proposed transfer.

No comments were received from users of the service with respect to the proposed transfer. No applications for designation were received other than the application from Albany Port District Commission and no adverse comments on the application were received.

After due consideration of all submissions made pursuant to the notice of January 7, 1974, and all relevant matters, the designation to operate as an official inspection agency at Albany, N.Y., is hereby transferred from International Commercial Exchange, Inc., to Albany Port District Commission. The designation to operate as an official inspection agency at New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., is hereby cancelled. This notice does not preclude interested persons from making application later for designation to operate as an official inspection agency at New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., in accordance with the requirements in § 26.96 of the regulations (7 CFR 26.96), under the U.S. Grain Standards Act.

(Sec. 7, 39 Stat. 462, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date. This notice shall become effective March 1, 1974. Done in Washington, D.C., on February 21, 1974.

E. L. PETERSON,  
Administrator,  
Agricultural Marketing Service.  
[FR Doc.74-4539 Filed 2-26-74; 8:45 am]



**DEPARTMENT OF COMMERCE**  
Domestic and International Business  
Administration  
**ALBERT EINSTEIN COLLEGE OF MEDICINE**  
Decision on Application for Duty-Free Entry  
of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00184-00-46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, New York 10461. Article: 1 Cryo-Kit. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The foreign article is intended to be used in research intended to demonstrate antigen sites in tissues or cells after sectioning by using both ferritin and DAB for visualizing cancer virus antigens. The article will also be used to localize the enzyme, catalase, using ferritin-labeled antibody with ultrathin frozen sections. The study will also include lipase in the pancreas and the other enzymes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.  
[FR Doc.74-4588 Filed 2-26-74; 8:45 am]

**ARGONNE NATIONAL LABORATORY**  
Decision on Application for Duty-Free Entry  
of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

## NOTICES

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20234.

Docket number: 73-00416-98-34060. APPLICANT: Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill.: 60439. Article: Polarized positive ion source. Manufacturer: Auckland Nuclear Accessory Co. Ltd., New Zealand. Intended use of article: The article is intended to be used to provide polarized protons and deuterons for injection into the ANL Zero Gradient Synchrotron (ZGS).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has the capability to produce polarized positive ions. The National Bureau of Standards (NBS) advised in its memorandum dated January 29, 1974 that the capability described above is pertinent to the applicant's intended investigation of the spin dependence of nucleon-nucleon interactions and other spin experiments. NBS also advised it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.  
[FR Doc.74-4593 Filed 2-26-74; 8:45 am]

**BATTELLE MEMORIAL INSTITUTE**  
Decision on Application for Duty-Free Entry  
of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00153-33-46595. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, P.O. Box 999, Richland, Washington 99352. Article: Pyramitome, Model LKB 11800-1. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare sections of plastic embedded tissues at least 1.0 µm thick for study with the light microscope, the intent being to localize the compounds such as, particles of plutonium, nickel oxide, cobalt oxide, asbestos, cigarette smoke, diesel smoke, and uranium ore dust to which the animals were exposed either by direct observation or by autoradiography and to compare such images with fine structural details obtained on ultrathin sections in the electron microscope. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (March 30, 1972).

Reasons: The applicant's use in the thick sectioning of hard plastic embeddings and animal bone will require strength and ability to be used with a glass knife. This requirement is satisfied by the foreign article. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated January 25, 1974 that the capabilities described above are pertinent to the applicant's intended purposes. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article which was available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.  
[FR Doc.74-4590 Filed 2-26-74; 8:45 am]

**CATHOLIC UNIVERSITY**  
Decision on Application for Duty-Free Entry  
of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office

of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00179-01-74600. Applicant: The Catholic University of America, Vitreous State Laboratory, Keane Hall-B-2, 620 Michigan Avenue, N.E., Washington, D.C. 20017. Article: One (1) "Malvern" High Speed Digital Correlator Type K7023. Manufacturer: Precision Devices and Systems, United Kingdom. Intended use of article: The article is intended to be used in research on liquids and liquid mixtures ranging from high temperature molten oxide mixtures to viscous organic lubricants to determine the viscoelastic behavior of these liquids at high pressure in order that lubricants can be designed for high speed turbine engines and to develop optical fibres which have small composition and density fluctuations and thus have low light scattering for use in communications devices.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides (1) a correlating efficiency such that every photon is correlated with every previous photon (because the article accepts inputs continuously), (2) an integration time up to 40 hours, (3) a dwell time (bin size) at least as short as 50 nanoseconds, and (4) normalization of one part in 10<sup>6</sup>. The National Bureau of Standards (NBS) advised in its memorandum dated January 25, 1974 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.  
[FR Doc.74-4594 Filed 2-26-74; 8:45 am]

**COUNCIL ON LIBRARY RESOURCES INC.**  
ET AL.

Applications for Duty-Free Entry of  
Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897). Interested persons may present their views with respect to the question of

whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 19, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00181-99-07795. Applicant: Council on Library Resources, Inc., One Dupont Circle, Suite 620, Washington, D.C. 20036. Article: Automatic Library Card Camera and Transport System. Manufacturer: MEGA System Design Ltd., Canada. Intended use of article: The article is intended to be used to automatically film catalog cards to be used in all courses involving use of library in major academic institutions. Application received by Commissioner of Customs: October 18, 1973.

Docket number: 74-00282-33-46040. Applicant: University of New Mexico, Biology Department, Albuquerque, New Mexico 87131. Article: Electron Microscope, Model Corinath 275. Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of article: The article is intended to be used to examine ultrathin sections and surface replications of biological material in the following research projects:

- (1) Localization of enzymes in bacteria,
- (2) Fine structural studies of topography, appendages and internal structures of bacteria conducted on bacteria of ecological importance,
- (3) Transmission electron microscopy and autoradiography on thin sections of millipede cuticle used to investigate seasonal utilization of metabolic reserves in a desert millipede,
- (4) Study of the role of microtubules and/or microfilaments in the reorganizational response to thyroid-stimulating hormone (TSH) of cultured thyroid gland cells,
- (5) Studies of the separation, culture and metabolic properties of cells dissociated from mammalian lung tissue,
- (6) Detailed studies of the host acceptance of transplants of cells cultured *in vitro*,
- (7) Studies of cell surface phenomena associated with dispersed, cultured and transplanted cells, and
- (8) Observations of cells in the ganglion cell layer of vertebrate retinae from rats, mice, cats, dogs and primates.

The article will also be used in the courses Techniques in electron microscopy, Cytology, and Cell Physiology to teach the use of electron microscope techniques and applications in the biological sciences, and to aid the student in interpretation of cell structure and function. Application received by Commissioner of Customs: January 11, 1974.

Docket number: 74-00292-75-77025. Applicant: Iowa State University, Ames Laboratory, Ames, Iowa 50010. Article: Neutron Spectrometer. Manufacturer: Techon Research Foundation, Israel. Intended use of article: The article is intended to be used to study the neutron energy spectrum of various mass-separated fission products nuclides. Application received by Commissioner of Customs: January 14, 1974.

Docket number: 74-00293-77040. Applicant: Florida A & M University, Biomedical Research, Tallahassee, Florida 32307. Article: Mass Spectrometer, MS-30B and accessories (MS-30 Multiple Peak Monitor and PYE 104 Gas-Chromatograph). Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of article: The article is intended to be used in pharmacokinetic research in developing analytical methodology for detection and quantification of antimetabolites (cancer chemotherapeutic agents) and their active metabolites using a Gas Chromatograph-Mass Spectrometer-Computer (GC/MS/COM) System. Development of these procedures will be particularly relevant to the studies of agents used in combination cancer chemotherapy since it is combination therapy which has proven of clinical utility. Application received by Commissioner of Customs: January 14, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.  
[FR Doc.74-4591 Filed 2-26-74; 8:45 am]

**DUKE UNIVERSITY MEDICAL CENTER**  
Decision on Application for Duty-Free Entry  
of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00143-33-46040. Applicant: Duke University Medical Center, Department of Anatomy, Box 3011, Durham, North Carolina 27710. Article: Electron Microscope, Model Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The research that is planned using the article involves, among other things studies of isolated protein molecules. It is hoped that crystalline bovine serum albumin can be profitably studied using a special dark field technique and that it will be possible to detect alterations



in this molecule brought about by detergents. In addition work is planned on various isolated components of cell membranes and on membrane fractions; and on studies of metallic replicas of membrane fragments.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (March 1973). Reasons: The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope which was formerly manufactured by the Forglro Corporation and is currently being supplied by the Adam David Company. The Model EMU-4C had a specified resolving capability of 5 Angstroms (the lower the numerical rating in terms of Angstrom units, the better the resolving capability). We are advised by the Department of Health, Education, and Welfare in its memorandum dated January 11, 1974 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.

[FR Doc.74-4584 Filed 2-26-74; 8:45 am]

#### IIT RESEARCH INSTITUTE Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00198-65-46070. Applicant: IIT Research Institute, 10

West 35th Street, Chicago, IL 60616. Article: Scanning electron microscope, Model JSM-50A. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in many programs requiring extensive application of scanning electron microscopy some of which include the following:

(a) Investigation of Failures by Examination of Fracture Surfaces Documentation of fracture surface, microstructure, surface features, etc., of over 200 laboratory failed samples in commonly used industrial alloys (steels, cast irons, aluminum, nickel, and titanium alloys) in the most commonly encountered fracture modes.

(b) Industrial Application of the SEM Diffraction Capability—Obtaining crystallographic and defect information from areas down to 5 microns and below.

(c) Microstructural studies in the SEM.

Comments: No comments have been received with respect to this application. A letter received December 13, 1972 from Advanced Metals Research Corporation (AMR) is being treated as an offer to provide additional information under Section 701.10(a) of the regulations.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: In reply to Question 8 the applicant alleged that the foreign article provided the following pertinent features:

(1) Solid Pair Backscatter Detector—for compositional or topographic display.

(2) Supplementary Deflection Coil—for selected area diffraction and channeling patterns down to better than 5 micron resolution.

(3) Low Distortion, Low Magnification Scanning Coil. Low distortion coils provide better than  $\pm 0.5\%$  distortion-free images at 10X.

(4) Image Selector—for simultaneous display on 1 or 2 CRT's for the following signals: secondary, backscattered, absorbed current, voltage contrast, cathodoluminescence and X-rays.

(5) TV Scan—for 30 frame/sec random interlaced display of image which system is compatible with commercially available video record capabilities.

(6) Goniometer Stage with very large specimen chamber and many degrees of freedom of motion.

With regard to these specifications the National Bureau of Standards, in a memorandum dated December 13, 1973, advised that the domestically manufactured AMR-900, which is considered comparable to the foreign article, satisfies specifications (1), (3), (4), (5), and (6), and thus NBS made no finding on pertinency. As to specification (2), NBS advised that the AMR-900 satisfies the pertinent capability (i.e., observation of selected area diffraction and channeling patterns from small areas) conferred by this design specification. Therefore, the AMR-900 is found to be scientifically equivalent to the foreign article for the applicant's intended use.

For these reasons, we find the domestic Model 900 scanning electron microscope

is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.

[FR Doc.74-4587 Filed 2-26-74; 8:45 am]

#### OHIO STATE UNIVERSITY AND MICHIGAN STATE UNIVERSITY

##### Consolidated Decision on Applications for Duty-Free Entry of Lead Glass Blocks

The following is a consolidated decision on applications for duty-free entry of Lead Glass Blocks pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00589-98-20700. Applicant: The Ohio State University, 190 North Oval Drive, Columbus, OH 43210. Article: 14 PEMG2 Lead Glass Blocks. Manufacturer: Ohara Glass, Japan. Intended use of article: The article is intended to be used as shower detectors to measure gamma rays from the reaction of interest in a high statistics study of W-Meson productions. Application received by Commissioner of Customs: June 22, 1973. Advice submitted by National Bureau of Standards on: January 15, 1974.

Docket number: 73-00590-98-20700. Applicant: Michigan State University, Physics Department, East Lansing, Michigan 48823. Article: 14 PEMG2 Lead Glass Blocks. Manufacturer: Ohara Glass, Japan. Intended use of article: The articles are to be used in high energy experiments to measure the energy of gamma rays. Application received by Commissioner of Customs: June 22, 1973. Advice submitted by National Bureau of Standards on: January 15, 1974. Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article provides an optical transmittance of 57.9 to 99.2 percent over a range of 360 to 460 Nanometers. The National Bureau of Standards (NBS) advised in the cited memoranda that (1) the capability described above represents the best available internal optical transmittance in

the cited range and (2) the best available optical transmittance is pertinent to the purposes for which each of the articles is intended to be used. NBS also advised that it knows of no domestically manufactured instrument which is scientifically equivalent to any of the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.

[FR Doc.74-4595 Filed 2-26-74; 8:45 am]

#### REHABILITATION INSTITUTE OF CHICAGO ET AL

##### Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 19, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00283-33-46500. Applicant: Rehabilitation Institute of Chicago, 345 East Superior Street, Chicago, Illinois 60611. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, mainly mammalian skeletal muscle tissues derived from humans and experimental animals, and exhibit both normal and pathologic structure. Experiments to be conducted include experiments on the effect of pharmacological agents on normal and denervated mammalian muscle.

Application received by Commissioner of Customs: January 11, 1974.

Docket number: 74-00284-33-45600. Applicant: Harvard Medical School, Harvard Pathology Unit, Mallory Institute of Pathology, 784 Massachusetts Avenue, Boston, Massachusetts 02118. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the following research projects:

(A) A study of the structure and function of normal and pathologic vascular endothelium with the use of electron microscopic tracers which would delineate the sites of vascular permeability.

(B) Studies on the localization of various enzymes (e.g. endogenous peroxidase, catalase, dehydrogenases) in normal skeletal muscle, macrophages, liver, Kupffer cells, kidneys, again under normal and pathologic conditions.

(C) Studies on the ultrastructural basis for normal and increased glomerular permeability with the use of enzyme tracers.

(D) Studies on the localization of antigens and antibodies in renal tissue, again using ultrastructural cytochemical techniques (peroxidase-labeled antibodies).

(E) Studies on endothelial cell and smooth muscle cell cultures. Application received by Commissioner of Customs: January 11, 1974.

Docket number: 74-00286-33-46500. Applicant: University of Rochester Atomic Energy Project, 400 Elmwood Avenue, Rochester, N.Y. 14642. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article will be used in conjunction with a transmission electron microscope in a study of lung clearance of particles. Experiments to be conducted include experiments on the normal, physiological response of the lung tissue in regard to aerosol inhalation. In addition variations in the behavior of cells and tissues under experimental pathological conditions are to be studied. The objectives to be pursued in the course of the investigations are to reveal at the ultrastructural level the structural bases of alveolar clearance of particles and compare the morphological changes with the functional changes of clearance. Application received by Commissioner of Customs: January 15, 1974.

Docket number: 74-00287-98-20700. Applicant: University Corporation for Atmospheric Research, 1850 Table Mesa Drive, Boulder, Colorado 80302. Article: Germanium Photodiode-Preamplifier. Intended use of article: The foreign article is to be used in a solar polarimeter in an experiment designed to provide information on the magnetic field of the solar corona. Application received by Commissioner of Customs: January 15, 1974.

Docket number: 74-00288-01-30095. Applicant: Iowa State University,

Ames Laboratory, Ames, Iowa 50010. Article: Stopped-Flow Spectrometer, Model SF-3A. Manufacturer: Nortech Laboratories Ltd., United Kingdom. Intended use of article: The article is intended to be used to determine the rates of very fast chemical reactions including oxidation-reduction, ligand substitution, and dealkylation of transition metal complexes, many of which are extremely air sensitive. The experiments will include the characterization of the reaction and the determination of the mean reaction time under various circumstances. These investigations have as their object the determination and study of the mechanisms of the chemical reactions described above. Application received by Commissioner of Customs: January 15, 1974.

Docket number: 74-00289-33-77030. Applicant: University of California—San Francisco, 1438 South Tenth Street, Richmond, California 94804. Article: Model CPS-2 Coherent NMR Pulse Spectrometer. Manufacturer: Spin-Lock Electronics, Ltd., Canada. Intended use of article: The article is intended to be used in research with a two fold objective. First, to develop a fast, reliable method of diagnosing a cancerous or precancerous condition that can be employed on a routine basis. Second, to establish the cause of the larger water proton relaxation times observed in samples from tumorous animals in terms of cellular or molecular properties that may be altered by the existence of cancer in an animal. Application received by Commissioner of Customs: January 15, 1974.

Docket number: 74-00290-33-10100. Applicant: University of Miami, School of Medicine, Department of Pharmacology, 1600 N.W. 10th Avenue, Miami, Florida 33136. Article: Fluorescence-Absorption Temperature-Jump Apparatus. Manufacturer: Bodo Schmidt, West Germany. Intended use of article: The article is intended to be used for studies of lipid membranes which bind and transport  $Ca^{++}$ . Experiments to be conducted are observation of relaxation phenomena accompanying a sudden temperature change as a means of describing ion binding and transport kinetics. The objectives of these experiments are to understand how  $Ca^{++}$  moves during heart muscle contraction following electrical excitation and  $Ca^{++}$  movements during muscle relaxation. Application received by Commissioner of Customs: January 15, 1974.

Docket number: 74-00300-35-46040. Applicant: State University of N.Y. at Stony Brook, School of Dental Medicine, Department of Oral Biology, Stony Brook, N.Y. 11790. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used as a high resolution research tool to investigate the ultrastructure of naturally occurring and experimentally induced oral disease; specifically, dental caries research, periodontal disease research, and the general area of biological mineralization. Dental caries research

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will involve the examination at high magnification of the interface between enamel crystallites and bacteria and/or their extracellular polysaccharide matrices. In the area of periodontal disease research the permeability of epithelial tissues, cell-to-cell contact specializations in gingival epithelia, the nature and breakdown of gingival collagen and ground substance glycoproteins will be investigated. Other research involves studies of pathologic tissue changes, naturally occurring or experimentally induced and the investigation of the production of odontogenic tumors in hamsters infected with MVM viruses. Graduate students will be trained in the use of the microscope. Application received by Commissioner of Customs: January 21, 1974.

Docket number: 74-00301-33-46040. Applicant: Syracuse University, Biological Research Laboratories, 130 College Place, Syracuse, New York 13210. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens Corporation West Germany. Intended Use of Article: The article is intended to be used in a research project which represents a comprehensive investigation of the biochemical-structural-functional relationships of microtubules as they occur in motile cilia, flagella and sperm tails. Specific objectives of the research are:

(A) Biochemical and macromolecular analyses of microtubule protein—to define as precisely as possible the macromolecular configuration of microtubule protein (tubulin) and to identify, characterize and ascertain the way in which the monomeric and dimeric tubulin subunits are incorporated into the protofilaments forming the microtubule wall.

(B) Inter-microtubule linkages of cilia and flagella—to further characterize the two kinds of axoneme linkages, paying particular attention to their stable and labile attachment sites at the microtubule wall.

(C) The structural basis of ciliary bend formation—to determine the function of the radial links connecting outer doublet and central microtubules during motility, i.e. microtubule sliding and axoneme bending.

The article will also be used in the course Biological Electron microscopy representing part of the required training program for those individuals wishing to utilize the instrument in their research programs. The course will include topics in preparative and analytical procedures in high resolution electron microscopy as well as topics in electron optical principles. Application received by Commissioner of Customs: January 16, 1974.

Docket Number: 74-00302-65-40600. Applicant: University of Chicago, Enrico Fermi Institute, 5640 South Ellis Avenue, Chicago, Illinois 60637. Article: Isotope Micromass, Model 602C with digital printer, inlet option C6. Manufacturer: VG-Micromass Limited, United Kingdom. Intended use of article: The article is intended to be used in research which involves determination of the abun-

dances of the stable isotopes of nitrogen ( $N^{14}$  and  $N^{15}$ ) extracted from lunar rocks and soils. Nitrogen and other trace gases will be extracted from lunar samples by one of the following alternative procedures: (1) pyrolysis at various temperatures in a high-vacuum furnace; (2) acid dissolution of the sample followed by a Kjeldahl distillation of ammonia and a hypobromite oxidation to produce  $N_2$ . Application received by commissioner of Customs: January 2, 1974.

Docket number: 74-00303-33-46500. Applicant: Childrens Hospital Research Foundation, Elland and Bethesda Avenues, Cincinnati, Ohio 45229. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werk AG, Austria. Intended Use of Article: The article is intended to be used to cut sections of mouse palate one-millionth of an inch thin. The section is then to be viewed and photographed with an electron microscope to determine whether contractile proteins are found in the fetal palate and whether these proteins are responsible for palatal shelf elevation during development. Application received by Commissioner of Customs: January 18, 1974.

Docket number: 74-00304-80-81595. Applicant: University of Cincinnati, Department of Environmental Health, Kettering Laboratory, 3223 Eden Avenue, Cincinnati, Ohio 45219. Article: Wright Dust Feed Mechanism & Parts. Manufacturer: L. Adams Ltd., United Kingdom. Intended use of article: The article is intended to be used to produce, in test air, particulate clouds of a variety of materials including, coal, silica, aluminum oxide, and possibly silicon carbide. The article is an essential component to the design of a system for the calibration of air sampling equipment. Application received by Commissioner of Customs: January 24, 1974.

Docket number: 74-00309-33-28500. Applicant: Walter Reed Army Medical Center, P and C Branch, Building 33, Georgia Avenue NW., Washington, D.C. 20012. Article: Laurel Rocket Electrophoresis Apparatus with replacement parts and supplies. Manufacturer: Farbwerke Hoechst AG, West Germany. Intended use of article: The article is to be used to study the argarose electrophoresis properties of serum proteins including antigens such as thermophilic fungi. Application received by Commissioner of Customs: January 29, 1974.

Docket number: 74-00277-00-41200. Applicant: Health Research, Inc., Roswell Park Division, 666 Elm Street, Buffalo, New York 14203. Article: Two (2) Reflex Klystrons, Model VRE 2102A. Manufacturer: Varian Associates, Canada. Intended use of article: The articles are replacements for klystron tubes used in microwave generators that are part of an Electron Spin Resonance Spectrometer used in the studies of Radiation Damage Mechanisms in connection with cancer research. Application received by Commissioner of Customs: January 7, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director,

Special Import Programs Division,  
[FR Doc.74-4582 Filed 2-26-74; 8:45 am]

#### UNIVERSITY OF CALIFORNIA, BERKELEY Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00189-85-46040. Applicant: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. Article: Electron Microscope, Model EM 301 and accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for basic research on the relation between microstructure and properties of materials. Specimens of various alloys, ceramics and biological materials will be studied directly in the microscope. The objectives of this research are to characterize structure so the Laboratory can understand behavior of materials.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (December 8, 1972). Reasons: The foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope, formerly manufactured by the Forghio Corporation and currently being supplied by the Adam David Company. Model EMU-4C had a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 31, 1974 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as

the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.

[FR Doc.74-4585 Filed 2-26-74; 8:45 am]

#### UNIVERSITY OF SOUTH ALABAMA Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00151-33-46500. Applicant: University of South Alabama Medical School, 307 University Boulevard, Mobile, Alabama 36688. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The foreign article is intended to be used to study mammalian nervous system tissue exhibiting both normal and pathologic structure. Experiments will include research on both normal structure and inter-relationships of the components of the nervous system as well as research on lesion produced changes in the fine structure of the neurophile and the compensatory changes that subsequently occur.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare

(HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is . . . a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of January 25, 1974 that cutting speeds in excess of 4mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States. (Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.

[FR Doc.74-4592 Filed 2-26-74; 8:45 am]

#### UNIVERSITY OF SOUTH CAROLINA Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00164-58-46070. Applicant: University of South Carolina, Purchasing Department, Columbia, S.C. 29208. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used in research projects for the following purposes:

1. To study the processes of calcification in marine and freshwater invertebrates at their larval and post-larval stages,
2. To study the history of sedimentation over the past million years in a series of piston cores taken in the area of the Antarctica Convergence on the southeast portion of the Indian Antarctic Ridge south of Australia, and
3. To understand the mechanisms of brittle fracture in polycrystalline rocks.

The article will also be used for the graduate course of electron microscopy (Biology 760 and Biology 760L) to train students in ultrastructural studies.

Comments: Comments have been received from the Advanced Metals Research Corporation (AMR) which alleged inter alia that the AMR Model 900 provides a domestic source which is fully competitive with, if not superior to, the foreign made instrument in the areas of scientific capability, routine performance, availability of accessories etc.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used was being manufactured in the United States at the time the article was ordered (May 28, 1971).

Reasons: This application is a resubmission of Docket Number 72-00002-58-46070 which was denied without prejudice to resubmission on May 2, 1972 for informational deficiencies. The foreign article has a guaranteed resolution of 100 Angstroms. Although ETEC Corporation (ETEC) and AMR now guarantee 100 Angstroms, at the time the foreign article was ordered their instruments had guaranteed resolution of 200 Angstroms and 150 Angstroms respectively. The Department of Health, Education, and Welfare (HEW) in its memorandum dated February 16, 1973, advised that the best resolution available is pertinent to the applicant's studies in organic matrix synthesis and in the processes in calcification in invertebrates. HEW further advised that it knows of no available domestic scanning electron microscope which could be used for the applicant's intended purposes at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.

[FR Doc.74-4586 Filed 2-26-74; 8:45 am]

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# UNIVERSITY OF WISCONSIN Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00185-00-46070. Applicant: University of Wisconsin, Department of Geology & Geophysics, Science Hall, Madison, Wisconsin 53706. Article: Optical Microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in routine quantitative analysis; in the study of the cathodoluminescence of minerals. The objectives of this research are (i) to quantitatively analyze esp. rocks, minerals, and metals (ii) to make correlations of the luminescence properties of minerals and explore their use in Geology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,  
Director, Special Import  
Programs Division.

[FR Doc.74-4589 Filed 2-26-74;8:45 am]

## SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held Thursday, March 7, 1974, at 9:30 a.m. in Room

3817, Main Commerce Building, 14th and Constitution Avenue, Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

### Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Presentation of papers or comments by the public.
3. Review of final reports from Subgroups.
  - a. Test Equipment.
  - b. Production Equipment.
4. Acceptance of Subgroup reports.
5. Executive Session:
  - a. Review of final reports from Subgroups.
  - b. Acceptance of Subgroup reports.
  - c. Formulation of TAC recommendation to government.
6. Adjournment.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item 5, "Executive Session," the Assistant Secretary of Commerce for Administration, on December 20, 1973, determined, pursuant to Section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provisions of Sections 10(a) (1) and (a) (3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b) (1).

Further information may be obtained from William W. Clarke, Chairman of the committee, Bureau of East-West Trade, Room 4317, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202 + 967-2420).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: February 22, 1974.

LEWIS W. BOWDEN,  
Deputy Assistant Secretary,  
for East-West Trade (Acting).

[FR Doc.74-4599 Filed 2-26-74;8:45 am]

## GOVERNMENT-OWNED INVENTIONS

### Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the

licensing policy of each Agency-sponsor. Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at \$0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

### DOUGLAS J. CAMPION, Patent Program Coordinator, National Technical Information Service.

Patent 3,743,577: Single Fluid Molten Salt Nuclear Breeder Reactor; filed 3 June 1968, patented 3 July 1973; not available NTIS.

Patent 3,743,595: Dual-Layer Hyperfiltration Membrane and Process for using same; filed 20 April 1971, patented 3 July 1973; not available NTIS.

Patent 3,743,840: Bifilar Helical Multiwire Proportional Chamber; filed 18 July 1972, patented 3 July 1973; not available NTIS.

Patent 3,744,301: Ultrasonic Void Fraction Detector; filed 9 September 1971, patented 10 July 1973; not available NTIS.

Patent 3,744,875: Ferroelectric Electrooptic Devices; filed 1 December 1971, patented 10 July 1973; not available NTIS.

Patent 3,744,974: Loading Disk for Photometric Analyzer of Rotary Cuvette Type; filed 30 November 1971, patented 10 July 1973; not available NTIS.

Patent 3,745,205: Extraction of Uranium from an Aqueous Solution; filed 17 February 1972, patented 10 July 1973; not available NTIS.

Patent 3,746,614: Method for Detecting and Locating Filled Sodium-Bonded Fuel Elements; filed 29 September 1972, patented 17 July 1973; not available NTIS.

Patent 3,747,219: Gauging System; filed 18 January 1971, patented 24 July 1973; not available NTIS.

Patent 3,747,959: Nuclear Fuel Element Identification Method; filed 21 July 1971, patented 24 July 1973; not available NTIS.

Patent 3,748,226: Pulsed High-Beta Fusion Reactor; filed 18 May 1972, patented 24 July 1973; not available NTIS.

Patent 3,748,274: Method of Making Particles from an Aqueous Solution; filed 29 August 1969, patented 24 July 1973; not available NTIS.

Patent 3,748,283: Method for Dispersing Cr(3+) Ions Impregnated in Silica; filed 3 January 1972, patented 24 July 1973; not available NTIS.

Patent 3,748,472: Method of Measuring Fast-Neutron Flux; filed 11 August 1972, patented 24 July 1973; not available NTIS.

Patent 3,748,992: Multiple Lens Camera for Obtaining Time Sequential Images; filed 22 January 1971, patented 31 July 1973; not available NTIS.

Patent 3,750,047: Gas Laser Having Excitation Chambers with Multiple Channels; filed 25 August 1972, patented 31 July 1973; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014.

Patent application 375,892: Elution Centrifuge—Apparatus and Method; filed 2 July 1973, PC \$3.00/MF \$1.45.

Patent 3,750,017: Electromagnetic Field Measuring Device; filed 16 September 1971, patented 31 July 1973; not available NTIS.

Patent 3,756,069: Gas Analyzer Apparatus; filed 4 August 1971, patented 4 September 1973; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, D.C. 20240.

Patent 3,505,520: Measuring the Incombustible Content of Mine Dust Using Backscatter of Low Energy Gamma Rays; filed 10 October 1967, patented 7 April 1970; not available NTIS.

DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent 3,580,787: Flash Lamp; filed 21 August 1967, patented 2 February 1971; not available NTIS.

Patent 3,562,653: Spurious Response Free Receiver; filed 20 May 1969, patented 9 February 1971; not available NTIS.

Patent 3,584,588: Chemiluminescent System for Detecting Living Microorganisms; filed 7 July 1964, patented 16 February 1971; not available NTIS.

Patent 3,571,603: Optical Reader and Character Identification System Utilizing a Two-Dimensional Diffracting Means; filed 12 November 1968, patented 23 March 1971; not available NTIS.

Patent 3,572,190: Resilient Self-Adjusting Wrench; filed 26 August 1969, patented 23 March 1971; not available NTIS.

Patent 3,573,763: 3-Wire Coincident Current Core Memory; filed 28 January 1969, patented 6 April 1971; not available NTIS.

Patent 3,573,792: Universal Display Panel; filed 12 November 1968, patented 6 April 1971; not available NTIS.

Patent 3,575,519: Drill Guide Assembly; filed 2 June 1969, patented 20 April 1971; not available NTIS.

Patent 3,576,220: Telescoping Sea Floor Soil Sampler; filed 1 April 1969, patented 27 April 1971; not available NTIS.

Patent 3,576,327: Inflatable Seal for Fluid-Containing Means; filed 5 May 1969, patented 27 April 1971; not available NTIS.

Patent 3,577,527: Neisseria Meningitidis Antigen; filed 27 January 1969, patented 4 May 1971; not available NTIS.

Patent 3,582,209: Detection of Toxic Organophosphorus Airborne Substances by Frustrated Multiple Internal Reflection Spectroscopy; filed 14 November 1968, patented 1 June 1971; not available NTIS.

Patent 3,582,216: Device for Measuring the Distance Between Two Parallel Lines; filed 15 August 1968, patented 1 June 1971; not available NTIS.

Patent 3,585,150: Foam Inhibited CO<sub>2</sub> Regenerative Amine Absorbent Compositions; filed 20 November 1967, patented 15 June 1971; not available NTIS.

Patent 3,585,519: Narrow Band Intermediate Frequency Amplifier; filed 16 October 1969, patented 15 June 1971; not available NTIS.

Patent 3,585,946: Incinerator Air Supply and Loading Means; filed 15 October 1969, patented 22 June 1971; not available NTIS.

Patent 3,586,640: Far-Infrared Photodetector; filed 24 April 1968, patented 22 June 1971; not available NTIS.

Patent 3,587,098: Lightweight Reflecting Material for Radar Antennas; filed 11 October 1968, patented 22 June 1971; not available NTIS.

Patent 3,588,399: Circuit Patching Devices; filed 24 July 1969, patented 28 June 1971; not available NTIS.

Patent 3,590,124: Blood Transfusion Fluids Having Reduced Turbulent Friction Properties; filed 27 June 1967, patented 29 June 1971; not available NTIS.

Patent 3,590,355: Digital Positioning Motor Control for an Elevator; filed 22 October 1969, patented 29 June 1971; not available NTIS.

Patent 3,590,776: Vacuum Fluidized-Bed Coating Apparatus; filed 24 March 1969, patented 6 July 1971; not available NTIS.

Patent 3,591,486: Selective Silicon Groove Etching Using a Tantalum Oxide Mask Formed at Room Temperatures; filed 16 September 1969, patented 6 July 1971; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, DC 20546.

Patent application 374,424: Electron Microscope Aperture System; filed 28 June 1973, PC \$3.00/MF \$1.45.

Patent application 379,018: Ultra-Flexible Biomedical Electrode and Wires; filed 13 July 1973, PC \$3.00/MF \$1.45.

Patent application 379,048: Ultra-Flexible Biomedical Electrodes and Wires; filed 13 July 1973, PC \$3.00/MF \$1.45.

Patent application 414,043: Ultraviolet and Thermally Stable Polymer Compositions; filed 8 November 1973, PC \$3.00/MF \$1.45.

Patent 3,700,903: Image Data Rate Converter Having a Drum with a Fixed Head and a Rotatable Head; patented 6 November 1973; not available NTIS.

Patent 3,709,834: Whole Body Measurement Systems; filed 6 November 1973; not available NTIS.

Patent 3,770,021: Fluid Pressure Amplifier and System; patented 6 November 1973; not available NTIS.

[FR Doc.74-4484 Filed 2-26-74;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Food and Drug Administration

[FAP 3B2925]

### AMERACE CORP.

#### Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 3B2925) has been filed by Amerace Corp., Microporous Products Div., 245 Polk Ave., New York, N.Y. 10017, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of a microporous filter intended for contact with food and comprised of one of the following silica-modified polymers: (1) polyvinylchloride, (2) propylene vinylchloride copolymer, (3) vinyl acetate-vinyl chloride copolymer, wherein cyclohexanone is used as a processing solvent.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: February 19, 1974.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.74-4532 Filed 2-26-74;8:45 am]

## [FAP 4B2952] AMERICAN CYANAMID CO.

### Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 4B2952) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 121.2591 *Semirigid and rigid acrylic and modified acrylic plastics* (21 CFR 121.2591) be amended to provide for the safe use of di-2-ethylhexyl phthalate as a flow promoter in semirigid and rigid acrylic and modified acrylic plastics, intended for contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: February 19, 1974.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.74-4535 Filed 2-26-74;8:45 am]

[FAP 3B2852]

### ARCO/POLYMERS, INC.

#### Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 3B2852) has been filed by ARCO/Polymers, Inc., Frankfort Road, Monaca, PA 15061, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of styrene-maleic anhydride copolymers as articles or components of articles intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: February 19, 1974.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.74-4533 Filed 2-26-74;8:45 am]



[FAP 3B2918]  
MONSANTO CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 3B2918) has been filed by Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of di(C-,C-, alkyl)adipate as a plasticizer in the manufacture of articles intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistance Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: February 19, 1974.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.74-4534 Filed 2-26-74; 8:45 am]

Office of Education  
BASIC EDUCATIONAL OPPORTUNITY  
GRANT PROGRAM

Closing Date for Receipt of Applications  
for Determining Expected Family Contribution

Pursuant to the authority contained in section 411(b) (1) of Title IV, Part A, Subpart 1 of the Higher Education Act of 1965 as amended (20 U.S.C. 1070a(b) (1)), notice is hereby given that the United States Commissioner of Education has established a final cutoff date for the receipt of applications for the determination of expected family contributions under the Basic Educational Opportunity Grant Program. Under this program the calculation of an expected family contribution is a prerequisite to receiving a Basic Educational Opportunity Grant.

In order to be eligible to receive a Basic Educational Opportunity Grant for the academic year ending June 30, 1974 applications for determining expected family contributions for the academic year 1973-74 must be received by the Office of Education at the following address, BEOG, P.O. Box B, Iowa City, Iowa 52240, on or before April 1, 1974. Information and application forms may be obtained at institutions of higher education, high schools or from the Office of Education at the following address, BEOG, P.O. Box G, Iowa City, Iowa 52240.

An application sent by mail will be considered received on time if the application was sent by registered or certified mail not later than the fifth calendar

## NOTICES

day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service.

Dated: February 21, 1974.

(Catalog of Federal Domestic Assistance No. 13.539, Basic Educational Opportunity Grant Program)

(20 U.S.C. 1070a)

JOHN OTTINA,  
U.S. Commissioner of Education.

[FR Doc.74-4524 Filed 2-26-74; 8:45 am]

Office of the Secretary  
NATIONAL PROFESSIONAL STANDARDS  
REVIEW COUNCIL

Notice of Meeting

The sixth meeting of the National Professional Standards Review Council, which was established to advise the Secretary of the Department of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act), will be held Monday, March 4, 1974, from 1:00 p.m. to 5:00 p.m. and Tuesday, March 5, 1974, from 9:00 a.m. to 1:00 p.m., in Room 5051, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. The meeting is open to the public.

Date: February 22, 1974.

HENRY E. SIMMONS,  
Executive Secretary, National  
Professional Standards Review Council.

[FR Doc.74-4718 Filed 2-26-74; 8:45 am]

NATIONAL PROFESSIONAL STANDARDS  
REVIEW COUNCIL; SUBCOMMITTEE ON  
EVALUATION AND SUBCOMMITTEE ON  
DATA AND NORMS

Notice of Meeting

A joint meeting of the National Professional Standards Review Council Subcommittee on Evaluation and Subcommittee on Data and Norms will be held on Monday, March 4, 1974. These Subcommittees were formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act with respect to program evaluation of PSROs and PSRO data and norms of care. The meeting will be held in Room 5051, HEW North Building, 330 Independence Avenue SW., Washington, D.C., 9:00 a.m. to 12:00 m. Professional standards review is the procedure to assure

that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The agenda will consist of issues relating to these efforts. The meeting is open to the public.

Date: February 22, 1974.

HENRY E. SIMMONS,  
Executive Secretary, National  
Professional Standards Review Council.

[FR Doc.74-4720 Filed 2-26-74; 8:45 am]

NATIONAL PROFESSIONAL STANDARDS  
REVIEW COUNCIL; SUBCOMMITTEE ON  
POLICY DEVELOPMENT

Notice of Meeting

The National Professional Standards Review Council Subcommittee on Policy Development will meet on Monday, March 4, 1974. This Subcommittee was formed to review policy issues of importance in the implementation of Title XI, Part B, Social Security Act. The meeting will be held in Room 4131, HEW North Building, 330 Independence Avenue SW., Washington, D.C. 9:00 a.m. to 12:00 m. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will include timely policy issues. The meeting is open to the public.

Date: February 22, 1974.

HENRY E. SIMMONS,  
Executive Secretary, National  
Professional Standards Review Council.

[FR Doc.74-4719 Filed 2-26-74; 8:45 am]

DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT

Office of the Assistant Secretary for  
Housing Management

[DOCKET NO. D-74-289]

REGIONAL ADMINISTRATORS, ET AL  
Redelegation of Authority Regarding  
Property Disposition

The redelegation of authority by the Assistant Secretary for Housing Management published at 35 FR 16106, October 14, 1970, as amended at 36 FR 13854, July 27, 1971, 36 FR 21539, November 10, 1971, 37 FR 10408, May 20, 1972, 38 FR 24243, September 6, 1973, and 39 FR 2393, January 21, 1974, is amended in the following respects:

1. In section A, the beginning lines are revised to read as follows:

SECTION A. Authority redelegated to specific field officials. Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, Insuring Office Director, and Insuring Office Deputy Director; each Director, Housing Management Division, Area and Insuring Office; each Director, Loan

Management and Property Disposition Branch, or Director, Property Disposition Branch, Area Office; each Chief, Property Disposition Section, Insuring Office; and each Real Property Officer Designee in those Insuring Offices which do not have a Housing Management Division is authorized to.

2. The present section B is revised to read as follows:

SEC. B. Additional authority redelegated. Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, Insuring Office Director, and Insuring Office Deputy Director is authorized to establish, approve, implement, and amend the program for repairs, management, and operation of Secretary-owned multifamily properties and to authorize expenditures to undertake the rehabilitation and repair as provided in the approved program for management and operation, with amendments; including authorization to sign (execute) complaints to duly constituted civil authority and related documents pertaining to vandalism, malicious mischief, or damage to and theft from Secretary-owned multifamily properties and from multifamily properties during the period when the Secretary is mortgagee-in-possession.

(Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date. The authority redelegated under section A is effective as of September 6, 1973, and the authority redelegated under section B is effective as of February 20, 1974.

H. R. CRAWFORD,  
Assistant Secretary  
for Housing Management.

[FR Doc.74-4557 Filed 2-26-74; 8:45 am]

ADVISORY COUNCIL ON INTERGOVERNMENTAL PERSONNEL POLICY

NOTICE OF PUBLIC MEETING

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that a meeting of the Advisory Council on Intergovernmental Personnel Policy will be held from 8:30 a.m., Wednesday, March 6, through 4:30 p.m., Thursday, March 7, 1974.

The meeting will be held in Room 5A06A (Enter 5H09) of the U.S. Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Advisory Council's responsibility is to study and make recommendations regarding personnel policies and programs for the purpose of—

- (1) Improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;
- (2) Strengthening the capacity of State and local governments to deal with complex problems confronting them;
- (3) Aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) Aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) Facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

At this meeting the Council will consider policy alternatives in the areas of equal employment opportunity and labor management relations in the public sector. Time will also be devoted to an initial examination of issues in the following areas: (a) Government employee political activity; (b) training and education in the public service; and (c) a survey of progress of Intergovernmental Personnel Act programs to date, including a highlight of problems.

The meeting will be open to the public. Seating will be available to accommodate up to twenty observers. No time will be devoted during the meeting to participation or presentations by members of the public. However, individuals and groups are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Council's attention. Such material should be addressed to: Chairman, Advisory Council on Intergovernmental Personnel Policy, Room 2315, 1900 E Street NW., Washington, D.C. 20415, Attention: Executive Secretary.

Persons wishing additional information concerning this meeting should contact the Executive Secretary at the above address or by telephone (202) 632-6248.

E. C. WAKHAM,  
Executive Secretary, Advisory  
Council on Intergovernmental  
Personnel Policy.

[FR Doc.74-4610 Filed 2-26-74; 8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR  
SAFEGUARDS WORKING GROUP ON  
CONTROL OF COMBUSTIBLE GASES  
FOLLOWING LOSS OF COOLANT ACCIDENT (LOCA)

Notice of Meeting

FEBRUARY 25, 1974.

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards Working Group on Control of Combustible Gases Following Loss of Coolant Accident (LOCA) will hold a meeting on March 5, 1974, in Room 1062, at 1717 H Street, NW., Washington, D.C. The subject scheduled for discussion is control of combustible gases following LOCA.

The Subcommittee is meeting with their consultants and Regulatory Staff participants to formulate recommendations

to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meeting will consist of an exchange of opinions and internal deliberations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-4668 Filed 2-26-74; 8:45 am]

[DOCKETS NOS. STN 50-454 AND STN 50-455]

COMMONWEALTH EDISON COMPANY  
Availability of AEC Draft Environmental  
Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Byron Station, Units 1 and 2 to be constructed by Commonwealth Edison Company in Ogle County, north central Illinois, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Byron Public Library, Third & Washington Streets, Byron, Illinois 61010. The Draft Statement is also being made available at the Office of Planning & Analysis, 216 E. Monroe Street—3rd Floor, Springfield, Illinois 62706 and at the Northeastern Illinois Planning Commission, 400 W. Madison Street, Chicago, Illinois 60606.

Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Environmental Report, as supplemented, submitted by Commonwealth Edison Company, is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on November 9, 1973 (38 FR 31033).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by April 15, 1974. Comments by Federal, State and local officials, or other persons received by the



Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Byron Public Library, Third & Washington Streets, Byron, Illinois. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Regulatory staff will prepare a Final Environmental Statement, the availability of which will be published in the *FEDERAL REGISTER*.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 25th day of February 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,  
Chief, Environmental Projects  
Branch 3, Directorate of  
Licensing.

[FR Doc.74-4753 Filed 2-26-74; 8:45 am]

[Docket No. 50-423]

#### MILLSTONE POINT CO. ET AL. Evidentiary Hearing

In the matter of The Millstone Point Co., et al. (The Millstone Nuclear Power Station, Unit No. 3).

The evidentiary hearing in this matter will commence at 9:30 a.m., local time, at the City Council Chamber, Municipal Building, 3rd Floor, Captain's Walk (formerly State Street), New London, Connecticut, on March 6, 1974. At this session of the hearing, evidence will be received on all the environmental issues in the proceeding. Radiological health and safety matters will be considered at a future session of the hearing.

All requests to make limited appearances are granted, and those persons desiring to make oral presentations will be permitted to do so at this session of the hearing.

It is so ordered.

Issued at Washington, D.C., this 22nd day of February 1974.

ATOMIC SAFETY AND LICENSING BOARD,  
EDWARD LUTON, Chairman.

[FR Doc.74-4523 Filed 2-26-74; 8:45 am]

[Docket No. 50-465]

#### WESTINGHOUSE ELECTRIC CORP.

##### Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the *FEDERAL REGISTER* on January 7, 1974 (4 FR 1300) and the Atomic Energy Commission having found that:

(a) The application filed by Westinghouse Electric Corporation Docket No.

#### NOTICES

50-465, complies with the requirement of the Act, and the Commission's regulations set forth in 10 CFR Chapter I, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. KR-95 to Westinghouse Electric Corporation, authorizing the export of a boiling water reactor with a thermal power level of 2,783 megawatts to the Statens Vattensfallsverk, Stockholm, Sweden.

The export of this reactor to Sweden is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 15th day of February 1974.

For the Atomic Energy Commission.

S. H. SMILEY,  
Deputy Director for Fuels and  
Materials, Directorate of  
Licensing.

[FR Doc.74-4522 Filed 2-26-74; 8:45 am]

#### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUB- COMMITTEE

##### Notice of Meeting

FEBRUARY 25, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 USC 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Environmental Subcommittee will hold a meeting on March 14, 1974 in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of the meeting will be to consider a variety of subjects and programs pertaining to protection of the environment.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Thursday, March 14, 1974, 9 a.m.-1 p.m. Possible revisions to Regulatory Guide 1.21, Rev. 1, Draft, January 1974, entitled, "Measuring and Reporting of Radioactivity in Effluents and Wastes from Nuclear Power Plants." (This is a revision of AEC Safety Guide 21.) In addition to this item, the Subcommittee may discuss the evaluation of effluents from nuclear facilities and calculation of associated population doses.

In connection with the above agenda items, the Subcommittee and its consultants will hold an executive session at 8:30 a.m. on March 14 which will involve a discussion of their preliminary views of the agenda items, and an executive session at 2:00 p.m. to discuss and to formulate appropriate recommendations to the full ACRS regarding: the report by Marc Ross, Physics Department, University of Michigan, entitled, "The Possibility of Release of Cesium in a Spent-Fuel Transportation Accident," dated January 1974; proposed Regulatory

Guide 1.21, "Termination of Operating Licenses for Nuclear Reactors," Draft 1; and Regulatory Guide 4.2, "Preparation of Environmental Reports for Nuclear Power Plants," March 1973.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than March 7, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 10 a.m., and 12:30 p.m. on March 14, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 12, 1974 to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical in-

stallation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002. (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545 on or after May 14, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,  
Advisory Committee  
Management Officer.

[FR Doc.74-4785 Filed 2-26-74; 9:21 am]

#### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON MILLSTONE NUCLEAR POWER STA- TION, UNIT 3

##### Notice of Meeting

FEBRUARY 25, 1974.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Subcommittee on the Millstone 3 project will hold a meeting on March 15-16, 1974, in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to begin the Committee's formal Construction Permit review of Millstone Nuclear Power Station, Unit 3. This facility is located in the town of Waterford, New London County, Connecticut.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, March 15 and Saturday, March 16, 1974, 9:30 a.m.-3:30 p.m. The Subcommittee will hear presentations by Regulatory Staff and personnel of the Millstone Point Company and their representatives and hold discussions with these groups pertinent to issuance of a Construction Permit for Millstone Nuclear Power Station, Unit 3.

In connection with the above agenda item, on both meeting days the Subcommittee will hold an executive session beginning at 9 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members pres-

ent and internal deliberations for the purpose of formulation of recommendations to the ACRS. In addition, the Subcommittee may hold closed sessions with the Regulatory Staff and Applicant to discuss privileged information relating to plant security and fuel design, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of each day's meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain information relating to site security and fuel design which is privileged and falls within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than March 8, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, during the afternoon portions of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

#### NOTICES

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 14, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., and within nine days at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut, 06385. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545, on or after May 15, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,  
Advisory,  
Committee Management Officer.

[FR Doc.74-4786 Filed 2-26-74; 9:21 am]

[Docket No. 50-346A etc.]

#### TOLEDO EDISON CO. ET AL. Prehearing Conference

In the matter of the Toledo Edison Company and the Cleveland Electric Illuminating Company, Docket No. 50-346A, (Davis-Besse Nuclear Power Station); Cleveland Electric Illuminating Company, et al., Docket Nos. 50-440A, 50-441A, (Perry Plant, Units 1 and 2); Duquesne Light Company, et al., Docket No. 50-412A, (Beaver Valley, Unit 2).

The special prehearing conference in the above captioned case, held on February 19, 1974, and recessed by agreement of the Parties and the Board until March 1, 1974, will be reconvened at 10 a.m., local time March 1, 1974 in Suite 500, U.S. Postal Rate Commission, 2000 L Street, NW., Washington, D.C.



It is so ordered.

Issued at Washington, D.C. this 26th day of February, 1974.

ATOMIC SAFETY AND LICENSING BOARD,  
JOHN B. FARMAKIDES,  
Chairman.

[FR Doc.74-4811 Filed 2-26-74;11:03 am]

#### CIVIL AERONAUTICS BOARD

[Docket 26109]

#### COURT LINE AVIATION LIMITED

##### Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 6, 1974, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., February 20, 1974.

[SEAL] JOHN E. FAULK,  
Administrative Law Judge.

[FR Doc.74-4602 Filed 2-26-74;8:45 am]

#### EMERY AIR FREIGHT CORP.

##### Order Rejecting Tariff Filings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of February, 1974.

By tariff revisions<sup>1</sup> filed January 25, 1974, and marked to become effective February 24, 1974, Emery Air Freight Corporation (Emery) proposes to increase its general commodity rates and charges in numerous markets, which will average 10 cents per pound and range from 6 to 46 percent above current levels.

In support of its proposal, Emery states, inter alia, that it has been forced to enter into a charter agreement in certain markets because the scheduled carriers have either canceled their all-cargo service or reduced their combination flights to a point where overnight service is not available.<sup>2</sup> Consequently, Emery now contends that in order to maintain its standard of service, it must charter aircraft, thus increasing its costs.

<sup>1</sup> Revisions to Emery Air Freight Corporation C.A.B. No. 38.

<sup>2</sup> Emery has entered into an agreement with Saturn Airways to charter 4 L-188 Lockheed Electras for a minimum of 3 months and possibly longer. The agreement gives Emery exclusive use of the charter aircraft during this period. Saturn provides the plane and the crew, plus performing the loading and unloading functions. The loading and unloading functions are a cost add-on to Saturn's charter charges.

Basically, Emery proposes to operate these chartered aircraft in scheduled service over the following routes:

- (1) Ypsilanti/Cleveland/New York/Charlotte/Atlanta;
- (2) Atlanta/Charlotte/New York/Cleveland/Ypsilanti;
- (3) Ypsilanti/Chicago/Charlotte/Atlanta/Chicago/Ypsilanti; and
- (4) New York/Dallas/Houston/New Orleans/New York.

#### NOTICES

Based upon expected traffic volume, Emery estimates that the proposal will cost an additional \$232,700 monthly for providing charter service in these markets and will generate \$183,000 additional revenue per month from general commodity traffic.

As indicated, Emery estimates that these charters will cost an additional \$232,700 per month and sets forth costs in a limited number of markets based upon experienced direct air freight expense. However, no cost data have been provided showing Emery's costs of charter operation by market segment, the estimated load factors assumed, the estimated on-board mix between general and specific commodity traffic, or other underlying carrier assumptions. Consequently, the carrier's inadequate data constitute a serious deficiency in its proposal. For these reasons, we are of the opinion that a more adequate showing is necessary to support the proposed rate increases.

Emery has proposed rate increases not only in points directly served by the proposed charter service, but also for numerous cities in the general area of each city for which it has engaged charter service. Thus, for example, the carrier's proposal calls for rate increases from Omaha, Nebraska to Huntsville, Alabama, even though the closest charter cities to these points are Chicago and Atlanta, respectively.<sup>3</sup> However, Emery has provided no data as to which mode of transportation would be utilized in these segments or the costs associated therewith.

In these circumstances, the Board has concluded that the proposal has not been accompanied with adequate explanation and data to justify the proposal as required by § 221.165 of the Board's Economic Regulations, and should be rejected, without prejudice to future filings accompanied by adequate and detailed justifications.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. The tariff pages listed in Appendix A hereto are hereby rejected;
2. Copies of this order will be served upon Emery Air Freight Corporation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-4558 Filed 2-26-74;8:45 am]

[Docket 24554]

#### NISHI-NIPPON RAILROAD CO., LTD. (JAPAN) D/B/A NNR AIRCARGO SERVICE (USA) INC.

##### Notice of Hearing

Counsel for the Bureau of Operating Rights has submitted written objection

\* The total airport-to-airport distance between Omaha and Huntsville via Chicago and Atlanta is 1,173 miles, but the charter trip distance between Chicago and Atlanta is only 606 miles. Hence, in this example, a substantial portion of the trip could not be made by its charter arrangements.

\* Filed as part of original document.

to holding the hearing in this proceeding immediately following conclusion of the prehearing conference scheduled to be held on February 27, 1974 (39 FR 18, January 25, 1974). This is to give notice that the hearing will be held on March 13, 1974, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW, Washington, D.C., before the undersigned. The date, time, and place set for the prehearing conference remain unchanged.

Dated at Washington, D.C., February 20, 1974.

[SEAL] HYMAN GOLDBERG,  
Administrative Law Judge.

[FR Doc.74-4603 Filed 2-26-74;8:45 am]

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS

##### Increased Import Allocations

FEBRUARY 22, 1974.

On January 2, 1974, there was published in the FEDERAL REGISTER (39 FR 28) a letter dated December 27, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs directing that certain specified quantities of cotton yarn and/or cotton fabric be permitted to enter the United States for consumption from the indicated countries pursuant to an ad hoc offer by the United States Government to each of its cotton textile bilateral agreement partners to permit entry of additional quantities of such goods, not to exceed in total amount five percent of each country's current-year aggregate agreement ceiling. A number of our bilateral trading partners did not choose to take full advantage of this offer, and the United States Government has decided, therefore, to make this shortfall available to countries which did respond. The following table lists the amounts of additional yardage and the countries and categories to which it is to be applied:

Country	Category	Additional amount
Brazil.....	1-4.....Pounds.....	108,696
	9.....Square yards.....	3,000,000
	16.....do.....	500,000
	18/19/26 (pt.).....do.....	2,000,000
	22/23.....do.....	3,000,000
	24.....do.....	1,000,000
	5/6.....do.....	85,600
China, Republic of.....	9/10.....do.....	1,028,880
	18/19.....do.....	2,140,995
	22/23.....do.....	188,797
	26/27.....do.....	809,889
Colombia.....	5/6.....do.....	300,000
	9.....do.....	500,000
	16.....do.....	750,000
	22/23.....do.....	2,800,000
	26 (other than duck).....do.....	400,000
	26 (duck).....do.....	150,000
	27.....do.....	100,000
Hong Kong.....	22/23.....do.....	1,250,346
	24/25.....do.....	415,661
	26/27 (duck).....do.....	1,868,182
	26 (pt.).....do.....	470,811
India.....	9/10.....do.....	3,000,000
	18/19.....do.....	1,000,000
Mexico.....	9/10.....do.....	3,550,000
	22/23.....do.....	4,650,000
	26/27 and part of 64.....do.....	8,800,000
Pakistan.....	9/10.....do.....	5,000,000
	18/19/26 (pt.).....do.....	2,000,000
	26 (duck).....do.....	1,000,000

#### NOTICES

These additional amounts will not become part of the restraint levels of the foregoing categories for purposes of adjustment in subsequent years, under the terms of the agreements.

There is published below a letter of February 22, 1974, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs advising him of these further offers and directing that the specified additional amounts should be permitted entry.

SETH M. BODNER,  
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20229.

FEBRUARY 22, 1974.

DEAR MR. COMMISSIONER: Pursuant to a further offer by the United States Government to certain of its bilateral cotton textile agreement partners to export to the United States additional quantities of cotton yarn and/or fabric, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to permit entry into the United States for consumption or withdrawal from warehouse for consumption of cotton textiles and cotton textile products in the additional amounts and from the countries listed in the enclosed table. Entries are to be charged against the current levels of restraint established in previous directives for the categories and countries specified, as increased by the indicated ex-quota amounts. These ex-quota amounts are in addition to those specified in the directive of December 27, 1973, as amended. They will not become part of the restraint levels of the affected categories for purposes of adjustment in subsequent years under the terms of the agreements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 25, 1974 (39 FR 3430).

In carrying out the above directions entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the governments of the countries indicated and with respect to imports of cotton textiles and cotton textile products from those countries have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore the directions to the Commissioner of Customs being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,  
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

Country	Category	Additional amount
Brazil.....	1-4.....Pounds.....	108,696
	9.....Square yards.....	3,000,000
	18/19 and part of do.....	2,000,000
	26 (printcloth).....do.....	85,600
China, Republic of.....	9/10.....do.....	1,028,880
	18/19.....do.....	2,140,995
	22/23.....do.....	188,797
	26/27.....do.....	809,889
Colombia.....	5/6.....do.....	300,000
	9/10.....do.....	500,000
	16.....do.....	750,000
	22/23.....do.....	2,800,000
	26 (other than duck).....do.....	400,000
	26 (duck).....do.....	150,000
	27.....do.....	100,000
Mexico.....	5-27 and part 64.....do.....	12,000,000
	9/10.....do.....	3,550,000
	22/23.....do.....	4,650,000
	26/27 and part of do.....	3,800,000
	64 (unit fabrics).....do.....	5,000,000
Pakistan.....	9/10.....do.....	5,000,000
	18/19 and part of 26 do.....	2,000,000
	(printcloth).....do.....	1,000,000
	Part of 26 (duck).....do.....	1,000,000

<sup>1</sup> In Category 26, the T.S.U.S.A. numbers for printcloth are:

320...34 322...34 327...34

321...34 326...34 328...34

<sup>2</sup> Excluding T.S.U.S.A. numbers:

320...01 through 04, 06, 08

321...01 through 04, 06, 08

322...01 through 04, 06, 08

326...01 through 04, 06, 08

327...01 through 04, 06, 08

328...01 through 04, 06, 08

<sup>3</sup> Including only those T.S.U.S.A. numbers excluded by footnote 2.

[FR Doc.74-4611 Filed 2-26-74;8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

##### AMERICAN CYANAMID CO.

##### Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 4H5045) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the plant regulator (2-chloroethyl) trimethylammonium chloride in molasses at 6 parts per million to provide for residues that may occur from use of the plant regulator in a proposed experimental program involving application to the growing crop sugarcane.

Dated: February 15, 1974.

DOUGLAS D. CAMPT,  
Acting Director,  
Registration Division.

[FR Doc.74-4622 Filed 2-26-74;8:45 am]

#### ENVIRONMENTAL IMPACT STATEMENTS ON FEDERAL AGENCY ACTIONS

##### Availability of EPA Comments

Pursuant to the requirements of section 102(2) (C) of the National Environ-

mental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of January 1, 1974 and January 31, 1974.

Appendix I below contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: February 13, 1974.

J. M. McCABE,  
Acting Director,  
Office of Federal Activities.

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## NOTICES

APPENDIX I.—Draft environmental impact statements for which comments were issued between Jan. 1, 1974, and Jan. 31, 1974

Identifying No.	Title	General Nature of Comments	Source for Copies of Comments
Atomic Energy Commission:			
D-AEC-0618-OH.....	Perry Nuclear Power Plant Units 1 and 2, Ohio.....	ER-2	A
Department of Agriculture:			
D-AFS-34075-MT.....	Deer Creek Multiple Use Plan, Montana.....	ER-2	I
D-AFS-61174-AZ.....	Madera Canyon Land Use Plan, Coronado National Forest, Arizona.....	LO-2	J
D-AFS-61176-FL.....	Juniper Springs Unit, Ocala National Forest, Marion and Lake Counties, Fla.....	LO-2	E
D-AFS-65051-NV.....	Pinyon-Juniper Chaining Program on Forest Lands, Nevada.....	LO-1	J
D-AFS-54052-NV.....	Herbicide Control of Sagebrush and Wyethia, Nevada.....	LO-1	J
D-AFS-65064-CA.....	Proposed Forest Reestablishment Program on National Forest Lands, California.....	LO-1	J
D-AFS-9062-UT.....	Boulder Grover Rd., Utah.....	ER-2	I
D-SCS-36326-WI.....	First Capitol Watershed, Wisconsin.....	LO-2	F
D-SCS-36337-TX.....	Red Deer Creek Watershed Project, Texas.....	LO-2	G
Corps of Engineers:			
D-COE-24470-AR.....	McClellan-Kerr navigation system on Arkansas River, Ark.....	ER-2	G
D-COE-24471-MS.....	Pascagoula River channel maintenance, Mississippi.....	LO-2	E
D-COE-24472-MS.....	Biloxi Harbor (dredging and navigation), Mississippi.....	ER-2	E
D-COE-24473-MS.....	Operation and maintenance program, Pat Mayse Lake, Sander Creek, Tex.....	LO-2	G
D-COE-34101-TX.....	Freeport harbor, Freeport, Tex.....	LO-2	G
D-COE-35099-CA.....	Extension of entrance to Islals Creek Channel, San Francisco, Calif.....	LO-2	J
D-COE-35102-CA.....	Operation and maintenance of Moro Bay Harbor, Calif.....	ER-2	J
D-COE-35105-VA.....	Parker Creek (maintenance dredging), Va.....	ER-2	D
D-COE-36178-PA.....	Wyoming Valley flood control, Susquehanna River, Pa.....	LO-1	D
D-COE-36275-NY.....	Revised Statement, flood control project, Saw Mill River, N.Y.....	ER-2	C
D-COE-36336-MN.....	Local flood protection Vermillion River, Hastings, Minn.....	ER-2	F
D-COE-36348-MT.....	Food control plan for Flathead River, Kalispell, Mont.....	LO-1	I
D-COE-36349-AR.....	Revised statement, Cache River Basin flood control project, Ark.....	ER-2	G
D-COE-36350-MO.....	Stockton Dam and Lake, Sac River (operation and maintenance) Mo.....	ER-2	II
D-COE-36079-NY.....	Water Resources Development, Elliott Creek Basin, N.Y.....	ER-2	C
D-COE-42117-ND.....	Fort Yates Highway Bridge, Sioux and Eminous Counties, N. Dak.....	LO-1	I
D-COE-46003-NY.....	Revised Statement, U.S. Postal Service Manhattan Vehicle Facility, New York.....	ER-2	C
Federal Power Commission:			
D-FPC-03047-IA.....	Dallas Center Underground Storage Project, Iowa.....	LO-2	H
General Services Administration:			
D-GSA-81182-DE.....	U.S. Custom House Building, Wilmington, Del.....	LO-2	D
Department of Interior:			
D-IBR-30061-WY.....	Proposed Sale of Municipal and Industrial Water From Fontenelle Reservoir, Wyo.....	LO-2	I
D-NPS-61170-CO.....	Wilderness Proposal Master Plan Rocky Mountain National Park, Colo.....	LO-2	I
D-NPS-61173-00.....	Proposed Big South Fork, Kentucky and Tennessee.....	LO-2	E
D-NPS-61181-HI.....	Proposed Master Plan, Hawaii Volcanoes National Park, Hawaii.....	LO-1	J
D-NPS-61183-HI.....	Proposed Wilderness Areas, Hawaii Volcanoes National Park, Hawaii.....	LO-1	J
D-NPS-61207-AZ.....	Wilderness Proposal, Organ Pipe, Cactus National Monument, Ariz.....	LO-1	J
D-SFW-64024-ID.....	Kooskia National Fish Hatchery, Idaho.....	LO-1	K
Department of Transportation:			
D-CGD-11049-HI.....	Proposed base Honolulu waterfront redevelopment, Hawaii.....	LO-1	J
D-FAA-51324-KY.....	Madison Airport (proposed), Richmond, Ky.....	ER-2	E
D-FAA-51324-GA.....	Eastman-Dodge County Airport, Eastman, Ga.....	ER-2	E
D-FAA-51329-IN.....	Delaware County Airport, Muncie, Ind.....	LO-2	F
D-FAA-51331-AK.....	Sitka Airport, Alaska.....	LO-1	K
D-FAA-51333-MO.....	Perryville Municipal Airport, Perryville, Mo.....	LO-2	II
D-FAA-51333-MS.....	New Albany Union County Airport, New Albany, Miss.....	LO-2	E
D-FAA-51334-GA.....	Louisville Municipal Airport, Ga.....	LO-2	E
D-FAA-51335-KY.....	Wayne County Airport, Monticello, Ky.....	LO-2	E
D-FAA-51336-ID.....	Caldwell Industrial Air Park, Canyon County, Idaho.....	LO-1	K
D-FAA-51337-NY.....	Syracuse-Hancock Airport, Syracuse, N.Y.....	ER-2	C
D-FAA-51813-ND.....	Mohall Municipal Airport, Mohall, N. Dak.....	LO-1	I
D-FAA-51815-WV.....	Jackson County Airport, Ravenswood, W.Va.....	ER-2	D
D-FAA-51817-KY.....	Hazard-Perry County Airport, Ky.....	LO-2	E
D-FAA-51818-MN.....	Roseau Municipal Airport, Roseau, Minn.....	LO-1	F
D-FHW-42089-MI.....	Construction, reconstruction of Russell Rd., M-52, Rogers Highway, Mich.....	LO-2	F
D-FHW-42066-CA.....	Route 84, Antioch Bridge, Contra Costa County, Calif.....	LO-1	J
D-FHW-42068-WI.....	U.S.H. 16, I-94 to Pewaukee Rd., Waukesha County, Wis.....	OL-2	F
D-FHW-42070-AK.....	Steese Highway, mile 13.8 to Montana Creek, Alaska.....	LO-1	K
D-FHW-42071-AK.....	Richardson Highway, Canyon Creek to Shaw Creek, Alaska.....	LO-1	K
D-FHW-42075-MI.....	Northwestern Highway, U.S. 24-M-273, Oakland County, Mich.....	LO-2	F
D-FHW-42076-ND.....	Project F-1-810, Bismarck Avenue, Bismarck, N. Dak.....	ER-2	I
D-FHW-42078-DE.....	Highway/railroad grade separation, Ruthby Rd., New Castle County, Del.....	LO-1	D
D-FHW-42079-MN.....	I-35 interchange west of Owatonna, Steele County, Minn.....	LO-2	F
D-FHW-42083-CA.....	Freeway development on State Highway Route 20 in Nevada County, Calif.....	LO-1	J
D-FHW-42086-MT.....	Mount Sloway east and west, superior west and superior La Vista projects, Mont.....	LO-1	I
D-FHW-42089-AL.....	Shelby County, Project F-65-2(31), Ala.....	LO-2	E
D-FHW-42091-TX.....	U.S. Highway 281, Hidalgo County, Tex.....	LO-2	G
D-FHW-42097-NB.....	Project F-175(13), Highway N-2, Lincoln Arterial, Lancaster, Nebr.....	ER-2	II
D-FHW-42101-NB.....	U.S. 30, Kearney east, Buffalo County, Nebr.....	LO-2	II
D-FHW-42105-SC.....	From U.S. 501 to U.S. 17, Horry and Georgetown Counties, S.C.....	LO-2	E

## NOTICES

Identifying No.	Title	General Nature of Comments	Source for Copies of Comments
D-FHW-42115-NH.....	Relocation of New Hampshire Route 111, New Hampshire.....	LO-1	B
D-FHW-42116-SD.....	F-920-7 and F-920-8, Lake and Moody Counties, S. Dak.....	LO-1	I
Department of Defense:			
D-USN-10036-OK.....	Modernization of Plant "A" at the Naval Depot, Okla-homa.....	LO-1	G
Tennessee Valley Authority:			
D-TVA-36341-TN.....	Brainerd Area Flood Relief Plan, Tennessee.....	LO-1	E

## APPENDIX II

## Adequacy of the Impact Statement

## DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

## Environmental Impact of the Action

**LO—Lack of Objection.** EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

**ER—Environmental Reservations.** EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

**FU—Environmentally Unsatisfactory.** EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

**Category 1—Adequate.** The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

**Category 2—Insufficient information.** EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

**Category 3—Inadequate.** EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that a substantial revision be made to the impact statement.

APPENDIX III.—Final environmental impact statements for which comments were issued between Jan. 1, 1974, and Jan. 31, 1974

Identifying No.	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission:			
D-AEC-06071-NC.....	Shearon Harris Nuclear Power Plant Unit 1, 2, 3, and 4, N.C.....	EPA determined that this project, as proposed, will result in violation of federally approved water quality standards and thus is unsatisfactory from the standpoint of environmental quality. This determination has been referred to the Council on Environmental Quality, pursuant to section 300(b) of the Clean Air Act. EPA is cooperating with the AEC in the evaluation of alternative methods of treating the heated water discharges from the proposed facility, which will enable the plant to be built and operated in an environmentally satisfactory manner, and AEC has issued a revised draft impact statement.	A
Corps of Engineers:			
F-COE-30056-GA.....	Tybee Island, beach erosion control project, Ga.....	EPA generally agreed with project as proposed. However, EPA comments suggested use of "L" shaped or "T" shaped groins to reduce velocities along face of groin.	E
F-COE-35043-FL.....	Central and southern Florida project, Lake Okechobee, Fla.....	EPA expressed no objections to the project as proposed.	E
Department of Transportation:			
F-FAA-51232-KY.....	Pikeville Pike County Airport, Pikeville, Ky.....	EPA expressed no objections to the project as proposed.	E
F-FHW-41701-NC.....	Reconstruction of U.S. 74, 76, 77, Brunswick County N.C.....	do.....do.....	E
Department of Interior:			
F-NPS-61172-00.....	Proposed wilderness classification for Cumberland Gap National Historic Park, in Kentucky, Tennessee, and Virginia.....	EPA did not review draft statement; requested more information on final statement regarding water quality, stream use, and fish species.	E



## APPENDIX IV

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN JAN. 1, 1974, AND JAN. 31, 1974

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture: R-AFH-85013-00	7 CFR Part 1822—Rural Housing Loans and Grants.	EPA's comments commended the prohibition of loans for repairs to dwellings which do not or will not, after repairs are completed, have a water supply and waste disposal system which meet State standards and recommended a change in wording to assure that the dwellings meet the standards of the appropriate State water pollution control agency or State environmental protection agency.	A
R-AFS-65053-00	36 CFR Part 221—Timber, Timber Export, and Substitution Restrictions.	In EPA's view, the restrictions appear to be generally consistent with the goals of environmental protection. EPA suggested that the Forest Service consider making available, to the public, and environmental assessment or, if the effects are potentially significant, an environmental impact statement.	A
R-SCS-86039-00	7 CFR Part 650—Preparation of Environmental Impact Statements Proposed Guidelines.	In EPA's view, the proposed guidelines are generally adequate; however, EPA suggested several revisions to strengthen the guidelines. EPA suggested that additional emphasis be placed on environmental standards and suggested several revisions in specific sections of the proposed guidelines.	A
R-AFS-86028-00.....	Notices—Environmental Statements—Proposed Guidelines for Preparation.	In EPA's view, the proposed guidelines are generally adequate; however, EPA suggested several modifications to specific sections which are intended to strengthen the guidelines.	A
R-DOA-86042-00.....	Notices—Environmental Statements—Policy and Directives.	In EPA's view, the proposed revised regulations are generally adequate; however, EPA made several suggestions to strengthen the procedures. EPA suggested that additional emphasis be placed on secondary effects of proposed actions and suggested modifications of several specific sections of the proposed regulations.	A
R-REA-86038-00.....	7 CFR Part 1701—Rural Electrification and Telephone Programs—Environmental Protection.	In EPA's view, the proposed revised regulations are generally adequate; however, EPA suggested several revisions to strengthen the procedures. EPA suggested that additional emphasis be placed on secondary effects of proposed actions and suggested modifications of several sections of the proposed regulations.	A
R-DOA-26030-00.....	7 CFR Part 330, 9 CFR 94—Garbage—Notice of Hearing and Proposed Rulemaking.	EPA has reviewed the proposed regulations and has no objections from the standpoint of its jurisdiction under the solid waste disposal act as amended and other statutes administered by EPA.	A
Central Intelligence Agency: R-CIA-86046-00.....	Notices—National Environmental Policy Act—Proposed Procedures for Implementation.	The EPA reviewed the procedures to implement NEPA. The scope of CIA actions are limited to real estate matters only. EPA believes the scope should also include the operation and use of equipment, aircraft, vessels and other vehicles and property. EPA also recommended a change in the CIA's definition of environmental impact statement.	A
Corps of Engineers: R-COE-86082-00	33 CFR Part 212—Environmental Impact Statements—Proposed Policy, practice, and procedures.	In EPA's view, the proposed procedures are generally adequate; however, EPA made several suggestions to strengthen the procedures. EPA suggested that additional emphasis be placed on secondary effects of proposed actions and suggested modifications of several specific sections of the proposed procedure.	A
Department of Defense: R-DOD-86033-00	33 CFR Part 214—Environmental Impact Statements—Proposed Procedures for Preparation and Processing.	In EPA's view, the proposed procedures are generally adequate; however, EPA suggested additional environmental laws and regulations for listing and cautioned the use of pesticides in a manner inconsistent with its labeling is illegal.	A
International Boundary and Water Commission: R-IBW-86041-00	Notices—Environmental Impact Statements—Operational Procedures.	In EPA's view, the proposed revised procedures are generally adequate; however, EPA made several suggestions to strengthen the procedures. EPA suggested that additional emphasis be placed on secondary effects of proposed actions and suggested modifications of several specific sections of the proposed regulations.	A

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Justice: R-JUS-86040-00	28 CFR Part 19—Environmental Impact Statements—Proposed Guidelines.	EPA comments were made regarding the identification of the "Responsible Official," and several clarifying suggestions were offered.	A
Tennessee Valley Authority: R-TVA-86037-00	Notices—Environmental Quality Management—Policy and Procedures.	In general, EPA feels that the TVA has developed a good procedure for implementing the environmental impact statement requirements and made several modifications to strengthen this procedure.	A
Department of Transportation: R-DOT-86029-00	Notices—Procedures for Considering Environmental Impacts.	EPA expressed general agreement with the DOT procedures for considering environmental impacts.	A
R-DOT-86044-00	49 CFR Part 520—Preparation of Environmental Impact Statements—Proposed Procedures.	EPA has no disagreements with the National Highway Traffic Safety Administration's procedures for preparation of environmental impact statements.	A
R-FAA-52067-00	14 CFR Chapter I—Initial Compliance with Aircraft Emission Standards Issued by EPA (Smoke and Fuel Venting Emissions).	EPA indicated that the FAA's proposed regulations lacked certain specific information describing how compliance will be demonstrated.	A
R-FHW-86030-00.....	23 CFR Parts 771, 790, 795—Environmental and Public Hearing Procedures.	EPA suggested considerable revision of the FHWA's proposed procedures. In general, EPA believes the FHWA procedures were not close enough in conformance to either DOT's procedures or CEQ's guidelines.	A
R-CGD-86043-00.....	Notices—Environmental Impact Statements—Procedures for Consideration.	The EPA feels that the Coast Guard has developed a good procedure for implementing the environmental impact statement process. Minor comments were made to clarify some sections of the proposed regulations.	A

## APPENDIX V

## SOURCE FOR COPIES OF EPA COMMENTS

- Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.
- Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
- Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.
- Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.
- Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, Georgia 30309.
- Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.
- Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.
- Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.
- Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 816, 1860 Lincoln Street, Denver, Colorado 80203.
- Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.
- Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.74-4323 Filed 2-26-74;8:45 am]

[OPP-50001]

## PREDATOR CONTROL (COYOTES)

## Notice of Issuance of Experimental Use Permit

On January 18, 1974, notice was given in the FEDERAL REGISTER (39 FR 2295)

that specific procedures and plans for the experimental use of a sodium cyanide spring-loaded ejector unit in the State of Texas were being developed by the Environmental Protection Agency (EPA) in cooperation with that State. This program has been formulated and as published herein will hopefully serve as a model for any additional State requests, although some details and specifics may differ from the Texas program.

The Texas Department of Agriculture has applied to the EPA pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 933), for an experimental use permit. This permit (No. 33858-EXP-1G) is being issued in accordance with 40 CFR Part 162.19 as promulgated in the Federal Register on January 31, 1974 (39 FR 3939) and allows the use of sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) for control of predation by coyotes. The SCSLEM is to be used only in an experimental program approved by the EPA in the 44 approved counties in the State of Texas, under the supervision and control of approved applicators as designated by the Texas Department of Agriculture.

This program began on February 8, 1974, and will expire on June 1, 1975; however, it may be invoked at any time for violation of the terms thereof, or to avoid deleterious effects on the environment.

The Agency invites interested persons to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (HM-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. The comments must be received within 30 days from the publication of this notice and should bear the notation OPP-50001.

Comments received on this program will be considered in the review of any future experimental use permits requested by other States.

The application, the permit issued and the label and directions for use of sodium cyanide in the SCSLEM are available for public inspection at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

## PROGRAM FOR EXPERIMENTAL USE OF SODIUM CYANIDE SPRING-LOADED EJECTOR MECHANISM (SCSLEM) FOR PREDATOR CONTROL IN STATE OF TEXAS

I. Purpose. Sodium cyanide will be used in the spring-loaded ejector mechanism in an experimental program. This experimental program is designed to measure the usefulness of this tool as a method of reducing domestic livestock losses due to predation by coyotes. This program will also evaluate the effect of the method on nontarget species.

II. Control. A. The program will be directed by the Texas Department of Agriculture in cooperation with the Texas Agricultural Extension Service and the Texas Agricultural Experiment Station. The State Coordinator of this program will be Alvin C. Ashorn.

B. The county agricultural extension agent in each county in the program will serve as county coordinator. The responsibilities of the county coordinator are as follows:

1. Work with designated representatives of the Texas Department of Agriculture to arrange for and coordinate the training of applicators.

2. Assist in gathering data reports from applicators, ranchers in control area, and the distributor. Report this data to the various cooperating agencies.

3. Maintain a list by name, address, and locations of land of each person certified as a qualified applicator and designated ranchers in the control area.

4. Assist applicators in obtaining information on special problems from technicians of the Rodent and Predatory Animal Control Service, Bureau of Sport Fisheries and Wildlife, Guilbeau Station, San Antonio, Texas.

C. The Texas Agricultural Extension Service will assume responsibility for seeing that the county agricultural extension agents in the counties concerned are fully apprised of their responsibilities in the conduct of the program to see that the duties outlined above are carried out in accordance with the intent of this proposal.

III. Procedures for implementation—A. Applicators' qualifications. Applicators of the SCSLEM will be ranchers or farmers holding land in the counties in the programs and/or their designated agents. These applicators will be approved by the Texas Department of Agriculture upon successful completion of an approved training program conducted by the State Coordinator. The training program will include information necessary for the operator to understand the nature of the chemical and the mechanism, the techniques of selection of placement sites, actual setting of the mechanism, visitation periods, record keeping and reporting, proper storage of the chemical capsule and mechanism when not in use. Special emphasis will be given to environmental and human safety precautions to be observed when using the SCSLEM.

B. Distribution of chemical capsules and mechanisms. Each county in the program will have one outlet for distributing capsules and spring-loaded ejector mechanisms approved by the Texas Department of Agriculture.

Mechanisms and capsules will only be available to qualified SCSLEM applicators.



These qualified applicators may purchase the capsules and mechanisms only from approved distribution points. Capsules may be purchased by qualified applicators for use in the spring-loaded ejector mechanisms already owned, provided the mechanism owners agree to abide by the conditions of the experimental use program and reporting system. No explosive devices will be permitted.

The antidote, amyl nitrate capsules, must be available for purchasers of the SCSLEM at each distribution point. Each purchaser must be advised of the antidote and the availability of this antidote at the time of purchase of capsules and/or mechanisms.

A record of each applicator who obtains the chemical capsules and/or mechanisms will be kept. These records will include:

1. Names of qualified applicator of the SCSLEM and name of one other person who will be knowledgeable of the site locations of the SCSLEM's or written direction from the ranch headquarters to the SCSLEM sites and have each site marked.

2. Name of ranch or farm owner.

3. Location of ranch or farm headquarters, directions and mileage from nearest town.

4. The number of acres and livestock by type on the ranch.

5. The number of capsules and mechanisms purchased.

6. A signed agreement to comply with the terms of the damage assessment reporting system and the conditions of the experimental program.

7. Permission must be granted at time of purchase by the applicator to allow representatives of the Texas Department of Agriculture or their designated agents, Environmental Protection Agency and the Rodent and Predatory Animal Control Service to enter upon their property for the purpose of inspecting and monitoring the SCSLEM site locations and the livestock losses. Any person found to be using the materials improperly will have his classification as a qualified applicator revoked and will be denied further use of the device and capsules, and may be subject to the civil and criminal penalties under the Federal Insecticide, Fungicide, and Rodenticide Act. Furthermore, failure to adhere to the provisions of this program on the part of any county coordinator, distributor, landowner, applicator or other persons engaged in this program may result in suspension of the program within the county in question for a period of not less than 3 months.

8. Number of livestock losses in 1973 (need only be included in first monthly report).

a. to coyotes.  
b. to other known causes (listed by name).  
c. to unknown causes.

C. Data reporting. Each applicator must submit the following information to the county coordinator at least once each month or when he purchases additional capsules and/or devices, whichever comes first.

1. Name of ranch, farm and name of owner.

2. Type of ranch or farm operation [cattle, horses, sheep or other, including the type of livestock production conducted, i.e., range (herded, fenced pastures), ewe lamb, purebred, farm flock, feeder lambs (pasture, feedlot), etc.].

3. Name of applicator of SCSLEM.

4. Number of SCSLEM's in use in each month.

5. Number of capsules used each month.

6. Number of coyote and nontarget species taken each month.

7. Number of discharges each month which resulted in no animal recovery.

8. Number of livestock losses each month of SCSLEM use.

a. to coyotes.  
b. to other known causes (list by name).

9. Accidents causing injury to humans or livestock.

10. Other control measures used at the same time that SCSLEM's are in use.

IV. Data summarization and analysis. A. The Texas Agricultural Extension Service, through the designated county Extension Agency, will be responsible for collecting required SCSLEM data report forms from qualified applicators. These data report forms will be referred to the Texas Agricultural Experiment Station for their summary and computation of data. Copies of these data report forms shall be sent to the State Coordinator and Pesticide Director of the Environmental Protection Agency Region VI office. The Rodent and Predatory Animal Control Service will collect requested data from control areas where the SCSLEM is not used and send this data to the Texas Agricultural Experiment Station for summarization and comparison with data from SCSLEM use areas.

The data from control areas will consist of livestock losses due to coyote predation, losses due to other or unknown causes, and coyote kills due to other control methods, such as trapping, snaring, shooting, denning and other methods.

A precensus of livestock to be protected and the index of coyote populations both in the control areas and in those counties in the SCSLEM use program must be conducted prior to the introduction of SCSLEM use. This information will be provided as indicated in paragraph E of this section.

A postcensus of livestock populations and the index of coyote populations will be conducted in both areas at the completion of the program.

B. Additional census and loss data will be supplied by the U.S. Crop and Livestock Reporting Service, USDA. This data will give the number of sheep in each county and number lost to predators in 1973 (the only full year when the SCSLEM or similar devices were not in use), as compared to losses in 1974. This information is to be obtained by polling of producers by mail, phone, and personal contacts. The Rodent and Predatory Animal Control Service will provide estimated coyote populations for the same years.

C. This program will begin about February 8, 1974, and end June 1, 1975. No mechanism or capsules may be distributed after May 1, 1975. All unused capsules must be returned to distribution points before June 15, 1975. Final data summaries and analyses must be submitted to the Registration Division of the Environmental Protection Agency, Washington, D.C., by August 15, 1975.

D. Use of the SCSLEM will not be permitted in a county designated as inhabited by endangered or threatened species which may be attracted to the SCSLEM, such as the red wolf.

V. Experimental program. A. This program will be conducted in areas of the Biotic Provinces of:

Kansan—Borden, Callahan, Coleman, Cottle, Crane, Dickens, Glasscock, King, Midland, Mitchell, Scurry, Sterling, Taylor, and Upton.

Chihuahuan—Jeff Davis, Pecos, and Presidio.

Balconian—Bexar, Kinney, McCulloch, Medina, Mills, San Saba, and Uvalde.

Tezan. Bell, Bosque, Brown, Burnet, Comanche, Coryell, Erath, Hamilton, Hood, Lampasas, McLennan, Milam, Stephens, and Williamson.

Tamauipan. Brooks, Jim Wells, Kenedy, Kleberg, Nueces, and Willacy.

The designated counties in each Biotic Province were selected on the material basis of the occurrence of greatest predation losses of livestock. The areas selected also differ in climatic and geographic conditions.

1. Areas will be selected in each approved county where the SCSLEM will be used by the qualified applicators to control predation.

2. Estimated numbers of devices and capsules that will be permitted to be purchased and set in each Biotic Province by the qualified applicators:

Kansan. 1,300 mechanisms and 13,000 capsules.

Chihuahuan. 600 mechanisms and 6,000 capsules.

Balconian. 600 mechanisms and 6,000 capsules.

Tezan. 700 mechanisms and 7,000 capsules.

Tamauipan. 700 mechanisms and 7,000 capsules.

Total for the Program. 3,900 mechanisms and 39,000 capsules.

3. All expenses incurred in purchasing and placement of the mechanisms and sodium cyanide capsules will be the responsibility of the qualified applicators.

4. Control areas shall be selected in the following ten counties: Brown, Comanche, Glasscock, Jeff Davis, Jim Wells, Kinney, Midland, Nueces, Presidio, and Uvalde. These areas will be representative of areas where SCSLEM's are used. No SCSLEM's will be used in control areas. Other methods of controlling will be permitted, such as trapping, snaring, shooting, and denning. These control areas shall total at least 100 square miles in area, and shall be at least 5 miles from the nearest site where SCSLEM's are used.

These counties may be changed prior to initiation of the program if the change has been approved by the Environmental Protection Agency. This system of control areas will be reevaluated by EPA and the Texas Department of Agriculture before next spring.

B. Work to be accomplished:

1. Training of qualified applicators.

2. Establishment of distribution points and methods for the distribution of the mechanism and antidote to qualified applicators.

3. Collection of program data from qualified applicators.

4. Establishment of activities needed for monitoring and surveillance of all aspects of the experimental program by the Texas Department of Agriculture and EPA.

5. Establishment of a method to evaluate selectivity of the SCSLEM's.

6. Establishment of a method to evaluate the program as a mechanism for measuring efficacy of the SCSLEM's in order to meet the program objectives.

7. Coordination of the program work and objectives in order to use the data already being collected and generated by predator control of the Department of Interior's Bureau of Sport Fisheries and Wildlife, the U.S. Department of Agriculture's W-123 Predator Control Research Committee, and the USDA Economic Research Service's study on the economic aspects of the livestock industry and predator control.

8. Establishment of a method for an economic analysis of coyote control with the SCSLEM's.

9. Establishment of methods to census the livestock and coyote populations in the SCSLEM use areas and the areas where no SCSLEM's were used.

10. Collection of monthly program data from SCSLEM use areas and control areas where no SCSLEM's are in use.

11. Submission of all data to the Texas Agricultural Experiment Station for summarization, analysis and distribution to the Texas Department of Agriculture and the Environmental Protection Agency.

C. Objectives of this study are to:

1. Determine the effects of the SCSLEM's on livestock losses where the SCSLEM's are

used as compared to livestock losses where the SCSLEM's are not used.

2. Determine the effects of the use of SCSLEM's on the nontarget species in the SCSLEM use areas.

3. Determine the cost of controlling coyotes with the SCSLEM's as compared to trapping, snares, shooting, denning, or other methods used to control coyotes in Texas.

4. Determine the selectivity of the SCSLEM's when used to control coyotes.

5. Determine the effects of the use of the mechanisms in coyote control with regard to human safety.

6. Determine the effectiveness of the use of other coyote control methods relative to the effectiveness of the SCSLEM's.

7. Determine the economic benefits derived from the use of the SCSLEM's and other methods of controlling coyotes in Texas.

8. Determine the amount of coyote control that can be achieved through the use of the SCSLEM's without causing "unreasonable adverse effects" on the environment.

Dated: February 22, 1974.

CHARLES L. ELKINS,  
Acting Assistant Administrator  
for Hazardous Materials Control.  
[FR Doc. 74-4623 Filed 2-26-74; 8:45 am]

[OPP-32000/16]

#### NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION; DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before April 29, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants

against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 29, 1974.

#### APPLICATIONS RECEIVED

EPA File Symbol 6704-TG. Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. Compound PA-14 Avian Stressing Agent. Active Ingredients:  $\alpha$ -Alkyl (C11-C15)- $\omega$ -hydroxypoly(oxyethylene); average poly(oxyethylene) content 9 moles 99.5%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 1839-31. Onyx Chemical Company, 190 Warren Street, Jersey City, New Jersey 07302. BTC-8358. Active Ingredients: n-Alkyl (C12 40%, C14 50%, C16 10%) Dimethyl Benzyl Ammonium Chlorides 80%; Ethyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1839-33. Onyx Chemical Company, 190 Warren Street, Jersey City, New Jersey 07302. BTC-8248-30%. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 80%; Ethyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1839-34. Onyx Chemical Company, 190 Warren Street, Jersey City, New Jersey 07302. BTC-2125-30%. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 40%; n-Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) Dimethyl Ethylbenzyl Ammonium Chlorides 40%; Ethyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1839-54. Onyx Chemical Company, 190 Warren Street, Jersey City, New Jersey 07302. BTC 2125M-50%. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 40%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 40%; Ethyl Alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: February 19, 1974.

JOHN B. RITCH, JR.,  
Director, Registration Division.  
[FR Doc. 74-4405 Filed 2-26-74; 8:45 am]

[OPP-36002-4-5]

#### REGISTRATION OF PESTICIDES Notice of Denial of Registration Correction

In FR Doc. 74-3917 appearing on page 6144 of the issue for Tuesday, February 19, 1974, immediately above the last line of the second paragraph insert the following: "army worm, orange dog caterpillar, and".

#### FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19935, 19936; Files Nos. BPH-8192, BPH-8243]

BREEZE 94 INC. AND WHOO RADIO INC.  
Order Designating Applications for  
Consolidated Hearing

In re applications of Breeze 94, Inc., Marathon, Florida, Requests: 94.3 MHz,

#232; 3 kW(H&V); 107 feet, Docket No. 19935, File No. BPH-8192. WHOO Radio, Inc., Marathon, Florida, Requests: 94.3 MHz, #232; 3 kW(H&V); 159.8 feet, Docket No. 19936, File No. BPH-8243; For construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. The WHOO Radio, Inc., application proposes to duplicate the programming of the commonly owned station WFTG (AM) 100 percent of the time. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. The showing permitted under that issue will be limited to evidence concerning the benefits derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programming inquiry. Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

4. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. It is further ordered, That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

6. It is further ordered, That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall reasonably file the statement required by § 1.594(g).

Adopted: February 15, 1974.

Released: February 20, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 74-4575 Filed 2-26-74; 8:45 am]

#### CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE; PANEL 2

Notice of Meeting

FEBRUARY 20, 1974.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Panel



2 Committee of the Cable Television Technical Advisory Committee on Friday, March 1, 1974, to be held at the FCC Cable Television Bureau, 2025 M Street NW., Washington, D.C., beginning at 10 a.m. in Room 6331.

- (1) Review of minutes of previous meeting.
- (2) Working group reports (Groups 1 through 5).
- (3) New business.

Any member of the public may attend or may file written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. S. R. Effros, FCC, 1919 M Street NW., Washington, D.C. 20554—Telephone No. 202-632-6468.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-4577 Filed 2-26-74; 8:45 am]

#### CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE; PANEL 5

##### Notice of Meeting

FEBRUARY 20, 1974.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Panel 5 Committee of Cable Television Technical Advisory Committee on Thursday, February 28, 1974, to be held at O'Hare International Towers, O'Hare Airport, Chicago, Illinois, beginning at 9:30 a.m.

- (1) Discussion and review of working minutes of January 15 meeting.
- (2) Review of report of Working Group No. 4.
- (3) Review of additional inputs from Working Group No. 1.
- (4) Discussion of material received by the Chairman between January 15 and date.
- (5) Report of activities of IEEE-FAA Working Subcommittee.
- (6) Review of draft of Chairman's Proposal letter to the steering committee.
- (7) New business.
- (8) Date and place for next meeting.
- (9) Adjournment.

Any member of the public may attend or may file written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. S. R. Effros, FCC, 1919 M Street, NW., Washington, D.C. 20554—Telephone No. 202-632-6468.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-4578 Filed 2-26-74; 8:45 am]

#### WPRY RADIO BROADCASTERS, INC. AND NEW, PERRY, FLA.

##### Standard Broadcast Applications

The following application seeking the facilities of station WPRY, Perry, Flor-

ida, has been tendered. In a decision released May 30, 1973, the Commission denied an application for renewal of the license of WPRY. WPRY Radio Broadcasters, Inc., 40 FCC 2d 1183, 27 RR 2d 1043. Accordingly, the Commission has waived the pertinent provisions of section 73.37 of the rules and accepted this application for filing. Similarly, the Commission will accept any other applications for consolidation with the following application which propose essentially the same facilities.

NEW, Perry, Florida  
His World, Inc.  
Req: 1400 kHz, 250 W, 1 kW-LS, U

Pursuant to the provisions of §§ 1.227 (b) (1) and 1.591 (b) of the Commission's rules, an application, in order to be considered with this application must be tendered no later than April 9, 1974.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309 (d) (1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: February 21, 1974.

Released: February 21, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 74-4576 Filed 2-26-74; 8:45 am]

#### FEDERAL POWER COMMISSION

[Docket No. CI74-416]

#### HYDROCARBON DEVELOPMENT CORP.

##### Notice of Application

FEBRUARY 21, 1974.

Take notice that on January 28, 1974, Hydrocarbon Development Corp. (Applicant), P.O. Box 2806, Corpus Christi, Texas 78403, filed in Docket No. CI74-416 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Petroleum Management, Inc. (Petroleum), and delivery of said gas to Texas Eastern Transmission Corporation (Texas Eastern), in Texas, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Application states that it owns a 8.6789-mile eight-inch pipeline in Willacy and Hidalgo Counties, Texas, which it acquired from Lumar Gas Corporation. In order to construct this, Lumar Gas Corporation borrowed money from Occidental Petroleum Corporation (Occidental) in 1966, on the condition that it be repaid at the rate of 1.0 cent for each Mcf of gas to be transported through said line for Occidental. Applicant submits that after assuming this obligation it has continued to pay Occidental according to this agreement for the transportation of Occidental's gas but the full repayment of such loan indebtedness

solely on the basis of this transportation, averaging 4,000 Mcf per day, is now doubtful.

Applicant herein proposes to use this line transport gas from Petroleum's No. 1 Yturria Cattle Company dual gas well in the Lacal Field Area of Willacy County to a point on Texas Eastern's 30-inch main line in Hidalgo County, Texas. Applicant proposes to charge a rate of 2.5 cents per Mcf for the first 90,000 Mcf of gas and 1.5 cents per Mcf for all gas thereafter transported. Applicant indicates that Petroleum has received Commission authorization to sell up to 6,000 Mcf of gas per day from this area to Texas Eastern in Docket No. CI74-207. Applicant states that at the present time it is transporting for Petroleum 3,000 Mcf of gas per day and that it anticipates transporting not more than 5,000 Mcf of gas per day. Applicant submits that it is not requesting authorization to construct any facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4570 Filed 2-26-74; 8:45 am]

[Docket No. CI74-411]

#### LONE STAR PRODUCING CO.

##### Notice of Application

FEBRUARY 20, 1974.

Take notice that on February 1, 1974, Lone Star Producing Company (Applicant), 301 South Harwood Street, Dallas,

Texas 75201, filed in Docket No. CI74-411 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Oaks Field, Claiborne Parish, Louisiana, and delivery of said gas to Beacon Gasoline Company for redelivery to United in Webster Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas from the subject acreage to United on October 18, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the 180-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell all the gas from the subject acreage to United, approximately 45,000 Mcf per month, at 50.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.  
[FR Doc.74-4566 Filed 2-26-74; 8:45 am]

[Docket No. RM74-9]

#### LOUISIANA

##### Severance Tax; Increased Rate Filings; Order Denying Rehearing

FEBRUARY 22, 1974.

United Gas Pipe Line Company (United) on January 25, 1974, filed an application for rehearing of Order No. 500 issued December 28, 1973, in the above-entitled proceeding. The Commission in that order simplified the procedure for increased rate filings made by producers as a result of the recent increase in the Louisiana severance tax. The order also provided that any filing made by a producer pursuant to that order on or before January 31, 1974, would be effective as of January 1, 1974, and that any filing made after January 31, 1974, would be effective as of the date of filing. Finally, the order permitted pipelines with purchased gas adjustment clauses to accumulate in their deferred accounts the increased costs relating to producer filings made pursuant to the order.

The basic thrust of United's application for rehearing is that the Commission by including a provision in Order No. 500 permitting the accumulation of increased purchased gas costs in deferred accounts has foreclosed pipelines from the early current recovery of Louisiana severance tax increases. United's basic premise is in error. While the provision in Order No. 500 to which United objects permits the inclusion of increased purchased gas costs in deferred accounts, it does not preclude a pipeline from making a proper filing under section 4 of the Natural Gas Act and pursuant to the applicable regulations thereunder.

In view of the foregoing, we shall deny United's application for rehearing.

United's application for rehearing presents no new facts or principles of law which were not fully considered by the Commission in Order No. 500, or, which having now been considered, warrant any modification of that order.

The Commission orders:

The application for rehearing filed by United on January 25, 1974, is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4572 Filed 2-26-74; 8:45 am]

[Docket No. RP71-18, etc.]

#### MIDWESTERN GAS TRANSMISSION CO. Proposed Northern System PGA Rate Adjustment

FEBRUARY 21, 1974.

Take notice that on February 14, 1974, Midwestern Gas Transmission Company

<sup>1</sup> This same provision was also included in Order No. 456 issued August 4, 1973, and Order No. 456-B issued September 15, 1972, involving earlier Louisiana tax increases.

(Midwestern), tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Fourth Revised Sheet No. 5 and Substitute Fourth Revised Sheet No. 5, to be effective April 1, 1974.

Midwestern states that the sole purpose of filing these revised tariff sheets is to reflect a Current Purchased Gas Cost Rate Adjustment for the Northern System pursuant to section 2 of Article XVIII. The PGA rate increase is based on the proposed amendments to Midwestern's first two contracts with TransCanada PipeLines Limited (TransCanada) which provide that the price paid by Midwestern shall not be less than 105 percent of the price charged by TransCanada for comparable sales in its Manitoba rate zone as provided in Midwestern's third contract with TransCanada. Midwestern's petition to amend its import authorizations for the first two contracts to reflect such proposed amendments is pending before the Commission in Docket Nos. G-18314, et al. Midwestern also states that by orders issued January 23, 1974, the Canadian National Energy Board amended TransCanada's export licenses for its sales to Midwestern under the first two contracts to require a price reflecting the 105 percent provision in the proposed amendments, effective as of April 1, 1974.

Midwestern states that Fourth Revised Sheet No. 5 is based on the application of the 105 percent provision of all three contracts to the rates of TransCanada for comparable sales filed with the National Energy Board on December 21, 1973, and expected to be effective on or before April 1, 1974. Midwestern further states that in the event that such rates are not effective on April 1, 1974, Substitute Fourth Revised Sheet No. 5 is filed in the alternative based on the application of the 105 percent provision to TransCanada's presently-effective rate for comparable sales in Manitoba.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4573 Filed 2-26-74; 8:45 am]

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[Dockets Nos. E-7690, E-7490]

**NEPOOL POWER POOL AGREEMENT****Order Denying Motion; Correction**

FEBRUARY 13, 1974.

In the Order Denying Motion to Terminate Investigation and Hearing in Docket No. E-7690, Granting Intervention and Disposing of other Procedural Matters in these Proceedings, issued January 22, 1974 and published in the FEDERAL REGISTER January 28, 1974, 39 FR 3592.

Page 3594, Ordering Paragraph (B) is corrected to read:

The Amendments to the NEPOOL Agreement dated March 1, 1973, filed with the Commission on June 8, 1973, with the rate schedule designations stated in Appendix A to this Order, are accepted for filing effective May 1, 1973.

KENNETH F. PLUMB,  
Secretary.

**APPENDIX A**

New England Power Pool Agreement Rate Schedule Designations.

Instrument: Agreement Amending NEPOOL Power Pool Agreement.

Dated: March 1, 1973.

Filed: June 8, 1973.

Effective: May 1, 1973.

The above instrument will be designated as Supplement No. 3 to the following Rate Schedules.

Company:	Rate Schedule FPC No.
Bangor Hydro-Electric Co.	15
Blackstone Valley Electric Co.	13
Boston Edison Co.	59
Brockton Edison Co.	9
Cambridge Electric Light Co.	14
Canal Electric Co.	11
Central Maine Power Co.	35
Central Vermont Public Service Corp.	79
The Connecticut Light and Power Co.	57
Citizens Utilities Co.	13
Fall River Electric Light Co.	16
Fitchburg Gas and Electric Light Co.	9
Granite State Electric Co.	7
Green Mountain Power Corp.	40
The Hartford Electric Light Co.	45
Holyoke Power & Electric Co.	15
Holyoke Water Power Co.	24
Massachusetts Electric Co.	45
Montaup Electric Co.	17
The Narragansett Electric Co.	31
New Bedford Gas and Edison Light Co.	15
New England Power Co.	229
Public Service Co. of New Hampshire.	55
The United Illuminating Co.	23
Vermont Electric Power Co., Inc.	145
Vermont Marble Co.	1
Western Massachusetts Electric Co.	62

The Agreement Amending NEPOOL Power Pool Agreement is also designated as Supplement No. 1 to Newport Electric Corporation, Rate Schedule No. 4.

[FR Doc.74-4574 Filed 2-26-74;8:45 am]

[Docket No. E-8616]

**PUBLIC SERVICE COMPANY OF COLORADO****Initial Rate Filing**

FEBRUARY 20, 1974.

Take notice that on February 4, 1974, Public Service Company of Colorado

**NOTICES**

(Company) tendered for filing as an initial rate schedule in accordance with § 35.13 of the regulations under the Federal Power Act, a Power Purchase Agreement dated October 2, 1973, between the Company and Intermountain Rural Electric Association for wholesale electric service. In addition, the Company filed two tariff supplements in the form of contract modification agreements between the Company and Home Light and Power Company and Southern Colorado Power Division.

The Company states that the reasons for the change are to provide for service to the new small wholesale rate customer with approximate schedule designation of the contractual document and to supplement two existing schedules and modification agreements revising portions of the primary sales agreements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 1, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4565 Filed 2-26-74;8:45 am]

[Docket No. E-8622]

**VIRGINIA ELECTRIC AND POWER CO.  
Contract Supplement**

FEBRUARY 21, 1974.

Take notice that on February 8, 1974, Virginia Electric and Power Company (Virginia) tendered for filing a contract supplement, dated December 2, 1973, to the Agreement designated as Virginia's Rate Schedule FPC No. 87-17 between Virginia and Virginia Electric Cooperative. Said supplement requests Commission authorization for a change in transmission capacity from 2.5 MVA to 1.5/1.875 FA MVA because of alleged transformer failure. Virginia requests an effective date of November 6, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

testants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this petition are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4569 Filed 2-26-74;8:45 am]

[Project No. 2702]

**ARIZONA POWER AUTHORITY  
Notice of Application for Surrender of Preliminary Permit**

FEBRUARY 20, 1974.

Public notice is hereby given that application for surrender of preliminary permit was filed January 10, 1974, under the Federal Power Act (16 U.S.C. 791a-855r) by Arizona Power Authority (Correspondence to: Mr. Marshall Humphrey, Chairman, Arizona Power Authority, P.O. Box 6694, Phoenix, Arizona 85005; copies to: Mr. Dale E. Doty, 1709 New York Avenue N.W., Suite 303, Washington, D.C. 20006) for its proposed Havasu Pumped Storage Project No. 2702, to have been located on the Bill Williams Arm of Lake Havasu about six miles east of Parker Dam on the Colorado River, in the region of Parker, Yuma County, Arizona. The project would affect lands within a United States Wildlife Refuge and other lands of the United States.

According to the original application, the Havasu Pumped Storage Project would consist of: (1) Havasu Lake as the lower reservoir (Havasu Lake is created by the Bureau of Reclamation's Parker Dam and is the forebay from which water is pumped into the Colorado River Aqueduct for domestic water supply to Los Angeles and other Southern California cities); (2) Buckskin Reservoir as the upper reservoir with storage capacity of about 25,000 acre-feet; (3) an upper canal and tunnel; (4) surge shaft; (5) lower tunnel; (6) four penstocks; (7) a powerhouse containing four units rated 250,000 kw each; (8) a lower canal; (9) transmission lines and a switchyard with initial provisions for later connection to the proposed Central Arizona Project; and (10) appurtenant facilities. The energy created thereby would have been used to supply peaking power to Arizona, Southern California, and Nevada.

A thirty-six month preliminary permit for Proposed Project No. 2702 was issued November 18, 1970 (44 FPC 1443), and modified by order issued December 6, 1972 (48 FPC 1201).

Applicant requests that its preliminary permit be terminated because of the indefinite status of the development plans of the Bureau of Reclamation's Central Arizona Project as they affect the possible construction, economics, and financing of the proposed Havasu Pumped Storage Project. Thus, applicant states that it is not in the interest of the people of Arizona to expend further monies at this time on additional studies and surveys for the project.

**NOTICES**

[Docket No. E-8445]

**CAMBRIDGE ELECTRIC LIGHT CO.  
Notice of Postponement of Prehearing Conference**

FEBRUARY 20, 1974.

The Commission Order issued December 13, 1973, suspending proposed changes in rates and setting the above-designated matter for hearing, scheduled a prehearing conference for February 26, 1974. It now appears that a calendar conflict involving the Presiding Administrative Law Judge requires that the prehearing conference be postponed.

Notice is hereby given that the prehearing conference in the above-designated proceeding is postponed to March 5, 1974, at 10:00 a.m. EDT, in a hearing room of the Federal Power Commission, 825 North Capitol Street N.W., Washington, D.C. 20426. The other dates set in the order of December 13, 1973, are unchanged.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4562 Filed 2-26-74;8:45 am]

[Docket No. RI74-155]

**JOHN P. BOOTH & ASSOCIATES  
Notice of Petition for Special Relief**

FEBRUARY 20, 1974.

Take notice that on February 11, 1974, John P. Booth & Associates (Petitioner), 209 Philtower Building, Tulsa, Oklahoma 74103, filed a petition for special relief in Docket No. RI74-155, pursuant to Order No. 481.

Petitioner proposes with respect to five gas wells in Clark County, Kansas, to install compression facilities so as to increase the reservoir pressures and thereby extend the productive life of the Morrow reservoir. Petitioner states that sales of natural gas from said leases to Northern Natural Gas Company have declined because of reduced reservoir pressures, making further production uneconomical at existing prices. Petitioner requests approval of an increase from 25¢ per Mcf in order to recover the costs of installing the said compression facilities.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4563 Filed 2-26-74;8:45 am]

the El Paso and McCulloch filings. CIG has requested that these alternate sheets be made effective in lieu of the revise sheets should the Commission not grant the unrecovered purchased gas cost portion of the 2.20 cents per Mcf adjustment.

GIG asserts that copies of this filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 74-4571 Filed 2-26-74;8:45 am]

**FEDERAL RESERVE SYSTEM****FIRST FINANCIAL GROUP OF  
NEW HAMPSHIRE, INC.****Acquisition of Bank**

First Financial Group of New Hampshire, Inc. (formerly The Manchester Corporation), Manchester, New Hampshire, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (3)) to acquire 80 percent or more of the voting shares of Nashua Trust Company, Nashua, New Hampshire. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First Financial Group of New Hampshire, Inc. is also engaged in the following nonbank activities: real estate planning, management and consulting. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 15, 1974.



Board of Governors of the Federal Reserve System, February 15, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.  
[FR Doc.74-4553 Filed 2-26-74; 8:45 am]

#### FIRST ILLINOIS BANCSHARES CORP. Formation of Bank Holding Company

First Illinois Bancshares Corporation, Alton, Illinois, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank and Trust Company, Alton, Illinois. The factors that are considered inacting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than March 11, 1974.

Board of Governors of the Federal Reserve System, February 15, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.  
[FR Doc.74-4552 Filed 2-26-74; 8:45 am]

#### GENERAL SERVICES ADMINISTRATION

##### REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

###### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, March 5, 1974, from 9:30 a.m. to 4 p.m., Room 6A22, Federal Building, 819 Taylor Street, Fort Worth, Texas. This meeting will be for the purpose of considering Architect-Engineering firms for design services for an open end, fixed price contract for a one year term for work in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463.

IVAN D. EYLER,  
Acting Regional Administrator.  
[FR Doc.74-4600 Filed 2-26-74; 8:45 am]

#### INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY) DOMESTIC COAL CO. ET AL

Applications for Initial Permits; Electric Face Equipment Standard; Opportunity for Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4147-000, DOMESTIC COAL COMPANY, Mine No. 1-5, Mine ID No. 15 03015 0, Drift, Kentucky.

(2) ICP Docket No. 4238-000, CHESTNUT RIDGE MINING COMPANY, Chestnut Ridge No. 1 Mine, Mine ID No. 36 01329 0, Clymer, Pennsylvania.

(3) ICP Docket No. 4261-000, W. & B. COAL COMPANY, Eikhorn Seam No. 3 and No. 3 Mine, Mine ID No. 15 04022 0, Mousie, Kentucky.

(4) ICP Docket No. 4055-000, IVY BRANCH COAL COMPANY, INC., Mine No. 7, Mine ID No. 44 032333 0, Prater, Virginia.

(5) ICP Docket No. 4223-000, DOUGLAS VAN DYKE COAL COMPANY, INC., Mine No. 2, Mine ID No. 44 01587 0, Richlands, Virginia.

In accordance with the provisions of section 305(a) (2) (30 U.S.C. 865(a) (2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

FEBRUARY 20, 1974.

[FR Doc.74-4528 Filed 2-26-74; 8:45 am]

#### J. B. HURLEY COAL CO.

Opportunity for Public Hearing; Correction

In FR Doc. 74-2511, appearing at page 4008, in the issue for Thursday, January 31, 1974, in the third line of the fourth docket listing, "Mine ID No. 36 01787 0," should read "Mine ID No. 36 01287 0."

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

FEBRUARY 20, 1974.

[FR Doc.74-4527 Filed 2-26-74; 8:45 am]

#### KASKAN COAL CO.

Applications for Initial Permits; Electric Face Equipment Standard; Opportunity for Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

ICP Docket No. 4282-000, KASKAN COAL COMPANY, Kaskan Mine, Mine ID No. 36 01022 0, Apollo, Pennsylvania.

In accordance with the provisions of section 305(a) (2) (30 U.S.C. 865 (a) (2)) of the Federal Coal Mine Health and

Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

FEBRUARY 21, 1974.

[FR Doc.74-4529 Filed 2-26-74; 8:45 am]

#### OFFICE OF MANAGEMENT AND BUDGET

##### REQUESTS FOR CLEARANCE OF INFORMATION REPORTS

###### Listing

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 22, 1974. (44 U.S.C. 3509) The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

###### NEW FORMS

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Computer Data Communications Questionnaire; Form ----; single time; IS; data communications professionals.

##### DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard; Nationwide Boating Survey; Form ----; single time; EGG/Wann/Lowry; individuals.

###### REVISIONS

##### DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service; Regulations—Viruses, Serums, Toxins, and Analogous Products; Form ----; occasional; Lowry; biologists producers.

Agricultural Stabilization and Conservation Service; Notice of Commodity Availability (For Voluntary Relief Agencies); Form CCC 512 (MP); Occasional; Evinger; voluntary agencies.

##### DEPARTMENT OF THE INTERIOR

Bureau of Mines; Magnesium; Form 6-1081-A; Annual; weiner; consumers of magnesium metal.

##### EXTENSIONS

##### DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service; Regulation Governing the Importation of Dates; Form ----; occasional; Evinger; importers and users of dates for processing.

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration; General Authorization for Medical Information; Form SSA 827B; occasional; Evinger (x).

Claimant's Authorization to Attending Physician; Form SSA 827A; occasional; Evinger (x).

Outpatient Physical Therapy Provider Statement of Reimbursable Cost; Form SSA 2088; annual; Evinger (x).

##### DEPARTMENT OF TRANSPORTATION

Federal Highway Administration; Survey of Bus Riders (Opinion Survey to Evaluate New Bus Stop Signs in Philadelphia); Form ----; Single time; Foster; riders of Walnut & Chestnut St. buses in Philadelphia.

Contractors Qualifications and Information; Form FR 50; occasional; Evinger (x). State Highway Department; Federal-Aid Highway Construction Summary—Equal Opportunity Compliance Review; Form ----; occasional; Evinger (x).

Equal Employment Opportunity Prequalification of Federal Aid Highway Construction and Subcontractors Specific Equal Employment Opportunity Responses—Federal Aid Highway Construction Project; Form ----; occasional; Evinger (x).

Federal-Aid Highway Construction Contractors Monthly EEO Report; Form FR 1391; occasional; Evinger (x).

Federal Aid Highway Construction Summary of Employment Data (Including Minority Breakdown for all Federal Highway Projects for Month ending July 31, 19--; Form FR 1392; annual; Evinger (x).

##### PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.74-4742 Filed 2-26-74; 8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2-38494 (22-6295); 2-41412 (22-6810)]

##### FIRST MORTGAGE INVESTORS

Notice of Application and Opportunity for Hearing

FEBRUARY 14, 1974.

Notice is hereby given that First Mortgage Investors (the "Trust") has filed an application under clause (ii) of section 310(b) (1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Chemical Bank of New York under two indentures heretofore qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under any such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) Chemical Bank is presently acting as trustee under an Indenture dated as of November 1, 1970 between Chemical Bank as trustee and Median Mortgage Bank as First Supplemental Indenture, dated October 25, 1973 (the "1978 Indenture"), pursuant to which \$16,000,000 principal amount of Senior Debentures due 1978 of the Trust were originally issued. All of such principal amount was outstanding at December 31, 1973. Chemical Bank is presently acting as trustee under an Indenture dated as of September 15, 1971 between Chemical Bank as trustee and Median Mortgage Investors ("Median") as amended by First Supplemental Indenture dated as of March 5, 1973 and by a Second Supplemental Indenture dated as of October 31, 1973 (the "Median Indenture"), providing for the issuance of 7% Debentures pursuant to which \$25,000,000 principal amount of 7% Debentures due 1981 were originally issued. All of such principal amount was outstanding at December 31, 1973. The Trust succeeded Median Mortgage Investors as obligor under the Median Indenture by reason of the acquisition by the Trust of all of the assets of Median and the assumption by the Trust of all of Median's obligations on October 31, 1973. In connection therewith, the Trust and Chemical Bank entered into the Second Supplemental Indenture to the Median Indenture on October 31, 1973, referred to above, pursuant to which the Trust specifically succeeded to the rights and obligations of Median under the Median Indenture.

(2) The 1978 Indenture and the Median Indenture were qualified under the Trust Indenture Act as No. 22-6295 and No. 22-6810, respectively. Each Indenture contains the provisions permitted by the proviso of section 310(b) (1) of the Trust Indenture Act.

(3) The obligations of the Trust under the 1978 Indenture and under the Median Indenture are wholly unsecured and each such obligation ranks equally with the other. The Trust is not in default under either Indenture.

(4) The terms of the Indentures differ in respect of interest rates, maturity, sinking funds provisions, percentages of debt holders required to effect modifications of their terms and in several other respects. The terms of the Indentures also vary with respect to the types of investments the issuer may make, the type of liens it may create on its assets, the items constituting distributable net income and other restrictions imposed on the issuer's activities. Furthermore, the 1978 Indenture contains a cross-default provision, not contained in the Median Indenture, which provides that it shall constitute an event of default under such Indenture if an event of default shall happen and continue under any other instrument evidencing the Trust's indebtedness and such indebtedness shall have been accelerated so that it becomes due and payable. The Trust is not in default under any of these covenants nor under the terms and provisions of any other instrument so as to create a default under the cross-default provision contained in the 1978 Indenture. Each of the Indentures provides that if the trustee has or acquires a conflicting interest as defined therein, it shall eliminate such conflict or resign within 90 days after ascertaining that it has such a conflicting interest.

(5) Such differences as exist between the two indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under either of said Indentures.

The Company has waived notice of hearing, hearing, and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than March 11, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the



interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.  
[FR Doc.74-4542 Filed 2-26-74; 8:45 am]

# INTERSTATE COMMERCE COMMISSION

[Notice 454]

## ASSIGNMENT OF HEARINGS

FEBRUARY 22, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-F-11626, Eastern Freight Ways, Inc.—Investigation of Control—Associated Transport, Inc., MC-F-11632, Eastern Freight Ways, Inc.—Control and Merger—Associated Transport, Inc., now being assigned hearing April 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8102, Hagerstown Motor Express Co., Inc., now assigned March 5, 1974, at Washington, D.C., is postponed indefinitely.

MC-30844-479, Kroblin Refrigerated Xpress, Inc., now assigned March 19, 1974, at Washington, D.C., is cancelled and the application is dismissed.

MC 106497 Sub 86, Parkhill Truck Company, MC 125433 Sub 44, F-B Truck Line Company, now assigned April 8, 1974, at Denver, Colo., is cancelled and reassigned to April 8, 1974 (1 week), in the Golden Eagle Room, Travel Motor Lodge, 161 West 6th South, Salt Lake City, Utah.

MC 135751 Sub 8, Atlantic Carrier, Inc., now assigned March 25, 1974, MC-F-12027, Jenkins Truck Line, Inc. (Indiana)—Merger—Jenkins Truck Line, Inc. (Iowa), now assigned March 26, 1974, MC 107295 Sub 658, Pre-Fab Transit Co., now assigned March 28, 1974, and MC 18459 Sub 8, Britton Motor Service, Inc., now assigned April 1, 1974, at Chicago, Ill., will be held in Room 1096A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 124211 Sub 234, Hill Truck Line, Inc., now assigned April 1, 1974, MC 124511 Sub 17, John F. Oliver, now assigned April 3, 1974, and MC 5227 Sub 10, Economy Movers, Inc., now assigned April 8, 1974, at Chicago, Ill., will be held in Room 672, 536 South Clark Street.

MC 117610 Sub 11, Derrico Trucking Corp., now being assigned hearing April 8, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 114755 Sub 2, Newburgh Beacon Bus Corp., now being assigned hearing April 10, 1974 (3 days), at New York, N.Y., in a hearing room to be later designated.

## NOTICES

MC-101219 (Sub-50), Merit Dress Delivery, Inc., now assigned March 4, 1974, at New York, N.Y., is postponed indefinitely.  
MC 126542 Sub 3, B. R. Williams Trucking, Inc., now assigned March 26, 1974, at Washington, D.C., is postponed indefinitely.  
MC 95540 Sub 886, Watkins Motor Lines, Inc., and MC 107515 Sub 865, Refrigerated Transport Co., Inc., now assigned March 25, 1974, at Denver, Colo., will be held in Room 587 Tax Court, 5th Floor, U.S. Federal Bldg., 19th and Stout Street.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4628 Filed 2-26-74; 8:45 am]

[No. AB-7 (Sub-No. 10)]

## CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

### Abandonment of Line

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefore:

*It is ordered*, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Dickinson County, Iowa within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of February, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[No. AB-7 (Sub-No. 10)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO., ABANDONMENT OF LINE BETWEEN MILFORD AND SPIRIT LAKE, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated February 15, 1974, it has been determined that the proposed abandonment of the line of Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Milford and Spirit Lake, Iowa, a distance of approximately 7.43 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic over this line is not substantial and is decreasing. Nearby alternative rail access is available and motor carrier service in the area is adequate, therefore, there will be a minimal impact on the area's total transportation scheme. The abandonment is consistent with local plans for development of the area as a recreational center. The right-of-way of the rail line, if the abandonment is approved, is ideally suited for such recreational uses as a public bike and hiking trail. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 24, 1974.

[FR Doc.74-4634 Filed 2-26-74; 8:45 am]

[No. AB-7 (Sub-No. 11)]

## CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

### Abandonment of Line

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefore:

*It is ordered*, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Clark and Hamlin Counties, S. Dak., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of February 1974.

By the Commission, Commissioner Deason.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[No. AB-7 (Sub-No. 11)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO., ABANDONMENT OF LINE BETWEEN BRYANT AND GARDEN CITY, S. DAK.

The Interstate Commerce Commission hereby gives notice that by order dated Feb. 15, 1974, it has been determined that the proposed abandonment of the line of Chicago, Milwaukee, St. Paul and Pacific

Railroad Company between Bryant and Garden City, S. Dak., a distance of approximately 26.48 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic over this line is not substantial or consistent. Nearby alternative rail access is available and motor carrier service in the area is adequate, therefore, there will be a minimal impact on the area's total transportation scheme. The right-of-way may be sold to adjoining property owners who might reclaim the land for agricultural purposes consistent with local land use patterns. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 14, 1974.

[FR Doc.74-4635 Filed 2-26-74; 8:45 am]

[Ex Parte 252 (Sub-No. 1)]

## INCENTIVE PER DIEM CHARGES—1968

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 19th day of February 1974.

It appearing, that an opinion has been rendered by the three-judge court in Florida East Coast Ry. Co., et al. v. United States and Interstate Commerce Commission, Civil Action Nos. 70-574-Civ-J-S, 70-577-Civ-J-S (M.D. Fla. Dec. 14, 1973) sustaining the Commission's order of April 28, 1970 which promulgated the incentive per diem rules; that the Court dissolved as of January 8, 1974, the temporary restraining order entered on August 28, 1970, as amended August 31, 1970; and that the Court ordered plaintiffs Florida East Coast Ry. Co., and Seaboard Coast Line Railroad Co., to make full restitution of all sums which would have been paid, pursuant to the incentive per diem charge order of the Interstate Commerce Commission entered April 28, 1970, had the aforesaid temporary restraining order not been in full force and effect;

It further appearing, that a three-judge court in the Eastern District of Pennsylvania entered an opinion dated December 18, 1973, in Ann Arbor Railroad Co., et al. v. United States and Interstate Commerce Commission, C.A. No. 73-881 (E.D. Pa. Dec. 18, 1973), sustaining the Commission's March 30, 1973 order, which extended the operative period for payment of incentive per diem charges from a six-month to a year-round basis, and also sustaining the Commission's April 24, 1973, order, which reopened Ex Parte 252 (Sub-No. 1) for certain limited purposes; that by order of

## NOTICES

January 11, 1974, the Court dissolved the temporary restraining order which had been entered in that proceeding on April 30, 1973, and which had been entered in that proceeding on April 30, 1973, and which had temporarily enjoined the enforcement of the Commission's March 30, 1973 order against plaintiffs and plaintiff-intervenors in the Ann Arbor case; and that the Court ordered these plaintiffs and plaintiff-intervenors to "render statements to all other railroads of amounts due to such railroads based on the accounting required to be maintained by the order of the single judge, dated April 30, 1973" and "within 30 days of the date of this order, make full payment of all sums that would have been paid, pursuant to the said incentive per diem Order of the Interstate Commerce Commission, dated March 30, 1973, had the aforementioned Temporary Restraining Order not been in effect";

It further appearing, that because of the issuance of the temporary restraining order in the Ann Arbor case and "for the purpose of furthering effective, equitable and uniform administration of the requirements set forth in the March 30 order . . . while the temporary restraining order remains in effect," the Commission, by order of June 4, 1973, ordered that "all payment of incentive per diem charges coming due on or after May 1, 1973, under the provisions of the March 30, 1973 order, will be deferred until the above-described temporary restraining order is dissolved," and that the order also required all railroads "to maintain the necessary accounting so as to have available the records needed to pay or collect any incentive per diem charges which have accrued during the pendency of the temporary restraining order";

It further appearing, that in the Florida East Coast case, both plaintiffs Florida East Coast Railroad Co. and Seaboard Coast Line Railway Co. have filed notices of appeal to the Supreme Court; that on January 4, 1974, Mr. Justice Rehnquist denied the application of these two parties for a stay of the district court's judgment pending appeal; that in the Ann Arbor case the three-judge court, on January 11, 1974, denied plaintiffs' motion for an injunction against the Commission's March 30, 1973 order, pending appeal of the district court's judgment to the Supreme Court; that plaintiffs in Ann Arbor have filed two notices of appeal to the Supreme Court, and that on February 8, 1974, Mr. Justice Brennan denied the applications of these plaintiffs for a stay of the district court's judgment pending appeal;

It further appearing, that the plaintiffs and intervening plaintiffs in the Ann Arbor case have filed a petition dated December 31, 1973, for leave to file a petition for reconsideration of the Commission's order of March 30, 1973, and a petition for reconsideration embracing a request for oral argument, that these same petitioners have filed a separate petition dated January 4, 1974, seek-

ing to have the Commission stay its March 30, 1973 order pending appeal of the three-judge court decision in the Ann Arbor case to the Supreme Court and further seeking to have the Commission extend the effect of its order of June 4, 1973; and that joint replies to the petitions for reconsideration and other relief and for a stay have been filed by certain railroads;

It further appearing, that by its order of April 24, 1973, the Commission reopened Ex Parte 252 (Sub-No. 1) for consideration of numerous proposals for restructuring and improving the incentive per diem program, but the termination of the incentive per diem program as promulgated by the April 28, 1970, and March 30, 1973, orders was not included as a topic of consideration in the reopened proceeding; that substantially the same petitioners that have filed the petition for reconsideration and other relief dated December 31, 1973, filed a prior petition for reconsideration of the Commission's April 24, 1973, order which sought reopening for consideration of all aspects of incentive per diem and which was denied by the Commission's order of May 31, 1973; and that the Ann Arbor court, in sustaining the Commission's April 24, reopening order, held:

Modification of IPD to include purchase of freight cars other than boxcars, to change the rules governing earmarking of funds and the test period requirement were certainly reasonable alternatives to elimination of IPD. We cannot therefore conclude that the Commission abused its discretion by determining that consideration of substantive modifications to the IPD program was preferable to consideration of eliminating the IPD program.

And it further appearing, that plaintiffs' petition for reconsideration and other relief of December 31, 1973, alleges generally that the March 30, 1973, order should be reconsidered because incentive per diem is not accomplishing the statutory goals of increased car supply and better car utilization, creditor roads have had to pay Federal income taxes on IPD funds collected, and passage of the Regional Rail Reorganization Act of 1973 has raised questions as to whether future operating subsidies should be used to pay incentive per diem; and that in the joint reply dated January 16, 1974, the parties allege that incentive per diem has been successful in improving both acquisition and utilization of plain boxcars, income taxation of incentive per diem funds has caused little outflow from the railroad industry, and there is no improper subsidization of incentive per diem creditors by debtor lines coming under the Reorganization Act;

Wherefore, and good cause appearing therefor:

*It is ordered*, That the petition for reconsideration of certain railroads dated December 31, 1973, is hereby accepted for filing;

*It is further ordered*, That said petition for reconsideration and other relief is hereby denied for the reasons (1) that the allegations of the petition together



with the allegations contained in the reply to the petition present nothing warranting the Commission's reconsideration of its March 30, 1973 order extending incentive per diem to a year-round basis, or its decision not to include the possible termination of the incentive per diem program in the reopened proceeding, but rather to focus on methods of improving the effectiveness of incentive per diem; (2) that, to the extent the petition covers matters previously considered by the Commission and the courts herein, it is repetitive; and (3) that, to the extent the petition seeks termination of the incentive per diem program, it is materially inconsistent with the Commission's effort to improve the incentive per diem program through an empirical process, which involves a wholly warranted and rational exercise of regulatory jurisdiction;

It is further ordered, That the petition for stay pending appeal to the Supreme Court of the United States filed January 4, 1974, is hereby denied on the grounds that (1) a stay would be inconsistent with this Commission's plans to foster unceasing effort (by all involved) to achieve the objectives of incentive per diem and overcome the urgent and perennial problem of car supply; (2) that there is no substantial reason for believing that petitioners' judicial remedies are inadequate or that the opinion of the three-judge court in the Ann Arbor case will be reversed by the Supreme Court; and (3) that if the Commission's March 30, 1973, order and the opinion in the Ann Arbor case should be ultimately set aside, petitioners have an adequate remedy at law for restitution of funds paid under the March 30 order;

It is further ordered, That in view of the fact that all plaintiffs and plaintiff-intervenors in the Florida East Coast and Ann Arbor cases are now under court orders to make settlement of all incentive per diem payments which were held in abeyance pursuant to the now-dissolved temporary restraining orders in those proceedings, all parties who were plaintiff or plaintiff-intervenors in these cases, will promptly settle all such outstanding accounts by payment and collection of those incentive per diem funds due and owing, as shown by the accounts that both courts have required plaintiffs to maintain;

It is further ordered, That all incentive per diem payments which came due on or after May 1, 1973, under the provisions of the March 30 order, but which have been deferred until the dissolution of the temporary restraining order in the Ann Arbor case, pursuant to the June 4, 1973, order, are now due and will be promptly paid upon the rendering of proper accounts by the creditor railroads.

And it is further ordered, That a copy of this order be served upon all parties to this proceeding, that a copy be posted in the Office of the Secretary of this Commission and in each field office; and that a copy of this order be delivered to the

## NOTICES

Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4633 Filed 2-26-74; 8:45 am]

[Notice 7]

MOTOR CARRIER ALTERNATE ROUTE  
DEVIATION NOTICES

FEBRUARY 22, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

## MOTOR CARRIERS OF PROPERTY

No. MC-10875 (Deviation No. 21), BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, New York 10011, filed February 13, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Greensboro, N.C., over Interstate Highway 40 to Winston-Salem, N.C., thence over U.S. Highway 52 to junction Virginia Highway 100, thence over Virginia Highway 100 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Virginia Highway 100, thence over Virginia Highway 100 to junction U.S. Highway 460, thence over U.S. Highway 460 to junction Interstate Highway 77, thence over Interstate Highway 77 to Cambridge, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Greensboro, N.C., over U.S. Highway 220 to Roanoke, Va., thence over U.S. Highway 11 (Interstate High-

way 81) to junction U.S. Highway 30, thence over U.S. Highway 30 to Lancaster, Pa., thence over Pennsylvania Highway 283 to Harrisburg, Pa., thence over U.S. Highway 22 to Cambridge, Ohio, and return over the same route.

No. MC-16340 (Deviation No. 3), STANDARD MOTOR FREIGHT, INC., 4700 Smallman Street, Pittsburgh, Pennsylvania 15222, filed February 13, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 22 and U.S. Highway 220 near Altoona, Pa., over U.S. Highway 220 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 209, thence over U.S. Highway 209 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Connecticut Highway 67, thence over Connecticut Highway 67 to junction Connecticut Highway 8, thence over Connecticut Highway 8 to junction Connecticut Highway 34, thence over Connecticut Highway 34 to junction Connecticut Highway 122, thence over Connecticut Highway 122 to junction Interstate Highway 95, thence over Interstate Highway 95 to New Haven, Conn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Pittsburgh, Pa., over U.S. Highway 22 to Easton, Pa., thence over Alternate U.S. Highway 22 to W. Portal, Pa., thence over U.S. Highway 22 to Jersey City, N.J., thence over U.S. Highway 1 to New Haven, Conn., and return over the same route.

No. MC-42405 (Deviation No. 5), MISTLETOE EXPRESS SERVICE, 111 N. Harrison, Oklahoma City, Oklahoma 73104, filed February 19, 1974. Carrier's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Oklahoma 73112. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 30 to Texarkana, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 69 to Durant, Okla., thence over U.S. Highway 70 via Idabel and Broken Bow, Okla., to De Queen, Ark., thence over U.S. Highway 59 to Texarkana, Ark., and return over the same route. The above authority is restricted as follows: Service at those points in the Texarkana, Ark.-Tex., Commercial Zone as defined by the Commission which are within Texas is restricted against the transportation of traffic moving from, to or beyond Dallas, Tex.

## NOTICES

No. MC-48958 (Deviation No. 58), ILLINOIS-CALIFORNIA EXPRESS, INC., P.O. Box 9050, Amarillo, Texas 79105, filed February 13, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 (U.S. Highway 66) to junction Interstate Highway 270, thence over Interstate Highway 270 to junction Interstate Highway 70 (U.S. Highway 40), thence over Interstate Highway 70 (U.S. Highway 40) to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 34 to Princeton, Ill., thence over U.S. Highway 6 to Omaha, Nebr., thence over U.S. Highway 73 to Victory Junction, Kans., thence over U.S. Highway 40 to Kansas City, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4630 Filed 2-26-74; 8:45 am]

[Notice 15]

MOTOR CARRIER APPLICATIONS AND  
CERTAIN OTHER PROCEEDINGS

FEBRUARY 22, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100 247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

APPLICATIONS UNDER SECTIONS 5  
AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

## MOTOR CARRIERS OF PROPERTY

No. MC-F-12137. Authority sought for purchase by MILLER TRANSFER AND

RIGGING CO., P.O. Box 6077, Akron, OH 44312, of the operating rights of COMMODORE CARTAGE COMPANY, 4930 Stecker Ave., Dearborn, MI 48126, and for acquisition by JOHN J. BRUTVAN, JR., also of Akron, OH 44312, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, 744 Broad St., Newark, NJ 07102, and Wilhelmina Boersma, 1001 Woodward Ave., Detroit, MI 48226. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98935 (Sub-No. 1), covering the transportation of general commodities, as a common carrier in interstate commerce, within the State of Michigan. Vendee is authorized to operate as a common carrier in Pennsylvania, Ohio, New York, West Virginia, Maryland, Illinois, Indiana, New Jersey, Alabama, Minnesota, Oklahoma, California, Massachusetts, and the District of Columbia, and as a contract carrier in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC-87103 (Sub-No. 9), is a matter directly related.

No. MC-F-12138. Authority sought for purchase by OSBORN TRANSPORTATION, INC., Highway 77, Gadsden, AL 35904, of a portion of the operating rights and property of BROWN TRANSPORT CORP., Claim Dept., P.O. Box 6985, Atlanta, GA 30315, and for acquisition by EMERY C. OSBORN, also of Gadsden, AL 35904, of control of such rights and property through the purchase. Applicants' attorney: John P. Carlton, 903 Frank Nelson Bldg., Birmingham, AL 35203. Operating rights sought to be transferred: Rugs, carpets, and textile products, as a common carrier over irregular routes, from Dalton, Archer, Calhoun, Rossville, La Grange, Summerville, Athens, Ringgold, Columbus, Cartersville, La Fayette, and Chamblee, Ga., and Memphis, Chattanooga, Knoxville, Sweetwater, and Rockwood, Tenn., to points in Colorado, Montana, and Wyoming, with restriction: furniture and carpeting, from Seattle, Wash., and Portland, Oreg., to points in Idaho south of the southern boundary of Idaho County, and to Salt Lake City, Utah, from Tacoma, Wash., to Salt Lake City, Utah, and points in Idaho south of the northern boundary of Idaho County; textiles and textile products, from points in Tennessee, to points in Washington, Oregon, Idaho, and Utah; textile products, from points in Georgia, to points in Colorado, Wyoming, Montana, Idaho, Utah, Nevada, Oregon, and Washington; frozen fruits, frozen berries, frozen vegetables, and vegetable products, from Ontario, Oreg., and points in Idaho, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; frozen foods and unfrozen foods when transported in mixed loads with frozen foods, in vehicles equipped with mechanical refrigeration, and unfrozen canned goods, from points in Idaho, Oregon, and

Washington, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, with restriction; frozen fruits, frozen berries, and frozen vegetables, from points in Oregon, Washington, and that part of California north of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, to Ontario, Oreg., and certain specified points in Idaho, with restriction, from Ontario, Oregon, and Burley, Nampa, Boise, Heyburn, American Falls, Pocatello, and Caldwell, Idaho, to points in Kentucky, Mississippi, Tennessee, Alabama, North Carolina, South Carolina, Georgia, and Florida; frozen foods, and unfrozen foodstuffs when moving in the same vehicles with frozen foods, from Ontario, Oregon, Nampa, Boise, Burley, and Borah, Idaho, to Evansville, Ind., and Cincinnati and Portsmouth, Ohio, from the plant sites of Ore-Ida Foods at Ontario, Oreg., and Burley, Idaho, and Lamb-Weston, Inc., at Weston, Oreg., and American Falls (Borah), Idaho, and the storage facilities of Lamb-Weston, Inc., at American Falls (Borah), Idaho, to points in Louisiana; carpeting and rugs, from Calhoun, Dalton, Lafayette, Tennille, La Grange, Lyerly, White, Rome, Ringgold, Cartersville, Rabun Gap, Rossville, and Archer, Ga., Scottsboro, Ala., and Chattanooga, Memphis, Nashville, and Sweetwater, Tenn., to points in Idaho, Oregon, Utah, and Washington; rugs, carpets, carpeting, and textile products, from Knoxville, Tenn., and points in Georgia, to points in Nevada; electrical household appliances, from Seattle, Wash., to points in Alabama, Georgia, South Carolina, North Carolina, Tennessee, and Florida; meats, meat products, meat by-products, and etc., from the plant site of Swift & Co., at Grand Island, Nebr., to points in Florida and Tennessee, from the plant site and warehouse facilities of Swift & Co., Grand Island, Nebr., to points in North Carolina and South Carolina, with restrictions, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee. Vendee holds no authority from this Commission. However, it is affiliated with TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, AL 35302, which is authorized to operate as a common carrier in Tennessee, Alabama, Florida, Georgia, North Carolina, South Carolina, Nebraska, North Dakota, South Dakota, Indiana, Wisconsin, Virginia, Illinois, Iowa, Kansas, Kentucky, Minnesota, Missouri, Ohio, Michigan, Louisiana, Mississippi, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12139. Authority sought for control by NOEL TRANSFER, INC., 550 E. 5th St., So. St. Paul, MN 55075, of LTL PERISHABLES, INC., 13084 Renfro Circle, Omaha, NE 68137, and for acquisition by MICHAEL J. NOEL, also of So. St. Paul, MN 55075, of control of LTL PERISHABLES, INC., through the



acquisition by NOEL TRANSFER, INC. Applicants' attorney: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Rd., Omaha, NE 68106. Operating rights sought to be controlled: *Pizza and pizza products*, as a *common carrier* over irregular routes, from Ames, Iowa, to points in Nebraska, Illinois, Indiana, Minnesota, South Dakota, North Dakota, and Wisconsin; *meat and meat products*, from Ames and Webster City, Iowa, to points in Nebraska, Illinois, Indiana, Minnesota, South Dakota, North Dakota, and Wisconsin, with restriction. NOEL TRANSFER, INC., holds no authority from this Commission. However, it is affiliated with AJAX TRANSFER COMPANY, 550 E. 5th St., So. St. Paul, MN 55075, which is authorized to operate as a *contract carrier* in Minnesota, Wisconsin, Iowa, Michigan, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12140. Authority sought for control by CAROLINA EAST FURNITURE TRANSPORT, INC., P.O. Box 1426, 12 Kelly Street, Sumter, S.C. 29150, of UNITED STATES VAN LINES, INC., One U.S. Drive SE., P.O. Drawer U, Marietta, GA 30061, and for acquisition by MICROTROTRON INDUSTRIES, INC., Box 3128, Irving, TX 75061, and in turn by R. C. DAWES, 3210 Confians, Irving, TX 75061, of control of UNITED STATES VAN LINES, INC., through the acquisition by MICROTROTRON INDUSTRIES, INC., and in turn by R. C. DAWES. Applicants' attorneys: LEE REEDER, 1221 Baltimore Avenue, Kansas City, MO 64105, and MAX G. MORGAN, 800 Leininger Building, Oklahoma City, OK 73112. Operating rights sought to be controlled: *Household goods* as a *common carrier* over irregular routes, between

points in South Dakota, and those in Minnesota and Iowa within 60 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in South Dakota, North Dakota, Wyoming, Colorado, Oklahoma, Kansas, Nebraska, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, New York, Arizona, Arkansas, California, Idaho, Louisiana, Montana, North Carolina, Oregon, Tennessee, Texas, Utah, Washington, and the District of Columbia, between points in Minnesota, on the one hand, and, on the other, points in Illinois, Iowa, Indiana, Michigan, North Dakota, South Dakota, and Wisconsin, between points in Missouri, Iowa, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Maryland, Rhode Island, Delaware, and those in that part of Michigan on and east of U.S. Highway 27 and south of Michigan Highway, between points in the territory bounded by a line beginning at Manitowoc, Wis., and extending along U.S. Highway 10 to a defined area of Minnesota, Iowa, West Virginia, Pennsylvania, New York, Michigan, Wisconsin, Kentucky, Missouri, Kansas, and Omaha, Nebr., on the one hand, and on the other, points in Virginia, South Dakota,

Arkansas, Colorado, Michigan, Minnesota, Nebraska, West Virginia, Kansas, Oklahoma, North Dakota, and the District of Columbia, between points in McLean County, Ill., on the one hand, and, on the other, points in Louisiana and Texas, between points in North Carolina, on the one hand, and on the other, points in South Carolina and Virginia, between points in Forsyth County, N.C., on the one hand, and, on the other, points in Florida, Georgia, New York, Ohio, South Carolina, Virginia, Tennessee, West Virginia, and the District of Columbia, between points in Oregon, on the one hand, and, on the other, points in Washington, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, and Connecticut, between points in Douglas, Jackson, and Josephine Counties, Oreg., on the one hand, and, on the other, points in California, between points in all States east of the Mississippi River and in the District of Columbia, between points in Illinois, on the one hand, and, on the other, points in New York, Wisconsin, Missouri, Arkansas, Nebraska, West Virginia, Tennessee, Indiana, Georgia, Minnesota, Pennsylvania, Michigan, Ohio, Iowa, Kentucky and New Jersey. Vendee is authorized to operate as a *common carrier* in South Carolina, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, Texas, Maryland, New Jersey, New York, Pennsylvania, Virginia, District of Columbia, Connecticut, Delaware, Rhode Island, North Carolina, Alabama, Georgia, Florida, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12141. Authority sought for control by SMITH'S MOVING AND STORAGE COMPANY, INC., a non-carrier, 9998 North Michigan Rd., Carmel, IN 46032, of SMITH'S MOVING & STORAGE CO., INC., 611 South Pickett St., Alexandria, VA 22304, and for acquisition by MAYFLOWER CORPORATION, also of Carmel, IN 46032, of control of SMITH'S MOVING & STORAGE CO., INC., through the acquisition by SMITH'S MOVING AND STORAGE COMPANY, INC. Applicants' attorney: James L. Beatty, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Washington, D.C., on the one hand, and, on the other, points in Maryland, Delaware and Virginia, and certain specified points in Pennsylvania and West Virginia; *used household goods*, between certain specified points in Maryland and Virginia, and the District of Columbia. AERO MAYFLOWER TRANSIT COMPANY, INC., a motor common carrier authorized under Docket MC-2934; CREST-MAYFLOWER INTERNATIONAL, INC., is a regulated freight forwarder authorized under Docket FF-361; AERO MAY-

FLOWER TRANSIT CO., INC., is an air freight forwarder authorized under Docket No. 20812—all are controlled by MAYFLOWER CORPORATION. Application has been filed for temporary authority under section 210a(b).

## NOTICE

The Atchison, Topeka and Santa Fe Railway Company, represented by Mr. Richard K. Knowlton, Associate General Counsel, 80 East Jackson Boulevard, Chicago, Illinois 60604, hereby gives notice that on the 17th day of January 1974, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2)(a)(ii) of the Interstate Commerce Act for authority to acquire bridge trackage rights over a line of railroad of the Southern Pacific Transportation Company between West Junction and the Southern Pacific Transportation Company Passenger Train Station at Houston, all within Harris County, Texas, a distance of 14.34 miles. The application has been assigned Finance Docket No. 27564. In the opinion of the applicant, the authority sought by this application will have no significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act of 1969*, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present the statement shall include such information relating to the facts set forth in Ex Parte No. 55 (Sub-No. 4), *Supra* Part (b) (1)-(5), 340 ICC 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-4631 Filed 2-26-74; 8:45 am]

[Notice 29]  
MOTOR CARRIER TEMPORARY  
AUTHORITY APPLICATIONS

FEBRUARY 21, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act

provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 42087 (Sub-No. 1 TA), filed February 11, 1974. Applicant: TRIP TRANSPORT, INC., 1345 North Mascher Street, Philadelphia, Pa. 19122. Applicant's representative: James J. Cain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt and brewed beverages and advertising materials*, from the plantsites of C. Schmidt & Sons, Inc., in Philadelphia, Pa., Norristown, Pa., and Cleveland, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *brewer's supplies, materials, and equipment*, used or useful in the conduct of brewery business, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to the plantsites of C. Schmidt & Sons, Inc., in Philadelphia, Pa., Norristown, Pa., and Cleveland, Ohio, for 180 days. RESTRICTION: The authority granted is restricted against tacking, interlining, and the transportation of commodities in bulk, in tank vehicles. SUPPORTING SHIPPER: Francis A. Green, Jr., General Traffic Manager, C. Schmidt & Sons, Inc., 127 Edward Street, Philadelphia, Pa. 19123. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 109677 (Sub-No. 50 TA), filed February 13, 1974. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Sartoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Providence, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. SUPPORTING SHIPPER: Petrolane Northeast Gas Service, Inc., Box 344, 644 Danbury Road, Wilton, Conn. 06879. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 95743 (Sub-No. 27 TA), filed February 11, 1974. Applicant: WILLIAM F. MEHRING & SONS, INC., Route 1, Keymar, Md. 21757. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bulk, in dump vehicles, from

Blue Ridge Summit, Pa., to Baltimore, Md., for 180 days. SUPPORTING SHIPPER: Mr. Louis Jordan, Jr., Plant Manager, GAF Corporation, P.O. Box O, Blue Ridge Summit, Pa. 17214. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 108382 (Sub-No. 20 TA), filed February 12, 1974. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, P.O. Box 357, Bay City, Mich. 48706. Applicant's representative: Michael M. Briley, 1200 Edison Plaza, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), to serve Willow Run Airport near Ypsilanti, Mich., as an off-route point in connection with its regular route service between Bay City, Mich., and Toledo, Ohio, for 180 days.

NOTE.—Applicant states it does intend to tack with its authority in MC 108382 and Subs thereto.

SUPPORTING SHIPPERS: West Branch Tube Company, 460 S. Valley, West Branch, Mich.; J.F.B. Manufacturing Co., 1150 N. State Street, St. Ignace, Mich. 49871; Essex International, Inc., P.O. Box 395, Atlanta, Mich.; Hancock Industries, Inc., M 18, Roscommon, Mich.; Lewiston, Mich.; Diehl Industries, Inc. (Lord Industries), P.O. Box 434, Gaylord, Mich. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 109677 (Sub-No. 50 TA), filed February 13, 1974. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Sartoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Providence, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. SUPPORTING SHIPPER: Petrolane Northeast Gas Service, Inc., Box 344, 644 Danbury Road, Wilton, Conn. 06879. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 109677 (Sub-No. 51 TA), filed February 13, 1974. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Sartoga Road, Fort Edward, N.Y. 12828, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied*

*petroleum gas*, in bulk, in tank vehicles, (1) between points in Connecticut, Massachusetts, New York, and Rhode Island; and (2) between points in Connecticut, Massachusetts, New York, and Rhode Island, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont, for 180 days. SUPPORTING SHIPPERS: Pyrofax Gas Corporation, P.O. Box 2521, Houston, Tex. 77001; Texgas Corporation, 80 Wolf Road, Suite 402, Albany, N.Y. 12205; The Home Gas Corp. and/or Adirondack Bottled Gas Corp., 287 Main St., Great Barrington, Mass.; C. M. Dining, Inc., 27 Garfield St., Exeter, N.H. 03833. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y. 12208.

No. MC 118089 (Sub-No. 13 TA), filed February 8, 1974. Applicant: ROBERT HEATH TRUCKING, INC., P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: W. D. Benson, P.O. Drawer 69, Kingsland, Tex. 78639. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit flavored drinks*, from Lubbock, Tex., to points in Texas, New Mexico, Oklahoma, Colorado, and Arizona, for 180 days. SUPPORTING SHIPPER: John F. Bergstrom, National Sales Manager, Boden Products, Inc., 3333 N. Mt. Prospect Road, Franklin Park, Ill. 60131. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 123379 (Sub-No. 7 TA), filed February 11, 1974. Applicant: BRUBAKER TRANSFER, INC., 103 N. Major Street, Eureka, Ill. 61530. Applicant's representative: Samuel G. Harrod, 107 East Eureka Avenue, Eureka, Ill. 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New display cases and store fixtures*, from the plant site of Robersonville Products Co., Robersonville, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, D.C., and West Virginia, for 180 days. SUPPORTING SHIPPER: J. R. Blachek, Vice President, Metamora Company, Robersonville Products Co. (Subsidiary) P.O. Box 1018, Robersonville, N.C. 27871. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 127651 (Sub-No. 21 TA), filed February 11, 1974. Applicant: EVERETT G. ROEHL, INC., 201 W. Upham St., Marshfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a

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common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from Onalaska, Wis., to Sioux Falls, S. Dak., for 180 days. SUPPORTING SHIPPER: Erickson Hardwoods, Inc., 718 Second Avenue, South, Onalaska, Wis. 54650. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 134404 (Sub-No. 18 TA), filed February 11, 1974. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, So. Bound Brook, N.J. 08880. Applicant's representative: James L. Delaney (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bath tubs and shower stalls*, packaged and unpackaged, from Richmond, Mich., to Hartford, Rockville, and Waterbury, Conn.; the District of Columbia; Lewiston, Portland, and Waterville, Maine; points in Anne Arundel, Baltimore, Frederick, Howard, Montgomery, and Prince Georges Counties, Md.; Essex, Greenfield, Hampden, Middlesex, New Bedford, Norfolk, Plymouth, and Suffolk Counties, Mass.; Atlantic, Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Ocean, and Passaic Counties, N.J.; Albany, Middletown, Nassau County, New York City, Niagara Falls, Rochester, Suffolk County, and Syracuse, N.Y.; Allegheny County, Altoona, Bethlehem, Harrisburg, Lansdale, New Castle, Philadelphia, and Reading, Pa.; Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, McLean, Richmond, and Winchester, Va.; Providence, Warwick, Westerly, and Woonsocket, R.I.; Dover, Wilmington, and Lewes, Del.; Springfield, Barre, Burlington, and Rutland, Vt.; and Manchester, Salem, and Concord, N.H. RESTRICTION: Restricted to a transportation service to be performed under a continuing contract or contracts with Pacific Lumber & Shipping Co., for 180 days. SUPPORTING SHIPPER: Pacific Lumber & Shipping Co., Washington Bldg., Seattle, Wash. 98101. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 135784 (Sub-No. 28 TA) (CORRECTION), filed December 12, 1973, published in the FEDERAL REGISTER issue of January 4, 1974, republished in the FEDERAL REGISTER issue of January 24, 1974, and in third publication, as corrected, this issue. Applicant: LTL PERISHABLES, INC., 132d and Q Streets, Mlg. P.O. Box 34768 (Box zip 68152), Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Omaha, Nebr., to points in North Dakota and South Dakota, for 180 days. TACKLING: Applicant states that the requested au-

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thority can be tacked with its existing authority at Omaha, Nebr. SUPPORTING SHIPPERS: (1) Frozen Foods Express, Inc., Post Office Box 5888, Dallas, Tex. 75222; (2) Schwartz Meat Company, P.O. Box 971, Norman, Okla. 73069; (3) Standard Meat Company, 3709 E. First St., Ft. Worth, Tex.; (4) Field's, Inc., P.O. Box 7, Pauls Valley, Okla. 73075; (5) American Packing Company, P.O. Box 428, Booneville, Miss. 38829; and (6) Odom Sausage Co., Inc., Neely's Bend Rd., Madison, Tenn. 37115.

NOTE.—The purpose of this republication is to include the tacking information, omitted in the previous publication.

SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 139470 TA, filed February 8, 1974. Applicant: COWLITZ STUD COMPANY, a Corporation, Washington Bldg., Suite 1410, Seattle, Wash. 98101. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Washington and Oregon. RESTRICTION: Restricted to shipments for export. Further restricted to a transportation service to be performed under a continuing contract or contracts with Pacific Lumber & Shipping Co., for 180 days. SUPPORTING SHIPPER: Pacific Lumber & Shipping Co., Washington Bldg., Seattle, Wash. 98101. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 139471 TA, filed February 8, 1974. Applicant: PACKWOOD LUMBER CO., a Corporation, Washington Bldg., Suite 1410, Seattle, Wash. 98101. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Washington and Oregon. RESTRICTION: Restricted to shipments for export. Further restricted to a transportation service to be performed under a continuing contract or contracts with Pacific Lumber & Shipping Co., for 180 days. SUPPORTING SHIPPER: Pacific Lumber & Shipping Co., Washington Bldg., Seattle, Wash. 98101. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 139488 (Sub-No. 1 TA), filed February 8, 1974. Applicant: RICHARD S. MORLEY doing business as MORLEY TRUCKING, R.D. 1, Guilford, N.Y. 13780. Applicant's representative: Herbert M. Canter, 315 Seitz Building, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Malt beverages: ale, beers, beer tonic, porter, stout, or non-intoxicating cereal beverages*, from Columbus, Ohio, to Corning, N.Y., and *empty containers* in the reverse direction, for 180 days. SUPPORTING SHIPPER: Armand Carozzoni, General Manager, Frank D'Andrea, Inc., Market Street, Corning, N.Y. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 139499 TA, filed February 7, 1974. Applicant: U.S. TRANSPORT, INC., P.O. Box 6, Bakersfield, Calif. 93303. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated plastics and adhesive liquid*, (1) from Coshocton, Ohio, to Oakland, Burlingame, Los Angeles, El Segundo, San Diego, San Francisco, Sacramento, Tustin, Gardena, Riverside, Pomona, Azusa, City of Industry, and Buena Park, Calif.; (2) from Coshocton Ohio, to Seattle, Tacoma, and Spokane, Wash.; (3) from Coshocton, Ohio, to Portland, Oreg.; (4) from Coshocton, Ohio, to Weiser and Boise, Idaho; and (5) from Coshocton, Ohio, to Laramie, Wyo.; Salt Lake City, Utah; Phoenix, Ariz.; Albuquerque, N. Mex.; and Loveland and Denver, Colo. RESTRICTION: Restricted to a transportation service to be performed under a continuing contract or contracts with General Electric Co., L&IMBD, for 180 days. SUPPORTING SHIPPER: General Electric Co., L&IMBD, 1 Plastic Ave., Coshocton, Ohio 43812. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 200 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139500 TA, filed February 11, 1974. Applicant: CHARLES W. WILLIAMS, P.O. Box 9, Reeves, La. 70658. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Railroad cross ties*, between Reeves, La., U.S. Highway 190 to Ragley, La., Ragley, La., Highway 12 to Deweyville Tex., from Deweyville, Tex., Texas Highway 12 to Vidor, Tex., from Vidor, Tex., Interstate 10 to Houston, Tex., Interstate 59, North to Bennington St., Exit Bennington St., West to Koppers Co., Hardy Street, Houston, Tex., and return over the same route, for 180 days. SUPPORTING SHIPPER: Clear Creek Lumber Co., P.O. Box 1114, Reeves, La., Mr. H. L. Elam, Jr., Owner. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 139501 TA, filed February 8, 1974. Applicant: RICHARD W. BERNHARDT, 11916 NE 28th St., Vancouver, Wash. 98662. Applicant's representative:

Richard W. Bernhardt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets*, from Ephrata, Wash., to points in Oregon, for 180 days. SUPPORTING SHIPPER: A & B Pelleting, Inc., Route 1, Box 321, 5 NE, Ephrata, Wash. 98823. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 SW. Yamhill, Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4632 Filed 2-26-74; 8:45 am]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 22, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Missouri Docket No. T-33,541 filed January 29, 1974. Applicant: C. J. KEMPER, doing business as KEMPER FREIGHT COMPANY, Highway 36 and Harris Street Road, Cameron, Mo. 64429. Applicant's representative: Bob F. Griffin, 223 East Third Street, Cameron, Mo. 64429. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (A) *general commodities*, over regular routes, from Cameron, over U.S. Highway 36 to Hamilton, thence over State Highway 13 to Gallatin, thence over State Highway 6 to Maysville, thence over State Highway 33 to Osborn, thence over U.S. Highway 36 to Cameron, thence over Business Route I-35 to the intersection with I-35, thence over I-35 to Kansas City, Missouri, Commercial zone and return over such routes, including the alternate routes between Maysville and Gallatin on the one hand, and Cameron on the other hand, over State Highway 6 to the intersection with I-35, thence over I-35 to Business Route I-35, thence over Business Route I-35 to Cameron, and return over such alternate routes, with authority to render service (pick up and deliver freight) at Cameron, Hamil-

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ton, Gallatin, Maysville, and Osborn and between said points, on the one hand, and Kansas City and its commercial zone on the other hand; (B) *general commodities*, over irregular routes, between Cameron, on the one hand, and points and places within 10 miles of Cameron, on the other hand, with authority to render service (pick up and deliver freight), irrespective of the location of such points on the route of a regular route common carrier or between points on the routes of two or more regular route common carriers where through or joint service has been authorized or established between such regular route common carriers; and (C) *agricultural pesticides, insecticides, herbicides, fertilizers and ingredients thereof*, dry, in containers and in bulk (other than in tank vehicles) and liquid, in containers, over irregular routes, between all points and places in the State of Missouri, on the one hand, and Cameron and points and places within 10 miles of Cameron, on the other hand, with authority to render service (pick up and deliver property); irrespective of the location of such points on the route of a regular route common carrier or between points on the routes of two or more regular common carriers where through or joint service has been authorized or established between such regular route carriers. Intrastate, interstate, and foreign commerce authority sought.

HEARING: March 25, 1974, at the Hearing Room of the Missouri Public Service Commission, Jefferson Building, 10th Floor, Jefferson City, Mo., at 10:00 a.m. Requests for procedural information should be addressed to the Missouri Public Service Commission, Jefferson City, Mo. 65101, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. 2163, filed January 14, 1974. Applicant: ROGER W. NICKS, doing business as BAKER BUS SERVICE, 16 Railroad Ave., Box D, Baker, Fallon County, Mont. 59313. Applicant's representative: Russell L. Culver, Box AA, Baker, Mont. 59313. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *passengers and their luggage*, and bus express via Class A Carrier on U.S. Highway No. 12 between Baker and Miles City, Mont., on a regular daily schedule, except Sunday. Points served between would be Plevna and Locate, Mont. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Montana Public Service Commission, 1227 11th Avenue, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. 2164, filed February 14, 1974. Applicant: ROGER W. NICKS, doing business as BAKER BUS SERVICE, 16 Railroad Ave., Box D, Baker, Fallon County, Mont. 59313. Ap-

plicant's representative: Russell L. Culver, P.O. Box AA, Baker, Mont. 59313. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of residents and groups of people, from Fallon and Carter Counties, Mont. This Charter service will primarily serve groups from Baker, Fallon County, and Ekalaka, Carter County, Mont., and enable them to Charter Bus Service to destinations at any point within the State of Montana.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Montana Public Service Commission, 1227-11th Avenue, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4884 (Sub-No. 3) (Amendment), filed November 9, 1973, published in the FEDERAL REGISTER issue of December 5, 1973, and republished, as amended, this issue. Applicant: DAYTON MOTOR EXPRESS, INC., N. Broadway, Dayton, Tenn. 37321. Applicant's representative: William H. Lassiter, Jr., 22nd Floor, L & C Tower, Nashville, Tenn. 37219. Applicant desires to amend and hereby amends the application heretofore filed by deleting in its entirety from the proposed route set out on exhibit A, paragraph I, of the application which is described as follows: (I) To operate as a motor carrier for the transfer of *general commodities* except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment, from Dayton, Tenn., via U.S. Highway 27 to its junction and intersection with Highway 68, thence east along Highway 68 to its intersection and junction with Highway 58; thence south along Highway 58 to Decatur, Tenn., thence south along Highway 58 to Chattanooga, Tenn., in conjunction with its present authority to serve Watts Bar Dam, Tenn., serving no intermediate points between Decatur, Tenn., and Chattanooga, Tenn., in Interstate and Intrastate Commerce. Applicant desires to amend and hereby amends the application heretofore filed by deleting from the proposed route set out on exhibit A, paragraph III, of the application which is described as follows: (III) To operate as a motor carrier for the transfer of General commodities except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment in conjunction with its present authority to serve Spring City, Tenn., from Dayton, Tenn., via U.S. Highway 27 north along said Highway 27 to Rockwood, Tenn., thence along Highway 27 to the intersection of U.S. Highway 70 and State Highway 27; thence east along Highway 70 to Midtown, Tenn., thence east along Highway 70 to Kingston, Tenn., and return over the same routes to Dayton, Tenn., in Interstate and Intrastate Commerce, and substituting in lieu thereof the following route; (III) to operate as a motor carrier for the transfer of General



commodities except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment in conjunction with its present authority to serve Spring City, Tenn., from Dayton, Tenn., via U.S. Highway 27 north along said Highway 27 to Rockwood, Tenn., thence along said Highway 27 to the intersection of U.S. Highway 70 and State Highway 27, thence east along Highway 70 to Midtown, Tenn., thence east along Highway 70 to Kingston, Tenn., thence east along Highway 70 to Knoxville, Tenn., serving no intermediate points between Kingston, Tenn., and Knoxville, and return over the same route to Dayton, Tenn., in Interstate and Intrastate Commerce, and along Intrastate Highway 40 from Rockwood, Tenn., to Knoxville, Tenn., serving no intermediate points between Rockwood and Knoxville and return along the same routes, in Interstate and Intrastate Commerce. Paragraph II of the application remains the same.

**HEARING:** Formerly set for February 15, 1974, has been postponed and

reset for April 18, 1974, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4629 Filed 2-26-74; 8:45 am]

#### COST OF LIVING COUNCIL LABOR-MANAGEMENT ADVISORY COMMITTEE

##### Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Labor-Management Advisory Committee, established by section 8 of the Executive Order 11695, will meet at 10 a.m., March 5, 1974, in the Secre-

tary's Conference Room, Main Treasury Building, Washington, D.C.

The agenda will consist of discussions led by Secretary Shultz of the implications for labor-management relations of several documents which I have determined fall within exemption (5) of 5 U.S.C. 552(b). The documents are papers containing staff views and recommendations on decontrol strategy and on organization of the Cost of Living Council after April 30, 1974.

Since this meeting will consist of discussions of documents which fall within exemption (5) of 5 U.S.C. 552(b), pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting itself falls within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on February 26, 1974.

HENRY H. PERRITT, Jr.,  
Executive Secretary.

[FR Doc.74-4831 Filed 2-26-74; 11:48 am]

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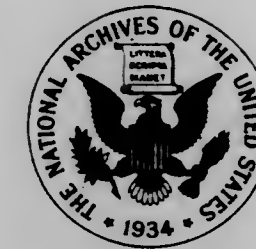
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PART II



## **ENVIRONMENTAL PROTECTION AGENCY**

■

### **NEW MOTOR VEHICLES AND ENGINES; AIR POLLUTION CONTROL**

1974 Model Year Test Results

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# ENVIRONMENTAL PROTECTION AGENCY CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

## Federal Certification Test Results for 1974 Model Year

Section 206(e) of the Clean Air Act, as amended (42 U.S.C. 1857f-5(e)), directs the Administrator of the Environmental Protection Agency to announce in the FEDERAL REGISTER the results of certification tests conducted on new motor vehicles and new motor vehicle engines to determine conformity with Federal standards for the control of air pollution caused by motor vehicles.

### FEDERAL EMISSION STANDARDS

The regulations that apply to the control of emissions from 1974 model year vehicles, appearing at 40 CFR Part 85, set maximum allowable emission levels for new gasoline-fueled and Diesel heavy duty engines (for use in trucks and buses), and gasoline-fueled light duty vehicles (automobiles and light trucks). Heavy duty gasoline-fueled and Diesel engines are required to meet emission standards of 16 grams per brake horsepower hour (gms/BHP-hr.) for hydrocarbons (unburned gasoline) plus oxides of nitrogen (measured as NO<sub>x</sub>) and 40 gms/BHP-hr. for carbon monoxide (a poisonous gas). In addition, heavy-duty Diesel engines must meet Federal smoke emission standards of 20 percent opacity during acceleration, 15 percent opacity during lugging, and 50 percent opacity during the peaks in either the acceleration or lugging mode. These opacity standards limit the darkness of the exhaust smoke to a light gray haze.

The standards for automobiles prohibit all crankcase emissions, and limit allowable evaporative emissions from the fuel system and exhaust emissions from the tailpipe. The exhaust standards allow 1974 automobiles to emit no more than 3.4 grams per mile (gms/mi.) of hydrocarbons, 39 gms/mi. of carbon monoxide, and 3.0 gms/mi. of oxides of nitrogen from the tailpipe. The 1974 evaporative emission standard limits the loss of gasoline by evaporation from the carburetor and fuel tank to no more than 2.0 grams per test.

### FEDERAL CERTIFICATION PROCEDURES

Under the provisions of the Clean Air Act, it is unlawful to offer for sale new motor vehicles which are not in conformity with Federal regulations. Prior to the beginning of each model year, automobile manufacturers apply to the Administrator of the Environmental Protection Agency for a certificate of conformity for each model they wish to produce for that model year. The Federal regulations prescribe a number of requirements which a manufacturer must meet before the Administrator will grant certification.

In advance of production, the manufacturers are required to provide the Ad-

## NOTICES

ministrator with extensive test data demonstrating the effectiveness of the vehicle's emission control and the ability of the emission control system to remain effective over the useful life of a vehicle (50,000 miles). In addition to the submission of test data on the prototype test vehicles, the manufacturers are required to deliver the test vehicles to the Federal Testing Laboratory at Ann Arbor, Michigan. At this facility, the vehicles are retested by the Federal engineers to assure conformity with the regulations. The Federal emission test procedure for light duty vehicles is designed to simulate an average trip of 7.5 miles in an urban area and consists of cold-engine startup and vehicle operation on a chassis dynamometer through a specified driving schedule.

The regulations require a manufacturer to test a selection of prototype vehicles, as designated by the Administrator, which will represent the models to be sold to the public. These vehicles are grouped into two separate fleets. One fleet, known as the emission-data fleet, consists of new prototype vehicles which are driven for 4,000 miles and then tested. The purpose of the emission data fleet is to determine the stabilized emission levels of new motor vehicles. The second fleet, known as the durability fleet, is made up of new prototype vehicles which are driven for 50,000 miles and tested every 4,000 miles. The durability fleet is used to establish "deterioration factors" which are adjustments that account for the decrease in an emission control system's efficiency over its expected useful life. The deterioration factors enable the Administrator to predict a motor vehicle's emission levels at 50,000 miles based upon its measured levels at 4,000 miles. The test data from the two fleets are then combined, in accordance with the procedures specified in the regulations, to determine whether the vehicle is in compliance with emission standards over the expected useful life of the vehicle. If all the motor vehicles in an engine family so tested are found to conform with the regulations, the manufacturer is granted a certificate of conformity.

The same procedure is applicable to heavy duty engines, except that emission-data engines accumulate 125 hours of service on an engine dynamometer before the emission test and gasoline-fueled durability engines and diesel durability engines accumulate 1,500 and 1,000 hours of service, respectively. The heavy duty engine test is designed to simulate on an engine dynamometer a truck driving pattern in a metropolitan area.

### FEDERAL CERTIFICATION DATA

Listed below are the emission levels of each light duty emission data vehicle and heavy duty emission data engine, as adjusted by the deterioration factors discussed above. The vehicles and engines listed represent all of the models and configurations certified as of December 31, 1973, for the 1974 model year.

The emission and fuel economy data listed below was obtained from the original emission data vehicles and engines. In some cases, manufacturers have submitted requests to perform "running changes" on already certified configurations. EPA has authorized manufacturers to make such running changes if the review of the test data and technological information has shown that the proposed modifications do not cause the vehicles or engines to exceed the standards. The data listed below does not indicate the effect of running changes on certified emission levels.

All of the vehicles and engines represented by the respective test vehicles and engines shown below conform to Federal emission standards for new motor vehicles and new motor vehicle engines for the 1974 model year. In addition, some of the light duty vehicles were designed to meet the more stringent standards (3.2 gms/mi. hydrocarbon and 2.0 gms/mi. oxides of nitrogen) of the State of California. Those more stringent standards are authorized under section 209(b) of the Clean Air Act, as amended (42 U.S.C. 1857f-5(e)) and approved by the Administrator's April 19, 1972, decision to grant the State of California's application for waiver. Test vehicles that have been designated by the manufacturer as being designed to meet the more stringent standards are marked by an asterisk (\*).

Included in the light duty vehicle section is a column labeled "Fuel economy." The values in this column represent the calculated fuel economy for each emission data vehicle as it was operated according to the Federal emission test procedure at the EPA laboratory. The expression used to calculate fuel economy based upon analysis of the exhaust gas is:

$$\text{Fuel Economy} = \frac{2423}{(0.866)(\text{HC}) + (0.429)(\text{CO}) + (0.273)(\text{CO}_2)}$$

where:

Fuel economy	= Fuel economy in miles per gallon.
HC	= Hydrocarbon mass emission expressed in grams per mile.
CO	= Carbon monoxide mass emissions expressed in grams per mile.
CO <sub>2</sub>	= Carbon dioxide mass emissions expressed in grams per mile.

Note that the HC, CO, and CO<sub>2</sub> emission values used in the relation are actual 4,000 mile emission test results and not the certification values which include the deterioration factor adjustment.

EPA must caution against attempting to compare these published fuel economy values with other values obtained under different conditions or by different techniques. Fuel economy is affected by a wide range of factors including the manner in which the vehicle is driven, type of route and terrain traveled, speeds at which the vehicle is driven, frequency of cold-starts, use of power-absorbing accessories, vehicle weight, axle ratio,

ambient conditions, and many others. However, these published figures are valid and useful for comparing vehicle performance on the Federal emission test procedure. Description of this general method of calculating fuel economy and discussion of the many

factors which affect fuel economy are included in an October, 1973, EPA publication entitled "A Report on Automotive Fuel Economy", and available from the EPA Office of Public Affairs.

This listing should not be construed as an endorsement by the Environmental

Protection Agency of any manufacturer's vehicles or engines.

Dated: February 19, 1974.

ROGER STRELOW,  
Acting Assistant Administrator  
for Air and Water Programs.

## NOTICES



## 1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.) DESIGNATION	MODEL	TEST VEHICLES				CERTIFICATION LEVELS			
			ENGINE DISP. & CARB. VENTURIS	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS	
							(GRAMS/MILE) HYDRO- CARBONS	OXIDES OF NITROGEN	(GMS/TEST) HYDRO- CARBONS	

<b>AMERICAN MOTORS</b>										
Gremlin	232.0-0.258.0 I	GREMLIN	232.0-1 A3	3000	2.73	15.9	1.3	15.	2.8	0.6
Hornet	258.0-1 M3	WAGONEER	258.0-1 M3	4000	4.09	10.1	1.9	16.	2.3	0.1
Hornet Hatchback	258.0-1 M3	GREMLIN	258.0-1 M3	3000	2.73	15.6	1.6	14.	2.1	0.2
Hornet Sportabout	258.0-1 M4	HORNET	258.0-1 M4	3500	3.08	14.3	2.3	35.	2.6	0.0
Universal CJ-5/6	258.0-1 A3	UNIVERSAL	258.0-1 A3	3000	4.27	9.8	1.8	21.	3.0	0.2
Matador	258.0-1 M3	*HORNET	258.0-1 M3	3500	3.31	12.5	2.3	31.	2.0	0.0
Cherokee	258.0-1 M3	*JAVELIN	258.0-1 M3	3500	3.08	13.2	2.5	21.	2.7	0.0
Truck J-10	258.0-1 M3	*HORNET	258.0-1 M3	3500	3.31	11.7	2.6	22.	1.8	0.0
Wagoneer										
<b>AMERICAN MOTORS</b>										
Gremlin	232.0-0.258.0 I-A	*GREMLIN	258.0-1 M3	3000	3.08	13.2	2.1	25.	1.2	0.5
Hornet	232.0-1 A3	*SPORTABOUT	232.0-1 A3	3500	3.31	15.5	2.4	35.	1.5	0.0
Hornet Hatchback	258.0-1 A3	HORNET	258.0-1 A3	3500	2.73	13.8	1.7	22.	2.3	0.0
Hornet Sportabout	232.0-1 M3	UNIVERSAL	232.0-1 M3	3000	2.73	14.7	2.1	25.	2.1	0.3
Universal CJ 5/6	258.0-1 M3	UNIVERSAL	258.0-1 M3	3000	4.27	12.1	1.7	13.	1.9	0.0
							2.0	10.	2.0	0.5

<b>AMERICAN MOTORS</b>										
Matador	304.0 II	MATADOR	304.0-2 A3	4000	3.15	12.4	2.7	22.	2.3	0.2
Javelin	304.0-2 A3	JAVELIN	304.0-2 A3	3500	3.15	12.1	3.3	24.	2.4	0.1
Hornet	304.0-2 M3	MATADOR SW	304.0-2 M3	4500	3.54	12.3	2.6	21.	2.5	0.5
Hornet Hatchback	304.0-2 M3	UNIVERSAL	304.0-2 M3	3000	3.15	11.8	3.1	20.	2.3	0.7
Hornet Sportabout	304.0-2 A3	MATADOR	304.0-2 A3	4000	3.15	11.6	3.2	26.	2.6	0.6
Javelin AMX	304.0-2 A3	*JAVELIN	304.0-2 A3	3500	2.87	11.1	2.9	25.	1.2	0.7
Ambassador Brougham										
Matador										
Universal CJ-5/6										

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.) DESIGNATION	MODEL	TEST VEHICLES				CERTIFICATION LEVELS			
			ENGINE DISP. & CARB. VENTURIS	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS	
							(GRAMS/MILE) HYDRO- CARBONS	OXIDES OF NITROGEN	(GMS/TEST) HYDRO- CARBONS	

<b>AMERICAN MOTORS</b>										
Ambassador Brougham	360.0 III	WAGONEER	360.0-2 A3	4500	3.07	10.6	2.1	24.	2.0	0.0
Hornet	360.0-2 A3	HORNET	360.0-2 A3	3500	3.15	11.0	2.6	33.	1.8	0.3
Hornet Hatchback	360.0-2 M3	MATADOR	360.0-2 M3	4500	3.15	11.0	3.2	23.	2.8	0.2
Hornet Sportabout	360.0-2 M3	TRUCK	360.0-2 M3	4500	4.09	8.5	2.9	38.	2.0	0.0
Javelin	360.0-2 A3	JAVELIN	360.0-2 A3	4000	3.54	11.6	2.9	36.	1.8	0.5
Javelin AMX	360.0-2 A3	AMBASSADOR	360.0-2 A3	4500	3.15	10.8	2.8	38.	2.5	0.2
Matador										
Cherokee										
Truck J-10										
Wagoneer										
<b>AMERICAN MOTORS</b>										
Ambassador Brougham	360.0-0.401.0 IV	MATADOR	360.0-4 A3	4500	3.15	10.0	2.2	38.	1.7	0.0
Hornet	360.0-4 A3	AMBASSADOR	360.0-4 A3	4500	3.15	10.4	3.1	39.	2.1	0.2
Hornet Hatchback	360.0-4 A3	WAGONEER	360.0-4 A3	4500	3.07	10.6	2.9	30.	2.1	0.8
Hornet Sportabout	360.0-4 M4	JAVELIN	360.0-4 M4	4000	2.54	10.8	3.0	29.	2.2	0.1
Javelin AMX	360.0-4 A3	TRUCK	360.0-4 A3	4500	4.09	10.3	2.6	34.	2.3	1.3
Matador	401.0-4 A3	MATADOR	401.0-4 A3	4500	3.15	11.1	3.0	34.	2.1	0.9
Cherokee										
Truck J-10										
Wagoneer										

<b>AM GENERAL</b>										
M31A2 - 1/4 Ton 424 Utility Vehicle	141.5 L141.5	UTILITY VEHICLE	141.5-1 M4	2750	4.86	19.5	2.6	22.	2.8	0.0
M718A1 - 1/4 Ton 424 Front-Line Truck	141.5-1 M4	UTILITY VEHICLE	141.5-1 M4	2750	4.86	18.0	2.6	22.	2.8	0.0
M825 - 1/4 Ton 424 106mm Rifle Carrier Truck	141.5-1 M4	TRUCK	141.5-1 M4	2750	4.86	19.1	3.0	22.	2.5	0.0
<b>AM GENERAL</b>										
1/2 Ton Post Office Vehicle PJ-8A	232.0-0.258.0 I-232/258	1/4 TON TRUCK	232.0-1 A3	3000	3.07	15.8	1.7	16.	2.9	0.1
1/4 Ton Post Office Vehicle PJ-5C		1/4 TON TRUCK	232.0-1 A3	4000	3.73	14.0	2.1	25.	2.7	0.0

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY (DISP. IN.)	ENGINE (DISP. IN.)	MODEL	INERTIA CLASS (LBS.)	FUEL ECON. RATIO (MPG)	CERTIFICATION LEVELS		
						EXHAUST EMISSIONS	EVAPORATIVE EMISSIONS	(GMS/TEST) HYDRO- CARBONS
AUDI (AUDI UNION)	90.0	AUDI 90	VW SEDAN 32 VW SEDAN 32 AUDI FOX VW STN WAG	2500 2500 2500 2500	4.09 4.11 4.11 4.09	23.3 24.3 22.0 21.2	3.3 3.2 2.4 2.5	0.1 0.1 0.1 0.1
AUDI (AUDI UNION)	90.0	AUDI 90	AIR AUDI FOX VW SEDAN 32 VW SEDAN 32 VW STN WAG 33	2500 2500 2500 2500	4.11 4.11 4.09 4.09	21.1 22.7 22.7 23.7	1.9 2.5 1.5 1.6	0.3 0.3 0.5 0.0
AUDI (AUDI UNION)	114.5	AUDI 100	AUDI 100 Audi 100 LS Audi 100 CL	3000 3000 3000	3.91 4.11 3.91	14.5 14.8 15.4	3.2 2.9 1.3	1.7 2.3 1.6
BMW	121.3	BMW 121	BMW 2002 BMW 2002A	2750 2750	3.64 3.64	21.1 22.6	2.6 2.0	1.8 2.0
BMW	121.3	BMW 121 FI	BMW 2002 TII BMW 2002 TII	M4 M4	3.64 3.64	18.1 20.3	2.5 2.7	1.7 1.7
BMW	182.0	BMW 130	BMW Bavaria BMW 3.0 S BMW 3.0 CS	M3 M4	3.64 3.64	13.7 13.6	2.3 2.3	0.4 0.4
BRITISH LAYLAND	77.9	A SERIES	MG MIDGET MG MIDGET	M4 M4	3.90 3.90	22.4 21.7	2.6 3.0	1.2 1.3
BRITISH LAYLAND	110.0	B SERIES	MG GT MG Sports Austin-Marina Two-Door De-Luxe Austin-Marina Two-Door GT Austin-Marina Four-Door Super De-Luxe	M4 M4 M4 M4	3.90 3.90 3.64 3.64	16.3 18.7 22.0 22.0	2.6 1.8 1.7 1.0	0.3 0.0 0.7

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY (DISP. IN.)	ENGINE (DISP. IN.)	MODEL	INERTIA CLASS (LBS.)	FUEL ECON. RATIO (MPG)	CERTIFICATION LEVELS		
						EXHAUST EMISSIONS	EVAPORATIVE EMISSIONS	(GMS/TEST) HYDRO- CARBONS
BRITISH LAYLAND	139.5	139.5	Land Rover 88" Land Rover	M4 M4	4.70 4.70	10.9 17.7	1.8 1.7	0.0 0.1
BRITISH LAYLAND	152.0	152.0	Triumph TR6 Triumph TR6	M4 M4	3.70 3.70	16.0 16.9	2.5 2.9	1.3 1.3
BRITISH LAYLAND	91.0	91.0	Triumph Spitfire Triumph Spitfire	M4 M4	3.89 3.89	23.1 22.3	2.9 2.7	1.5 1.3
CHECKER	250.0	250.0	A-11 Sedan A-11E Taxicab A-12 Marathon A-12E Marathon A-12W Marathon	A3 A3	3.31 3.31	13.8 13.2	2.5 2.3	2.4 1.9
CHECKER	350.0	350.0	CHECKER SEDAN CHECKER SEDAN	A3 A3	3.31 3.31	11.0 11.0	3.4 3.3	2.0 2.0
CHECKER	350.0	350.0	CHECKER AEROBUS CHECKER AEROBUS	A3 A3	3.54 3.54	9.1 9.1	3.0 3.0	2.2 2.2

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.) DESIGNATION	MODEL	ENGINE DISP. & CARB. VENTURIS TRANS.	INERTIA WEIGHT CLASS. (LBS.)	AXLE RATIO (HPG)	FUEL ECON. (MPG)	CERTIFICATION LEVELS			
							EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS	
							(GRAMS/MILE) HYDRO- CARBONS	OXIDES OF NITROGEN	(GMS/TEST) HYDRO- CARBONS	
CHRYSLER	198.0-225.0 R0	PLYMOUTH COMP	225.0-1 A3	3500	2.76	16.7	2.3	31.	2.9	0.2
Valiant		PLYMOUTH COMP	225.0-1 A3	3500	2.76	15.7	2.2	23.	2.8	0.3
Duster		DODGE TRUCK	198.0-1 A3	3500	3.55	15.0	2.6	21.	3.0	0.3
Valiant Scamp Special		* DODGE TRUCK	225.0-1 M3	4000	3.91	12.1	2.9	37.	2.0	0.5
Valiant Brougham		* DODGE SP WAG	225.0-1 M3	4000	3.90	11.5	2.8	35.	1.6	0.5
Dart Swinger Special		DODGE COMP	198.0-1 A3	3500	2.76	NA	2.2	23.	2.8	0.2
Dart										
Dart Sport										
Dart Custom										
Dart Swinger										
Dart Special Edition										
Satellite Police										
Satellite Taxi										
Satellite										
Satellite Sebring										
Satellite Custom										
Coronet Police										
Coronet Taxi										
Dodge Taxi										
Coronet										
Charger Coupe										
Coronet Custom										
Tradesman Van										
Sportman										
Custom Sportman										
Royal Sportman										
Tradesman Maxivan										
Royal Sportman SE										
Sportman Maxivagon										
Custom Sportman Maxivagon										
Royal Sportman Maxivagon										
Custom										
Adventurer										
Adventurer Sport										
Adventurer SE										
Club Cab Custom										
Club Cab Adventurer										
Club Cab Adventurer Sport										
Club Cab Adventurer SE										
AWJ00 Truck										

1/ Due to analyzer malfunction, no CO<sub>2</sub> data was available and, hence, no fuel economy data were calculated for vehicles designated "N.A." or "not available."

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.) DESIGNATION	MODEL	ENGINE DISP. & CARB. VENTURIS TRANS.	INERTIA WEIGHT CLASS. (LBS.)	AXLE RATIO (HPG)	FUEL ECON. (MPG)	CERTIFICATION LEVELS			
							EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS	
							(GRAMS/MILE) HYDRO- CARBONS	OXIDES OF NITROGEN	(GMS/TEST) HYDRO- CARBONS	
CHRYSLER	318.0-360.0 LA-2V	PLYMOUTH FS	360.0-2 A3	5000	2.71	10.4	3.0	18.	2.2	0.8
Valiant		PLYMOUTH INTER	318.0-2 A3	4000	2.71	11.6	3.1	18.	2.8	0.8
Duster		DODGE SP WAG	318.0-2 M3	4500	3.55	11.4	2.6	38.	2.6	0.2
Valiant Brougham		PLYMOUTH INTER	318.0-2 M4	4500	3.55	11.8	2.6	28.	2.7	0.6
Valiant Scamp Special		* PLYMOUTH COMP	318.0-2 M3	4000	2.94	12.5	2.8	33.	1.8	0.2
Dart Swinger Special		DODGE SP WAG	360.0-2 M3	4500	3.55	9.6	2.9	32.	2.8	0.2
Dart										
Dart Sport										
Dart Custom										
Dart Swinger										
Dart Special Edition										
Barracuda										
'Cuda										
Challenger										
Satellite Police										
Satellite Taxi										
Satellite										
Satellite Sebring										
Satellite Custom										
Satellite Sebring Plus										
Satellite Regent										
Road Runner										
Coronet Police										
Coronet Taxi										
Dodge Taxi										
Coronet										
Charger Coupe										
Charger										
Coronet Custom										
Coronet Crestwood										
Charger SE										
B-1 Tradesman Van										
B-1 Sportman										
B-1 Custom Sportman										
B-1 Royal Sportman										
B-1 Royal Sportman SE										
B-2 Tradesman Van										
B-2 Tradesman Maxivan										
B-2 Sportman										
B-2 Custom Sportman										
B-2 Royal Sportman										
B-2 Royal Sportman SE										
B-2 Sportman Maxivagon										
B-2 Custom Sportman Maxivagon										
B-2 Royal Sportman Maxivagon										
B-3 Sportman										
B-3 Custom Sportman										
Monaco Brougham										

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## NOTICES

1974 MODEL YEAR LIGHT-DUTY VEHICLES

TEST VEHICLES						CERTIFICATION LEVELS						
MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.)	FAMILY DESIGNATION	MODEL	ENGINE DISP. & CARB. VENTURUS TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	EXHAUST EMISSIONS			EVAPORATIVE EMISSIONS	
								(GRAMS/MILE) CARBON MONOXIDE	OXIDES OF NITROGEN	HYDRO- CARBONS	(GMS/TEST) CARBONS	
CHRYSLER	360.0	LA-4V	PLYMOUTH COMP	360.0-4	A3	2.94	10.9	2.6	2.8	2.1	0.4	
Satellite Police			* PLYMOUTH FS	360.0-4	A3	5000	9.9	30.	2.1	0.4		
Satellite Taxi			* PLYMOUTH COMP	360.0-4	M3	4000	3.55	20.	2.1	0.1		
Satellite Subring			* DODGE SP WAG	360.0-4	A3	5000	3.73	2.5	2.1	0.1		
Satellite Custom			* PLYMOUTH INTER	360.0-4	A3	5000	2.76	12.	2.0	0.1		
Satellite Sabring Plus			* PLYMOUTH INTER	360.0-4	M4	4500	3.55	2.5	2.0	0.7		
Road Runner												
Coronet Police												
Coronet Taxi												
Dodge Taxi												
Coronet												
Charger Coupe												
Charger												
Coronet Custom												
Coronet Crestwood												
Charger SE												
Fury Police												
Fury I			B-3 Sportsman									
Fury II			B-3 Custom Sportsman									
Fury III			B-3 Royal Sportsman									
Fury II-2 Door Hard Top			B-3 Sportsman Maxivagon									
Suburban			B-3 Custom Sportsman Maxivagon									
Custom Suburban			B-3 Royal Sportsman Maxivagon									
Fury Gran Coupe			D-1 Adventurer									
Fury Gran Sedan			D-1 Adventurer Sport									
Sport Suburban			D-1 Adventurer SE									
Sport Police			D-1 Club Cab Custom									
Monaco Taxi			D-1 Club Cab Adventurer									
Monaco			D-1 Club Cab Adventurer Sport									
Monaco Custom			D-1 Club Cab Adventurer SE									
Monaco Special			W-1 Custom									
Monaco Station Wagon			W-1 Adventurer									
Monaco Custom Station Wagon			W-1 Adventurer Sport									
Monaco Brougham			W-1 Club Cab Custom									
Monaco Brougham Van			W-1 Club Cab Adventurer									
B-1 Tradesman			AW-100									
B-1 Sportsman			Duster 360									
B-1 Custom Sportsman			Dart 360 Sport									
B-1 Royal Sportsman			Barracuda									
B-1 Royal Sportsman SE			'Cuda									
B-2 Tradesman Van			Challenger									
B-2 Tradesman Maxivan												
B-2 Sportsman												
B-2 Custom Sportsman												
B-2 Royal Sportsman												
B-2 Royal Sportsman SE												
B-2 Sportsman Maxivagon												
B-2 Custom Sportsman Maxivagon												
B-2 Royal Sportsman Maxivagon												

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

TEST VEHICLES					CERTIFICATION LEVELS					
MANUFACTURER (MODELS)	ENGINE FAMILY		MODEL	ENGINE DISP. & CARB. VENTURIS TRANS.	INERTIA WEIGHT CLASS (LBS.)	FUEL ECON. RATIO (MPG)	EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS	
	DISP. (CUBIC IN.)	FAMILY DESIGNATION					(GRAMS/MILE) CARBON MONOXIDE	HYDRO-CARBONS	OXIDES OF NITROGEN	(GMS/TEST) HYDRO-CARBONS
CHRYSLER	440.0	RB	CHRYSLER	440.0-4	A3	5000	2.71	27.	3.0	0.9
Fury Police			CHRYSLER	440.0-4	A3	5000	2.71	23.	2.4	0.7
Fury I			CHRYSLER SW	440.0-4	A3	5500	3.23	30.	1.9	1.4
Fury II			* DODGE FS	440.0-4	A3	5000	3.23	15.	2.2	0.7
Suburban			* DODGE TRUCK	440.0-4	A3	4500	3.23	16.	1.7	0.2
Fury III			* PLYMOUTH INTER	440.0-4	A3	4500	3.55	20.	3.0	0.7
Custom Suburban										
Fury Gran Coupe										
Fury Gran Sedan										
Sport Suburban										
Monaco Police										
Monaco										
Monaco Custom										
Monaco Brougham										
Monaco Special										
Newport										
Newport Custom										
New Yorker										
Tom and Country										
New Yorker Brougham										
Imperial Le Baron										
Custom										
Adventurer										
Adventurer Sport										
Adventurer SE										
Club Cab Custom										
Club Cab Adventurer										
Club Cab Adventurer Sport										
Club Cab Adventurer SE										
AM100 Truck										
Satellite Police										
Satellite										
Road Runner										
Satellite Sebring										
Satellite Custom										
Coronet Police										
Coronet										
Charger Coupe										
Charger										
Coronet Custom										
Charger SE										

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

TEST VEHICLES										CERTIFICATION LEVELS			
ENGINE FAMILY				ENGINE DISP. & CARB. VENTURIS TRANS.	INERTIA WEIGHT CLASS (LBS.)	FUEL ECON. RATIO (MPG)	EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS				
MANUFACTURER (MODELS)	DISP. (CUBIC IN.)	DESIGNATION	MODEL				(GRAMS/MILE) CARBON MONOXIDE	(GRAMS/MILE) HYDRO- CARBONS	(GMS/TEST) HYDRO- CARBONS				
CITROEN	181.0	S	XSM XSM	181.0-6 181.0-6	M5 A4	4.37 4.37	11.2 11.9	2.6 2.1	19. 32.	0.6 0.2			
FIAT													
128 Sedan 1300	7P.7	12M	X12M SEDAN	7P.7-2	M4	4.08	17.4	1.9	29.	0.0			
128 Sedan 1300, 2-door			X11/9	7P.7-2	M4	4.08	20.4	1.2	22.	0.0			
128 Station Wagon 1300			X12M STN WGN	7P.7-2	M4	4.42	17.8	1.9	28.	0.0			
128 Coupe 1300													
X1/9													
FIAT													
124 Special TC	97.2, 107.1	132	X124 SPECIAL TC	97.2-2	M4	4.10	20.2	1.5	29.	0.0			
124 Station Wagon TC			X124 SPGR TCPE	107.1-2	M5	4.30	16.0	1.7	28.	0.2			
124 Sport Coupe 1800			X124 SPECIAL TC	97.2-2	A3	4.10	17.9	1.4	26.	0.3			
124 Sport Spider 1800			X124 STN WGN	97.2-2	A3	4.30	17.7	1.6	31.	0.3			
			X124 SPORT SDN	107.1-2	M5	4.30	18.0	1.7	34.	0.0			
FORD													
Pinto Sedan	122.0	2.0L WHITE	PINTO	122.0-2	M4	3.40	22.8	2.9	24.	0.0			
Pinto Station Wagon			XCAPRI	122.0-2	A3	3.44	15.5	1.9	36.	0.0			
Capri Sedan			CAPRI	122.0-2	A3	3.44	16.9	2.0	31.	0.0			
			XPINTO WAGON	122.0-2	M4	3.55	19.6	2.3	30.	0.1			
			CAPRI	122.0-2	M4	3.44	19.8	2.2	39.	0.4			
			PINTO WAGON	122.0-2	M4	3.55	18.2	2.4	36.	0.4			
FORD													
Pinto Sedan	140.2	2.3L WHITE	XPINTO	140.2-2	M4	3.40	21.0	2.3	21.	0.0			
Pinto Station Wagon			XMUSTANG	140.2-2	A3	3.55	16.9	0.8	19.	0.0			
Mustang Notchback			XCAPRI	140.2-2	A3	3.40	16.7	1.5	30.	0.0			
Mustang Notchback 2-door			XCAPRI	140.2-2	A3	3.40	16.6	1.4	35.	0.0			
Mustang 2-door Hatchback			XMUSTANG	140.2-2	M4	3.55	16.5	2.2	31.	0.1			
Mustang 2 Passenger Hatchback													
FORD													
Pinto	140.2	2.3L BLUE	PINTO	140.2-2	A3	3.40	17.1	3.1	34.	0.2			
Mustang			MUSTANG	140.2-2	M4	3.55	20.1	2.9	25.	0.0			
Pinto Wagon			PINTO WAGON	140.2-2	M4	3.55	19.7	2.9	20.	0.0			
FIAT (auto. trans.): 3-door Sedan													
Pinto (man. trans.): Station Wagon													
Mustang (man. trans.): Notchback 2-door													
Mustang 2-door Hatchback													

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

1974 MODEL YEAR LIGHT DUTY VEHICLES										CERTIFICATION LEVELS			
TEST VEHICLES													
MANUFACTURER (MODELS)	ENGINE FAMILY		MODEL	ENGINE DISP. & CARB. VENTURIS TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO (MPG)	FUEL ECON. RATIO (MPG)	EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS			
	DISP. (CUBIC IN.)	FAMILY DESIGNATION						(GRAMS/MILE) HYDRO- CARBONS	(GRAMS/MILE) OXIDES OF NITROGEN	(GMS/TEST) HYDRO- CARBONS	(GMS/TEST) CARBONS		
FORD													
Mustang Notchback 170.6 Mustang Notchback Ghia Mustang 2+2 Hatchback Mustang 2 Passenger Hatchback Mustang Mach 1 Capri Sedan	2.8L WHITE		MUSTANG	170.8-2	M4	3.55	N.A.	2.1	1.9	37.	0.1		
			MUSTANG	170.8-2	A3	3.50	13.0	3.0	1.7	35.	0.1		
			CAPRI	170.8-2	M4	3.00	3.22	2.7	2.5	26.	0.2		
			*CAPRI	170.8-2	A3	3.00	3.22	3.1	1.6	33.	0.3		
			MUSTANG	170.8-2	A3	3.50	15.0	3.1	2.1	38.	0.2		
			MUSTANG	170.8-2	M4	3.55	17.3	2.8	2.6	23.	0.2		
FORD													
Maverick Sedan Maverick Grabber Comet Sedan Comet "GT" Bronco Wagon	200 WHITE		BRONCO	200.0-1	M3	3.50	4.11	2.9	2.4	25.	0.2		
			*MAVERICK	200.0-1	A3	3.00	2.79	2.5	2.1	28.	0.0		
			BRONCO	200.0-1	M3	3.50	4.57	2.1	2.0	33.	0.6		
			MAVERICK	200.0-1	A3	3.50	2.79	2.9	1.9	30.	0.2		
			COMET	200.0-1	A3	3.00	2.79	3.0	2.1	36.	0.0		
			COMET	200.0-1	M3	3.50	3.00	3.2	3.0	28.	0.2		
FORD													
F-100 Van F-100 Club Wagon E-200 Van E-200 Club Wagon E-300 Club Wagon F-100 Styleside Pick-up F-100 Flareside Pick-up	240 WHITE		E-200	240.0-1	A3	4.50	3.25	2.8	2.3	24.	0.3		
			F-100	240.0-1	A3	4.00	3.50	2.7	3.0	17.	0.4		
			E-300	240.0-1	A3	4.50	4.10	2.8	2.4	32.	0.0		
			E-200	240.0-1	A3	4.00	4.11	2.8	2.9	23.	0.4		
			E-100	240.0-1	M3	4.00	3.70	2.8	2.5	23.	0.0		
			F-100	240.0-1	M3	4.00	3.70	2.6	2.3	23.	0.0		
FORD													
Maverick Sedan Maverick Grabber Comet Sedan Comet "GT" Sedan	250 WHITE		MAVERICK	250.0-1	A3	3.50	2.79	2.2	2.2	27.	1.2		
			TORINO	250.0-1	A3	4.00	3.00	2.0	3.0	31.	0.3		
			Comet Sedan	250.0-1	M3	3.50	3.00	2.6	2.7	24.	0.0		
			Comet "GT" Sedan	250.0-1	A3	4.00	3.25	2.5	2.7	37.	1.0		

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

TEST VEHICLES										CERTIFICATION LEVELS			
MANUFACTURER (MODELS)	ENGINE FAMILY		MODEL	ENGINE DISP. & CARB. VENTURIS TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO (MPG)	FUEL ECON. RATIO (MPG)	EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS			
	DISP. (CUBIC IN.)	FAMILY DESIGNATION						(GRAMS/MILE) CARBON MONOXIDE	OXIDES OF NITROGEN	(GMS/TEST) HYDRO- CARBONS	(GMS/TEST) CARBONS		
ORD													
E-100 Van	300.0	300 WHITE	*E-100	300.0-1	M3	4000	3.70	12.0	2.4	32.	1.8	0.2	
E-100 Club Wagon			*E-100	300.0-1	M3	3500	3.70	N.A.	2.5	20.	1.4	0.0	
E-200 Van			*E-200	300.0-1	M3	4000	3.70	13.0	2.6	32.	1.8	0.0	
E-200 Club Wagon			*F-100	300.0-1	M3	4000	3.50	14.1	2.0	21.	1.8	0.5	
F-100 Styleside Pick-up			*F-100	300.0-1	M3	4000	3.70	13.4	2.8	21.	1.3	0.4	
F-100 Flareside Pick-up													
ORD													
Maverick Sedan	302.0	302 WHITE	TORINO	302.0-2	A3	4000	2.79	11.8	2.5	31.	2.1	0.2	
Maverick Grabber			F-100	302.0-2	M4	4000	3.25	10.4	2.6	38.	1.9	0.7	
Comet Sedan			TORINO WAGON	302.0-2	A3	4500	3.00	11.4	3.0	38.	2.5	0.6	
Comet GT			ECONOLINE	302.0-2	A3	4500	3.50	11.2	3.4	38.	3.0	0.3	
Torino			BRONCO	302.0-2	M3	4000	4.11	N.A.	2.5	21.	2.7	0.5	
Gran Torino			MONTEGO	302.0-2	M3	4500	3.00	11.0	2.5	37.	2.2	0.6	
Gran Torino GT													
Gran Torino Brougham													
Torino Station Wagon													
Ranchero													
Ranchero Squire													
Ranchero GT													
Montego													
Montego MX													
Montego MX Brougham													
E-100 Van													
E-100 Club Wagon													
E-200 Van													
E-200 Club Wagon													
E-300 Club Wagon													
F-100 Styleside													
F-100 Flareside Pick-up													
Bronco Wagon													
ORD													
Maverick Sedan	302.0	302 BLUE	*E-200	302.0-2	A3	4000	3.25	9.6	2.8	21.	1.6	0.5	
Maverick Grabber			*F-100	302.0-2	A3	4000	3.25	8.6	3.3	31.	1.5	1.4	
Comet Sedan			*BRONCO	302.0-2	M3	4000	3.50	10.1	2.9	27.	1.9	0.3	
Comet "GT" Sedan			*BRONCO	302.0-2	A3	4000	4.11	9.4	2.4	20.	1.4	1.0	
E-100 Van			MONTEGO WAGON	302.0-2	A3	5000	3.00	11.4	3.3	23.	3.0	0.4	
E-100 Club Wagon			*MAVERICK	302.0-2	A3	3500	3.00	12.1	3.4	31.	1.6	0.4	
E-200 Van													
E-200 Club Wagon													
E-300 Club Wagon													
F-100 Styleside													
F-100 Flareside Pick-up													
Gran Torino Station Wagon													
Gran Torino Squire Station Wagon													
Montego MX Station Wagon													
Montego Villager Station Wagon													
Bronco Wagon													

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

TEST VEHICLES				CERTIFICATION LEVELS			
				EXHAUST EMISSIONS	EVAPORATIVE EMISSIONS		
MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.) DESIGNATION	MODEL	ENGINE DISP. & CARR. VENTURIS TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	(GRAMS/MILE) HYDRO- CARBON OXIDES OF NITROGEN CARBONS
FORD	351.0	351C(A) BLUE TORINO WAGON	351.0-2 A3	5000	3.25	8.3	2.3 3.0 0.2
Custom 500		COUGAR	351.0-2 A3	4500	3.00	9.5	2.1 0.3
Galaxie 500		MONTEGO	351.0-2 A3	5000	3.25	9.1	2.2 0.7
LTD		MONTEGO	351.0-2 A3	4500	2.75	9.1	2.2 0.7
Ranch Wagon		FORD	351.0-2 A3	5000	3.07	9.3	2.8 0.3
Country Sedan Station Wagon		TORINO WAGON	351.0-2 A3	5000	3.00	10.3	3.1 2.2 0.2
Torino							
Gran Torino GT							
Gran Torino Brougham							
Gran Torino X							
Torino Station Wagon							
Gran Torino Station Wagon							
Gran Torino Squire Station Wagon							
Ranchero 500							
Ranchero Squire							
Ranchero GT							
Montego							
Montego MX							
Montego MX Brougham							
Montego MX Station Wagon							
Montego Villager Station Wagon							
Cougar XE-7							
Mercury Monterey							
FORD	351.0	351C(A) WHITE TORINO S.W.	351.0-2 A3	5000	3.00	9.5	3.0 1.8 0.0
FORD: Custom 500		*FORD	351.0-2 A3	5000	3.07	9.6	3.2 1.6 0.0
FORD: Galaxie 500							
FORD: LTD							
FORD: LTD Brougham							
TORINO: Torino Station Wagon							
TORINO: Gran Torino Station Wagon							
TORINO: Torino Squire Station Wagon							
FORD	351.0	351(B) WHITE TORINO	351.0-4 A3	4500	3.25	9.9	2.2 2.9 0.1
Gran Torino GT		COUGAR	351.0-4 A3	5000	3.25	9.3	2.6 2.9 1.2
Gran Torino Brougham		*PANTERA	351.0-4 M5	3500	4.22	10.4	1.7 18. 0.0
Ranchero 500		TORINO	351.0-4 M4	4500	3.50	9.8	2.0 20. 0.6
Ranchero Squire		RANCHERO	351.0-4 M4	4500	3.50	9.0	2.4 23. 0.4
Ranchero GT		MONTEGO	351.0-4 A3	5000	3.25	9.5	2.8 3.0 0.0
Montego							
Montego MX							
Montego MX Brougham							
Cougar XE-7							
Pantera L							

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

TEST VEHICLES				CERTIFICATION LEVELS			
				EXHAUST EMISSIONS	EVAPORATIVE EMISSIONS		
MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.) DESIGNATION	MODEL	ENGINE DISP. & CARR. VENTURIS TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	(GRAMS/MILE) HYDRO- CARBON OXIDES OF NITROGEN CARBONS
FORD	351.0	351W WHITE TORINO	351.0-2 A3	4500	2.75	10.8	2.6 3.0 0.4
Custom 500		FORD	351.0-2 A3	5000	2.75	10.7	2.7 2.6 0.2
Galaxie 500		FORD S.W.	351.0-2 A3	5000	2.75	10.4	2.2 2.7 0.6
LTD		FORD	351.0-2 A3	4500	3.25	10.0	2.7 3.0 1.0
LTD Brougham		MONTEGO	351.0-2 A3	5000	3.25	9.9	2.3 3.5 1.2
Custom Ranch Wagon			351.0-2 A3	5000	3.25	9.9	2.4 2.5 1.0
Country Sedan Wagon							
Country Squire Wagon							
Torino							
Gran Torino							
Gran Torino GT							
Gran Torino X							
Torino Brougham							
Cougar XE-7							
Montego							
Montego MX							
Montego Brougham							
FORD	360.0-390.0	360/390 BLUE F-100	360.0-2 M3	4500	3.25	10.0	2.7 3.0 0.1
Styleside Pick-up		F-100	360.0-2 A3	4500	3.00	8.7	3.1 2.7 0.3
Flareside Pick-up		*F-100	360.0-2 A3	4500	3.00	N.A.	1.2 2.3 0.5
		*F-100	360.0-2 A3	4500	4.11	8.7	2.4 2.8 0.3
		*F-100	360.0-2 M4	4500	3.50	10.2	2.4 2.6 1.7
		*F-100	390.0-2 A3	4500	3.50	11.1	2.6 2.8 0.2

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

TEST VEHICLES				CERTIFICATION LEVELS			
ENGINE FAMILY		INERTIA		EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS	
MANUFACTURER (MODELS)	DISP. (CUBIC IN.) DESIGNATION	MODEL	ENGINE DISP. & CARB. VENTURIS TRANS.	AXLE RATIO (HPG)	FUEL ECON. (GMS/MILE)	HYDRO-CARBONS MONOXIDE	OXIDES OF NITROGEN
FORD	400.0	400	400.0-2 A3	3.00	7.9	3.4	2.0
Custom 500							0.0
Galaxie 500							0.1
LTD							0.6
LTD Brougham							0.0
Ranch Wagon							0.0
Country Sedan							0.0
Country Squire							0.2
Monterey Custom							
Marquis Brougham							
Monterey Wagon							
Marquis Wagon							
Colony Park							
Torino							
Gran Torino							
Gran Torino GT							
Gran Torino X							
Torino Station Wagon							
Gran Torino Station Wagon							
Torino Squire Station Wagon							
Ranchero 500							
Ranchero Squire							
Ranchero GT							
Montego							
Montego MX							
Montego MX Brougham							
Montego MX Station Wagon							
Montego Villager							
Cougar XR-7							

FORD

400.0  
FORD: Station Wagon  
MERCURY: Station Wagon

400 BLUE

\*FORD S.W.  
\*FORD S.W.400.0-2 A3  
400.0-2 A35500 3.00  
5500 3.009.0 2.0  
9.5 1.933.  
36.1.8  
1.70.1  
0.1

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

TEST VEHICLES				CERTIFICATION LEVELS			
ENGINE FAMILY		INERTIA		EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS	
MANUFACTURER (MODELS)	DISP. (CUBIC IN.) DESIGNATION	MODEL	ENGINE DISP. & CARB. VENTURIS TRANS.	AXLE RATIO (HPG)	FUEL ECON. (GMS/MILE)	HYDRO-CARBONS MONOXIDE	OXIDES OF NITROGEN
FORD	460.0	460 (A) BLUE	460.0-4 A3	3.00	9.3	2.7	2.7
Custom 500							0.4
Galaxie 500							0.4
LTD							0.2
LTD Brougham							0.2
Ranch Wagon							0.2
Country Sedan Wagon							0.2
Country Squire Station Wagon							1.0
Monterey Custom							
Marquis Brougham							
Colony Park Station Wagon							
Monterey Station Wagon							
Marquis Station Wagon							
Torino							
Gran Torino							
Gran Torino GT							
Gran Torino X							
Torino Station Wagon							
Gran Torino Station Wagon							
Gran Torino Squire Station Wagon							
Ranchero 500							
Ranchero Squire							
Ranchero GT							
Montego							
Montego MX							
Montego MX Brougham							
Montego MX Station Wagon							
Montego Villager Station Wagon							
Cougar XR-7							
Styleside Pick-up							
Flareside Pick-up							
Continental							
Continental Mark IV							
Thunderbird							

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

[illegible]

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

[illegible]

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.)	FAMILY DESIGNATION	MODEL	ENGINE DISP. & CARB. VENTURIS TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS		
								EXHAUST EMISSIONS	EVAPORATIVE EMISSIONS	(GMS/TEST) HYDRO- CARBONS
(GM) CHEVROLET	454.0	1058	#LAGUNA	454.0-4	M4	3.42	7.6	21.	1.6	0.2
Laquila Sport			#C-20 SUBURBAN	454.0-4	A3	3.73	7.2	37.	1.8	0.1
Malibu Sport			#C-10 SUBURBAN	454.0-4	A3	3.07	8.8	23.	1.7	0.1
Malibu Classic Sport			C-20 SUBURBAN	454.0-4	A3	3.10	7.1	23.	2.6	0.1
Malibu Classic			CAPRICE CLSSED	454.0-4	A3	2.73	8.6	23.	2.2	0.1
El Camino Classic			IMPALA EST WAG	454.0-4	A3	3.42	10.0	24.	2.1	0.1
El Camino										
Malibu Classic Estate Wagon										
Malibu Classic Wagon										
Monte Carlo Coupe										
Caprice Classic										
Caprice Classic Sport										
Impala Sport										
Impala										
Impala Custom										
Bel Air										
Caprice Estate Wagon										
Impala Wagon										
Bel Air Wagon										
C-10 Stepside Pick-up										
C-10 Suburban										
C-10 Fleetside Pick-up										
C-20 Suburban										
Corvette										
Sprint Custom										
Sprint										
C-15 Fenderside Pick-up										
C-15 Suburban										
C-15 Wideside Pick-up										
C-25 Suburban										

## (GM) PONTIAC

350.0-400.0	201-2	LEMAN'S SAFARI	350.0-2	A3	4500	2.73	9.9	35.	2.5	0.0
Ventura		LEMAN'S SAFARI	350.0-2	A3	5000	3.08	8.6	26.	2.4	0.9
Ventura Custom		LEMAN'S	350.0-2	M4	4500	3.23	8.3	32.	2.6	0.1
Firebird		CATALINA SAFAR	400.0-2	A3	5500	3.08	8.3	33.	2.4	0.0
Expirit		GRAND AM	400.0-2	A3	4500	2.93	8.8	30.	2.4	0.0
Formula		# BONNEVILLE	400.0-2	A3	5000	3.23	7.8	37.	1.4	0.0

LeMans Sport  
LeMans Safari  
Luxury LeMans  
Luxury LeMans Safari  
Grand AM  
Catalina  
Bonneville  
Catalina Safari

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.)	FAMILY DESIGNATION	MODEL	ENGINE DISP. & CARB. VENTURIS TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	FUEL ECON. (MPG)	CERTIFICATION LEVELS		
								EXHAUST EMISSIONS	EVAPORATIVE EMISSIONS	(GMS/TEST) HYDRO- CARBONS
(GM) PONTIAC	350.0	201-4	GTO	350.0-4	M4	4000	3.08	8.9	2.0	0.0
LeMans Sport			LEMAN'S SPORT	350.0-4	A3	4500	3.08	9.2	3.1	2.3
Luxury LeMans			*GTO	350.0-4	A3	4000	3.08	8.9	2.5	0.0
Ventura			LEMAN'S	350.0-4	A3	4500	3.08	9.0	3.3	0.0
Ventura Custom			VENTURA	350.0-4	A3	4000	3.08	9.9	2.7	0.0
GTO			LEMAN'S SPORT	350.0-4	M4	4500	3.23	9.4	3.2	0.3
(GM) PONTIAC	400.0-455.0	202	GRAND VILLE	455.0-4	A3	5000	2.93	8.1	2.0	0.4
Formula			CATALINA 405ED	400.0-4	A3	5000	3.08	9.2	2.5	0.0
Trans AM			GRAND SAFARI	455.0-4	A3	5500	3.23	8.4	2.6	0.0
LeMans Sport			STAGEWAY COACH	455.0-4	A3	5500	3.23	8.5	2.9	0.1
LeMans Safari			*GRAND PRIX SJ	455.0-4	A3	4500	3.23	8.4	2.3	0.0
Luxury LeMans			TRANS AM	400.0-4	M4	4500	3.42	8.6	2.0	0.1
Luxury LeMans Safari										
Grand AM										
Grand Prix										
Grand Prix SJ										
Catalina										
Bonneville										
Grand Ville										
Catalina Safari										
Grand Safari										
Stageway Coach										
(GM) PONTIAC	455.0	202 50	TRANS AM	455.0-4	A3	4500	3.08	8.2	3.1	0.0
Trans AM			TRANS AM	455.0-4	M4	4500	3.42	7.9	2.6	0.0
Formula			TRANS AM	455.0-4	A3	4500	3.42	10.1	3.2	0.0
(GM) OLDSMOBILE	350.0	301-4	OMEGA	350.0-4	A3	4000	3.08	N.A.	2.5	0.1
Cutlass			DELTA 88 ROYAL	350.0-4	A3	5000	3.08	9.0	2.8	0.1
Cutlass S			CUTLASS S	350.0-4	A3	4500	2.73	9.5	3.4	0.1
Cutlass Supreme			VISTA CRUISER	350.0-4	A3	5000	3.23	8.7	2.9	0.1
Cutlass Salon			CUTLASS SALON	350.0-4	A3	4500	3.08	10.3	3.0	0.1
Cutlass Supreme Station Wagon			*CUTLASS SUPREM	350.0-4	A3	4500	2.73	9.4	2.6	0.1
Cutlass Supreme Vista Cruiser										
Delta 88										
Delta 88 Royale										

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.)	FAMILY DESIGNATION	MODEL	ENGINE DISP. & CARB. VENTURIS TRANS.	INERTIA WEIGHT CLASS (LBS.)	FUEL ECON. AXLE RATIO (HPG)	CERTIFICATION LEVELS			
							EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS	
							(GRAMS/MILE) HYDRO- CARBONS MONOXIDE	OXIDES OF NITROGEN	(GMS/TEST) HYDRO- CARBONS	
(GM) OLDSMOBILE	455.0	302-4	TORONADO	455.0-4 A3	5500	2.73	8.3	1.7	18.	0.1
Cutlass S			CUTLASS S	455.0-4 A3	4500	3.23	7.3	1.7	30.	0.0
Cutlass Supreme			* DELTA 88 WAGON	455.0-4 A3	5500	3.23	7.0	1.9	32.	0.1
Cutlass Salon			* DELTA 88 WAGON	455.0-4 A3	5500	3.23	7.6	1.6	20.	0.0
Cutlass Supreme Station Wagon			* TORONADO	455.0-4 A3	5500	3.07	6.8	2.2	28.	0.1
Cutlass Supreme Vista Cruiser			* 98 REGENCY	455.0-4 A3	5500	2.73	7.6	1.7	26.	0.1
Delta 80										
Delta 88 Royale										
Delta 88 Custom Cruiser										
Ninety Eight										
Ninety Eight Luxury Sedan										
Ninety Eight Regency										
Toronado										

## NOTICES

0.2  
0.0  
0.1  
0.2  
0.6

401-2

350.0

(GM) BUICK

Apollo Hatchback

Apollo Coupe

Apollo Sedan

Century 350 Coupe

Century 350 Sedan

Century 350/Gran Sport

Century Luxus Coupe

Century Luxus Sedan

Regal Formal Coupe

Regal Sedan

Century 350 2 Seat Wagon

Century 350 3 Seat Wagon

Century Luxus 2 Seat Wagon

Century Luxus 3 Seat Wagon

LeSabre Coupe Hardtop

LeSabre Sedan

LeSabre Luxus Coupe Hardtop

LeSabre Luxus Convertible

LeSabre Luxus Hardtop

LeSabre Luxus Sedan

LeSabre Hardtop

LeSabre Hardtop

LeSabre Hardtop

LeSabre Hardtop

LeSabre Hardtop

LeSabre Hardtop

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.)	FAMILY DESIGNATION	MODEL	ENGINE DISP. & CARB. VENTURIS TRANS.	INERTIA WEIGHT CLASS (LBS.)	FUEL ECON. AXLE RATIO (HPG)	CERTIFICATION LEVELS			
							EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS	
							(GRAMS/MILE) HYDRO- CARBONS MONOXIDE	OXIDES OF NITROGEN	(GMS/TEST) HYDRO- CARBONS	
(GM) BUICK	350.0	401-4A	CENTURY 350	350.0-4 A3	4500	2.73	10.4	2.6	27.	0.3
Apollo			* LESABRE	350.0-4 A3	5000	3.08	9.0	2.9	25.	0.0
Century 350			* LESABRE WAGON	350.0-4 A3	5000	3.23	N/A	2.0	23.	0.0
Century 350/Gran Sport			LESABRE	350.0-4 A3	5000	3.23	10.4	2.6	20.	0.3
Century Luxus										
Regal Formal										
Regal										
Century 350 Wagon										
Century Luxus Wagon										
LeSabre										
LeSabre Luxus										
(GM) BUICK	455.0	402-2	CENTURY 350	455.0-2 A3	4500	3.42	8.8	2.4	23.	0.5
Century 350			LESABRE	455.0-2 A3	5000	2.73	8.1	2.5	26.	0.6
Century Luxus			LESABRE	455.0-2 A3	5000	3.23	8.7	2.3	31.	0.8
Regal Formal			LESABRE	455.0-2 A3	5000	2.73	7.6	1.9	26.	0.2
Regal										
Century 350 Wagon										
Century Luxus Wagon										
LeSabre										
LeSabre Luxus										
(GM) BUICK	455.0	402-4	* GRAN SPORT	455.0-4 A3	4500	3.42	9.1	3.3	24.	0.0
Century 350			* ESTATE WAGON	455.0-4 A3	5500	3.23	8.1	2.2	17.	1.3
Century Luxus			* ESTATE WAGON	455.0-4 A3	5500	3.23	9.6	2.3	16.	0.0
Regal Formal			* ELECTRA 225	455.0-4 A3	5500	2.73	7.6	1.6	27.	0.3
Regal			* ELECTRA 225	455.0-4 A3	5500	2.73	8.3	2.6	27.	0.0
Century 350 Gran Sport 455			ESTATE WAGON	455.0-4 A3	5500	3.23	9.3	3.1	13.	0.0
LeSabre										
LeSabre Luxus										
Estate Wagon										
Electra 225										
Electra Limited										
Riviera										
Riviera GS										
Riviera GS Stage I										
Century 350 Wagon										
Century Luxus Wagon										

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

TEST VEHICLES										CERTIFICATION LEVELS						
ENGINE FAMILY			ENGINE		INERTIA		FUEL		HYDRO-CARBONS		EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS			
MANUFACTURER (MODELS)	DISP. (CUBIC IN.)	FAMILY DESIGNATION	MODEL	DISP. & CARB. VENTURIS	TRANS.	CLASS (LBS.)	AXLE RATIO (MPG)	ECON. (MPG)	CARBONS	OXIDES OF NITROGEN	(GRAMS/MILE)	(GMS/TEST)	HYDRO-CARBONS			
-----																
(GM) CADILLAC	472.0-500.0	501	DEVILLE	472.0-4	A3	5500	2.93	8.9	2.6	2.6	2.6	0.3	0.3			
Cadillac			*FLEETWOOD 75L1	472.0-4	A3	5500	3.15	8.7	2.8	3.0	1.6	0.3	0.3			
Deville			*FLEETWOOD 75L1	472.0-4	A3	5500	3.15	8.2	1.7	2.0	1.9	0.3	0.3			
Fleetwood 60 Brougham			ELDOORADO	500.0-4	A3	5500	3.07	8.0	1.8	3.7	2.4	0.3	0.3			
Fleetwood 75 Sedan			*ELDOORADO	500.0-4	A3	5500	3.07	10.4	1.7	2.3	1.2	0.3	0.3			
Fleetwood 75 Limo																
-----																
GLASSIC	302.0	302	*MAJESTIC	302.0-2	A3	2750	3.00	12.3	2.2	3.6	1.0	0.2	0.2			
Phantom																
Roadster																
-----																
Honda Civic - 2-door Sedan	145.5	145M	*CIVIC	75.5-2	M4	2000	4.93	29.1	2.2	3.4	1.2	0.4	0.4			
Honda Civic - 3-door Sedan			*CIVIC	75.5-2	SA	2000	4.11	21.8	1.7	3.9	1.5	0.0	0.0			
-----																
IMC	258.0	6-258	100PICKUP 2WD	258.0-1	M3	4000	3.73	12.7	1.3	2.1	2.5	0.0	0.0			
Scout 4x2			SCOUT 4WD	258.0-1	M3	4000	3.73	12.3	1.0	2.3	2.1	0.7	0.7			
Scout 4x4			*SCOUT 2WD	258.0-1	A3	4000	4.27	11.3	1.3	2.4	1.9	0.0	0.0			
100 Pick-up 4x2			100PICKUP 2WD	258.0-1	M4	4000	4.09	11.1	1.4	2.7	2.3	0.4	0.4			
-----																
IMC	304.0	V-304	100PICKUP 2WD	304.0-2	M3	4500	3.54	N.A.	3.0	3.3	1.9	0.2	0.2			
Scout 4x2			SCOUT 4WD	304.0-2	M3	4000	3.73	9.6	2.4	3.1	1.9	0.2	0.2			
Scout 4x4			100PICKUP 2WD	304.0-2	A3	4500	4.09	9.6	2.8	3.4	3.0	0.4	0.4			
100 Pick-up 4x2			100PICKUP 2WD	304.0-2	M5	4500	4.09	N.A.	3.1	2.6	2.6	0.2	0.2			
-----																
IMC	345.0	V-345-2	100TALL 2WD	345.0-2	M5	5000	4.09	7.2	3.0	2.9	2.3	0.5	0.5			
Scout 4x2			100PICKUP 2WD	345.0-2	A3	4500	3.54	9.9	2.8	2.5	2.4	0.0	0.0			
Scout 4x4			400TALL 2WD	345.0-2	M4	5000	3.07	N.A.	3.0	3.4	2.4	0.3	0.3			
100 Pick-up 4x2			SCOUT 4WD	345.0-2	A3	4500	3.73	9.6	2.4	2.4	1.8	0.0	0.0			
100 Travelall 4x2																
-----																
IMC	345.0	V-345-4	*X100 PICKUP 2WD	345.0-4	A3	4500	3.54	9.0	2.9	3.2	1.8	0.0	0.0			
Scout 4x2			*XSCOUT 2WD	345.0-4	M4	4500	3.73	7.4	2.8	2.0	1.6	0.1	0.1			
Scout 4x4			*X100PICKUP 2WD	345.0-4	M5	4500	4.09	8.7	2.7	2.8	1.5	0.0	0.0			
100 Pick-up 4x2			*XSCOUT 4WD	345.0-4	A3	4500	3.73	8.5	1.8	2.7	1.6	0.3	0.3			
-----																
IMC	391.0	V-392	100TALL 2WD	391.0-4	A3	5500	3.73	7.2	2.2	2.9	2.6	1.8	1.8			
100 Pick-up 4x2			100TALL 2WD	391.0-4	A3	5500	3.54	7.8	2.5	2.9	2.5	1.9	1.9			
100 Pick-up 4x4			200TALL 4WD	391.0-4	A3	5500	3.54	7.5	2.1	3.3	2.5	0.2	0.2			
100 Travelall 4x2																
200 Travelall 4x2																
200 Travelall 4x4																

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

TEST VEHICLES										CERTIFICATION LEVELS		
MANUFACTURER (MODELS)	ENGINE FAMILY		MODEL	ENGINE DISP. & CARB. VENTURIS TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO (MPG)	FUEL ECON. RATIO (MPG)	EXHAUST EMISSIONS			EVAPORATIVE EMISSIONS (GMS/TEST) HYDRO- CARBON OXIDES OF NITROGEN CARBONS	
	DISP. (CUBIC IN.)	FAMILY DESIGNATION						(GRAMS/MILE) CARBON MONOXIDE	(GRAMS/MILE) CARBON DIOXIDE	(GRAMS/MILE) HYDRO- CARBON OXIDES OF NITROGEN		
IMC	401.0	V-400	100PICKUP 2WD	401.0- 2	A3	4500 3.54	9.3	1.4	20.	1.6	0.4	
100 Pickup 4X2			100T'ALL 2WD	401.0- 2	A3	5000 3.54	9.8	1.4	26.	2.0	0.8	
100 Travelall 4X2			100T'ALL 2WD	401.0- 2	M4	5000 3.54	8.3	2.5	18.	2.1	0.4	
200 Travelall 4X2												
ISUZU	110.8	6180	X-LUV PICKUP	110.8- 2	M4	2750 4.56	17.5	2.5	31.	1.4	1.0	
LUV			X-LUV PICKUP	110.8- 2	M4	2750 4.56	21.7	2.0	31.	1.1	0.2	
K330												
LAMBORGHINI	239.7	L-403	X-JARAH 400GT	239.7-12	M5	4000 4.50	7.3	1.8	17.	0.8	0.0	
Espeada 400 GT			X-ESPADA 400GT	239.7-12	M5	4000 4.50	7.2	1.3	20.	0.8	0.0	
Jarama 400 GT												
LOTUS	95.0	TWIN CAM	X-EUROPA SPECIAL	95.0- 2	M5	2000 3.78	25.2	3.2	22.	1.6	0.0	
Europa Special			X-EUROPA	95.0- 2	M4	2000 3.56	24.5	2.8	16.	1.3	0.0	
MASERATI	301.6	107/49	X-MORA	301.0- 4	M5	4000 3.77	11.6	0.4	15.	1.1	0.0	
Bora (117)			X-MORA	301.0- 8	M5	4000 3.77	7.8	1.1	25.	1.3	0.0	
Khamin (120)												
MERCEDES BENZ	141.0	L-4	MB-115	141.0- 1	A4	3500 3.92	14.3	2.2	17.	1.9	0.1	
MB 115			MB-115	141.0- 1	A4	3500 3.92	12.9	2.4	16.	2.0	0.1	
MERCEDES BENZ	167.5	L/6-US	MB-114	167.5- 4	A4	3500 3.92	13.1	2.8	23.	2.2	0.8	
MB 114			MB-114	167.5- 4	A4	3500 3.92	14.1	2.4	22.	1.6	0.0	
MERCEDES BENZ	167.5	L/6-CALIF.	X-MB-114	167.5- 4	A4	3500 3.92	10.9	0.7	19.	1.0	0.7	
MB 114			X-MB-114	167.5- 4	A4	3500 3.92	11.3	0.7	17.	1.5	0.0	
MERCEDES BENZ	276.0	V/8-US	MB-107	276.0-FI	A3	4000 3.07	10.1	1.8	19.	2.0	0.1	
MB 107			MB-116	276.0-FI	A3	4500 3.07	9.9	2.7	23.	2.8	0.1	
MERCEDES BENZ	276.0	V/8-CALIF.	X-MB-107	276.0-FI	A3	4000 3.07	10.6	2.2	16.	2.0	0.0	
MB 107			X-MB-116	276.0-FI	A3	4500 3.07	10.3	2.4	16.	2.3	0.0	

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.)	FAMILY DESIGNATION	MODEL	TEST VEHICLES				CERTIFICATION LEVELS			
				ENGINE DISP. (CUBIC IN.)	TRANS.	INERTIA WEIGHT CLASS	FUEL ECON. RATIO (MPG)	EXHAUST EMISSIONS	EVAPORATIVE EMISSIONS	(GRAMS/MILE) HYDRO- CARBONS	(GRAMS/MILE) OXIDES OF NITROGEN
MITSUBISHI Dodge Colt Plymouth Cricket	97.5	4632	DODGE COLT CP	97.5-2	M4	2500	3.89 22.5	2.7	29.	2.1	0.3
			DODGE COLT CP	97.5-2	A3	2500	3.89 21.5	1.9	30.	2.7	0.0
			X-DODGE COLT SW	97.5-2	M4	2750	3.89 21.8	2.4	35.	1.3	0.2
			X-DODGE COLT SW	97.5-2	A3	2750	3.89 21.9	2.1	35.	1.4	0.2
MITSUBISHI Dodge Colt Plymouth Cricket	121.8	4652	DODGE COLT CP	121.8-2	A3	2500	3.55 19.1	2.7	34.1	1.9	0.0
			DODGE COLT CP	121.8-2	A3	2500	3.55 18.7	2.6	33.	2.1	0.1
			DODGE COLT SW	121.8-2	A3	2750	3.55 21.2	2.1	31.	1.8	0.0
			X-DODGE COLT SW	121.8-2	A3	2750	3.55 18.3	2.8	39.	1.3	0.1
NISSAN Datsun 710 Datsun Pickup	108.0	4	DATSUN PICKUP	108.0-2	M4	2750	4.38 18.5	2.8	27.	1.3	0.0
			X-DATSUN 710	108.0-2	M4	2500	3.89 20.0	2.9	24.	1.3	0.0
			DATSUN 710	108.0-2	M4	2750	3.89 19.5	3.0	28.	1.2	0.5
			DATSUN PICKUP	108.0-2	A3	2750	4.11 20.7	2.6	29.	1.3	0.0
NISSAN Datsun 610	78.7	5	X-DATSUN B210	78.7-2	A3	2250	3.90 22.2	2.7	37.	1.2	0.5
			X-DATSUN B210	78.7-2	M4	2250	3.90 24.9	1.9	18.	1.1	0.6
			X-DATSUN B210	78.7-2	M4	2250	3.90 21.9	2.0	25.	1.3	0.4
			X-DATSUN 610	119.1-2	M4	2750	3.70 20.6	2.3	21.	1.2	0.8
NISSAN Datsun 610	119.1	6	X-DATSUN 610	119.1-2	M4	2750	3.89 19.8	1.7	23.	1.3	0.3
			X-DATSUN 610	119.1-2	A3	2750	3.89 19.8	1.7	23.	1.3	0.3
			X-DATSUN 610	119.1-2	A3	2750	3.89 19.8	1.7	23.	1.3	0.3
			X-DATSUN 610	119.1-2	A3	2750	3.89 19.8	1.7	23.	1.3	0.3
NISSAN Datsun 260Z	156.6	7	X-DATSUN 260Z	156.6-1	A3	3000	3.58 15.8	3.0	20.	1.8	0.0
			X-DATSUN 260Z	156.6-1	M4	3000	3.36 16.2	2.8	14.	1.2	0.0
			X-DATSUN 260Z	156.6-1	M4	3000	3.36 15.0	2.7	22.	1.3	0.2
			X-DATSUN 260Z	156.6-1	M4	3000	3.36 15.0	2.7	22.	1.3	0.2
OPEL Manta Manta Luxus Manta Rallye Opel 1900	115.8	601	MANTA	115.8-2	M4	2500	3.44 18.2	3.4	28.	2.2	0.1
			MANTA LUXUS	115.8-2	A3	2500	3.44 17.8	2.7	30.	2.4	0.1
			MANTA RALLYE	115.8-2	M4	2500	3.67 19.8	3.1	24.	1.6	0.0
			MANTA RALLYE	115.8-2	M4	2500	3.67 18.7	2.8	23.	2.0	0.2
OPEL Manta Manta Luxus Manta Rallye Opel 1900	115.8	601	X-PEL 1900	115.8-2	A3	2500	3.44 18.2	2.8	34.	1.8	0.5
			X-PEL 1900	115.8-2	A3	2500	3.44 18.2	2.8	34.	1.8	0.5
			X-PEL 1900	115.8-2	A3	2500	3.44 18.2	2.8	34.	1.8	0.5
			X-PEL 1900	115.8-2	A3	2500	3.44 18.2	2.8	34.	1.8	0.5

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.)	FAMILY DESIGNATION	MODEL	TEST VEHICLES				CERTIFICATION LEVELS			
				ENGINE DISP. (CUBIC IN.)	TRANS.	INERTIA WEIGHT CLASS	FUEL ECON. RATIO (MPG)	EXHAUST EMISSIONS	EVAPORATIVE EMISSIONS	(GRAMS/MILE) HYDRO- CARBONS	(GRAMS/MILE) OXIDES OF NITROGEN
PEUGEOT 504 Sedan 504 Station Wagon	120.0	504 XN1 1974X504XN1 X504XN1	504 Sedan	120.0-2	A3	3000	3.78 17.0	0.6	25.	1.3	0.2
			504 Station Wagon	120.0-2	M4	3000	3.78 16.8	1.3	14.	1.0	0.0
			504 Sedan	120.0-2	A3	3000	3.78 17.0	0.6	25.	1.3	0.2
			504 Station Wagon	120.0-2	M4	3000	3.78 16.8	1.3	14.	1.0	0.0
PORSCHE 911T 911S 911 Carrera	163.9	I	911 S	163.9-FI	SA	2750	3.86 16.9	2.0	19.	2.5	0.0
			911 T	163.9-FI	MS	2750	4.45 16.1	1.6	19.	1.6	0.0
			911 Carrera	163.9-FI	M4	2750	4.45 19.1	1.5	20.	1.8	0.0
			911 Carrera	163.9-FI	MS	2750	4.45 17.2	1.3	13.	1.6	0.0
RENAULT Renault 17 Gordini Coupe Renault 17 Gordini Coupe Convertible	95.5	807	17 SPORT CPE	95.5-FI	MS	2750	3.77 17.8	1.9	26.	1.8	0.4
			17 SPORT CPE	95.5-FI	MS	2750	3.77 22.2	2.0	30.	2.0	0.6
			17 SPORT CPE	95.5-FI	MS	2750	3.77 22.2	2.0	30.	2.0	0.6
			17 SPORT CPE	95.5-FI	MS	2750	3.77 22.2	2.0	30.	2.0	0.6
RENAULT Renault 12 Four-Door Sedan Renault 12L Four-Door Sedan Renault 12TL Four-Door Sedan Renault 12TL Four-Door Station Wagon Renault 15TL Coupe Renault 17TL Coupe Renault 17TL Coupe Convertible	100.5	841	12 SON	100.5-2	M4	2500	3.77 18.8	1.9	32.	1.5	0.1
			15 CPE	100.5-2	M4	2500	3.77 17.9	1.9	29.	2.4	0.2
			12 SON	100.5-2	A3	2500	3.55 19.1	1.7	28.	2.3	0.8
			X-12 SON	100.5-2	M4	2500	3.77 17.8	2.1	31.	1.3	0.6
RENAULT Renault 12L Four-Door Sedan Renault 12TL Four-Door Sedan Renault 12TL Four-Door Station Wagon Renault 15TL Coupe Renault 17TL Coupe Renault 17TL Coupe Convertible	100.5	841	X-17 TL CPE	100.5-2	M4	2750	3.77 17.5	1.7	27.	1.4	0.2
			X-12 ST MAG	100.5-2	A3	2750	3.55 22.2	2.0	29.	1.8	0.6
			X-12 ST MAG	100.5-2	A3	2750	3.55 22.2	2.0	29.	1.8	0.6
			X-12 ST MAG	100.5-2	A3	2750	3.55 22.2	2.0	29.	1.8	0.6
ROLLS-ROYCE Rolls-Royce Silver Shadow Rolls-Royce Corniche Rolls-Royce Corniche Mark II Bentley "T" Series Bentley Corniche	412.0	1	X-SILVER SHADOW	412.0-2	A3	5000	3.07 9.3	3.0	36.	1.8	0.1
			X-SILVER SHADOW	412.0-2	A3	5500	3.07 7.8	2.0	33.	1.7	0.1
			X-SILVER SHADOW	412.0-2	A3	5000	3.07 9.3	3.0	36.	1.8	0.1
			X-SILVER SHADOW	412.0-2	A3	5500	3.07 7.8	2.0	33.	1.7	0.1
SAAB SAAB 900 SAAB 900 LE SAAB 900 CC SAAB 900 GL	103.5	P103.5	SAAB 97	103.5-1	M4	2250	4.66 21.7	1.9	18.	2.1	0.0
			SAAB 97	103.5-1	M4	2250	4.66 20.3	2.3	37.	2.2	0.0
			SAAB 99	121.0-1	M4	2750	3.89 18.8	1.7	24.	2.2	0.5
			SAAB 99	121.0-1	M4	2750	3.89 18.8	1.7	24.	2.2	0.5
SAAB SAAB 99 LE SAAB 99 CC SAAB 99 GL	121.0	BE 20	SAAB 99 LE	121.0-FI	M4	3000	3.89 17.0	2.8	30.	1.7	0.4
			SAAB 99 LE	121.0-FI	A3	3000	3.89 16.1	1.7	18.	2.4	0.6
			SAAB 99 CC	121.0-FI	M4	2750	3.89 19.4	2.7	18.	1.8	0.6
			SAAB 99 GL	121.0-FI	M4	2750	3.89 19.4	2.7	18.	1.8	0.6

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

1974 MODEL YEAR LIGHT DUTY VEHICLES										CERTIFICATION LEVELS			
TEST VEHICLES										EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS	
MANUFACTURER (MODELS)	ENGINE FAMILY	DISP. (CUBIC IN.)	FAMILY DESIGNATION	MOOFL	ENGINE DISP. & CARB. VENTURIS TRANS. (LBS.)	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO (MPG)	FUEL ECON. (MPG)	HYDRO-CARBONS MONOXIDE	NITROGEN	(GMS/TEST)	HYDRO-CARBONS	
TOYU KOGYO		96.8			96.8- 2	A3	2500	4.11	18.9	2.1	33.	2.2	0.0
MAZDA: 808 Sedan	TOYU-1				96.8- 2	M4	2500	3.70	20.0	2.5	27.	1.9	0.0
MAZDA: 808 Coupe													
MAZDA: 808 Station Wagon													
MAZDA: B1600 Pickup													
TOYO KOGYU		109.6			109.6- 2	M4	3000	4.11	15.2	2.3	30.	0.4	0.0
MAZDA: B1800 Pickup	TOYO-2				109.6- 2	M4	3000	4.11	14.2	1.8	25.	1.1	0.0
COURIER: Pickup					109.6- 2	A3	3000	4.63	14.3	1.2	27.	1.1	0.0
TOYO KOGYO		70.0			70.0- 4	M4	2750	3.70	10.8	1.8	15.	0.7	0.0
MAZDA: RX-2 Sedan	TOYO-3				70.0- 4	A3	2750	3.70	10.7	2.6	34.	0.7	0.0
MAZDA: RX-2 Coupe					70.0- 4	M4	2750	3.90	10.6	1.6	14.	0.8	0.0
MAZDA: RX-3 Sedan													
MAZDA: RX-3 Coupe													
MAZDA: RX-3 Station Wagon													
TOYO KOGYO		80.0			80.0- 4	A3	3000	3.90	10.3	2.4	28.	1.2	0.2
MAZDA: RX-4 Sedan	TOYO-4				80.0- 4	M4	3000	3.90	10.4	2.6	19.	0.9	0.2
MAZDA: RX-4 Coupe					80.0- 4	M4	3000	4.63	12.8	1.6	10.	1.1	0.2
MAZDA: RX-4 Station Wagon													
MAZDA: Rotary Pickup													

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

1974 MODEL YEAR LIGHT DUTY VEHICLES										CERTIFICATION LEVELS					
TEST VEHICLES										EXHAUST EMISSIONS				EVAPORATIVE EMISSIONS	
MANUFACTURER (MODELS)	ENGINE FAMILY	DISP. (CUBIC IN.)	FAMILY DESIGNATION	MODEL	ENGINE DISP. & CARB. VENTURIS TRANS. (LBS.)	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO (MPG)	FUEL ECON. (MPG)	(GRAMS/MILE)	HYDRO-CARBONS MONOXIDE	OXIDES OF NITROGEN	(GMS/TEST) CARBONS	0.4	0.2	
TOYOTA Corolla-1	3KC	71.2		* COROLLA-1 COOP	71.2- 2	M4	2000	4.22	27.1	2.0	17.	1.4	0.4		
				* COROLLA-1 SED	71.2- 2	M4	2000	4.22	24.8	2.0	21.	1.4	0.2		
TOYOTA Corolla-2	2TC	96.9		COROLLA-2 SED	96.9- 2	M4	2250	4.11	22.6	2.5	26.	1.4	0.2		
				COROLLA-2 SED	96.9- 2	A2	2250	3.90	20.8	2.3	22.	1.8	0.2		
				COROLLA-2 STVN	96.9- 2	A3	2500	4.10	19.0	1.3	24.	1.8	0.3		
				* COROLLA-2 SED	96.9- 2	A2	2500	4.10	19.6	1.2	21.	1.7	0.0		
				* COROLLA-2 SED	96.9- 2	M4	2250	3.91	18.8	1.8	20.	1.5	0.0		
				* COROLLA-2 STVN	96.9- 2	A3	2500	4.10	21.1	2.1	18.	2.6	0.0		
TOYOTA Celica Corona Hilux 1/2-Ton Pick-up Hilux Camper	18R-C	120.0		* CORONA-2D SED	120.0- 2	A3	2500	4.10	18.4	2.4	29.	1.5	0.3		
				CORONA-2D SED	120.0- 2	A3	2500	4.10	16.9	1.7	27.	2.3	0.1		
				CORONA-2D SED	120.0- 2	M4	2500	3.91	18.4	2.1	27.	2.1	0.0		
				* HILUX CAMPER	120.0- 2	M4	3000	4.11	17.1	2.7	21.	1.8	0.1		
				* CORONA HHD TOP	120.0- 2	M4	2750	3.91	16.9	2.5	24.	1.4	0.5		
				HILUX PICKUP	120.0- 2	M4	2750	4.11	16.3	2.0	21.	2.3	0.5		
TOYOTA Corona Mark II	4R	156.4		* MARK II STGN	156.4- 2	A3	3000	4.11	15.2	2.1	22.	1.6	0.1		
				MARK II STGN	156.4- 2	A3	3000	4.11	19.4	1.4	14.	2.2	0.0		
				* MARK II SEDAN	156.4- 2	M4	3000	3.90	15.0	2.0	21.	1.6	0.0		
				MARK II SEDAN	156.4- 2	A3	3000	3.90	15.4	1.6	21.	2.1	0.1		
				MARK II SEDAN	156.4- 2	M4	3000	3.90	15.1	2.0	20.	1.9	0.1		
TOYOTA Land Cruiser	F	236.7		* LAND CRUISERSV	236.7- 2	M4	4500	4.11	8.3	1.9	23.	1.4	0.7		
				LAND CRUISERHT	236.7- 2	M3	4000	4.11	12.6	2.1	24.	1.7	0.2		
				LAND CRUISERSW	236.7- 2	M3	4500	4.11	9.7	1.9	26.	2.6	0.1		

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

1974 MODEL YEAR LIGHT DUTY VEHICLES										CERTIFICATION LEVELS				
TEST VEHICLES										EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS		
MANUFACTURER (MODELS)	ENGINE FAMILY	DISP. (CUBIC IN.)	DESIGNATION	MODEL	ENGINE DISP. & CARRIAGE TRANS.	INERTIA WEIGHT CLASS (LBS.)	FUEL ECUM. RATIO (MPG)	HYDRO-CARBONS (GMS/MILE)	OXIDES OF NITROGEN	HYDRO-CARBONS (GMS/TEST)				
TV2	TH	152.0		*TVR 2500M	152.0-2	M4	2500	3.45	19.0	1.9	25.	1.9	0.4	
TV2 2500M														
VOLVO		121.0		144	121.0-F1	A3	3000	4.10	16.1	2.7	25.	2.6	0.0	
VOLVO: 142				*145	121.0-F1	M4	3500	4.10	18.4	3.1	30.	3.5	0.1	
VOLVO: 144				142	121.0-F1	M5	3000	4.30	17.5	2.5	17.	2.8	0.0	
VOLVO: 145														
VOLVO		121.0		*144	121.0-F1	A3	3000	4.10	17.0	3.2	38.	2.2	0.2	
VOLVO: 142				145	121.0-F1	M4	3500	4.10	15.8	3.4	37.	2.0	0.0	
VOLVO: 144														
VOLVO: 145														
VOLVO		182.0		*164	182.0-F1	A3	3500	3.31	12.1	2.1	9.	1.7	0.0	
VOLVO: 164				164	182.0-F1	A3	3500	3.31	14.5	2.2	13.	2.3	0.0	
VOLVO: 164				164	182.0-F1	M5	3500	3.73	13.4	3.0	28.	2.6	0.0	
VOLKSWAGEN	1	97.0		*DELUXE SEDAN11	97.0-1	M4	2250	3.68	20.9	2.5	25.	2.0	0.4	
Deluxe Sedan 11				VW 181	97.0-1	M4	2250	4.12	21.0	2.6	24.	1.8	0.0	
Karmann Ghia 15				*CONVERTIBLE 15	97.0-1	SA	2500	4.12	22.6	3.4	32.	1.8	0.0	
Vt Convertible 15				*KARMAN GHIA 14	97.0-1	M4	2250	3.88	21.7	2.1	25.	1.8	0.0	
VW 181				DELUXE SEDAN11	97.0-1	M4	2250	3.88	N.A.	3.4	23.	2.5	0.0	
				*KARMAN GHIA 14	97.0-1	SA	2250	4.12	N.A.	3.1	39.	1.3	0.0	
VOLKSWAGEN	102.0-109.0-2			SQUAREBACK 46	109.0-F1	A3	2750	3.91	24.6	2.2	23.	2.2	0.0	
Deluxe Van 21				KOMBI 22	109.0-F1	M4	3500	4.86	19.8	3.2	34.	1.8	0.0	
Station Wagon 22				*SQUAREBACK 46	109.0-F1	A3	2750	3.91	20.0	2.5	26.	1.6	0.0	
Kombi 21				*KOMBI 22	109.0-F1	A3	3500	4.45	16.3	3.4	33.	1.8	0.0	
412 Sedan				KOMBI 22	109.0-F1	A3	3500	4.45	18.4	2.8	30.	2.8	0.0	
412 Wagon				*SQUAREBACK 46	102.0-F1	M4	2750	3.90	27.9	2.7	23.	2.4	0.0	
VOLKSWAGEN	120.0	3		*ROADSTER 914-4	120.0-F1	M5	2500	4.43	17.5	2.4	20.	1.9	0.0	
Roadster 914/4				*ROADSTER 914-4	120.0-F1	M5	2500	4.43	17.0	2.3	20.	1.9	0.0	
2 litre														

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## 1974 MODEL YEAR LIGHT DUTY VEHICLES

1974 MODEL YEAR LIGHT DUTY VEHICLES											
TEST VEHICLES					CERTIFICATION LEVELS						
MANUFACTURER (MODELS)	ENGINE FAMILY DISP. (CUBIC IN.) DESIGNATION	ENGINE DISP. & CARB. VENTURIS TRANS.	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO (MPG)	FUEL ECON. (MPG)	EXHAUST EMISSIONS		EVAPORATIVE EMISSIONS			
						HYDRO- CARBONS MONOXIDE	OXIDES OF NITROGEN	(GRAMS/MILE)	(GMS/TEST) HYDRO- CARBONS		
VOLKSWAGEN											
Dasher Sedan 32	40.0	4									
Dasher Station Wagon 33											
			VW SEDAN 32	A3	2500	4.09	23.3	3.3	35.	2.4	0.1
			VW SEDAN 32	M4	2500	4.11	24.3	3.2	27.	1.9	0.1
			AUDI FOX	M4	2500	4.11	22.0	2.4	36.	1.8	0.1
			*VW STN WAG 33	A3	2500	4.09	21.2	2.5	32.	2.2	0.1
VOLKSWAGEN											
	90.0	4A									
Dasher Sedan 32			*AUDI FOX	M4	2500	4.11	21.1	1.9	20.	1.3	0.3
Dasher Station Wagon 33			*VW SEDAN 32	M4	2500	4.11	22.7	2.5	24.	1.3	0.3
			*VW SEDAN 32	A3	2500	4.09	22.7	1.5	21.	1.8	0.5
			*VW STN WAG 33	A3	2500	4.09	23.7	1.8	20.	1.4	0.0
VOLKSWAGEN											
Delivery Van 21	109.0	5									
Station Wagon 23			KOMBI 22	M4	3500	4.86	18.5	2.3	26.	2.1	0.0
Kombi 23			KOMBI 22	A3	3500	4.36	19.0	2.3	37.	2.7	0.0
			KOMBI 22	M4	3500	4.86	17.2	3.1	26.	2.7	1.4
			KOMBI 22	A3	3500	4.36	17.9	3.1	33.	2.1	0.1

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## 1974 MODEL YEAR HEAVY DUTY GASOLINE ENGINES

Manufacturer	Engine Family		Test Engine Displacement (Cubic Inches)	Certification Levels	
	Displacement (Cubic Inches)	Designation		Hydrocarbons + NO <sub>x</sub> GM/BHP-HR	Exhaust Emissions Carbon Monoxide GM/BHP-HR
AMC-1 H.D.G.	360	III	360	9	19
	401		401	11	38
Chrysler Corporation	198-225	RG	225	14	20
	318		318	13	28
	LA	LA	318	15	38
			318	16	28
	360	LA-1	360	13	30
	361		361	13	24
	LB	LB	361	15	23
			400	16	15
	413	RB	413	15	17
	440		440	16	23
Diamond Reo	RBH	RBH	440	14	23
			440	13	20
	I-6	I-6	400	10	28
			468	13	12
	V-8	V-8	468	13	12
			468	13	12
Ford Motor Company	300	300	300	8	16
	302		302	14	14
	330	330-361-391	330	12	31
	361		361	11	17
	391		361	15	19
			391	12	16
	360	360-390	360	15	17
	390		390	16	14

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## 1974 MODEL YEAR HEAVY DUTY GASOLINE ENGINES

Manufacturer	Engine Family		Test Engine Displacement (Cubic Inches)	Certification Levels	
	Displacement (Cubic Inches)	Designation		Hydrocarbons + NO <sub>x</sub> GM/BHP-HR	Exhaust Emissions Carbon Monoxide GM/BHP-HR
Ford Motor Company	401	401-477-534	401	16	30
	477		477	12	28
	534		534	15	27
	460		460	14	34
General Motors Corp H.D.G.	250	GM-111	250	12	25
	250		250	12	26
	292	GM-112	292	13	25
	292		292	9	15
	350	GM-113	350	12	17
	350		350	13	19
	350	GM-114	350	15	29
	366		366	13	32
	427	GM-115	427	14	26
	427		366	12	37
	454	GM-312	454	12	27
	455		455	12	15
	379	GM-811	379	14	23
	432		432	15	26
	478	GM-813	478	13	25
	305		305	13	24

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## 1974 MODEL YEAR HEAVY DUTY GASOLINE ENGINES

Manufacturer	Engine Family Aspiration	Engine Family Designation	Test Engine Displacement (Cubic In.)	Certification Levels	
				Hydrocarbons+NO <sub>x</sub> GM/BHP-HR	Exhaust Emissions Carbon Monoxide GM/BHP-HR
General Motors Corp.	NA	GM-111	250	12	25
			250	12	26
			292	13	25
	NA	GM-112	292	9	15
			350	12	17
			350	13	19
	NA	GM-113	350	15	29
			366	13	32
			366	12	37
	NA	GM-114	427	14	26
			427	14	26
			454	12	27
	NA	GM-115	454	12	15
			455	12	15
			379	14	23
	NA	GM-811	432	15	26
			478	13	25
			305	13	24
International Harvester	NA	GM-511	472	14	20
			455	13	18
			258	15	26
	NA	V-304	304	8	34
			304	11	25
			345	13	31
	NA	V-345	345	14	22
			345	13	36
			392	12	27
	NA	V-392	392	13	34
			450	13	34
			501	10	32
	NA	RD-406,450	478	12	30
			478	15	36
			478	15	36

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## 1974 MODEL YEAR HEAVY DUTY DIESEL ENGINES

Manufacturer	Engine Family Aspiration	Engine Family Designation	Test Engine Model	Rated Maximum H.P. Torque	Certification Levels	
					Hydrocarbons+NO <sub>x</sub> GM/BHP-HR	Exhaust Emissions Carbon Monoxide GM/BHP-HR
Caterpillar	NA	1	1145	326	10	16
			1145	326	11	12
			1150	403	12	13
	NA	2	1150	403	11	11
			1160	474	11	11
			1160	474	11	11
	TC	4	3306	690	6	9
			3306	690	6	11
			1674	805	5	18
	TC	6	1693T	1000	7	13
			1693T	1000	6	11
			1693TA	1275	5	17
	TC	8	3406	840	9	11
			3406	840	11	12
			3406	970	7	7
	TC	9	3406	970	6	7
			3406	970	6	7
			3406	1145	6	16
	TC	10	3406	1145	6	19
			3406	1145	6	19
			3406	1145	6	19
Hino	EB	EB300	165	435	8	9
			165	435	6	11
			165	435	6	11

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## 1974 MODEL YEAR HEAVY DUTY DIESEL ENGINES

Manufacturer	Engine Family Engine Air Aspiration	Engine Family Designation	Test Engines		Certification Levels			
			Model	Rated H.P.	Maximum Torque	Hydrocarbons*NO <sub>x</sub> GM/BHP-HR	Carbon Monoxide GM/BHP-HR	Smoke Emissions Accel Lug Peak (1) (1)
Cummins Engine Co. Inc.	NA	091	NH-230	220	644	8	5	6 6 6
			0026					
			NH-230	220	644	9	5	7 6 10
	TC	092	NH-230	220	644			
			0026					
			NH-230	220	644			
	TC	093-A	NH-230	220	644			
			0026					
			NH-230	220	644			
	TC	093-B	NH-230	220	644			
			0026					
			NH-230	220	644			
Cummins Engine Co. Inc.	NA	093-B	NH-230	220	644			
			0026					
			NH-230	220	644			
	TC	093-A	NH-230	220	644			
			0026					
			NH-230	220	644			
	TC	093-B	NH-230	220	644			
			0026					
			NH-230	220	644			
	TC	093-C	NH-230	220	644			
			0026					
			NH-230	220	644			
Cummins Engine Co. Inc.	NA	093-D	NH-230	220	644			
			0026					
			NH-230	220	644			
	TC	093-E	NH-230	220	644			
			0026					
			NH-230	220	644			
	TC	093-F	NH-230	220	644			
			0026					
			NH-230	220	644			
	TC	093-G	NH-230	220	644			
			0026					
			NH-230	220	644			
Cummins Engine Co. Inc.	NA	093-H	NH-230	220	644			
			0026					
			NH-230	220	644			
	TC	093-I	NH-230	220	644			
			0026					
			NH-230	220	644			
	TC	093-J	NH-230	220	644			
			0026					
			NH-230	220	644			
	TC	093-K	NH-230	220	644			
			0026					
			NH-230	220	644			

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## 1974 MODEL YEAR HEAVY DUTY DIESEL ENGINES

Manufacturer	Engine Family Engine Air Aspiration	Engine Family Designation	Test Engines		Certification Levels			
			Model	Rated H.P.	Maximum Torque	Hydrocarbons*NO <sub>x</sub> GM/BHP-HR	Carbon Monoxide GM/BHP-HR	Smoke Emissions Accel Lug Peak (1) (1)
Cummins Engine Co. Inc.	NA	181	Super-	240	710	9	3	7 8 8
			250					
			0124					
	TC	182	Super-	240	710	9	4	6 7 8
			250					
			0124					
	TC	183	NTC-927	350	1002	13	2	11 4 13
			0133					
			0133					
	TC	184	NTC-927	350	1002	14	3	15 5 20
			0133					
			0133					
Cummins Engine Co. Inc.	NA	185	NTA-400	400	1200	11	3	18 9 28
			0115					
			0115					
	TC	186	NTA-400	400	1200	11	3	16 9 22
			0115					
			0115					
	TC	187	KT-450	450	1350	10	3	12 2 22
			0159					
			0159					
	NA	188	KT-450	450	1350	10	3	13 2 22
			0159					
			0159					
Cummins Engine Co. Inc.	NA	189	V6-155	149	289	11	11	12 10 17
			5004					
			5004					
	TC	190	V6-155	149	289	13	8	9 6 12
			5004					
			5004					
	NA	191	V8-210	202	387	11	7	10 6 19
			5003					
			5003					
	TC	192	V8-210	202	387	12	8	9 7 12
			5003					
			5003					
Cummins Engine Co. Inc.	NA	193	V8-210	202	387	11	5	10 11 13
			5003					
			5003					
	TC	194	V8-210	202	387	12	5	12 14 17
			5003					
			5003					
	NA	195	V8-210	202	387	11	2	15 7 18
			5003					
			5003					
	TC	196	V8-210	202	387	12	3	12 3 22
			5003					
			5003					
Cummins Engine Co. Inc.	NA	197	V8-210	202	387	11	2	11 3 19
			5003					
			5003					
	TC	198	V8-210	202	387	12	3	12 4 17
			5003					
			5003					
	NA	199	V8-210	202	387	11	2	11 3 19
			5003					
			5003					
	TC	200	V8-210	202	387	12	3	12 4 17
			5003					
			5003					

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## 1974 MODEL YEAR HEAVY DUTY DIESEL ENGINES

Manufacturer	Engine Family Aspiration	Engine Family Designation	Test Engines		Certification Levels					
			Model	Rated H.P.	Maximum Torque	Exhaust Emissions		Smoke Emissions		
						Hydrocarbons+NO <sub>x</sub> GM/BHP-HR	Carbon Monoxide GM/BHP-HR	Accel (g)	Lug Peak (g)	
General Motors Corp.	NA	6V-53N	6V-53N 210	210	440	14	9	7	6	17
			6V-53N	210	440	14	7	13	5	32
	NA	6L-71N(4V)	6L-71N 250	250	610	12	14	19	15	30
			(4V)							
	NA	8V-71N(4V)	8V-71N 333	333	814	14	10	15	7	28
			(4V)							
		8V-71N(4V)	8V-71N 333	333	814	12	9	14	7	28
			(4V)							
	NA	12V-71N(4V)	12V-71N 456	456	1200	11	9	18	6	36
			(4V)							
		12V-71N(4V)	12V-71N 456	456	1200	14	8	14	7	25
			(4V)							
	NA	8V-71N(4V)	8V-71N 280	280	770	11	4	3	4	5
		Coach	(4V)							
		8V-71N(4V)	8V-71N 280	280	770	12	5	3	6	6
		Coach	(4V)							
	NA	6V-71N(2V)	6V-71N 198	198	556	13	5	2	2	2
		Coach	(2V)							
		6V-71N(2V)	6V-71N 198	198	556	11	4	2	2	2
		Coach	(2V)							
TC		6L-71T	6L-71T 262	262	725	12	3	19	3	35
			6L-71T	262	725	6	1	10	3	19
TC		8V-71T	8V-71T 350	350	965	12	4	13	3	23
			8V-71T	350	965	12	4	13	6	18
NA		DH-478	DH-478 130	130	288	11	5	5	7	10
		(Truck)								
		DH-478	DH-478 130	130	288	13	5	7	7	9
		(Truck)								
NA		6V-92	6V-92 285	285	768	12	15	13	13	21
			6V-92	285	768	10	13	15	13	22
NA		8V-92	8V-92 380	380	1025	13	10	15	9	29
			8V-92	380	1025	14	7	11	8	17
TC		6V-92T	6V-92T 322	322	890	12	3	10	4	20
			6V-92T	322	890	12	3	14	3	30
		8V-92T	8V-92T 430	430	1186	-45- 12	4	12	3	31
TC			8V-92T	430	1186	12	4	18	4	41

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## 1974 MODEL YEAR HEAVY DUTY DIESEL ENGINES

Manufacturer	Engine Air Aspiration	Engine Family	Test Engines		Certification Levels				
			Model	Rated H.P.	Maximum Torque	Exhaust Emissions		Smoke Emissions	
						Hydrocarbons+NO <sub>x</sub> GM/BHP-HR	Carbon Monoxide GM/BHP-HR	Accel (g)	Lug Peak (g)
International Harvester	NA	DV-550B	190BHP 190	360	12	7	12	12	17
			190BHP 190	360	12	7	14	12	24
	NA	1	END673B 180	540	13	7	10	12	14
			END673B 180	540	13	7	10	11	14
Mack Trucks, Inc.	TC	3A	ENDT(B) 250	700	15	3	14	4	25
			673C						
			ENDT(B) 250	700	14	3	13	4	21
			673C						
	TC	3B	ENDT(B) 235	906	15	3	11	10	23
			673C						
			ENDT(B) 235	906	15	3	8	7	20
			673C						
			ENDT(B) 235	906	14	3	13	9	31
			673C						
			ENDT(B) 235	906	14	3	14	7	31
			673C						
	TC	6A	ENDT(B) 322	1100	16	3	19	12	33
			865						
			ENDT(B) 322	1100	13	3	19	10	32
			865						
	TC	6B	ENDT(B) 322	1100	13	3	14	13	19
			865						
			ENDT(B) 322	1100	15	3	12	11	16
			865						
	TC4I	7A	ENDT676 300	1130	12	2	12	11	23
			ENDT676 300	1130	13	2	12	8	23
			ENDT676 300	1130	11	2	16	11	33
			ENDT676 300	1130	11	2	12	8	28
	TC4I	7B	ENDT(B) 300	1130	11	1	15	15	34
			676						
			ENDT(B) 300	1130	10	1	14	8	27
			676						
Saab-Scania	TC	1B	DS8 216	510	14	4	17	6	29
			DS8 216	510	14	3	16	6	29
	NA	2	D8 155	385	11	9	13	12	21
			D8 155	385	11	9	12	10	18
White			D8 155	385	12	7	12	11	15
	TC	LDT-46S	LDT-46S-1C 134	335	10	3	16	10	21
			LDT-46S-	-46-					

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[FR Doc. 74-4824 Filed 2-28-74; 8:45 am]

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# federal register

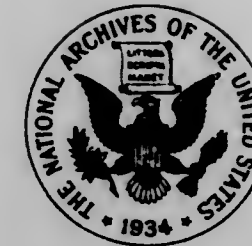
No. 40—Pt. III—1

WEDNESDAY, FEBRUARY 27, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 40

PART III



## OFFICE OF MANAGEMENT AND BUDGET

■

Report Under the Federal  
Impoundment and  
Information Act

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# OFFICE OF MANAGEMENT AND BUDGET

Honorable GERALD T. FORD,  
President of the Senate,  
Washington, D.C. 20510.

FEBRUARY 19, 1974.

DEAR MR. PRESIDENT: The enclosed report is submitted pursuant to the Federal Impoundment and Information Act, as amended. In accordance with that Act, the report is being transmitted to the Congress and to the Comptroller General of the United States, and will be published in the FEDERAL REGISTER.

Sincerely,

ROY L. ASH,  
Director.

## BUDGETARY RESERVES AS OF FEBRUARY 4, 1974

### THE APPORTIONMENT AND RESERVATION OF FUNDS PROCESS

The Antideficiency Act (31 U.S.C. 665) requires, with certain exceptions, that all appropriations, funds, and contract authority be apportioned so as to: prevent obligation of funds in a manner which would require deficiency or supplemental appropriations; achieve the most effective and economical use of amounts made available; provide for contingencies; and effect savings. The Act also requires that apportionments shall be reviewed at least four times each year, and it authorizes reapportionments and the establishment of reserves. The authority granted by this Act is exercised by the Director of the Office of Management and Budget under authority delegated by the President.

Apportionments specify the amounts that may be obligated during specific time periods, usually within the current fiscal year. In some cases, specific provisions of law provide that funds should be available over a period longer than one year. In cases where the amount of contract authority available a year in advance is specified by law, a distinction is made in the accompanying report (Attachment D) between the 1974 and 1975 programs.

The practice of withholding some amounts—"reserving" them—from apportionment, either temporarily or for longer periods, is one of long-standing and has been exercised by all recent administrations as a customary part of financial management. The Antideficiency Act authorizes the withholding of funds from apportionment to provide for contingencies or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. When funds are, by law, made available beyond the current fiscal year, they are generally not fully apportioned in the current year. The unapportioned part is withheld to be released later for use in subsequent years, as required.

In some legislative and appropriation actions, the Congress has required the withholding of specified

## NOTICES

funds. For example, the 1973 Agriculture-Environmental and Consumer Protection Appropriation Act (Public Law 92-399) explicitly required that an amount be placed in reserve pending an administrative determination of need. In other cases, notably the 1974 Labor-HEW Appropriations Act (Public Law 93-192), Congress has authorized the withholding from obligation and expenditure of specified amounts or percentages or appropriated funds. A table showing the amounts withheld under Public Law 93-192 is Attachment A to this report.

In this case, and in instances in which statutory restrictions prevent the use of funds during the fiscal year, the amounts are not considered a part of availability and are therefore not included in the listings of reserves.

In yet another case, Congress has made funds available only upon the arrival of certain contingencies. The 1974 Supplemental Appropriations Act (Public Law 93-245) sets aside a contingency reserve for the Interior Department's Office of Oil and Gas which is to become available only upon enactment of emergency energy legislation.

These Congressional directives are, however, the exception rather than the rule. Most reserves are established at the initiative of the Executive Branch and are based on operational knowledge of the status of specific projects or activities. For example, when a particular objective can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, apportionments sometimes await (1) development by the affected agencies of approval plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available). From time to time, reserves are established for the purpose of conforming to the requirements of other laws. An example is the Executive's responsibility to stay within the statutory limitation on the outstanding public debt.

Most, but not all, funds provided by the Congress are subject to the apportionment process. Subsection (f) of the Antideficiency Act authorizes a series of exemptions. Temporary continuing appropriations are exempt from the apportionment process (Public Law 93-52, as amended, Section 103). Appropriations provided under such temporary continuing appropriation acts are usually indefinite in amount. In addition, some laws establish funding arrangements which are either outside the apportionment process or require Executive determinations before they become sub-

ject to apportionment. The Federal Water Pollution Control Act of 1972 (Public Law 92-500), for example, vests discretion in the Administrator of the Environmental Protection Agency to allot less than the maximum amounts authorized by the Act. Under the provisions of the Act, authority to make contracts does not exist until the allotment is made. Consequently, fund availability (budget authority) exists only when allotments are made and only allotted funds move through the apportionment process. At this date, funds authorized by the Federal Water Pollution Control Act have been allotted on the following basis (dollars in billions):

Fiscal years	Authorized	Allotted	Unallotted
1973.....	5	2	3
1974.....	6	3	3
1975.....	7	4	3

Funds for the Department of Housing and Urban Development present two unique situations with respect to the apportionment of funds. An appropriation for five subsidized housing programs is provided under the account "Housing payments." This appropriation is requested for the payments coming due within a given fiscal year for housing subsidy programs for which long-term commitment authority has been authorized. Fund availability is represented only by the balances of the appropriated amounts; it does not represent the balance of the commitment authority which may extend from 30 to 40 years. Since reserves are established only on the basis of fund availability, and since funds appropriated for this program are needed for liquidation at an early date, no reserves have been established for the subsidized housing programs.

Funds for the Rehabilitation loan program of the Department of Housing and Urban Development have been the subject of litigation in the District Court for the District of Columbia. A total of \$37,218,000 is involved, representing estimated repayments and interest not subject to appropriation action. The amount at issue includes funds which have not yet been—and may not be—received during the current fiscal year.

The amount of funds apportioned or held in reserve at any one time is heavily dependent upon events both preceding and following initial apportionment actions. Key among the predecessor events is the passage of the annual appropriation bills. Apportionments for most Federal programs are made within 30 days of enactment of the appropriation bills. The earlier in the fiscal year these apportionments occur, the greater is the chance that reserves will accompany them. Early in the fiscal year, program and project plans are incomplete and allowances need to be made for contingencies which may occur later in the year.

<sup>1</sup> Whether the discretion exists at the allotment stage or at some later stage is now before the courts.

As administrative plans are completed and other events occur during the year, the need for reserving funds diminishes. Thus, for any one fiscal year, the amount in reserve is relatively low at the beginning of the year (reflecting primarily multi-year funds), peaks 30 days after passage of most of the appropriation bills, and then steadily diminishes as the end of the fiscal year approaches.

## RESERVES AS OF FEBRUARY 4, 1974

All but \$3.7 billion of the 11.8 billion in reserve for 1974 is accounted for by reserve actions in three areas: Federal aid highways (\$3.4 billion), emergency security assistance for Israel (\$2.2 billion), and programs of the Department of Defense (\$2.5 billion). Virtually all of the \$6.3 billion in reserve for 1975 is in the Federal aid highways account and other highway programs.

The \$4.4 billion increase in budgetary reserves for the 1974 program reflects the passage of ten regular appropriation bills and a supplemental appropriation bill since the September 30 report, which included apportionments and reserves for only the three appropriation bills then enacted.

Reserve actions have been initiated in some programs and amounts in reserve increased in others principally to await completion of 1974 program and project plans and to meet contingencies during the 1974 program-year. In the case of programs which have been provided obligational authority beyond the current fiscal year, reserves have been established to ensure that funds will be available

beyond FY 1974 as needed. In addition, reserve actions have been taken in some programs to set aside funds to be used later in the year to meet increased pay costs and thus eliminate the need for supplemental appropriations.

## REPORT REQUIRED BY LAW

This report is submitted in fulfillment of the requirements of the "Federal Impoundment and Information Act," as amended, which provides for a report of "impoundments" and certain other information pertaining thereto. This report lists the budgetary reserves that were in effect as of February 4, 1974.

The Antideficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be made or reserves be established, modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer to item Number 5 of the Federal Impoundment and Information Act, the period of time during which funds are to be in reserve is dependent in all cases upon the results of such later review.

Attachment D lists, by agency, all accounts for which some funds are reserved. An asterisk (\*) identifies those accounts added to the listing since the last report (i.e., such accounts contained no reserves on September 30, 1973). The listing:

Presents the amount currently apportioned for the fiscal year 1974;

Presents the amount in reserve as of February 4, 1974;

States whether the amount reserved will be legally available for obligation in fiscal year 1975;

Indicates the date of the reserve action and the effective date of the current reserve;

Presents a code which relates to the reason for the current reserve action, without necessarily exhausting all possible reasons; and

Presents a code which indicates the estimated fiscal, economic, and budgetary impact of the current reserve.

Codes used in the remainder of this report relating to the reasons for and estimated fiscal, economic, and budgetary impact of the reserve actions are described in Attachments B and C. The codes and footnotes listed for each entry relate to conditions which were in effect as of the date of the reserve action.

## ATTACHMENT A

### 1974 LABOR/HEW APPROPRIATIONS—FUNDS WITHHELD FROM OBLIGATION AND EXPENDITURE

The 1974 appropriations act for the Departments of Labor, and Health, Education, and Welfare, and related agencies (P.L. 93-192) contains the provision that "not to exceed \$400 million, . . . may be withheld from obligation and expenditure . . ." The appropriation language also specifies that no individual appropriation provision may be reduced by more than five percent. In addition, the conference report (H.R. 93-682) establishes dollar limitations for the reductions that may be made to specified programs.

The following table shows the effect of the amounts withheld from programs receiving appropriations under this act. A comparison is drawn between amounts authorized to be withheld in the conference report and actual amounts withheld, as reflected in the 1975 Budget Appendix:

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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health

(In thousands of dollars)

	Authorized to be withheld (conference report)	Amounts withheld (1975 Budget)	Difference
<u>Health Services and Mental Health Ad- ministration:</u>			
Mental health.....	26,874	9,567	-17,307
Health services planning and de- velopment 1/.....	17,509]		
Health services de- livery 1/.....	2,800]	25,937	-16,649
Health manpower 1/..	22,277]		
Preventive health services.....	4,936	0	-4,936
Subtotal.....	(74,396)	(35,504)	(-38,892)
<u>National Institutes of Health:</u>			
National Cancer In- stitute.....	27,560	23,706	-3,854

1/ The 1974 activities of these programs are divided between Health Services Administration and Health Resources in the 1975 Budget Appendix.

	Authorized to be withheld (conference report)	Amounts withheld (1975 Budget)	Difference
<u>National Institutes of Health--Cont'd:</u>			
National Heart and Lung Institute.....	15,145	13,365	-1,780
National Institute of Dental Research.....	2,278	1,607	-671
National Institute of Arthritis, Metabo- lism and Digestive Diseases.....	7,972	6,486	-1,486
National Institute of Neurological Diseases and Stroke.....	6,250	5,042	-1,208
National Institute of Allergy and Infecti- ous Diseases.....	5,700	3,596	-2,104
National Institute of General Medical Sciences.....	8,838	8,449	-389
National Institute of Child Health and Human Development.....	6,512	5,357	-1,155
National Eye In- stitute.....	2,081	1,684	-397
National Institute of Environmental Health Sciences.....	1,443	482	-961
Research resources.....	6,672	5,153	-1,519
John E. Fogarty Inter- national Center.....	237	0	-237
National Library of Medicine.....	877	0	-877
Subtotal.....	(91,564)	(74,927)	(-16,637)
Total, Health.....	165,960	110,431	-55,528

Education

<u>Office of Education:</u>			
Elementary and secondary education....	96,725	94,979	-1,746
School assistance in Federally affected areas.....	16,584	16,584	0



## NOTICES

	Authorized to be withheld (conference report)	Amounts withheld (1975 Budget)	Difference
<u>Office of Education--</u>			
<u>Cont'd:</u>			
Education for the handicapped.....	5,325	5,325	0
Occupational, voca- tional, and adult education.....	26,354	26,354	0
Higher education.....	29,167	29,167	0
Library resources.....	8,585	3,688	-4,897
Educational develop- ment.....	4,487	4,487	0
Salaries and expenses..	93	93	0
Total, Education....	<u>187,320</u>	<u>180,677</u>	<u>-6,643</u>

WelfareSocial and Rehabilitation  
Service:

Grants to States for public assistance.....	2,500	2,500	0
Social and rehabili- tation services.....	<u>7,775</u>	<u>7,775</u>	<u>0</u>
Subtotal.....	(10,275)	(10,275)	(0)

Office of Child Develop-  
ment:

Child development.....	<u>15,500</u>	<u>9,020</u>	<u>-6,480</u>
Subtotal.....	(15,500)	(9,020)	(-6,480)
Total, Welfare.....	<u>25,775</u>	<u>19,295</u>	<u>-6,480</u>

## RELATED AGENCIES

Corporation for Public Broadcasting.....	2,500	2,250 <sup>2/</sup>	-250
Office of Economic Oppor- tunity.....	<u>17,315</u>	<u>9,800<sup>3/</sup></u>	<u>-7,515</u>
Total, Related Agencies.....	<u>18,815</u>	<u>12,050</u>	<u>-7,765</u>
Total, HEW and Re- lated Agencies .....	398,870	322,453	-76,416

<sup>2/</sup> This withholding does not appear in the 1975 Budget Appendix.

<sup>3/</sup> In the 1975 Budget Appendix, this figure is shown as an unobligated balance lapsing.

## NOTICES

ATTACHMENT B  
REASON FOR CURRENT RESERVE

Code	
1.....	"To provide for contingencies" (31 USC 665(c)(2)).
2.....	"To effect savings whenever sav- ings are made possible by or through changes in require- ments, greater efficiency of op- erations, or other developments subsequent to the date on which such (funds were) made available" (31 USC 665(c)(2)).
3.....	To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations avail- able for obligation for only the current year (31 USC 665(c) (1)). This explanation in- cludes amounts anticipated to be used to absorb or partially absorb the costs of recent pay raises grant pursuant to law.
4.....	"To achieve the most effective and economical use" of funds available for periods beyond the current fiscal year (31 USC 665(c)(1)). This explanation includes reserves established to carry out the Congressional in- tent that funds provided for periods greater than one year should be so apportioned that they will be available for the future periods.
5.....	Temporary deferral pending the establishment of an adminis- trative machinery (not yet in place) or obtaining of suffi- cient information not yet available to apportion the funds properly and to insure that the funds will be used in

6.....	The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, Section 3).
6a.....	Obligation at this time of the amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.
6b.....	Existing tax laws and the statu- tory limitation on the national debt are not expected to provide sufficient funds in the current and ensuing fiscal years to cover the total of all out- lays in these years contem- plated by the individual acts of Congress.
6c.....	Action taken consistent with the President's responsibility to help maintain economic sta- bility without undue price and cost increases.
6d.....	Amount apportioned reflects the level of obligations implicitly approved by the Congress in its review of and action on the ap- propriation required to liqui- date obligations under exist- ing contract authority.

6e.....	Other. See footnote for each item so coded.
7.....	The President's constitutional authority and responsibility as Commander in Chief (U.S. Constitution, Article II, Sec- tion 2).
8.....	The President's constitutional authority and responsibility for the conduct of foreign af- fairs (U.S. Constitution, Arti- cle II, Section 2).
9.....	Other. See footnote for each item so coded.
10.....	Not applicable or no reason re- quired. (In most cases where a previous reserve has been ap- portioned in its entirety.)

## ATTACHMENT C

ESTIMATED FISCAL, ECONOMIC, AND  
BUDGETARY EFFECT

I. Same effect as set forth in the most re- cently submitted budget document, of which this item is an integral part.	
II. The reserve action will bring the budg- etary impact of this program to a level nearer or equal to that contemplated in the most recently submitted budget document and contribute to the reduction of inflationary pressures.	
III. The change from the previous reserve is expected to contract the budgetary im- pact of this program and contribute to the reduction of inflationary pressures.	
IV. The release or reduction of the previ- ous reserve will facilitate use and expendi- ture of the available funds consistent with current program needs and economic condi- tions in the area affected.	
V. Other. See footnote for each item so coded.	
VI. Not applicable or no explanation re- quired. (In most cases where a previous re- serve has been apportioned in its entirety.)	



SUMMARY OF BUDGETARY RESERVES  
1974 Program  
(Dollars in millions) 1/

7714

Agency	Amount as of Sept. 30, 1973	Amount as of February 4, 1974
Executive Office of the President.....	--	1
Funds Appropriated to the President.....	96	2,507
Department of Agriculture.....	1,173	1,091
Department of Commerce.....	63	59
Department of Defense--Military.....	1,143	2,514
Department of Defense--Civil.....	1	4
Department of Health, Education, and Welfare.....	23	381
Department of Housing and Urban Development.....	456	823
Department of the Interior.....	162	219
Department of Justice.....	14	14
Department of Labor.....	--	21
Department of State.....	--	86
Department of Transportation.....	3,838	3,817
Department of Treasury.....	22	23
Atomic Energy Commission.....	27	--
Environmental Protection Agency.....	--	95
General Services Administration.....	258	38
National Aeronautics and Space Administration.....	2	2
Veterans Administration.....	43	--
Other Independent Agencies:		
National Science Foundation.....	4	--
Small Business Administration.....	31	31
All other.....	90	89
Total.....	7,446	11,813

ATTACHMENT D

1/ Details may not add due to rounding.

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SUMMARY OF BUDGETARY RESERVES  
1975 Program  
(Dollars in millions)

Agency	Amount as of Sept. 30, 1973	Amount as of Feb. 4, 1974
Department of Agriculture.....	---	140
Department of the Interior.....	75	190
Department of Transportation.....	---	5,994
Total.....	75	6,324

NOTICES

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As of  
February 4, 1974BUDGETARY RESERVES  
(Dollars in thousands)

## GENERAL NOTES

Amounts in parenthesis () indicate actions superseded by later apportionment actions.  
An asterisk \* indicates an account added to the list since the last report.  
An account without an entry in the amount apportioned column indicates no apportionment has been made for FY 1974.

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fis- cal, economic, & budgetary effect (see code)
NOTICES						

Executive Office of the President/Funds Appropriated to the President  
Appalachian Regional Commission: Appalachian Regional Development Programs

(209,000)	(225,000)	Yes	6/29/73	7/01/73	5,6C	I
(320,395)	(40,000)	Yes	9/12/73	9/12/73	5,6C	I
325,747	40,000	Yes	10/23/73	10/23/73	5,6C	I

## Agency for International Development: Prototype Desalting plant

(---)	(20,000)	Yes	4/07/72	7/01/73	5	I
---	20,000	Yes	1/29/74	1/29/74	5	I

## Foreign Military Credit Sales\*

78,940	246,060	No	1/23/74	1/23/74	5	I
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Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fis- cal, economic, & budgetary effect (see code)
NOTICES						

## Emergency Security Assistance for Israel\*

---	2,200,000 2/	NO	2/01/74	2/01/74	5	I
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## Council on Environmental Quality and Office of Environmental Quality\*

1,930	536	NO	11/07/73	11/07/73	5	I
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## Special Action Office for Drug Abuse Prevention: Salaries and Expenses

(3,800)	(1,200)	NO	12/26/73	12/26/73	5	I
5,000	---	NA	1/11/74	1/11/74	10	VI

## Pharmacological Research\*

(400)	(19,600)	NO	12/26/73	12/26/73	5	I
20,000	---	NA	1/11/74	1/11/74	10	VI

## Special Fund\*

(1,300)	(24,700)	NO	12/26/73	12/26/73	5	I
26,000	---	NA	1/11/74	1/11/74	10	VI

## National Security Council\*

2,502	300	NO	11/16/73	11/16/73	5	I
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## The Inter-American Foundation: Inter-American Foundation

(5,000)	(35,652)	Yes	6/12/73	7/01/73	4	V 3/
(5,000)	(35,735)	Yes	12/04/73	12/04/73	4	I
10,000	---	NA	1/28/74	1/28/74	10	VI 4/

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Estimated fis-  
cal, economic, &  
budgetary effect  
(see code)-----Reason  
for current  
reserve  
(see code)---Effective  
date of  
reserve---Date of  
reserve  
action---Available  
beyond  
FY 1974?Amount in  
reserve---Amount  
apportionedDepartment of AgricultureAgriculture Research Service: Construction

--- 1,520 Yes 6/29/73 7/01/73 4,6b I  
Animal and Plant Health Inspection Service: Animal and Plant Health Inspection Service\*

317,083 878 No 11/23/73 11/23/73 1 I

Animal Quarantine Station\*

130,000 64 Yes 11/23/73 11/23/73 5 I

Extension Service: Extension Service\*

201,429 3,200 No 11/23/73 11/23/73 2 I

Foreign Agricultural Service: Salaries and Expenses, Special Foreign Currency Program

1,000 1,240 Yes 5/23/73 7/01/73 4 I

Agricultural Stabilization and Conservation Service: Salaries and Expenses\*

(256,626) (2,619) No 11/23/73 11/23/73 1 I

256,443 2,802 No 1/21/74 1/21/74 2 I

Rural Environmental Assistance Program/1973-74

(---) (210,500) No 5/ 1/26/73 7/01/73 6b I

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## NOTICES

Estimated fis-  
cal, economic, &  
budgetary effect  
(see code)-----Reason  
for current  
reserve  
(see code)---Effective  
date of  
reserve---Date of  
reserve  
action---Available  
beyond  
FY 1974?Amount in  
reserve---Amount  
apportionedRural Environmental Assistance Program/1974-75

90,000 85,000 Yes 11/23/73 11/23/73 4 I

Emergency Conservation Measures\*

20,453 10,000 Yes 11/23/73 11/23/73 1 I

Water Bank Act Program

(---) (11,391) Yes 1/26/73 7/01/73 6b I

10,006 11,645 Yes 11/23/73 11/23/73 6b I

Cropland Adjustment Program\*

50,300 1,600 No 11/23/73 11/23/73 2 I

Commodity Credit Corporation: Administrative Expenses\*

(---) (497) No 11/23/73 11/23/73 1 I

39,631 6/ 269 No 12/21/73 12/21/73 1 III

Rural Electrification Administration: Loans

--- 456,103 Yes 1/26/73 7/01/73 2,6b,6c I

Farmers Home Administration: Rural Water and Waste Disposal Grants

(---) (120,000) Yes 1/26/73 7/01/73 6b,6c I

(---) (150,304) Yes 11/23/73 11/23/73 6b,6c I

30,000 120,304 Yes 11/28/73 11/28/73 6b,6c I

## NOTICES

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Date of reserve action--

Available beyond FY 1974?

Amount in reserve--

Amount apportioned

## Rural Housing for Domestic Farm Labor Grants

(---)	(1,621)	Yes	1/31/73	7/01/73	5,6b	I
(750)	(1,831)	Yes	9/10/73	9/10/73	5,6b	V 7/
1,000	9,081	Yes	11/23/73	11/23/73	5,6b	I

## Mutual and Self-Help Housing Grants

(---)	(832)	Yes	9/22/72	7/01/73	4	I
3,832	1,001	Yes	11/23/73	11/23/73	4	I

## Rural Housing Insurance Fund

(---)	(133,000)	Yes	1/26/73	7/01/73	4	I
1,435,035 8/	---	NA	9/12/73	9/12/73	10	VI

## Soil Conservation Service: Resource Conservation and Development\*

24,189	4,439	Yes	11/23/73	11/23/73	4	I
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## Watershed Planning\*

13,268	535	Yes	11/23/73	11/23/73	4	I
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## River Basin Surveys and Investigations\*

16,587	60	Yes	11/23/73	11/23/73	4	I
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## Watershed and Flood Prevention Operations\*

169,448	17,454	Yes	11/23/73	11/23/73	4	I
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Amount apportioned

## Agricultural Marketing Service: Marketing Services, no-year

(1,422)	(818)	Yes	6/11/73	7/01/73	4	I
(1,812)	(818)	Yes	9/26/73	9/26/73	4	I
1,812	1,101	Yes	1/22/74	1/22/74	4	I

## Perishable Agricultural Commodities Act Fund

(1,416)	(58)	Yes	6/11/73	7/01/73	4	I
1,460	270	Yes	12/26/73	12/26/73	4	I

## Forest Service: Forest Protection and Utilization\*

(3,791)	(2,128)	Yes	11/02/73	11/02/73	4	I
3,846	2,073	Yes	1/02/74	1/02/74	4	I

## Construction and Land Acquisition\*

52,196	1,315	Yes	11/02/73	11/02/73	5	I
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## Youth Conservation Corps\*

(6,693)	(3,307)	Yes	11/09/73	11/09/73	4	I
6,893	3,107 9/	Yes	1/11/74	1/11/74	4	I

## Forest Roads and Trails and Roads and Trails for States/1974 Program

(---)	(278,398)	Yes	3/28/73	7/01/73	4,6b,6d	I
(117,164)	(208,934)	Yes	7/16/73	7/16/73	4,6d 11/	I
(123,558)	(342,894)	Yes	11/02/73	11/02/73	4,6d	I
131,815	334,636	Yes 10/	1/23/74	1/23/74	4,6d	I

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Available beyond FY 1974?-----

Amount in reserve-----

Amount appropriated-----

## Forest Roads and Trails and Roads and Trails for States/1975 Program

--- 140,000 Yes 11/02/73 11/02/73 6d I

## Brush Disposal

(18,657) (26,601) Yes 6/08/73 7/01/73 5 I  
25,000 21,554 Yes 11/02/73 11/02/73 4 V 12/

## Forest Fire Prevention

275 109 Yes 6/08/73 7/01/73 4 I

## NOTICES

Department of Commerce  
General Administration: Special Foreign Currency Program\*

1,885 1,055 Yes 12/21/73 12/21/73 2 II

## Office of Assistant Secretary for Science and Technology: Scientific and Technical Research and Services\*

131,435 11,934 Yes 12/27/73 12/27/73 5 I

## Social and Economic Statistics Administration: 1974 Census of Agriculture

(---) (1,360) Yes 11/24/72 7/01/73 2,4 I  
1,300 --- NA 9/12/73 9/12/73 10 VI

## Domestic and International Business: Financial and Technical Assistance, Trade Adjustment Assistance\*

15,000 11,780 Yes 12/21/73 12/21/73 2 I

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Date of reserve action-----

Available beyond FY 1974?-----

Amount in reserve-----

Amount appropriated-----

## International Activities, Inter-American Cultural and Trade Center

292 5,067 Yes 6/26/73 7/01/73 4,5 I

## Participation in United States Expositions (Spokane Ecological Exhibition)\*

7,575 1,105 13/ Yes 10/05/73 10/05/73 4,5 I

## Office of Minority Business: Minority Business Development, no-year

(---) (16,768) Yes 1/26/73 7/01/73 4,6b I  
(9,080) (14,330) Yes 7/24/73 7/24/73 5 I  
26,752 --- NA 10/16/73 10/16/73 10 VI

## National Oceanic and Atmospheric Administration: Operations, Research and Facilities 14/

(---) (31,005) Yes 6/28/73 7/01/73 2,4,6b I  
(29,668) (2,392) Yes 7/19/73 7/19/73 2,4,6b I  
(30,042) (2,178) Yes 9/26/73 9/26/73 2,4 I  
(406,694) (2,178) Yes 12/27/73 12/27/73 3 I  
416,981 2,178 Yes 1/16/74 1/16/74 3 15/ I

## Satellite Operations 16/

(---) 727 (727) Yes 6/28/73 7/01/73 5 I  
NA 12/27/73 12/27/73 10 VI

## Production and Develop Fishery Products and Research Pertaining to American Fisheries

(7,191) (3,159) Yes 3/29/73 7/01/73 4,5,6a I  
(7,116) (3,111) Yes 7/26/73 7/26/73 4,5,6a I  
7,456 3,027 Yes 12/21/73 12/21/73 4,5,6a I

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reserve  
actionAvailable  
beyond  
FY 1974--Amount  
appropriated  
in reserve--

## Coastal Zone Management\*

5,200	6,800	Yes	12/21/73	12/21/73	4	I
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## National Bureau of Standards: Plant and Facilities

---	1,850	Yes	11/24/72	7/01/73	2,4,6b	I
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## Research and Technical Services, no-year

---	3,812	Yes	5/07/73	7/01/73	5,6b	I
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## Construction of Facilities

(---)	(740)	Yes	1/26/73	7/01/73	4,6b	I
539	231	Yes	12/21/73	12/21/73	1	I

## Maritime Administration: Ship construction

(---)	(34,000)	Yes	6/29/73	7/01/73	4	III
(9,137)	(4,663)	Yes	7/27/73	7/27/73	4	IV
304,953	5,500	Yes	12/21/73	12/21/73	2	II

## Research and Development

---	5,000	Yes	1/18/73	7/01/73	4,6b	I
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## State Marine Schools

---	127	Yes	11/24/72	7/01/73	4	I
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reserve--Date of  
reserve  
actionAvailable  
beyond  
FY 1974--Amount  
appropriated  
in reserve--

## Federal Ship Financing Fund

(2,582)	(1,446)	Yes	6/27/73	7/01/73	5	I
4,026	---	NA	10/11/73	10/11/73	10	VI

Department of Defense-Military  
Procurement: Missile Procurement, Army, 1973-1975

(---)	(2,500)	Yes	2/05/73	7/01/73	4	I
163,382	---	NA	9/11/73	9/11/73	10	VI

## Procurement of Aircraft and Missiles, Navy, 1973-1975

(---)	(13,281)	Yes	6/29/73	7/01/73	5	I
(946,747)	(13,281)	Yes	9/06/73	9/06/73	5	I
878,276	---	NA	1/28/74	1/28/74	10	VI

## Aircraft Procurement, Air Force, 1972-1974

(415,551)	(143,492)	No	9/07/73	9/07/73	5	I
368,478	---	NA	11/01/73	11/01/73	10	VI

## Aircraft Procurement, Air Force, 1973-1975

(1,076,916)	(160,556)	Yes	9/07/73	9/07/73	5	I
1,224,500	---	NA	11/01/73	11/01/73	10	VI

## Shipbuilding and Conversion, Navy, 1971-1975

(---)	(145,672)	Yes	11/24/72	7/01/73	4	I
892,655	---	NA	9/11/73	9/11/73	10	VI

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## Shipbuilding and Conversion, Navy, 1972-1976

(---)	(427,212)	Yes	11/24/72	7/01/73	4	I
738,000	148,081	Yes	9/11/73	9/11/73	4	I

## Shipbuilding and Conversion, Navy, 1973-1977

(---)	(763,300)	Yes	6/29/73	7/01/73	4	I
992,000	408,512	Yes	9/11/73	9/11/73	4	I

## Shipbuilding and Conversion, Navy, 1974-1978\*

2,711,300	826,800	Yes	1/28/74	1/28/74	4	I
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## Military Construction: Military Construction, Army

(---)	(70,304)	Yes	6/27/73	7/01/73	5	I
(648,440)	(90,954)	Yes	8/16/73	8/16/73	5	I
(648,020)	(95,488)	Yes	12/27/73	12/27/73	5	I
(762,670)	(558,958)	Yes	1/18/74	1/18/74	5	I
1,184,957	138,956	Yes	1/24/74	1/24/74	5	I

## Military Construction, Navy

(---)	(68,133)	Yes	6/27/73	7/01/73	5	I
(385,805)	(65,858)	Yes	8/14/73	8/14/73	5	I
(334,948)	(64,674)	Yes	10/11/73	10/11/73	5	I
(336,468)	(64,754)	Yes	10/16/73	10/16/73	5	I
(336,848)	(64,774)	Yes	11/14/73	11/14/73	5	I
(338,174)	(64,439)	Yes	12/17/73	12/17/73	5	I
412,974	598,931	Yes	1/09/74	1/09/74	5	I

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Amount apportioned

## Military Construction, Air Force

(---)	(51,607)	Yes	6/27/73	7/01/73	5	I
(100,860)	(49,773)	Yes	7/20/73	7/20/73	5	I
(141,224)	(39,409)	Yes	8/14/73	8/14/73	5	I
(160,501)	(39,409)	Yes	10/16/73	10/16/73	5	I
(171,972)	(29,937)	Yes	1/07/74	1/07/74	5	I
218,426	232,760	Yes	1/17/74	1/17/74	5	I

## Military Construction, Defense Agencies

(---)	(58,415)	Yes	2/15/73	7/01/73	5	I
(8,000)	(58,215)	Yes	8/23/73	8/23/73	5	I
(8,957)	(56,615)	Yes	10/16/73	10/16/73	5	I
(10,277)	(54,895)	Yes	11/14/73	11/14/73	5	I
(10,277)	(53,904)	Yes	11/17/73	11/17/73	5	I
(15,133)	(49,048)	Yes	1/09/74	1/09/74	5	I
15,133	46,763	Yes	1/24/74	1/24/74	5	I

## Military Construction, Army National Guard

(---)	(102)	Yes	6/14/73	7/01/73	5	I
(3,051)	(---)	NA	8/16/73	8/16/73	10	VI
8,943	29,300	Yes	1/18/74	1/18/74	5	I

## Military Construction, Air National Guard

(---)	(17)	Yes	5/29/73	7/01/73	5	I
(5,200)	(17)	Yes	9/06/73	9/06/73	5	I
(---)	(---)	Yes	10/23/73	10/23/73	10	VI
(---)	16,000	Yes	1/18/74	1/18/74	5	I

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## Military Construction, Army Reserve

(---)	(7,109)	Yes	3/08/73	7/01/73	5	I
(25,423)	(7,109)	Yes	9/10/73	9/10/73	5	I
(29,909)	(2,623)	Yes	11/08/73	11/08/73	5	I
34,709	38,523	Yes	1/18/74	1/18/74	5	I

## Military Construction, Naval Reserve

(---)	(3,943)	Yes	5/03/73	7/01/73	5	I
(17,640)	(1,842)	Yes	8/08/73	8/08/73	5	I
(18,657)	(915)	Yes	11/08/73	11/08/73	5	I
20,099	22,373	Yes	1/14/74	1/14/74	5	I

## Military Construction, Air Force Reserve

(---)	(850)	Yes	6/20/73	7/01/73	5	I
(2,415)	(850)	Yes	9/06/73	9/06/73	5	I
(2,444)	(821)	Yes	10/23/73	10/23/73	5	I
(3,444)	(9,821)	Yes	1/18/74	1/18/74	5	I
10,089	3,176	Yes	2/01/74	2/01/74	5	I

## Defense Civil Preparedness Agency: Research, Shelter Survey and Marketing\*

24,617	1,100	Yes	11/27/73	11/27/73	5	I
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NOTICES

## Special Foreign Currency Program: Special Foreign Currency Program, Defense, 1972-1974

(---)	(2,477)	Yes	12/18/72	7/01/73	5	I
3,169	2,051	NO	8/31/73	8/31/73	5	I

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## Special Foreign Currency Program, Defense, 1973-1975

(---)	(400)	Yes	12/04/72	7/01/73	5	I
2,998	400	Yes	9/06/73	9/06/73	5	I

## Department of Defense-Civil Corps of Engineers: General Investigations

(---)	(150)	Yes	6/29/73	7/01/73	5	I
65,084	150	Yes	9/15/73	9/15/73	5	II

## Construction

(---)	(783)	Yes	6/29/73	7/01/73	5	I
(9,100)	(333)	Yes	7/27/73	7/27/73	5	I
(9,175)	(258)	Yes	7/30/73	7/30/73	5	I
1,114,829	258	Yes	9/15/73	9/15/73	5	II

## Flood Control, Mississippi River and Tributaries

(---)	(750)	Yes	6/29/73	7/01/73	5	I
(151,819)	(750)	Yes	9/15/73	9/15/73	5	II
166,419	750	Yes	1/26/74	1/26/74	5	I

## Soldiers' and Airmen's Home: Capital Outlay\*

2,165	612	Yes	1/04/74	1/04/74	5	I
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## Panama Canal: Canal Zone Government, Capital Outlay

(---)	(710)	Yes	9/08/72	7/01/73	5	I
30	8	Yes	9/14/73	9/14/73	1	V 18/

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appropriatedWildlife Conservation: Wildlife Conservation, Army

(598)	(107)	Yes	6/14/73	7/01/73	1	I
606	342	Yes	1/31/74	1/31/74	1	I

## Wildlife Conservation, Navy

(60)	(8)	Yes	6/14/73	7/01/73	1	I
69	22	Yes	10/03/73	10/03/73	1	I

## Wildlife Conservation, Air Force

(124)	(40)	Yes	6/14/73	7/01/73	1	I
124	20	Yes	1/22/74	1/22/74	1	I

Salaries and Expenses: Cemeterial Expenses, Army

14,448	2,053	Yes	9/14/73	9/14/73	5	I
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Department of Health, Education, and Welfare  
Health Services Administration: Health Services Delivery\*

915,869	2,250	Yes	2/04/74	2/04/74	5	I
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## Indian Health Services\*

(94,372)	(91,626)	NO	11/28/73	11/28/73	5	I
185,998	---	NA	2/04/74	2/04/74	10	VI

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budgetary effect  
(see code)-----

## Indian Health Facilities

(3,482)	(848)	Yes	6/27/73	7/01/73	5	I
(34,815)	(20,593)	Yes	11/28/73	11/28/73	5	I
55,320	88	Yes	1/30/74	1/30/74	5	I

National Institutes of Health:\* Research Resources\*

126,941	1,378	NO	1/18/74	1/18/74	3	I
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## Buildings and facilities\*

1,000	23,701	Yes	1/18/74	1/18/74	5	I
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## Mental Health\*

827,193	13,194	NO	1/28/74	1/28/74	1	I
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Health Resources Administration: Health Manpower\*

734,635	5,370	NO	2/04/74	2/04/74	3	I
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## Health Services Planning and Development\*

555,997	6,228	NO	2/04/74	2/04/74	3	I
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Assistant Secretary for Health: Office of International Health; Scientific Activities  
Overseas (Special Foreign Currency Program)\*

13,505	21,714	Yes	1/30/74	1/30/74	4	I
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## Elementary and Secondary Education\*

2,025,168 1,746 No 1/17/74 1/17/74 1 I

## Higher Education, 1974-1976\*

238,000 237,000 Yes 1/17/74 1/17/74 4 I

## Higher Education, no-year

(---) (1,889) Yes 11/30/72 7/01/73 5 I  
346,118 8,788 Yes 1/17/74 1/17/74 4 I

## Office of Education: Library Resources\*

163,124 4,897 No 1/18/74 1/18/74 3 I

## Educational Development\*

15,675 32 Yes 1/18/74 1/18/74 1 I

## Educational Activities Overseas, Special foreign currency program

(---) (16) Yes 4/06/72 7/01/73 5 I  
2,539 --- NA 1/17/74 1/17/74 10 VI

## Social and Rehabilitation Service\* Research and Training Overseas\*

3,700 7,490 Yes 1/18/74 1/18/74 4 I

## Social Security Administration: Limitation on Salaries and Expenses\*

1,879,000 13,580 No 2/04/74 2/04/74 1 I

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reserve---Date of  
reserve  
action---Available  
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## Limitation on Construction (Trust fund)

(---) (12,095) Yes 4/27/72 7/01/73 4,5 I  
(12,679) (19,973) Yes 8/21/73 8/21/73 4,5 I  
(15,614) (17,425) Yes 11/30/73 11/30/73 4,5 I  
17,646 15,393 Yes 2/04/74 2/04/74 4,5 I

## Special Institutions: Howard University\*

9,132 11,490 Yes 1/17/74 1/17/74 4 I

## Office of Human Development\* Child Development\*

419,910 6,480 No 1/18/74 1/18/74 3 I

Department of Housing and Urban Development  
Housing Production and Mortgage Credit: Non-profit Sponsor Assistance

--- 6,530 Yes 4/15/73 7/01/73 5,6b,6c I

## Community Development: Model Cities Program\*

(50,055) (100,012) Yes 11/26/73 11/26/73 6c V 19/  
75,055 75,012 Yes 11/30/73 11/30/73 6c IV

## Grants for Neighborhood Facilities\*

--- 48 Yes 11/27/73 11/27/73 6c I

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## Open Space Land Program

(---)	(27,730)	Yes	3/08/73	7/01/73	6b,6c	I
---	55,161	Yes	11/09/73	11/09/73	6c	I

## Grants for Basic Water and Sewer Facilities

(---)	(400,175)	Yes	1/26/73	7/01/73	6b,6c	I
---	401,734	Yes	11/27/73	11/27/73	6b,6c	I

## Urban Renewal Fund\*

(613,500)	(311,314)	Yes	11/26/73	11/26/73	6c	V 19/
643,500	281,314	Yes	11/30/73	11/30/73	6c	IV

## Public Facility Loans

(---)	(20,000)	Yes	1/26/73	7/01/73	6b,6c	I
24,888	--- 20/	NA	6/20/73	7/01/73	10	VI

## Community Planning and Management: New Community Assistance Grants\*

---	1,799	Yes	11/16/73	11/16/73	6c	I
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## Office of Interstate Land Sales Registration: Interstate Land Sales

(1,460)	(1,981)	Yes	6/20/73	7/01/73	4	I
1,849	1,379	Yes	12/12/73	12/12/73	4	III

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fis- cal, economic, & budgetary effect (see code)
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## Department of the Interior

## Office of Territorial Affairs: Trust Territory of the Pacific Islands\*

71,550	800	Yes	1/02/74	1/02/74	5	I
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## Bureau of Land Management: Public Lands Development Roads and Trails/1974 Program

(4,000)	(8,961)	Yes	6/08/73	7/01/73	6d	I
5,205	18,961	Yes	10/03/73	10/03/73	6d	I

## Public Lands Development Roads and Trails/1975 Program

---	10,000	Yes	10/03/73	10/03/73	6d	I
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## Oregon and California Grant Lands

(---)	(1,150)	Yes	6/08/73	7/01/73	4,5	I
28,750	5,243	Yes	10/02/73	10/02/73	5	II

## Bureau of Indian Affairs: Road Construction/1974 Program

57,060	20,000	Yes	9/12/73	9/12/73	6d	II
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## Road Construction/1975 Program

---	75,000	Yes	9/12/73	9/12/73	6d	II
-----	--------	-----	---------	---------	----	----

## Bureau of Outdoor Recreation: Land and Water Conservation

(208,168)	(61,422)	21/	6/08/73	7/01/73	6b	I
(297,223)	(57,568)	21/	11/03/73	11/03/73	5,6b,6d	I
324,763	30,000	21/	2/02/74	2/02/74	4,6d	I



Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fis- cal, economic, & budgetary effect (see code)
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## Office of Territorial Affairs\*

72,350	800 22/	Yes	2/02/74	2/02/74	5	I
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Geological Survey: Payments from Proceeds, Sale of Water, Mineral Leasing Act of 1920

(--- 23/)	(27)	Yes	5/06/73	7/01/73	4 24/	I
---	26	Yes	11/19/73	11/19/73	4	I

Bureau of Mines: Drainage of Anthracite Mines

200	3,575	Yes	6/08/73	7/01/73	4, 5	I
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Bureau of Sport Fisheries and Wildlife: Migratory Bird Conservation Account  
(Receipt Limitation)

(9,000)	(981)	Yes	6/08/73	7/01/73	4	I
(12,000)	(981)	Yes	8/23/73	8/23/73	4	I
21,771	---	NA	11/02/73	11/02/73	10	VI

## Federal Aid in Wildlife Restoration

45,300	7,863	Yes	6/08/73	7/01/73	4, 5	I
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Federal Aid in Fish Restoration and Management

14,565	2,339	Yes	6/08/73	7/01/73	4, 5	I
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## National Wildlife Refuge Fund

4,620	4,003	Yes	6/08/73	7/01/73	4, 5	I
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Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fis- cal, economic, budgetary effe (see code)
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## Proceeds from Sales, Water Resources Development Projects

15	4	Yes	6/08/73	7/01/73	4, 5	I
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National Park Service: Parkway and Road Construction/1974 Program

(16,338)	(34,610)	Yes	6/08/73	7/01/73	4, 6d 25/	I
(16,338)	(229,610)	Yes	10/01/73	10/01/73	4, 6d	II
51,183	108,115	Yes	11/02/73	11/02/73	4, 6d	II

## Parkway and Road Construction/1975 Program

---	105,000	Yes	11/02/73	11/02/73	4, 6d	II
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## Planning and Construction

(28,100)	(14,500)	Yes	7/30/73	7/30/73	4	I
(79,675)	(14,500)	Yes	11/02/73	11/02/73	4, 5	I
79,675	14,500	Yes	1/29/74	1/29/74	4, 5	I

## Operation, Management, Maintenance, and Demolition of Federally Acquired Property

(17)	(65)	Yes	6/08/73	7/01/73	4, 5	I
15	---	NA	11/02/73	11/02/73	10	VI

Bureau of Reclamation: Construction and Rehabilitation

(16,970)	(1,055)	Yes	6/08/73	7/01/73	5	I
226,857	1,055	Yes	9/15/73	9/15/73	5 26/	I

## Operation, Maintenance, and Replacement of Project Works, North Platte Project

---	27/	100	Yes	6/06/73	7/01/73	6e 28/	I
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Amount apportioned	Amount in reserve--	Available beyond FY 1974?	Date of reserve action--	Effective date of reserve--	Reason for current reserve (see code)	Estimated fis- cal, economic, & budgetary effect (see code)
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## Upper Colorado River Basin Fund

(9,072)	(1,390)	Yes	6/08/73	7/01/73	5	I
64,911	1,164	Yes	9/15/73	9/15/73	5	I

Department of Justice  
Bureau of Prisons: Buildings and Facilities

(---)	(36,441)	Yes	1/26/73	7/01/73	5,6b	I
45,823	13,594	Yes	9/19/73	9/19/73	5,6b	I

Department of Labor\*  
Employment Standards Administration: Special benefits\*

284,300	20,706	No	1/17/74	1/17/74	1	V 29/
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Department of State\*  
Acquisition, operation, and maintenance of buildings abroad\*

62,484	44,521	Yes	12/31/73	12/31/73	4	I
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## Assistance to Refugees from the Soviet Union\*

---	36,500	No	2/02/74	2/02/74	5	I
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International Boundary and Water Commission, United States and Mexico:  
Construction\*

15,681	4,983	Yes	12/18/73	12/18/73	5	I
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NOTICES

Amount apportioned	Amount in reserve	Available beyond FY 1974?	Date of reserve action--	Effective date of reserve--	Reason for current reserve (see code)	Estimated fis- cal, economic, & budgetary effect (see code)
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## Department of Transportation

## Office of the Secretary: Transportation, Planning, and Research and Development

(---)	(5,300)	Yes	6/30/73	7/01/73	4,6b	I
34,353	---	NA	9/14/73	9/14/73	10	VI

## U.S. Coast Guard: Acquisition, Construction, and Improvements

(30,946)	(10,609)	Yes	7/12/73	7/12/73	4,6b	I
(109,168)	(12,099)	Yes	9/14/73	9/14/73	4,6b	II
102,889	19,396	Yes	12/27/73	12/27/73	4,6b	II

## Federal Aviation Administration: Civil Supersonic Aircraft Development Termination

(---)	(3,575)	Yes	1/23/73	7/01/73	4,6b	I
3,600	3,033	Yes	9/10/73	9/10/73	4	I

## Civil Supersonic Aircraft Development

(---)	(2,153)	Yes	1/18/73	7/01/73	4,6b	I
800	2,755	Yes	9/10/73	9/10/73	4	I

## Grants-in-aid for Airports (Airport and Airway Trust Fund)

13,000	2,000	Yes	9/14/73	9/14/73	5	I
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NOTICES

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Amount appropriated	Amount in reserve--	Available beyond FY 1974?	Date of reserve action--	Effective date of reserve--	Reason for current reserve (see code)	Estimated fis- cal, economic, & budgetary effect (see code)-----
Facilities and Equipment (Airport and Airway Trust Fund)						
(---)	(207,631)	Yes	1/18/73	7/01/73	4,6b	I
293,075	261,919	Yes	9/12/73	9/12/73	4	I
Research, Engineering, and Development (Airport and Airway Trust Fund)						
(---)	(10,000)	Yes	1/18/73	7/01/73	4,6b	I
---	---	NA	9/14/73	9/14/73	10	VI
Federal Highway Administration: Highway Beautification						
(41,977)	(11,521)	Yes	6/29/73	7/01/73	4,5	I
50,000	---	NA	9/15/73	9/15/73	10	VI
Darlen Gap Highway						
(---)	(545)	Yes	1/18/73	7/01/73	4,5	I
17,661	---	NA	9/14/73	9/14/73	10	VI
Highway-Related Safety Grants						
(10,459)	(7,897)	Yes	6/29/73	7/03/73	4,5	I
13,229	---	NA	9/15/73	9/15/73	10	VI

## Federal-Aid Highways/1974 Program

(1,617,000)	(2,791,841)	Yes	6/29/73	7/02/73	4,5,6a,6c	I
(4,742,497)	(3,414,149)	Yes	9/14/73	9/14/73	6a,6c	I
4,741,018	3,414,619	Yes	2/01/74	2/01/74	6a,6c	I

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Amount appropriated	Amount in reserve--	Available beyond FY 1974?	Date of reserve action--	Effective date of reserve--	Reason for current reserve (see code)	Estimated fis- cal, economic, & budgetary effect (see code)-----
Federal-Aid Highways/1975 Program						
(6,010,000) 30/						I
---	5,958,500	Yes	2/01/74	2/01/74	4,5	I
Rail-Crossings-Demonstration Projects						
(22,322)	(3,053)	Yes	9/15/73	9/15/73	5	I
21,700	75	Yes	2/01/74	2/01/74	5	I
Territorial Highways						
4,000	1,602	Yes	6/29/73	7/01/73	4,6c	I
National Scenic Highways/1974 Program*						
---	10,000	Yes	2/01/74	2/01/74	5	I
National Scenic Highways/1975 Program*						
---	10,000	Yes	2/01/74	2/01/74	5	I
Trust Fund Share of Other Highway Programs/1974 Program						
(6,973)	(15,793)	Yes	6/29/73	7/03/73	4,5	I
(28,120)	(---)	NA	9/15/73	9/15/73	10	VI
27,993	10,000	Yes	2/01/74	2/01/74	5	I
Trust Fund Share of Other Highway Programs/1975 Program						
---	25,000	Yes	2/01/74	2/01/74	5	I

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Estimated fiscal, economic, &amp; budgetary effect (see code)-----

Reason for current reserve (see code)---

Effective date of reserve---

Date of reserve action---

Available beyond FY 1974?---

Amount in reserve---

Amount apportioned

## Forest Highways Trust Fund

(24,000)	(47,604)	Yes	6/29/73	7/01/73	2,4,6c	I
26,000	---	NA	9/14/73	9/14/73	10	VI

## Public Lands Highways

(5,000)	(27,000)	Yes	6/29/73	7/01/73	2,4,6c	I
5,000	5,000	Yes	9/14/73	9/14/73	4,6c,6d	I

## Right-of-Way Revolving Fund

(48,000)	(74,782)	Yes	6/29/73	7/02/73	4,5	I
48,000	77,116	Yes	2/01/74	2/01/74	4,5	I

## National Highway Traffic Safety Administration: State and Community Highway Safety

(26,993)	(1,290)	Yes	7/02/73	7/02/73	1	I
66,771	---	NA	9/13/73	9/13/73	10	VI

## Traffic and Highway Safety

(56,068)	(2,000)	Yes	9/14/73	9/14/73	5	I
86,405	2,000	Yes	1/24/74	1/24/74	5	I

## Construction of Compliance Facilities

(---) 32/	(9,018)	Yes	1/19/73	7/01/73	4,5	I
---	18	Yes	9/14/73	9/14/73	5	V

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Estimated fiscal, economic, &amp; budgetary effect (see code)-----

Reason for current reserve (see code)---

Effective date of reserve---

Date of reserve action---

Available beyond FY 1974?---

Amount in reserve---

Amount apportioned

## Trust Fund Share of Highway Traffic Safety Programs

(16,848)	(2,580)	Yes	7/02/73	7/02/73	1,5	I
96,167	---	NA	9/13/73	9/13/73	10	VI

## Federal Railroad Administration: Emergency Rail Facilities Restoration

27,100	7,648	Yes	7/27/73	7/27/73	2	I
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## High Speed Ground Transportation Research and Development

(---)	(15,000)	Yes	1/19/73	7/01/73	4,6b	I
---	---	NA	9/14/73	9/14/73	10	VI

## Grants to the National Railroad Passenger Corporation

(---)	(10,000)	Yes	1/19/73	7/01/73	4,6b	I
(54,900)	(48,100)	Yes	9/13/73	9/13/73	4,6b	V-33/
103,000	---	NA	11/23/73	11/23/73	10	VI

## Urban Mass Transportation Administration: Urban Mass Transportation Fund

(941,300)	(210,853)	Yes	7/06/73	7/06/73	4,6b	I
985,550	---	NA	9/14/73	9/14/73	10	VI

## Department of the Treasury

Office of the Secretary: Construction, Federal Law Enforcement Training Center

383	21,517	Yes	6/06/73	7/01/73	5	I
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Estimated fiscal, economic, & budgetary effect  
(see code)-----Reason for current reserve  
(see code)---

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Bureau of Accounts: Subsidy Payment to Environmental Protection Authority\*

75 1,188 No 11/29/73 11/29/73 2 V 34/

Atomic Energy Commission  
Operating Expenses(3,164,739) (16,900) Yes 9/15/73 9/15/73 5 I  
(3,174,154) (7,500) Yes 11/19/73 11/19/73 5 I  
3,181,086 --- NA 12/21/73 12/21/73 10 VIPlant and Capital Equipment(48,470) (1,830) Yes 6/08/73 7/01/73 5 I  
(637,577) (9,750) Yes 9/15/73 9/15/73 5 I  
(637,912) (9,400) Yes 11/04/73 11/04/73 5 I  
(643,812) (3,500) Yes 11/09/73 11/09/73 5 I  
(645,812) (1,500) Yes 11/12/73 11/12/73 5 I  
677,312 --- NA 1/10/74 1/10/74 10 VI

NOTICES

Environmental Protection Agency\*  
Research and Development\*(8,696) (9,700) Yes 10/19/73 10/19/73 5 IV  
(183,612) (3,700) Yes 11/23/73 11/23/73 5 IV  
184,312 3,000 Yes 1/29/74 1/29/74 5 IV

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Estimated fiscal, economic, & budgetary effect  
(see code)-----Reason for current reserve  
(see code)---

Effective date of reserve

Date of reserve action

Available beyond FY 1974?

Amount in reserve

Amount apportioned

Abatement and Control\*(17,804) (3,850) Yes 10/19/73 10/19/73 5 IV  
(266,514) (16,850) Yes 11/29/73 11/29/73 5 IV  
287,574 91,850 35/ 1/29/74 1/29/74 5 IGeneral Services AdministrationReal Property Activities: Sites and Expenses, Public Building Projects--- (22,206) Yes 1/26/73 7/01/73 4 I  
22,000 15,500 Yes 11/29/73 11/29/73 4 IConstruction, Public Building Projects--- (234,309) Yes 1/26/73 7/01/73 2,4 I  
73,653 20,803 Yes 11/29/73 11/29/73 4 IProperty Management and Disposal: Operating Expenses, Sale of Rare Silver Dollars--- (4,000) Yes 11/30/72 7/01/73 4 I  
3,400 1,386 Yes 9/05/73 9/05/73 4 IOperating Expenses, Special Fund--- (850) Yes 6/26/73 7/01/73 4,5 I  
NA 8/16/73 8/16/73 10 VI

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Estimated fis-  
cal, economic,  
budgetary effec  
(see code)-----Reason  
for current  
reserve  
(see code)---Effective  
date of  
reserveDate of  
reserve  
actionAvailable  
beyond  
FY 1974?Amount in  
reserveAmount  
apportionedNational Aeronautics and Space Administration  
Research and Development

(---)	(2,200)	Yes	6/08/73	7/01/73	5	I
(2,860,194)	(9,300)	Yes	11/16/73	11/16/73	5	I
2,867,294	2,200	Yes	1/23/74	1/23/74	5	I

Veterans Administration  
Medical Prosthetic Research

(---)	(3,648)	Yes	2/15/73	7/01/73	5	I
85,099	---	NA	11/23/73	11/23/73	10	VI

## Construction, Major Projects

(---)	(34,710)	Yes	6/13/73	7/01/73	5	I
114,626	---	NA	11/23/73	11/23/73	10	VI

## Construction, Minor Projects

(---)	(5,000)	Yes	12/20/72	7/01/73	5	I
66,685	---	NA	11/23/73	11/23/73	10	VI

NOTICES

Other Independent AgenciesDistrict of Columbia: Loans for Capital Outlay, Metropolitan Area Sanitary  
Sewage Work Funds

(---)	(300)	Yes	8/07/72	7/01/73	4	I
3,900	5,300	Yes	9/05/73	9/05/73	4	I

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NOTICES

Estimated fis-  
cal, economic,  
budgetary effe  
(see code)-----Reason  
for current  
reserve  
(see code)---Effective  
date of  
reserveDate of  
reserve  
actionAvailable  
beyond  
FY 1974?Amount in  
reserveAmount  
apportioned

## Loans for Capital Outlay, Sanitary Sewage

(---)	(4,285)	Yes	8/07/72	7/01/73	4	I
29,000	24,035	Yes	9/05/73	9/05/73	4	I

## Loans for Capital Outlay, Water Fund

(---)	(2,360)	Yes	8/07/72	7/01/73	4	I
8,000	7,460	Yes	9/05/73	9/05/73	4	I

## Loans for Capital Outlay, Highway Fund

11,900	5,956	Yes	9/05/73	9/05/73	4	I
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## Loans for Capital Outlay, General Fund

(---)	(6,758)	Yes	1/26/73	7/01/73	4	I
176,500	29,526	Yes	9/05/73	9/05/73	4	I

Foreign Claims Settlement Commission: Payment of Vietnam and USS Pueblo Prisoner  
of War Claims

9,125	7,229	Yes	7/12/73	7/12/73	5	I
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American Revolution Bicentennial Commission: Commemorative Activities Fund

(---)	(5,690)	Yes	11/28/72	7/01/73	5	I
4,556	3,510	Yes	2/01/74	2/01/74	5	I

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Estimated fis-  
cal, economic, &  
budgetary effect  
(see code)-----

Reason  
for current  
reserve  
(see code)-----

Effective  
date of  
reserve--

Available  
beyond  
FY 1974?

Amount  
apportioned  
Amount in  
reserve--

#### National Science Foundation: Salaries and Expenses

(56,900)	(3,500)	Yes	6/08/73	7/01/73	2	I
(620,845)	(13,900)	Yes	11/23/73	11/23/73	5	I
634,745	---	NA	12/06/73	12/06/73	10	VI

#### Occupational Safety and Health Review Commission: Salaries and Expenses\*

4,296	445	No	1/14/74	1/14/74	1,2	V 36/
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#### Railroad Retirement Board: Limitation on Railroad Unemployment Administration Fund

8,578	4,822	Yes	7/01/73	7/01/73	4	I
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#### Limitation on Salaries and Expenses\*

20,830	500	No	1/09/74	1/09/74	1	I
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#### Small Business Administration: Business Loan and Investment Fund

(173,100)	(41,316)	Yes	6/29/73	7/01/73	2,4,6b	I
(178,100)	(48,294)	Yes	8/31/73	8/31/73	2,4	I
348,700	31,094	Yes	9/27/73	9/27/73	2,4	I

#### Water Resources Council: Water Resources Planning

8,611	27	No 37/	8/24/73	8/24/73	2	I
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#### Temporary Study Commissions: Commission on American Shipbuilding, Salaries and Expenses\*

205	51	NA	12/10/73	12/10/73		II 38/
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<sup>1</sup> Funds have not been apportioned while awaiting the completion of negotiations with the Government of Israel.

<sup>2</sup> Funds reserved pending Presidential allocation and decisions.

<sup>3</sup> The amount apportioned is consistent with the limitation on the Foundation's activities according to P.L. 93-52 as amended.

<sup>4</sup> Funds in excess of \$10,000,000 are not available in FY 1974 pursuant to P.L. 93-240.

<sup>5</sup> The 1973-74 Rural Environmental Assistance Program funds lapsed on December 31, 1973. The September 30 report incorrectly listed the funds as available beyond FY 1974.

<sup>6</sup> The amount apportioned in this account is also apportioned in the Agricultural Stabilization and Conservation Service, salaries and expenses account.

<sup>7</sup> The amount apportioned in this account is required to finance a loan approved at the end of FY 1973.

<sup>8</sup> This apportionment action was inadvertently excluded from the September 30 report.

<sup>9</sup> The FY 1974 appropriation provides for program operation for the summer of calendar year 1974.

<sup>10</sup> FY 1972 contract authority in the amount of \$24.6 million will lapse on 6/30/74.

<sup>11</sup> Code 6d was inadvertently excluded from the September 30 report.

<sup>12</sup> Anticipated deposits are currently estimated at \$5 million more than anticipated in the budget estimates submitted to the Congress in January 1973.

<sup>13</sup> Funds are being held in reserve to cover operating costs during the exhibition period.

<sup>14</sup> This account title was changed from "Research, Development, and Facilities" on 12/31/73.

<sup>15</sup> The reserve is to be applied against increased pay costs when transfer authority is approved by Congress.

<sup>16</sup> This account was combined with the "Operations, Research, and Facilities" account on 12/31/73.

<sup>17</sup> Reason code 1 was incorrectly applied to the entries in the September 30 report.

<sup>18</sup> The reserve was made at the request of the Canal Zone Government as a contingency for possible future inspection services.

<sup>19</sup> The reserve action will increase the program level to a level greater than that contemplated in the most recently submitted budget document.

<sup>20</sup> The apportionment releasing the reserve was incorrectly excluded from the September 30 report.

<sup>21</sup> The reserve in each apportionment includes \$30 million of contract authority which becomes available at the first of each fiscal year and expires at the end of each fiscal year; all other funds are available beyond 1974.

<sup>22</sup> The apportionment of funds in reserve is temporarily deferred until sufficient information is available for implementing the new public land survey program. The new program was funded for the first time in the 1974 supplemental. (P.L. 93-245) enacted January 3, 1974.

<sup>23</sup> The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.

<sup>24</sup> Reason code 5 was incorrectly included in the September 30 report.

<sup>25</sup> Reason code 4 was inadvertently excluded from the September 30 report.

<sup>26</sup> Reason code 6b was incorrectly included in the September 30 report.

<sup>27</sup> No improvements are currently necessary. (See footnote 28.)

<sup>28</sup> 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project works and to defray annual operating and maintenance expenses when necessary.

<sup>29</sup> The reserve, made at the request of the Department of Labor, does not change expected payments for benefits as estimated in the latest budget document. The reserve re-

fects reimbursements from other agencies in excess of the amounts estimated in the budget document. The release of the reserve would increase availability above expected needs. The reserve is available for benefit payments if required benefit payments exceed current estimates.

<sup>30</sup> This amount is potentially available for use under 1975 contract authority; the amount to be made available to each State for obligation in 1975 is anticipated to be announced by the Department of Transportation on July 1, 1974.

<sup>31</sup> The September 30 report incorrectly reported the reserve as unavailable beyond FY 1974.

<sup>32</sup> \$9,000,000 was rescinded in the 1974 Department of Transportation Appropriation Act. It is now included in the Traffic and Highway Safety account.

<sup>33</sup> The amount apportioned is the full amount legally available until action is taken on the amendment to the Rail Passenger Service Act of 1970.

<sup>34</sup> The reserve is required because the Congress previously provided permanent, indefinite authority (P.L. 92-500) for the subsidy payment. The funds in reserve will be written off in FY 1974.

<sup>35</sup> Contract authority of \$75 million expires at the end of FY 1974; \$16,850 thousand is available beyond FY 1974.

<sup>36</sup> This reserve action was taken at the request of the Occupational Safety and Health Review Commission due to hiring delays. The reserve is available as a contingency against an increase in future contested citations.

<sup>37</sup> The September 30 report incorrectly reported the reserve as available beyond FY 1974.

<sup>38</sup> The Commission on American Shipbuilding (authorized under the Merchant Marine Act of 1970, P.L. 91-469) was terminated on December 20, 1973. The funds in reserve will be written off in FY 1974.

[FR Doc.74-4395 Filed 2-26-74;8:45 am]



# federal register

No. 40—Pt. IV—1

WEDNESDAY, FEBRUARY 27, 1974  
WASHINGTON, D.C.

Volume 39 ■ Number 40

PART IV



## FEDERAL ENERGY OFFICE

■

### NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice

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**FEDERAL ENERGY OFFICE  
NATIONAL UTILITY RESIDUAL FUEL OIL  
ALLOCATION**

**Supplier Percentage Notice**

Pursuant to the provisions of 10 CFR 211.165(d)(1)(i) and (iii), the Federal Energy Office (FEO) hereby provides notice of the volumes of residual fuel oil allocated to each utility for February 1974, and the percentages of such volumes required to be supplied by each supplier for delivery in February 1974.

Residual fuel oil allocations to each utility for February 1974 were originally published by FEO on January 30, 1974. The Appendix to this notice provides corrections made since January 30. Corrected figures are underlined for ease of identification.

The percentages to be supplied by each supplier were established after review of the October-December 1973 base period supply data furnished by the utilities, pursuant to 10 CFR 211.165(d)(1)(ii). In some cases, requests were made by utilities for adjustments and supplier assignments after the January 30 list was published. These requests were considered according to the criteria of 10 CFR 205.24, and are reflected in the new listings.

The suppliers obligated to supply each utility and each supplier's percentage and volume of the month's allocation for each utility are set forth in the Appendix in this notice. The first column of the Appendix lists each utility with its suppliers. The second and third columns provide each supplier's percentage and volume share of a utility's allocated volume. The fourth column provides the

total volume for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parenthesis. The supplier in parenthesis is presumed, on the basis of the best information available, to be the source of supply for certain resellers supplying utility end-users. This information is provided for the convenience of such suppliers and FEO requests any additions or corrections in this regard to be forwarded to:

Residual Fuels Manager  
P.O. Box 2887  
Washington, D.C. 20013

Issued in Washington, D.C., February 25, 1974.

WILLIAM N. WALKER,  
General Counsel,  
Federal Energy Office.

**Appendix - Residual Oil Supplier Percentages For  
Utilities For the Month of February 1974**

PAGE 1

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
<b>1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)</b>			
<b>CONNECTICUT</b>			
NORTHEAST UTILITIES			2,245,400
AMERADA HESS CORPORATION	68.0	1,526,872	
THE JONES CO INC (GULF)	21.0	471,534	
WYATT INC (EXXON)	10.0	224,540	
H N HARTWELL & SON INC	1.0	22,454	
UNITED ILLUMINATING CO			775,500
TEXACO INC	87.0	674,685	
WYATT INC (EXXON)	13.0	100,815	
<b>MAINE</b>			
BANGOR HYDRO ELEC. CO.			27,950
C H SPRAGUE & SONS CO	100.0	27,950	
CENTRAL MAINE POWER CO.			270,800
TEXACO INC	100.0	270,800	
MAINE PUBLIC SERVICE CO.			20,700
DEAD RIVER OIL CO (SPRAGUE)	100.0	20,700	
<b>MASSACHUSETTS</b>			
BOSTON EDISON CO.			1,332,000
WHITE FUEL CORP (TEXACO)	46.0	612,720	
EXXON CORPORATION	42.0	559,440	
C H SPRAGUE & SONS	12.0	159,840	
BRAINTREE ELEC. LT. DEPT.			6,000
C.K. SMITH & CO (GOLDEN EAGLE)	100.0	6,000	
E.UTIL. ASSOC. (MONTAUP & BLACKST.V)			182,300
TEXACO INC	100.0	182,300	
FITCHBURG GAS & EL.			21,500
NORTHEAST PETROLEUM IND. INC	100.0	21,500	
HOLYOKE GAS AND ELECTRIC			33,700
WYATT INC (EXXON)	100.0	33,700	
NEW ENGLAND ELECTRIC SYSTEM			1,223,000
ARLATIC PETROLEUM CORPORATION	45.0	550,350	
GOLDEN EAGLE REFINING COMPANY INC	14.0	171,820	
CITIES SERVICE OIL COMPANY	30.0	366,900	
TEXACO INC	4.0	48,920	
EXXON CORPORATION	7.0	85,610	

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	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
NEW ENGLAND GAS & EL. ASSN.			586,000
NEW ENGLAND PETROLEUM	84.8	496,928	
WHITE FUEL CORP (TEXACO)	15.2	89,072	
PEREGRINE ELECTRIC LT DEPT			100
PICKERING OIL (NORTHEAST PETROLEUM)	100.0	100	
TAUNTON MUN. LT.			35,500
QUINCY OIL CO (EXXON)	100.0	35,500	
NEW HAMPSHIRE			
PUB SER OF N.H.			102,000
C H SPRAGUE & SONS CO	100.0	102,000	
NEW YORK			
CENTRAL HUDSON GAS & ELECTRIC COMM.			285,000
AMERADA HESS CORPORATION	100.0	285,000	
CONED EDISON OF NY			3,803,000
NEW ENGLAND PETROLEUM	45.5	1,730,365	
EXXON CORPORATION	22.3	848,069	
AMERADA HESS CORPORATION	20.8	791,024	
TEXACO INC	11.4	433,542	
FREEPORT, VILLAGE OF			12,400
BURNS BROS OIL (NEPCO)	100.0	12,400	
LAWRENCE PARK HEAT & LIGHT			0
LONG ISLAND LIGHT CO.			1,257,000
NEW ENGLAND PETROLEUM	100.0	1,257,000	
NIAGARA MOHAWK POWER CO.			204,200
NEW ENGLAND PETROLEUM	100.0	204,200	
ORANGE & ROCKLAND UTILITIES			571,700
NEW ENGLAND PETROLEUM	31.2	178,370	
HOWARD FUEL CORPORATION	67.4	385,326	
STEPHENS INTERNATIONAL	1.4	8,004	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
ROCHESTER GAS & ELECTRIC RHODE ISLAND			0
NEWPORT ELECTRIC CORP C K SMITH & CO	100.0	6,500	6,500
VERMONT			
CENTRAL VERMONT PUB SERV			0
2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MACC)			
DELAWARE			
DELMARVA PWR & LT			599,600
STEWART PETROLEUM CO	22.0	131,912	
TEXACO INC	5.0	29,980	
GULF OIL CORPORATION	8.0	47,968	
CONTINENTAL OIL COMPANY	65.0	389,740	
DOVER, CITY OF			14,600
TEXACO INC	100.0	14,600	
DISTRICT OF COLUMBIA			
POTOMAC ELEC. PWR.			771,700
ASIATIC PETROLEUM CORPORATION	21.0	162,057	
STEWART PETROLEUM COMPANY	79.0	609,643	
MARYLAND			
BALTIMORE GAS & ELECTRIC			705,100
AMERADA HESS CORPORATION	52.7	371,588	
EXXON CORPORATION	47.3	333,512	
NEW JERSEY			
ATLANTIC CITY ELECTRIC COMPANY			80,550
AMERADA HESS CORPORATION	46.6	37,536	
CONTINENTAL OIL COMPANY	53.4	43,014	
GPU INTEGRATED SYSTEM			444,000
AMERADA HESS CORPORATION	94.0	417,360	
SWAMP OIL INC	5.0	22,200	
SHIPLEY-HUMBLE	1.0	4,440	



	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
PUBLIC SERVICE ELECTRIC			1,916,500
AMERIA HESS CORPORATION	84.3	1,615,610	
EXXON CORPORATION	15.7	300,891	
VINELAND CITY OF ELEC.			61,000
SWANN OIL INC	100.0	61,000	
PENNSYLVANIA			
PHILADELPHIA ELECTRIC CO.			1,412,400
ATLANTIC RICHFIELD COMPANY	28.5	402,534	
AMERIA HESS CORPORATION	23.0	324,852	
GULF OIL CORPORATION	9.7	137,003	
NEW ENGLAND PETROLEUM	2.2	31,073	
TEXACO INC	20.6	290,954	
CONTINENTAL OIL COMPANY	16.0	225,984	
3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)			
FLORIDA			
FLORIDA KEYS ELEC COOP			6,400
BELCHER OIL CO (EXXON)	100.0	6,400	
FLORIDA POWER & LIGHT CO.			1,273,950
EXXON CORPORATION	15.0	191,093	
BELCHER OIL CO (EXXON)	85.0	1,082,858	
FLORIDA POWER CORPORATION			968,600
EXXON CORPORATION	60.0	581,160	
AMERIA HESS CORPORATION	40.0	387,440	
FORT PIERCE, CITY OF			35,000
NEW ENGLAND PETROLEUM	100.0	35,000	
GAINESVILLE, CITY OF			43,350
EASTERN SEARCHED PETROLEUM	100.0	43,350	
GULF POWER CO.			0
JACKSONVILLE ELEC. AUTH			460,600
VEN-FUEL INC	82.6	380,456	
CONTINENTAL OIL COMPANY	17.4	80,144	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
KEY WEST UTILITIES			37,700
STANDARD OIL CO	100.0	37,700	
LAKE WORTH LIGHTING			1,500
BELCHER OIL COMPANY (EXXON)	100.0	1,500	
LAKELAND LIGHT & WTR DEPT			91,200
BELCHER OIL CO (EXXON)	100.0	91,200	
NEW SMYRNA BEACH			5,200
BELCHER OIL COMPANY (EXXON)	100.0	5,200	
ORLANDO UTILITIES COMM.			361,200
NEW ENGLAND PETROLEUM	100.0	361,200	
SEBRING UTILITIES COMM.			8,150
UNION OIL COMPANY OF CA	100.0	8,150	
TALLAHASSEE, CITY OF			43,650
UNION OIL COMPANY OF CA	100.0	43,650	
TAMPA ELECTRIC CO.			66,800
WESTERN FUELS (STANDARD-OIL-KY)	100.0	66,800	
VERO BEACH MUNICIPAL POWER			30,000
BELCHER OIL CO (EXXON)	100.0	30,000	
GEORGIA			
GEORGIA POWER COMPANY			90,350
NEW ENGLAND PETROLEUM	100.0	90,350	
SAVANNAH ELECTRIC & POWER CO.			240,600
COLONIAL OIL INDUSTRIES (EXXON)	100.0	240,600	
MISSISSIPPI			
MISSISSIPPI POWER CO.			2,700
ERSON INC (INTL TRADING)	45.0	1,215	
BAKER SERVICE CO (EXXON)	55.0	1,485	

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	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SOUTH MISSISSIPPI ELEC			86,500
SOUTHLAND OIL (HOWELL HYDROCARBON)	83.0	71,795	
AMERADA HESS CORPORATION	17.0	14,705	
NORTH CAROLINA			
CAROLINA POWER & LT			144,650
EXXON CORPORATION	100.0	144,650	
SOUTH CAROLINA			
SOUTH CAROLINA ELEC & GAS			259,600
EXXON CORPORATION	100.0	259,600	
SOUTH CAROLINA PUB SERV			73,400
AMERADA HESS CORPORATION	100.0	73,400	
VIRGINIA			
VIRGINIA ELECTRIC POWER			2,049,800
EXXON CORPORATION	62.6	1,406,163	
AMERADA HESS CORPORATION	24.2	496,052	
AMOCO OIL COMPANY	7.2	147,586	
4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)			
ARKANSAS			
ARKANSAS ELEC COOP			68,800
LOGICON INC (SHELL)	80.0	55,040	
E L BRIDE COMPANY (TEXACO)	20.0	13,760	
JONESBORO WATER AND LIGHT PLANT			0
KANSAS			
CENTRAL KANSAS PWR			2,300
GREAT PLAINS OIL (CRA-FARMLAND)	100.0	2,300	
CHARLOTTE CITY OF			7,900
MID AMERICA REFINING CO	100.0	7,900	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
COFFEYVILLE LT & PWR			3,550
CRA-FARMLAND	100.0	3,550	
KANSAS GAS & ELEC			0
KANSAS POWER & LIGHT			14,300
PHILLIPS PETROLEUM COMPANY	46.1	6,592	
GREAT PLAINS OIL CO	32.4	5,491	
NATIONAL COOPERATIVE REFINERY ASSN	15.5	2,217	
LARNED MTR & ELEC			0
MCPHERSON PD OF PUB UTIL			4,900
NATIONAL COOPERATIVE REFINERY ASSN	63.3	3,102	
AMOCO OIL COMPANY	36.7	1,798	
OTTAWA MTR & LT			150
CARTER WATERS CORP (AMOCO)	100.0	150	
LOUISIANA			
CENTRAL LOUISIANA ELECTRIC COMPANY			0
JONESBORO POWER & LIGHT			0
MIDDLE SOUTH SERVICES			702,300
MURPHY OIL CORPORATION	30.0	210,690	
TAUBER OIL CO	20.5	143,972	
SHELL OIL COMPANY	21.3	149,590	
EXXON CORPORATION	12.9	90,597	
TENNECO OIL COMPANY	9.5	66,719	
ERCON INC (EXXON)	3.8	26,687	
E L BRIDE CO (OKC REF.)	1.7	11,939	
REESE OIL CO (SUN OIL)	.3	2,107	
SOUTHWESTERN ELECTRIC POWER COMPANY			0
MISSISSIPPI			
CLARKSDALE MTR & LT			1,750
SOUTHLAND OIL (HOWELL HYDROCARBON)	100.0	1,750	
YAZOO CITY PUB SERV			0
MISSOURI			
EMPIRE DIST ELEC			0



	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
ST JOSEPH LT & PWR NEBRASKA			0
CENTRAL TEL & UTIL			8,850
AMOCO OIL COMPANY	73.0	6,461	
NORTH AMERICAN PETROLEUM	23.0	2,036	
CARTER WATERS CORP (THREE RIVERS)	4.0	354	
OKLAHOMA			
BLACKWELL WTR & LT			0
MANGUM LT & PWR			0
OKLAHOMA GAS & ELEC			0
WESTERN FARMERS ELEC COOP TEXAS			0
GULF STATES UTILITIES			224,200
COASTAL STATES MARKETING	37.5	84,075	
TENNECO OIL COMPANY	16.1	36,096	
UNITED PETROLEUM DISTRIBUTORS INC	4.0	8,968	
EXXON CORPORATION	20.1	45,064	
SOUTH HAMPTON CO	22.3	49,997	
5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)			
AUSTIN CITY ELEC DEPT			0
BRYAN, CITY OF			10,650
PETROLEUM TRADING & TRANS. (3 RIVERS)	100.0	10,650	
COMMUNITY PUB SERV			0
DALLAS POWER & LT.			0
EL PASO ELECTRIC			0
GARLAND, CITY OF			16,700
PRIDE REFINERY INC	74.7	12,475	
DELTA REFINING COMPANY	25.3	4,225	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
LOWER COLORADO RIVER AUTH			0
MEDINA ELEC COOP			0
SAN ANTONIO PUB SERV			56,400
TESORO PETROLEUM CORPORATION	100.0	56,400	
TEXAS ELEC SERV			0
TEXAS PWR & LT			0
WEST TEXAS UTIL			122,400
PRIDE REFINING INC	100.0	122,400	
6. MID-AMERICA INTERPOOL NETWORK (MAIN)			
ILLINOIS			
COMMONWEALTH EDISON CO.			0
ILLINOIS POWER CO			0
MISSOURI			
UNION ELECTRIC			0
WISCONSIN			
LAKE SUPERIOR DIST PWR			0
SUPERIOR WTR & LT			14,800
MURPHY OIL CORPORATION	100.0	14,800	
WISCONSIN ELEC PWR			0
7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)			
IOWA			
ATLANTIC MUNICIPAL UTILITIES			1,700
MCILLAN OIL CO	100.0	1,700	



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	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
INTERSTATE POWER NORTHWESTERN REFINING COMPANY	100.0	46,600	46,600
MANNING MUNICIPAL LIGHT PLANT MINNESOTA			0
AUSTIN UTILITIES FAIRMONT WTR & LT MARSHALL MUNICIPAL UTIL E L BRIDE COMPANY	100.0	1,200	1,200
MINNESOTA PWR & LT MURPHY OIL CORPORATION	100.0	50,600	50,600
NORTHERN STATES PWR OMATONNA MUN UTIL NORTHWESTERN REFINING COMPANY GUSTAFSON OIL CO	60.0 40.0	9,240 6,160	15,400
WORTHINGTON, CITY OF NEBRASKA			0
CENTRAL NEBRASKA PUBLIC FAIRBURY LT & WTR CARTER WATERS CORP (TEXACO)	100.0	1,350	1,350
GRAND ISLAND ELEC EL BRIDE COMPANY	100.0	7,550	7,550
HASTINGS UTILITIES DEPT LINCOLN ELECTRIC SYSTEM NEBRASKA PUBLIC POWER DISTRICT OMAHA PUB PWR DIST			0 0 0 0
8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)			
INDIANA			
INDIANAPOLIS POWER & LIGHT COMPANY MICHIGAN			0
CLINTON LT & WTR CRYSTAL REFINING COMPANY	100.0	700	700

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	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
CONSUMERS POWER			282,800
CONSUMERS POWER-CRUDE LAKESIDE REFINING COMPANY OSCEOLA REFINING COMPANY TOTAL LEONARD INC MURPHY OILS DIV AMOCO ENTERPRISE OIL COMPANY BORDEN OIL (STANDARD) INDUSTRIAL FUEL & ASPHALT PUPP OIL COMPANY GLADIEUX REFINERY INC	54.0 14.0 8.0 4.0 6.0 6.0 3.0 2.0 2.0 1.0	152,712 39,592 22,624 11,312 16,968 16,968 8,484 5,656 5,656 2,828	
DETROIT EDISON CO. SUN OIL LTD CANADIAN FUEL MARKETEERS	83.7 16.3	514,253 100,147	614,400
GRAND HAVEN ED PUB HILLSDALE ED OF PUB WORKS GLADIEUX REFINERY INC			0 6,000
OHIO			
CLEVELAND ELEC ILLUMIN ALLIED OIL COMPANY (ASHLAND)	100.0	116,300	116,300
TOLEDO EDISON PENNSYLVANIA			0
ALLEGHENY POWER SERVICE			0
9. WESTERN SYSTEMS COORDINATING COUNCIL (WSEC)			
ARIZONA			
ARIZONA PUBLIC SERVICE CO. UNION OIL COMPANY OF CA PACIFIC SOUTHWEST PIPE SAN JOAQUIN REFINING CO BASIN FUELS	47.2 16.5 32.0 4.3	86,093 20,096 58,368 7,843	182,400
SALT RIVER PROJECT TESORO PETROLEUM CORPORATION DOUGLAS OIL CO EDGINGTON OIL COMPANY GUSTAFSON OIL CO MACMILLAN RING FREE OIL CO INC MARLEX PETROLEUM (MACMILLAN) POWERINE OIL COMPANY SIMMONS OIL (THEFTWAY REF.) LITTLE AMERICA REFINING COMPANY SAN JOAQUIN REFINING CO	12.1 2.8 5.4 .9 15.6 1.0 12.2 1.4 19.2 28.4	12,100 2,800 5,400 900 16,600 1,000 12,200 1,400 19,200 28,400	100,000

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	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
TUCSON GAS & ELEC			112,000
GOLDEN GATE PETROLEUM COMPANY	22.0	24,640	
NAVAJO REFINING COMPANY	5.0	5,600	
TOSCO PETROLEUM	43.0	48,160	
UNION OIL COMPANY OF CA	25.0	28,000	
HOLLAND OIL COMPANY (TOSCO)	5.0	5,600	
----- CALIFORNIA -----			
BUREAU CITY PUBLIC SER.			74,800
GOLDEN EAGLE REFINING COMPANY, INC	100.0	74,800	
GLENDAL PUBLIC SERVICES			55,500
POWERLINE OIL COMPANY	100.0	55,500	
IMPERIAL IRRIGATION DIST			78,000
CRESCENT REFINING & OIL (GULF)	100.0	78,000	
LOS ANGELES DEPT OF WATER & POWER			1,207,500
ATLANTIC RICHFIELD COMPANY	43.5	525,263	
COSITAL STATES MARKETING	27.2	8,440	
EDGINGTON OIL COMPANY	15.3	184,748	
PETROBAY	5.5	66,413	
NEWMALL REFINING CO INC	3.6	43,470	
SAN JOAQUIN REFINING CO	2.6	31,395	
POWERLINE OIL COMPANY	2.3	27,773	
PACIFIC GAS & ELECTRIC CO			1,428,000
ATLANTIC RICHFIELD COMPANY	71.3	1,019,164	
UNION OIL COMPANY OF CALIF	4.7	67,116	
PHILLIPS PETROLEUM COMPANY	24.0	342,720	
PASADENA POWER CO.			68,600
GOLDEN EAGLE REFINING COMPANY INC	100.0	68,600	
SAN DIEGO GAS & ELECTRIC CO.			704,000
UNION OIL COMPANY OF CA	29.8	209,796	
HRI	16.2	114,048	
EDGINGTON OIL CO	21.3	149,952	
TESORO PETROLEUM CORPORATION	32.7	230,208	

	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SOUTHERN CALIF EDISON			3,579,500
STANDARD OIL COMPANY OF CALIFORNIA	59.1	2,115,485	
TEXACO INC	8.0	286,360	
ATLANTIC RICHFIELD COMPANY	6.4	229,088	
EXXON CORPORATION	16.7	597,777	
PACIFIC RESOURCE CO	5.6	200,452	
MACMILLAN RING FREE OIL CO INC	2.4	85,908	
CONTINENTAL OIL COMPANY	1.8	64,431	
----- COLORADO -----			
COLORADO SPRINGS LT & PWR			0
LAMAR LT & PWR			0
PUB SERV COLORADO			12,000
PLATEAU INC	100.0	12,000	
----- MONTANA -----			
MONTANA POWER			45,000
CONTINENTAL OIL COMPANY	100.0	45,000	
----- NEVADA -----			
NEVADA POWER COMPANY			28,400
GUSTAFSON OIL CO	54.0	15,336	
HUSKY OIL COMPANY	46.0	13,064	
SIERRA PACIFIC POWER			57,400
GOLDEN GATE PETROLEUM COMPANY	100.0	57,400	
----- NEW MEXICO -----			
PLAINS ELEC GEN & TRANSM			0
PUB SERV NEW MEXICO			12,600
PLATEAU INC	39.8	5,015	
SHELL OIL COMPANY	26.4	3,326	
THAFTWAY REFINING	5.4	680	
NAVAJO REFINING CO	24.1	3,037	
STANDARD OIL COMPANY OF TEXAS	4.3	542	



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	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
<b>OREGON</b>			
----- PACIFIC POWER & LIGHT CO UTAH			0
----- UTAH POWER & LIGHT CO. WASHINGTON			0
----- PUGET SOUND POWER & LIGHT CO. SEATTLE DEPT OF LI TACOMA DEPT OF PUBLIC UTILITIES			0 0 0
10. NONCONTIGUOUS UNITED STATES			
<b>HAWAII</b>			
----- HAWAIIAN ELECTRIC COMPANY			222,200
STANDARD OIL COMPANY OF CALIFORNIA	100.0	222,200	38,500
HILO ELECTRIC COMPANY			
STANDARD OIL COMPANY OF CALIFORNIA	100.0	38,500	
KAUAI ELECTRIC			11,350
STANDARD OIL COMPANY OF CALIFORNIA	100.0	11,350	
MAUI ELECTRIC			37,600
STANDARD OIL COMPANY OF CALIFORNIA	100.0	37,600	
----- PUERTO RICO WATER RESOURCES AUTHORITY			1,484,473
COMMONWEALTH OIL REFINING CO	50.0	742,237	
PUERTO RICO SUN OIL CO	30.0	445,342	
CARIBBEAN GULF REFINING CORP	20.0	296,895	

TOTAL NUMBER OF UTILITIES = 155

TOTAL NUMBER OF UTILITIES WITH A POSITIVE DELIVERY = 102

TOTAL NUMBER OF UTILITIES SHOWING SUPPLIERS = 119

TOTAL DELIVERY IN BARRELS (ALL UTILITIES) = 37,492,973

[FR Doc.74-4783 Filed 2-25-74;4:26 pm]



# February 28, 1974—Pages 7767-7914 **federal register**

**THURSDAY, FEBRUARY 28, 1974**

**WASHINGTON, D.C.**

**Volume 39 ■ Number 41**

**Pages 7767-7914**

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#### PROCLAMATION 4270

### Vietnam Veterans Day

*By the President of the United States of America*

#### A Proclamation

As America enters its second year of peace after a decade of conflict, it is highly appropriate for us to acknowledge the debt we owe to those veterans who served in the Armed Forces during the conflict in Southeast Asia. The untiring devotion that characterized our Armed Forces during this trying conflict is a tribute to the national character.

There are over six and one-half million Vietnam-era veterans, of whom more than two and one-half million served in Vietnam. Despite significant disruptions in their lives and other personal sacrifices, they answered the call of their country and served with great distinction.

As a Nation, we have acknowledged our deep respect and admiration by setting aside March 29, 1974, as Vietnam Veterans Day to remember that the honorable peace America achieved came through great sacrifice. Those who served, those who gave their lives, those who were disabled, and those who are still missing in Southeast Asia—and whose full accounting we shall continue to seek—deserve the profound gratitude of their countrymen. For this purpose, the Congress has authorized and requested me to issue a proclamation designating March 29, 1974, as Vietnam Veterans Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, urge the people of this Nation to join in commemorating Friday, March 29, 1974, as Vietnam Veterans Day with suitable observances.

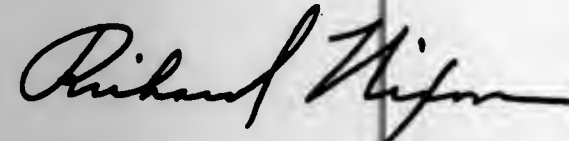
I direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on that day; and I request officials of Federal, State, and local Governments, and civic and patriotic organizations, to give their enthusiastic support to appropriate ceremonies and observances throughout the Nation.

I urge all citizens of every age to participate in the events of this day as one means of honoring those men and women who served their country faithfully and courageously during the Vietnam conflict.



## THE PRESIDENT

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of February, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.



NOTE: For the text of Presidential remarks of February 26, 1974, in connection with Proc. 4270, above, see Weekly Comp. of Pres. Docs., Vol. 10, No. 9, issue of March 4, 1974.

[FR Doc. 74-4835 Filed 2-26-74; 12:31 pm]

## THE PRESIDENT

## PROCLAMATION 4271

## National Safe Boating Week, 1974

*By the President of the United States of America*

## A Proclamation

For many Americans, boating has become a major source of leisure-time pleasure. To avoid turning pleasure into tragedy, however, we must always be mindful of our shared responsibility to use our waterways in a safe manner. Furthermore, with the pressures of the energy crisis forcing a reduction in our available fuel supplies, Americans who utilize our waterways should be mindful of the need to conserve fuel to aid in meeting our energy needs.

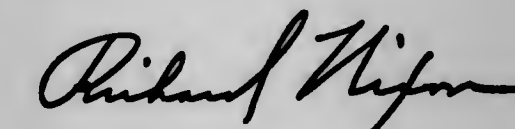
Aware of the need for boating safety, the Congress enacted the joint resolution of June 4, 1958 (72 Stat. 179), which requests that the President proclaim annually the week which includes July 4 as National Safe Boating Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning June 30, 1974, as National Safe Boating Week.

All Americans who utilize our waterways for recreation should possess at least a minimum knowledge of safety afloat for their own protection and for the protection of their passengers and craft. I urge all Americans who engage in recreational boating to take advantage of the numerous safe boating courses sponsored by governmental and private organizations and I particularly urge inexperienced operators of small boats to enroll in educational programs designed to teach the fundamentals of safe boating since they seem more prone to boating accidents or tragedies.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and the Commissioner of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of February, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.



[FR Doc. 74-4836 Filed 2-26-74; 12:31 pm]

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## PROCLAMATION 4272

## Quantitative Limitation on the Importation of Certain Meats Into the United States

*By the President of the United States of America*

### A Proclamation

WHEREAS section 2(a) of the act of August 22, 1964 (78 Stat. 594, 19 U.S.C. 1202 note) (hereinafter referred to as "the act"), declares that it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States (hereinafter referred to as "meat") which may be imported into the United States in any calendar year beginning after December 31, 1964, shall not exceed a quantity to be computed as prescribed in that section (hereinafter referred to as "adjusted base quantity"); and

WHEREAS section 2(b) of the act provides that the Secretary of Agriculture for each calendar year after 1964 shall estimate and publish the adjusted base quantity for such calendar year and shall estimate and publish quarterly the aggregate quantity of meat which, in the absence of the limitations under the act, would be imported during such calendar year (hereinafter referred to as "potential aggregate imports"); and

WHEREAS the Secretary of Agriculture, pursuant to sections 2 (a) and (b) of the act, estimated the adjusted base quantity of meat for the calendar year 1974 to be 1,027.9 million pounds and estimated the potential aggregate imports of meat for 1974 to be 1,575.0 million pounds; and

WHEREAS the potential aggregate imports of meat for the calendar year 1974, as estimated by the Secretary of Agriculture, exceeds 110 percent of the adjusted base quantity of meat for the calendar year 1974 estimated by the Secretary of Agriculture; and

WHEREAS no limitation under the act is in effect with respect to the calendar year 1974; and

WHEREAS section 2(c)(1) of the act requires the President in such circumstances to limit by proclamation the total quantity of meat which may be entered, or withdrawn from warehouse, for consumption, during

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the calendar year, to the adjusted base quantity estimated for such calendar year by the Secretary of Agriculture pursuant to section 2(b)(1) of the act; and

WHEREAS section 2(d) of the act provides that the President may suspend the total quantity proclaimed pursuant to section 2(c) of the act if he determines and proclaims that such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry; and

WHEREAS section 2(d) of the act further provides that such suspension shall be for such period as the President determines and proclaims to be necessary to carry out the purposes of section 2(d);

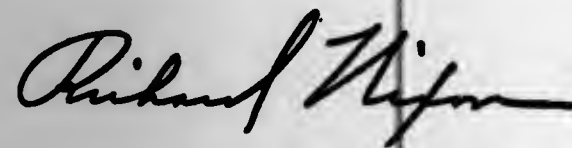
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President and pursuant to section 2 of the act, do hereby proclaim as follows:

(1) In conformity with and as required by section 2(c)(1) of the act, the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of part 2B, schedule 1 of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1974, is limited to 1,027.9 million pounds.

(2) It is hereby determined pursuant to section 2(d) of the act that the suspension of the limitation proclaimed in paragraph (1) is required by overriding economic interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry.

(3) The limitation proclaimed in paragraph (1) is suspended during the calendar year 1974 unless, because of changed circumstances, it becomes necessary to take further action under the act. It is hereby determined necessary that such suspension shall be for such period in order to carry out the purposes of section 2(d) of the act.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of February, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.



[FR Doc.74-4837 Filed 2-26-74;12:32 pm]

## Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

### Title 9—Animals and Animal Products CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

##### PART 73—SCABIES IN CATTLE

###### Release of Areas Quarantined

This amendment releases a portion of Lea County in New Mexico and a portion of Wichita County in Kansas from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. No areas in New Mexico nor Kansas remain under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (c) relating to the State of New Mexico and paragraph (d) relating to the State of Kansas are deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

**Effective date.** The foregoing amendment shall become effective February 25, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of February 1974.

J. M. HEJL,  
Acting Deputy Administrator,  
Veterinary Services, Animal  
and Plant Health Inspection  
Service.

[FR Doc.74-4767 Filed 2-27-74;8:45 am]

### Title 13—Business Credit and Assistance CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

#### PART 304—OVERALL ECONOMIC DEVELOPMENT PROGRAM

#### PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

##### Miscellaneous Amendments

Parts 304 and 305 of Chapter III of Title 13 of the Code of Federal Regulations (38 FR 2271, 2276) are hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Section 304.1(a) and the introductory paragraph of § 305.56 are amended to read as follows:

##### § 304.1 OEDP requirement.

(a) Approval of an overall economic development program, hereinafter referred to as OEDP, is a prerequisite for designation of a redevelopment area, title I area, or economic development district except those areas designated under §§ 302.5 and 302.7 of this chapter.

##### § 305.56 Technical feasibility.

Completed plans and specifications are not required in applications for public works and development facilities.

(Sec. 701, Pub. L. 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 670 and Department of Commerce Organization Order 10-4 (April 1, 1970))

**Effective date.** These amendments become effective on February 28, 1974.

Dated: February 20, 1974.

WILLIAM W. BLUNT, Jr.,  
Assistant Secretary  
for Economic Development.

[FR Doc.74-4671 Filed 2-27-74;8:45 am]

### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-GL-1; Amdt. 39-1794]

#### PART 39—AIRWORTHINESS DIRECTIVES Enstrom Model F-28A

There has been a fatigue type failure of the ring gear carrier (P/N 28-13106) in the main rotor gear box of an Enstrom Model F-28A Helicopter that resulted in the total loss of power to the rotor shaft. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require the replacement of the present ring gear carrier with one of a new design on Enstrom Model F-28A Helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ENSTROM. Applies to Model F-28A Helicopter Main Rotor Gear Box Serial Numbers:

2A	49
3A	51
6	53
8	56
9	70
10	72
12	73
13	74
14	75
15	76
20	77
21	78
25	86
26	95
28	100
29	07
30	012
31	017
32	019
34	027
35	032
36	037
38	057
39	060
40	064
41	065
42	068
43	089
44	093
46	094
47	097
48	098



099	21-003-72
01-001-71	22-001-73
01-073-69	23-001-73
02-001-71	23-003-73
02-02-71	25-002-73
02-13-70	26-001-73
03-001-72	27-001-73
03-002-72	27-002-73
04-001-72	27-003-73
05-003-72	27-004-73
06-001-72	28-001-73
06-002-72	30-001-73
07-001-72	31-001-73
07-002-72	31-002-73
07-004-72	32-001-73
07-005-72	32-002-73
07-006-72	32-004-73
08-002-72	32-005-73
09-001-73	32-006-73
09-002-72	32-007-73
09-04-69	33-001-73
09-06-69	33-002-73
09-07-69	33-003-73
10-001-72	33-006-73
10-002-72	35-001-73
11-001-72	35-002-73
11-002-72	35-003-73
12-001-72	35-004-73
13-002-72	36-001-73
13-003-72	36-002-73
13-004-72	36-003-73
14-001-72	37-001-73
14-005-72	37-003-73
14-006-72	37-005-73
15-001-72	38-001-73
16-001-72	39-001-73
16-002-72	39-002-73
17-001-72	40-001-73
20-001-72	43-001-73
21-001-72	43-002-73
21-002-72	

Compliance: Required as indicated unless already accomplished. All Main Rotor Gear Boxes that have been overhauled in compliance with this airworthiness directive can be identified by an "F" after the serial number. To prevent complete failure of the ring gear carrier, accomplish the following:

- Main rotor gear boxes with 975 hours or more time in service since new must be overhauled in accordance with Enstrom Service Note No. 0017 dated January 9, 1974, within the next 25 hours time in service after the effective date of this airworthiness directive.
- Main rotor gear boxes with less than 975 hours in service, since new, as of the effective date of this airworthiness directive, must be overhauled in accordance with Enstrom Service Note No. 0017 dated January 9, 1974, prior to the accumulation of 1,000 hours in service, since new.
- Main rotor gear boxes whose hours in service since new are unknown will be assumed to have a total of 975 hours minimum since new and thus must be overhauled in accordance with Enstrom Service Note No. 0017 dated January 9, 1974, within the next 25 hours after the effective date of this airworthiness directive.

This amendment becomes effective March 7, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on February 21, 1974.

JOHN M. CYROCKI,  
Director, Great Lakes Region.  
[FR Doc.74-4721 Filed 2-27-74; 8:45 am]

[Airspace Docket No. 74-GL-4]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Deletion and Addition of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate twenty-two new reporting points in the Minneapolis ARTC center area and revoke one reporting point in the Cleveland ARTC center area. The additional reporting points are located in an area of inadequate radar coverage. Their designation as compulsory reporting points will assist in the control of air traffic and in the reduction of communications workload. The Pioneer, Ohio, reporting point is no longer required for air traffic control.

Since designation and rescission of reporting points are minor matters upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. However, in order to allow sufficient time for the change to be reflected on appropriate aeronautical charts, this amendment will become effective more than 30 days after publication in the Federal Register.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., May 23, 1974, as hereinafter set forth.

Section 71.203 (39 FR 620) is amended by deleting "Pioneer INT: INT Fort Wayne, Ind., 039°, Waterville, Ohio, 288° radials." and by adding the following:

Mitchell, S. Dak.  
Worthington, Minn.  
Park Rapids, Minn.  
Hibbing, Minn.  
Darwin, Minn.  
Fairmont, Minn.  
Mankato, Minn.  
Ironwood, Mich.  
Marquette, Mich.  
Iron Mountain, Mich.  
Escanaba, Mich.  
Menominee, Mich.  
Schoolcraft, Mich.  
Gaylord, Mich.  
Manistee, Mich.  
Mankato, Kans.  
Columbus, Nebr.  
Hastings, Nebr.  
Kearney, Nebr.  
Norfolk, Nebr.  
Yankton, S. Dak.  
Union, Wis. INT: INT Duluth, Minn., 136° radial and Seeley, Wis., NDB 029° bearing.

Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 22, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.  
[FR Doc.74-4722 Filed 2-27-74; 8:45 am]

[Airspace Docket No. 74-WA-7]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of VOR Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke a common segment of V-53, V-128, and V-144 which are codesignated between Peotone, Ill., and the intersection of Naperville, Ill., 089° and Peotone, 003° radials.

Concurrent with the decommissioning of Naperville VOR on March 28, 1974, the Chicago, Ill., Midway Airport terminal area procedures will be revised so that V-53/V-128/V-144 will no longer be required north of Peotone. These airway segments are based in part on Naperville VOR, and action is taken herein for their revocation.

Since this amendment is minor in nature and one upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary. This amendment could become effective upon publication in the Federal Register, but to provide sufficient time for this alteration to be placed on aeronautical charts, it will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., April 25, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307 and 33588) is altered as follows:

In V-53—"Peotone; INT Peotone 003° and Naperville, Ill., 089° radials." is deleted and "Peotone;" is substituted therefor.  
In V-128—"From INT Naperville, Ill., 089° and Peotone, Ill., 003° radials; Peotone;" is deleted and "From Peotone, Ill., via" is substituted therefor.  
In V-144—"From INT Naperville, Ill., 089° and Peotone, Ill., 003° radials; Peotone;" is deleted and "From Peotone, Ill., via" is substituted therefor.  
(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 21, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.  
[FR Doc.74-4723 Filed 2-27-74; 8:45 am]

[Docket No. 13548; Amdt. No. 905]

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

##### Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-698 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.21 is amended by originating, amending, or canceling the following L/MF SIAPs, effective March 28, 1974.

Gulkana, Alaska—Gulkana Arpt., LFR-A, Amdt. 12, canceled.

2. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective April 11, 1974.

Albuquerque, N.M.—Alameda Arpt., VOR TAC-A, Orig.  
Corvallis, Oreg.—Corvallis Municipal Arpt., VOR/DME Rwy 35, Amdt. 3.  
Holly Springs, Miss.—Holly Springs-Marshall County Arpt., VOR Rwy 18, Amdt. 1.  
Langhorne, Pa.—Buehl Field, VOR Rwy 6, Amdt. 3.  
McComb, Miss.—McComb Pike County Arpt., VOR/DME-A, Amdt. 4.  
Modesto, Calif.—Modesto City-County Arpt., VOR Rwy 10L/R, Amdt. 3.  
Modesto, Calif.—Modesto City-County Arpt., VOR Rwy 28L/R, Amdt. 3.  
Orlando, Fla.—Herndon Arpt., VOR Rwy 13, Amdt. 7.  
Orlando, Fla.—Herndon Arpt., VOR Rwy 31, Amdt. 7.  
Philadelphia, Pa.—North Philadelphia Arpt., VOR Rwy 6, Amdt. 7.  
San Juan, P.R.—Puerto Rico Int'l. Arpt., VOR Rwy 7 and 10, Amdt. 1.

San Juan, P.R.—Puerto Rico Int'l. Arpt., VOR-A, Amdt. 15.  
Seattle, Wash.—Seattle-Tacoma Int'l. Arpt., VOR Rwy 18L/R, Amdt. 6.  
Stockton, Calif.—Stockton Metropolitan Arpt., VOR Rwy 29R, Amdt. 14.  
\* \* \* effective March 28, 1974.  
Gulkana, Alaska—Gulkana Arpt., VOR Rwy 14, Amdt. 4.  
Gulkana, Alaska—Gulkana Arpt., VOR Rwy 32, Amdt. 4.  
\* \* \* effective March 7, 1974.

Harlingen, Tex.—Harlingen Industrial Airpark, VOR Rwy 13, Amdt. 4.

3. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective April 11, 1974.

Orlando, Fla.—Herndon Arpt., LOC (BC) Rwy 25, Amdt. 8.  
San Juan, P.R.—Puerto Rico Int'l. Arpt., LOC (BC) Rwy 25, Amdt. 3.  
\* \* \* effective March 28, 1974.  
Fort Worth, Tex.—Meacham Field, LOC (BC) Rwy 34R, Orig.  
\* \* \* effective March 14, 1974.

Denver, Colo.—Stapleton Int'l. Arpt., LOC (BC) Rwy 8R, Amdt. 7, canceled.  
\* \* \* effective January 11, 1974.  
Tallahassee, Fla.—Tallahassee Municipal Arpt., LOC (BC) Rwy 18, Amdt. 8.

4. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective April 11, 1974.

Corinth, Miss.—Roscoe Turner Arpt., NDB Rwy 17, Amdt. 2.  
Corinth, Miss.—Roscoe Turner Arpt., NDB Rwy 35, Amdt. 2.  
Orlando, Fla.—Herndon Arpt., NDB Rwy 7, Amdt. 6.

San Juan, P.R.—Puerto Rico Int'l. Arpt., NDB Rwy 7 and 10, Amdt. 1.  
Stockton, Calif.—Stockton Metropolitan Arpt., NDB Rwy 29R, Amdt. 11.  
\* \* \* effective March 28, 1974.  
Fort Worth, Tex.—Meacham Field, NDB Rwy 34R, Orig.

Gulkana, Alaska—Gulkana Arpt., NDB-A, Orig.  
\* \* \* effective March 7, 1974.

Harlingen, Tex.—Harlingen Industrial Airpark, NDB Rwy 17R, Amdt. 4.

5. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective April 11, 1974.

Modesto, Calif.—Modesto City-County Arpt., ILS Rwy 28R, Amdt. 2.  
Orlando, Fla.—Herndon Arpt., ILS Rwy 7, Amdt. 9.  
San Juan, P.R.—Puerto Rico Int'l. Arpt., ILS Rwy 7, Amdt. 6.  
Stockton, Calif.—Stockton Metropolitan Arpt., ILS Rwy 29R, Amdt. 14.  
\* \* \* effective March 14, 1974.  
Denver, Colo.—Stapleton Int'l. Arpt., ILS BC Rwy 8R, Orig.  
\* \* \* effective March 7, 1974.  
Atlantic City, N.J.—NAFEC, Atlantic City Arpt., ILS Rwy 31, Orig.  
Harlingen, Tex.—Harlingen Industrial Airpark, ILS Rwy 17R, Amdt. 2.  
Salinas, Calif.—Salinas Municipal Arpt., ILS/DME Rwy 31, Orig., canceled.  
\* \* \* effective February 28, 1974.  
Louisville, Ky.—Standiford Field, ILS Rwy 1, Orig.  
\* \* \* effective February 14, 1974.  
Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., ILS Rwy 23L, Amdt. 2.

6. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective April 11, 1974.

Albuquerque, N.M.—Alameda Arpt., RADAR-1, Orig.  
Orlando, Fla.—Herndon Arpt., RADAR-1, Amdt. 14.

7. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective April 11, 1974.

Albuquerque, N.M.—Alameda Arpt., RNAV Rwy 17, Orig.  
McComb, Miss.—McComb-Pike County Arpt., RNAV, Rwy 33, Amdt. 3.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on February 21, 1974.

JAMES M. VINES,  
Chief,  
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74-4724 Filed 2-27-74; 8:45 am]

#### Title 19—Customs Duties

#### CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-73]

#### PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

##### Official Receipt of Payment of Duties at Time of Entry or Payment of Bill

On August 3, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 20896), setting forth proposed amendments to § 24.3 (b) and (c) of the Customs Regulations relating to the receipt given by Customs upon the payment of duties at the time of entry or the payment of a Customs bill. Interested persons were given until September 4, 1973, to submit relevant data, views, or arguments regarding the proposed amendments to the regulations.

Careful consideration of the comments received has resulted in a change in the proposed wording of § 24.3(b) of the Customs Regulations, relating to the payment of Customs duties at the time of entry, to emphasize that a receipt of payment will be furnished the payer if he submits with his entry and payment either an additional copy of the entry or an additional copy of Customs Form 5101 (Entry Record). In addition, the reference in the proposed wording of § 24.3 (c) of the Customs Regulations to the "Bureau of Customs Copy" of the Customs bill has been changed to the "U.S. Customs Service Copy" to reflect the change in the name of that agency.

Accordingly, paragraphs (b) and (c) of § 24.3 of the Customs Regulations are amended as set forth below.



Effective date. These amendments shall become effective on April 1, 1974.

[SEAL] VERNON D. ACREE,  
Commissioner of Customs.

Approved: February 14, 1974.  
JAMES B. CLAWSON,  
Acting Assistant Secretary of the Treasury.

Paragraphs (b) and (c) of § 24.3 are amended to read as follows:

**§ 24.3 Bills and accounts; receipts.**

(b) A receipt for the payment of Customs duties made at the time of entry on a dutiable consumption entry or an appraisement entry will be provided a payer if he submits with his payment either an additional copy of the entry or an additional copy of Customs Form 5101. The additional copy shall be validated as paid by the appropriate Customs official and returned to the payer. Otherwise, a copy of the entry and the payer's cancelled check shall constitute evidence of the payment of duties.

(c) A copy of a Customs bill validated as paid will not normally be provided a payer. If a bill is paid by check, the copy of the Customs bill identified as "Payer's Copy" and the payer's cancelled check shall constitute evidence of such payment to Customs. Should a payer desire evidence of receipt, both the "U.S. Customs Service Copy" and the "Payer's Copy" of the bill and, in the case of payments by mail, a stamped, self-addressed envelope, shall be submitted. The "Payer's Copy" of the bill shall then be marked paid by the appropriate Customs official and returned to the payer.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[FR Doc. 74-4715 Filed 2-27-74; 8:45 am]

[T.D. 74-72]

**PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE**

**PART 241—ENTRY OF MERCHANDISE**

**Identification and Importer Numbers**

On September 5, 1973, a notice of proposed rulemaking setting forth proposed amendments to §§ 24.5(a) and 141.61(d) of the Customs Regulations, which would require importers of record and ultimate consignees to file for an importer's identification number and to submit this number with all formal consumption entries, was published in the FEDERAL REGISTER (38 FR 23954). At present, importers of record or ultimate consignees of duty-free merchandise making a formal entry are not required to file for, and use, an importer's identification number, whereas importers of record and ultimate consignees of dutiable merchandise making a formal entry are so required.

After reviewing the comments received in regard to the proposed amendments, the word "formal" is inserted before the term "consumption entry" in the pro-

posed amendment to § 141.61(d) to clarify that the importer number requirement applies to formal entries, whether free or dutiable, but does not apply to informal entries.

Accordingly, with this one change, the proposed amendments to §§ 24.5(a) and 141.61(d) of the Customs regulations are adopted as set forth below.

Effective date. This amendment shall become effective on April 1, 1974.

[SEAL] VERNON D. ACREE,  
Commissioner of Customs.

Approved: February 15, 1974.

JAMES B. CLAWSON,  
Acting Assistant Secretary of the Treasury.

Paragraph (a) of § 24.5 is amended to read as follows:

**§ 24.5 Filing identification number.**

(a) Each person, business firm, Government agency, or other organization shall file Customs Form 5106, Notification of Importer's Number or Application for Importer's Number, or Notice of Change of Name or Address, with the first formal entry which he submits or the first request for services that will result in the issuance of a bill or a refund check upon adjustment of a cash collection. Customs Form 5106 shall also be filed for the ultimate consignee for which such entry is being made.

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722, as amended, 759; 5 U.S.C. 301, 19 U.S.C. 66, 1484, 1624)

Paragraph (d) of § 141.61 is amended to read as follows:

**§ 141.61 Completion of entry papers.**

(d) Customs Form 5101. A Customs Form 5101 (Entry Record) shall be prepared by the importer and all three copies, with carbon paper left in, shall be presented with each formal consumption entry, and with each warehouse, appraisement, vessel repair, or drawback entry.

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722, as amended, 759; 5 U.S.C. 301, 19 U.S.C. 66, 1484, 1624)

[FR Doc. 74-4713 Filed 2-27-74; 8:45 am]

**Title 21—Food and Drugs**

**CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**SUBCHAPTER B—FOOD AND FOOD PRODUCTS**

**PART 90—EMERGENCY PERMIT CONTROL**

**Procedures Regarding Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Extension of Effective Dates**

In the FEDERAL REGISTER of January 29, 1974 (39 FR 3748) the Commissioner of Food and Drugs amended Chapter I of Title 21 of the Code of Federal Regulations by adding to Part 90 a new Subpart

A—Definitions and Procedures and a new Subpart B—Requirements and Conditions for Exemption From or Compliance With an Emergency Permit and by revising the record retention requirements in paragraph (d) of § 128b.8 Processing and production records. These amendments were to become effective on February 28, 1974 except that, with respect to Subpart B, the provisions of § 90.20(g) which relate to personnel training were to become effective on September 25, 1974 and the requirements relating to process filing were to become effective on April 1, 1974.

The Commissioner has received a request from the National Canners Association (NCA) to extend the effective date of the personnel training provisions of § 90.20(g) so as to ensure that all affected persons are provided adequate time in which to receive appropriate training.

The NCA has also requested that the effective date of the other provisions of Subparts A and B of Part 90 and the revision of § 128b.8 be extended to provide time for representatives of the NCA and the Food and Drug Administration to meet for the purpose of resolving technical problems which the NCA asserts these regulations now present.

Good reason therefor appearing the effective date of Subparts A and B of Part 90 and the revision of § 128b.8(d) as published in the FEDERAL REGISTER of January 29, 1974 is hereby extended to April 1, 1974 except that, with respect to Subpart B, the provisions of § 90.20(g) which relate to personnel training shall become effective on March 25, 1975 and the requirements relating to process filing shall become effective on April 30, 1974.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402, 404, 701, 52 Stat. 1046-1047 as amended, 1048, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 342, 344, 371)) and under authority delegated to the Commissioner (21 CFR 2.120).

SAM D. FINE,  
Associate Commissioner  
for Compliance.

FEBRUARY 15, 1974.

[FR Doc. 74-4873 Filed 2-27-74; 8:45 am]

**Title 35—Panama Canal**  
**CHAPTER I—CANAL ZONE REGULATIONS**

**PART 67—POSTAL SERVICE**

**Revised Procedures Regarding Postage Rates**

This document revises the procedures by which certain postage rates for the Canal Zone Postal Service are established and increases certain international postage rates. The document provides for the incorporation by reference by the Canal Zone Postal Service as Canal Zone postal rates certain permanent and temporary postage rates prescribed by published in the FEDERAL REGISTER and

the United States Postal Service and increases certain international postage rates which are not incorporated by reference to United States Postal Service rates. The purpose of the amendment is to retain the long-established comparability between Canal Zone postage rates and those established by the United States Postal Service.

1. Section 67.91 is revised to read as follows:

**§ 67.91 Domestic rates for first-class mail.**

(a) Except as otherwise provided by this section, the domestic postage rates for first-class matter prescribed by the United States Postal Service and published in the FEDERAL REGISTER are applicable to and within the Canal Zone and to regular mail exchanged with the Republic of Panama, the United States, its Territories, Possessions, and the Commonwealth of Puerto Rico.

(b) First-class matter, defined by the United States Postal Service as priority mail, which is mailed in the Canal Zone and destined to the Canal Zone and the Republic of Panama is subject to the first-class rate prescribed by the United States Postal Service and published in the FEDERAL REGISTER for such mail destined to the Local Zone and Zones 1, 2, and 3.

(c) First-class matter, defined by the United States Postal Service as priority mail, which is mailed in the Canal Zone and destined to the United States, its Territories, Possessions, and the Commonwealth of Puerto Rico is subject to the first-class rates prescribed by the United States Postal Service and published in the FEDERAL REGISTER for such mail destined to Zone 8.

2. Section 67.93 is revised to read as follows:

**§ 67.93 Weight and size limits.**

The weight and size limits for first-class mail prescribed by the United States Postal Service and published in the FEDERAL REGISTER are applicable to and within the Canal Zone.

3. Section 67.111 is revised to read as follows:

**§ 67.111 Rates for publications, generally.**

The following postage rates apply to all publications except those accepted at the special rate or the classroom rate:

(a) For delivery in the Canal Zone. Domestic second-class rates of postage prescribed by the United States Postal Service and published in the FEDERAL REGISTER.

(b) For delivery in the United States, its Territories and Possessions. Domestic second-class rates of postage prescribed by the United States Postal Service and published in the FEDERAL REGISTER.

4. Section 67.112 is revised to read as follows:

**§ 67.112 Special rates publications.**

When specifically authorized by the Director of Posts, the domestic second-

class rates of postage prescribed by the United States Postal Service and published in the FEDERAL REGISTER for publications issued by religious, educational, scientific, philanthropic, agricultural, labor, veterans' or fraternal organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, are applicable to and within the Canal Zone.

5. Section 67.113 is revised to read as follows:

**§ 67.113 Rates for classroom publication.**

The domestic second-class rates of postage prescribed by the United States Postal Service and published in the FEDERAL REGISTER for religious, educational, or scientific publication designed specifically for use in school classroom or in religious instruction classes, are applicable to and within the Canal Zone.

6. Section 67.114 is revised to read as follows:

**§ 67.114 Transient rate.**

The domestic transient rates of postage prescribed by the United States Postal Service and published in the FEDERAL REGISTER for second-class matter mailed by the public and to persons not included in list of subscribers are applicable to and within the Canal Zone.

7. Section 67.115 is hereby revoked.

**§ 67.115 [Revoked]**

8. Section 67.121(a) is revised to read as follows:

**§ 67.121 Controlled circulation publications.**

(a) Except as provided by paragraph (b) of this section, controlled circulation publications are subject to the domestic postage rates, weight limits and conditions prescribed by the United States Postal Service and published in the FEDERAL REGISTER for such matter.

9. In § 67.131, the introductory paragraph and paragraph (a) are revised to read as follows:

**§ 67.131 Applicability of Federal postal regulations.**

The domestic postage rates and regulations for third-class matter prescribed by the United States Postal Service and published in the FEDERAL REGISTER are applicable to and within the Canal Zone as follows:

(a) Rates. The domestic postage rates for third-class matter prescribed by the United States Postal Service and published in the FEDERAL REGISTER are applicable to and within the Canal Zone and to such third-class matter when mailed in the Canal Zone and destined for the United States, its Territories, Possessions, and the Commonwealth of Puerto Rico.

10. In § 67.141, the unnumbered paragraph and paragraphs (c) and (d) are revised to read as follows:

**§ 67.141 Rates for fourth-class matter.**

The postage rates for domestic fourth-class matter prescribed by the United States Postal Service and published in the FEDERAL REGISTER are applicable to and within the Canal Zone as follows:

(c) Special fourth-class rate. The rates of postage as prescribed for special fourth-class matter when mailed in the Canal Zone and destined for the Canal Zone, and the United States, its Territories and Possessions.

(d) Library rate. The rates of postage as prescribed for library matter mailed by public libraries and certain non-profit organizations, under the conditions outlined and when addressed for delivery in the Canal Zone and the United States, its Territories and Possessions.

11. Section 67.161(a) (2) is revised to read as follows:

**AIR AND PRIORITY MAIL**

**§ 67.161 Domestic destinations.**

(a) . . . . .  
(2) United States, its Territories and Possessions and the Commonwealth of Puerto Rico. The domestic postage rates for air and priority mail as prescribed by the United States Postal Service and published in the FEDERAL REGISTER are applicable.

12. In § 67.163, paragraphs (b) (1) (2), and (3) are revised to read as follows:

**§ 67.163 Foreign destinations.**

(b) Rates—(1) Letter and letter packages. Postal Union "Other Articles." These rates are based on a two-zone structure, except Panama, as follows:

Panama—13¢ per half ounce.  
Zone A. North America, Caribbean Islands, Bahamas, Bermuda, St. Pierre, Miquelon, South America, and Central America except Panama—25¢ per half ounce up to and including 2 ounces, 20¢ each additional half ounce.

Zone B. All other countries—35¢ per half ounce up to and including 2 ounces, 30¢ each additional half ounce.

(2) Postcards (single): Cents each  
Panama . . . . . 11  
All other countries . . . . . 20

(3) Aerogrammes (air-letter sheets):  
Panama . . . . . 13  
All other countries . . . . . 20

13. In § 67.591, paragraphs (b) and (c) are revised to read as follows:

**§ 67.591 Surface mails.**

(b) Postal Union Mail. (1) Surface rates for letter mail, except letter mail destined to Panama which is subject to the rates established by § 67.91, printed matter, and small packets are as follows:

1 Consult 39 CFR for list of countries to which articles liable to customs duties (merchandise) may be forwarded in letters and letter packages.



## RULES AND REGULATIONS

Ounces	Letter mail	Printed matter	Small packets
1	\$0.18	\$0.10	\$0.18
2	.31	.16	.18
4	.41	.16	.18
8	.92	.32	.35
16	1.74	.56	.68
32	2.89	.85	1.04
64	4.62	1.16	
Each additional 32 oz.		.58	

(2) Surface rates for post cards are as follows:

	Cents each
Panama	8
All other countries	12

(3) Surface rates for books and sheet music and publishers second-class matter are as follows:

(i) To PUAS Countries except Spain and Spanish possessions:

Classifications	Surface rates
Panama	Domestic 1st and 2nd Zone Fourth-class rate.
Zone 1—North America, Caribbean Islands, Bahamas, Bermuda, St. Pierre, Miquelon and Central America, except Panama.	\$1.40 first two pounds, 40 cents each additional pound or fraction thereof.
Zone 2—All other countries	\$1.55 first two pounds, 45 cents each additional pound or fraction thereof.

**Effective date.** This revision is effective March 2, 1974.

(2 C.Z.C. 1131-1143, 76A Stat. 38-40)

DAVID S. PARKER,  
Governor of the Canal Zone.

FEBRUARY 25, 1974.

[FR Doc.74-4712 Filed 2-27-74; 8:45 am]

### Title 38—Pensions, Bonuses, and Veterans' Relief

#### CHAPTER I—VETERANS ADMINISTRATION

#### PART 21—VOCATIONAL REHABILITATION AND EDUCATION

##### Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35 and 36

###### INSTITUTIONAL TRAINING

On page 1644 of the FEDERAL REGISTER of January 11, 1974, there was published a notice of proposed regulatory development to amend § 21.4275 to provide that students receiving clinical training in a dentist's office in an approved course shall be institutional trainees and that students training pursuant to section 206, Pub. L. 93-82 (87 Stat. 179) shall be considered in institutional training. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Ounces	Books and sheet music	Publisher's 2d class
2	\$0.20	\$0.04
4	.20	.06
8	.20	.10
16	.20	.17
32	.28	.28
64	.48	.48
Each additional 32 oz.	.24	.24

(ii) To all other countries including Spain and Spanish possessions:

Ounces	Books and sheet music	Publisher's 2d class
2	\$0.20	\$0.04
4	.20	.07
8	.20	.11
16	.20	.19
32	.34	.34
64	.57	.57
Each additional 32 oz.	.29	.29

(4) Matter for the blind is accepted free of postage for surface mail.

(c) Parcel Post. Surface rates are as follows:

Classifications	Surface rates
Panama	Domestic 1st and 2nd Zone Fourth-class rate.
Zone 1—North America, Caribbean Islands, Bahamas, Bermuda, St. Pierre, Miquelon and Central America, except Panama.	\$1.40 first two pounds, 40 cents each additional pound or fraction thereof.
Zone 2—All other countries	\$1.55 first two pounds, 45 cents each additional pound or fraction thereof.

**Effective date.** Section 21.4275(c) (1) is effective February 22, 1974, and § 21.4275 (d) is effective September 1, 1973.

Approved: February 22, 1974.  
By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,  
Deputy Administrator.

In § 21.4275, paragraph (c) (1) is amended and paragraph (d) is added so that the amended and added material reads as follows:

§ 21.4275 Professional Courses.

(c) *Medical and dental specialty courses.* (1) Medical and dental specialty courses such as X-ray technician, medical technician, medical records librarian, physical therapist, and dental technician courses whether accredited or nonaccredited offer by a school will be measured on the basis of credit hours or clock hours of attendance, whichever is appropriate. Required clinical training given in an affiliated hospital, clinic, laboratory or medical center will be assessed as institutional training when it is an integral part of the course, the completion thereof is a prerequisite to the successful completion of the course, the student remains enrolled in the course during the clinical training period and the training is under the direction and supervision of the school. Clinical training given in a physician's office or a dentist's office, also called externship, will be recognized as part of the institutional

training if the course is accredited by the Council on Medical Education, American Medical Association, or the Council on Dental Education, American Dental Association. If the course is not so accredited such practical or on-the-job training or experience in a physician's office may not be included unless the program is approved as a cooperative course.

(d) *Medical and dental assistants courses.* Programs offered by an institution to qualify a person for the position of full-time physician's assistant or dentist's assistant will be regarded as institutional training. These programs will be measured on a credit hour or clock hour basis as appropriate. Programs including classroom and on-the-job training, will be considered full-time if 30 clock hours of attendance per week are required. Part time measurement shall be in accordance with the provisions of § 21.4270 a) or (c) as appropriate.

[FR Doc.74-4749 Filed 2-27-74; 8:45 am]

### PART 36—LOAN GUARANTY

#### Flood Insurance Requirements

The Veterans Administration is amending §§ 36.4222, 36.4326, 36.4512(b) and 36.4600(c) (3) and promulgating a new § 36.4402(f), Title 38 of the Code of Federal Regulations to require flood insurance protection, as mandated by the Flood Disaster Protection Act of 1973 (Pub. L. 93-234; 87 Stat. 975).

While we consider that flood insurance is now customary in all areas under the existing § 36.4222 relating to mobile homes, we are amending this section to assure that there is full compliance with the requirements of the Flood Disaster Protection Act of 1973.

The amendments are issued pursuant to the authority of section 210(c), title 38, United States Code.

Compliance with the provisions of § 1.12 of this chapter is waived, because the amendments are implementing a statutory mandate.

1. Section 36.4222 is revised to read as follows:

#### § 36.4222 Hazard insurance.

The holder shall require insurance policies to be procured and maintained in an amount sufficient to protect the security against the risks or hazards to which it may be subjected to the extent customary in the locality. Flood insurance will be required, including coverage of the contents to the extent such contents are security for the loan, in respect to any loan closed on and after March 2, 1974, if the security is located in an area identified by the Secretary of Housing and Urban Development as having special flood hazards and in which the sale of flood insurance is available under the national flood insurance program. The amount of flood insurance required will be equal to the outstanding

balance of the loan or the maximum limit of coverage available for the particular type of property under the national flood insurance program, whichever is less. All moneys received under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance.

2. Section 36.4326 is revised to read as follows:

#### § 36.4326 Hazard insurance.

The holder shall require insurance policies to be procured and maintained in an amount sufficient to protect the security against the risks or hazards to which it may be subjected to the extent customary in the locality. Flood insurance will be required in respect to any loan closed on and after March 2, 1974, if the security is located in an area identified by the Secretary of Housing and Urban Development as having special flood hazards and in which the sale of flood insurance is available under the national flood insurance program. The amount of flood insurance required will be equal to the outstanding balance of the loan or the maximum limit of coverage available for the particular type of property under the national flood insurance program, whichever is less. All moneys received under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance.

3. In § 36.4402, paragraph (f) is added to read as follows:

#### § 36.4402 Eligibility.

(f) The housing unit, if located in an area identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which the sale of flood insurance has been made available under the national flood insurance program, is or will be covered by flood insurance for the lesser of the full insurable value of the property or the maximum flood insurance available under the national flood insurance program.

4. In § 36.4512, paragraph (b) is revised to read as follows:

#### § 36.4512 Taxes and insurance.

(b) The borrower shall maintain insurance against fire and such other hazards as may be required by the Veterans Administration, in such type or types and in such amounts as may be satisfactory to the Veterans Administration, covering the improvements then or thereafter on the property securing the loan. Flood insurance will be required in respect to any loan closed on and after March 2, 1974, if the security is located in an area identified by the Secretary of Housing and Urban Development as having special flood hazards and in which the sale of flood insurance is available under the national flood insurance program. The amount of flood insurance required will be equal to the outstanding

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balance of the loan or the maximum limit of coverage available for the particular type of property under the national flood insurance program, whichever is less. All such hazard and flood insurance shall be carried with a company or companies satisfactory to the Veterans Administration and the policies and renewals thereof shall be held in the possession of the Veterans Administration and have attached thereto a mortgagee loss payable clause in favor of and in form satisfactory to the Veterans Administration.

5. In § 36.4600, paragraph (c) (3) is amended to read as follows:

#### § 36.4600 Sale of loans, guarantee of payment.

(c) The holder of each loan sold subject to guaranty shall be deemed to have agreed with the Administrator as follows:

(3) To maintain insurance in an amount sufficient to protect the security against risks or hazards to which it may be subjected to the extent customary in the locality, and to apply the proceeds of loss payments to the loan balance or to the restoration of the security, as the holder may in his discretion deem proper. Flood insurance will be required in respect to any loan closed on and after March 2, 1974, if the security is located in an area identified by the Secretary of Housing and Urban Development as having special flood hazards and in which the sale of flood insurance is available under the national flood insurance program. The amount of flood insurance required will be equal to the outstanding balance of the loan or the maximum limit of coverage available for the particular type of property under the national flood insurance program, whichever is less.

**Effective date.** These VA Regulations are effective March 2, 1974.

Approved: February 22, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,  
Deputy Administrator.

[FR Doc.74-4748 Filed 2-27-74; 8:45 am]

### Title 40—Protection of Environment

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

##### SUBCHAPTER B—GRANTS

#### PART 35—STATE AND LOCAL ASSISTANCE

##### Subpart B—Program Grants

Interim regulations are hereby promulgated to amend certain portions of the Environmental Protection Agency State and local assistance grant regulations (40 CFR Part 35) which pertain to air and water program grants.

The amendments delete the air pollution control interstate planning grant regulations from the air pollution control

program grant regulations. Major revisions to the air pollution control program grant regulations are: (1) The regulations are now structured similar to the water program grant regulations under section 106 of the Federal Water Pollution Control Act Amendments of 1972, including output orientation, (2) the pre-maintenance and maintenance concept has been eliminated, (3) the regulations now provide for issuance of annual national air strategy guidance to the regions and States, (4) agency programs are to be based on the State implementation plan and EPA annual guidance and are to be evaluated on achievement and effectiveness in meeting the objectives and outputs programmed, and (5) the regulations provide flexibility to the Regional Administrators for reducing grant amounts when a grantee fails to achieve outputs programmed.

Interested parties and Government agencies are encouraged to submit written comments, views, or data concerning the regulations promulgated herewith to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received by March 28, 1974, will be considered prior to the promulgation of final EPA regulations. Suggestions for changes to the regulations promulgated in these subchapters are solicited on a continuous basis pursuant to 40 CFR 30.106.

**Effective date.** The interim program grant regulations promulgated hereby shall become effective February 25, 1974. All Environmental Protection Agency air program grants awarded after this date shall be subject to these regulations. It is necessary that these regulations take effect prior to a thirty day period following publication to permit control agencies to submit applications for program grants in accordance with the new procedures established pursuant to these regulations. Prior regulations (40 CFR Part 35, Subpart B, published June 9, 1972) governing air program grants shall remain applicable to grants awarded prior to promulgation of these regulations. Prior regulations (40 CFR Part 35, Subpart B, published June 29, 1973) governing the award of water program grants remain in effect.

JOHN QUARLES,  
Acting Administrator.

FEBRUARY 15, 1974.

##### Subpart B—Program Grants

Sec.	Purpose.
35.400-1	Air pollution control agency grant awards.
35.400-2	Water pollution control program grant awards.
35.403	Authority.
35.404	Annual guidance.
35.405	Criteria for evaluation of program objectives.
35.410	Evaluation of agency performance.
35.415	Report of project expenditures.
35.420	Payment.
35.425	Federal and grantee program support.

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- AIR POLLUTION CONTROL PROGRAM GRANTS**
- 35.501 Definitions.
  - 35.501-1 Air pollution.
  - 35.501-2 Air pollution control agency.
  - 35.501-3 Air pollution control program.
  - 35.501-4 Air quality control region.
  - 35.501-5 Implementation plan.
  - 35.501-6 Interstate air quality control region.
  - 35.501-7 Municipality.
  - 35.501-8 Nonrecurrent expenditures.
  - 35.501-9 State.
  - 35.505 Allocation of funds.
  - 35.507 Federal assistance for agency programs.
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- WATER POLLUTION CONTROL STATE AND INTERSTATE PROGRAM GRANTS**
- 35.551 Scope and purpose.
  - 35.552 Definitions.
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  - 35.552-2 State program grant.
  - 35.552-3 State program.
  - 35.552-4 Number of pollution sources.
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  - 35.552-8 Interstate segment.
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  - 35.554-1 State strategy formulation.
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  - 35.558-4 Notification of funds.
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  - 35.559-1 Computation of maximum grant.
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  - 35.559-5 Eligibility.
  - 35.559-6 Limitation of award.
  - 35.559-7 Grant conditions.
  - 35.560 Program evaluation and reporting.
  - 35.560-1 Evaluation.
  - 35.560-2 Reports.

**AUTHORITY:** Secs. 105, 301(b), Clean Air Act, as amended (42 U.S.C. 1857c and 1857g); secs. 106, 501, Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1256, 1361).

#### § 35.400 Purpose.

This subpart which establishes and codifies policy and procedures for air and water pollution control program assist-

ance grants, supplements the Environmental Protection Agency's general grant regulations and procedures (Part 30 of this chapter) and is applicable to air and water program grants. These grants are intended to aid programs for the prevention and control of air or water pollution at the State, interstate, or local level.

#### § 35.400-1 Air pollution control agency grant awards.

Grants may be awarded to air pollution control agencies for the planning, development, establishment, improvement, and maintenance of programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards in accordance with the applicable implementation plan.

#### § 35.400-2 Water pollution control program grant awards.

Grants may be awarded to State and interstate water pollution control agencies to assist them in developing or administering programs for the prevention, reduction, and elimination of water pollution, including enforcement directly or through appropriate State law enforcement officers or agencies.

#### § 35.403 Authority.

This subpart is issued under sections 105 and 301(b) of the Clean Air Act, as amended (42 U.S.C. 1857c and 1857g) and sections 106 and 501 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1256 and 1361).

#### § 35.404 Annual guidance.

The Environmental Protection Agency will develop and disseminate annual guidances to be used by the grantee to structure air and water programs for the coming Federal fiscal year. The guidances will contain a statement of the national strategy including national objectives and national priorities for the year together with planning figures for Federal program grant assistance based on the EPA budget approved by the President. The annual guidances for air and water will be disseminated within thirty days after the President delivers his budget to Congress.

#### § 35.405 Criteria for evaluation of program objectives.

(a) Programs set out in the application and submitted in accordance with these regulations shall be evaluated in writing by the Regional Administrator to determine:

- (1) Consistency and compatibility of objectives and expected results with EPA national and regional priorities in implementing purposes and policies of the Clean Air Act or the Federal Water Pollution Control Act.
- (2) Feasibility of achieving objectives and expected results in relation to existing problems, past performance, program authority, organization, resources and procedures.

(b) Approval of the program developed pursuant to § 35.526 (air) or § 35-

554 (water) shall be based on the extent to which the applicant's program satisfies the above criteria.

#### § 35.410 Evaluation of agency performance.

(a) A performance evaluation shall be conducted at least annually by the Regional Administrator and the grantee to provide a basis for measuring progress toward achievement of the approved objectives and outputs described in the program. The evaluation shall be consistent with the requirements of § 35.538 for air pollution control agencies and § 35.560 for water pollution control agencies.

(b) The Regional Administrator shall prepare a written report of the annual evaluation. The grantee shall be allowed 15 working days from the date of receipt to concur with or comment on the findings.

#### § 35.415 Report of project expenditures.

Within 90 days after the end of each budget period, the grantee must submit to the Regional Administrator an annual report of all expenditures (Federal and non-Federal) which accrued during the budget period. Beginning in the second quarter of any succeeding budget period, grant payments may be withheld pursuant to § 30.602-1 of this chapter until this report is received.

#### § 35.420 Payment.

Grant payments will be made in advance in a manner so as to minimize the time elapsed between receipt of grant funds by the grantee and disbursement by him. Established unified EPA payment procedures will be followed. Notwithstanding the provisions of § 30.305 of this chapter, the first grant payment subsequent to grant award may include reimbursement for all allowable costs incurred from the beginning of the approved budget period, provided that monthly costs incurred from the beginning of the budget period to the date of grant award may not exceed the level of cost incurred in the last month of the prior budget period.

#### § 35.425 Federal and grantee program support.

For purposes of establishing the amount of resources which will be committed by the agency to particular budget categories or program elements under §§ 35.527 (air) and 35.554-3 (water), Federal and grantee financial contributions shall be considered as combined sums, and shall not be separately identified for each budget category or program element.

#### AIR POLLUTION CONTROL PROGRAM GRANTS

##### § 35.501 Definitions.

As used herein, the following words and terms shall have the meaning set forth below:

##### § 35.501-1 Air pollution.

The presence in the outdoor atmosphere of any dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or a combination

thereof, in sufficient quantities and of such characteristics and duration as to be, or likely to be, injurious to health or welfare, animal or plant life, or property, or as to interfere with the enjoyment of life or property.

##### § 35.501-2 Air pollution control agency.

Any of the following:  
(a) State air pollution control agency. A single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of the Clean Air Act.

(b) Interstate air pollution control agency. An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution.

(c) Municipal air pollution control agency. A city, county, or other local government agency responsible for enforcing ordinances or laws relating to the prevention and control of air pollution.

(d) Intermunicipal air pollution control agency. An agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.

##### § 35.501-3 Air pollution control program.

The annual submission of an air pollution control agency that describes the activities to effectively implement the requirements set forth in § 35.526.

##### § 35.501-4 Air quality control region.

An area designated or established pursuant to section 107 of the Clean Air Act.

##### § 35.501-5 Implementation plan.

The plan, or revision thereof, which has been approved or promulgated by EPA under section 110 of the Clean Air Act and which implements a national primary or secondary ambient air quality standard in a State or portion thereof.

##### § 35.501-6 Interstate air quality control region.

A geographic area, designated under section 107 of the Clean Air Act, that includes areas in two or more states.

##### § 35.501-7 Municipality.

A city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

##### § 35.501-8 Nonrecurrent expenditures.

Expenditures which include:

(a) The amount by which the annual cost of the purchase of individual items of equipment, each costing over \$2,500, exceed the average of such purchases for the three preceding fiscal years. Nonrecurrent equipment purchases may be depreciated over the anticipated useful life of the equipment.

(b) Costs of projects supported under grants authorized by sections of the Clean Air Act other than section 105.

(c) Those expenditures which are identified as being acceptable as nonre-

current expenditures under generally accepted accounting principles. Such nonrecurrent expenditures must have the prior approval of the Regional Administrator.

##### § 35.501-9 State.

A State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

##### § 35.505 Allocation of funds.

(a) **Tentative allowances.** No later than March 1 of each year, the Administrator will issue to each Regional Administrator a tentative regional allowance for the next fiscal year. This tentative allowance (planning target) will be based on the amount of funds requested in the President's budget for this purpose for the next fiscal year.

(b) **Final allowances.** As soon as practicable after funds are made available, the Administrator will issue to each Regional Administrator a final regional allowance from funds appropriated for each fiscal year.

(c) **Determination.** Regional allowances shall be the sum of the amounts available to support control agencies which meet the requirements of § 35.526. Insofar as practicable, these amounts shall be based upon the following criteria or equivalent parameters:

- (1) Impact of the air pollution control activities upon the applicable implementation plan and national priorities and objectives.
- (2) Population served.
- (3) Extent of the actual or potential air pollution problem.
- (4) Financial need.

The relative weight of each factor and the specific national priorities will be determined annually by the Administrator. The final allowances will consider actual and expected outputs of control agencies and the applicable implementation plan resources and resource needs.

(d) **Allowance limitations.** The allotment for any one State may not exceed an amount equal to 10 percent of the funds appropriated for the purposes of section 105(a) of the Clean Air Act in any one fiscal year.

(e) **Reallotment.** By October 15 of each year, or as soon thereafter as practicable, the Administrator will issue to each Regional Administrator an allowance derived from reallotment of unobligated prior year funds.

##### § 35.507 Federal assistance for agency programs.

##### § 35.507-1 Limitations on assistance.

The amount of the Federal share of grant costs shall be determined by reference to the entitlement criteria set forth in section 105 of the Act.

##### § 35.507-2 Limitations on duration.

The budget period for any grant awarded shall be for a period of 12 months or less and shall be coterminous with the agency's or Federal fiscal year.

##### § 35.510 Grant allotment and amount.

##### § 35.510-1 Tentative allotment.

The Regional Administrator shall promptly notify each control agency of its tentative allotment for the agency's next budget period. Such tentative allotment shall be made as soon as practicable.

##### § 35.510-2 Grant amount.

In determining the amount of support for a control agency, the Regional Administrator will consider: (a) The functions, duties, and obligations assigned to the agency by an applicable implementation plan; (b) the feasibility of the program in view of the resources to be made available to achieve or maintain EPA priorities and goals; (c) the probable or estimated total cost of the program in relation to its expected accomplishments; (d) the extent of the actual or potential pollution problem; (e) the population served within the agency's jurisdiction; (f) the financial need and (g) the evaluation of the agency's performance.

##### § 35.510-3 Reduction of grant amount.

(a) The grantee shall submit the proposed program required by § 35.526 no later than 60 days preceding the budget period for which the program application is prepared. If the agency does not meet this deadline, the grant amount may be reduced one-twelfth of the tentative allotment for each full month's delay. This money will be available for reallotment to air pollution control agencies within the region. Reductions will not be made for delays of less than a full month.

(b) If the Regional Administrator's annual performance evaluation reveals that the grantee will fail, or has failed, to achieve the expected outputs described in his approved program, the grant amount may be reduced by the approved estimated program cost to produce such outputs. This money will be available for reallotment to air pollution control agencies within the region.

(c) An agency shall be notified prior to any reduction in the amount of Federal support to that agency. This notification should include the reasons for reduction and if appropriate what steps the agency must take to regain funding.

##### § 35.510-4 Limitations.

(a) The amount of a grant award to support an air pollution control agency program shall be subject to the grant limits set forth in § 35.507-1.

(b) Not more than 10 percent of the total of funds appropriated or allocated for the purposes of section 105(a) of the Clean Air Act in any one fiscal year shall be granted for air pollution control agencies in any one State. In the case of grants for an agency in an area crossing State boundaries, the Regional Administrator shall determine the portion of such grant that is chargeable to the 10 percent limitation for each State into which such area extends.



(c) Whenever a region's final allowance is not sufficient to meet the funding requirements of qualified air pollution control agencies, the Regional Administrator shall give priority to programs which meet applicable implementation plan commitments, national goals and priorities, and those requesting continuation support.

(d) Grants shall be awarded only from appropriations available at the time of award.

#### § 35.515 Control program eligibility.

Any air pollution control agency that meets the criteria for award prescribed in § 35.520 shall be eligible for an air pollution control program assistance grant.

#### § 35.520 Criteria for award.

(a) No grant may be awarded unless the program contained in the grant application meets the requirements of § 35.526 and has been approved by the Regional Administrator.

(b) No grant may be awarded until the Regional Administrator has consulted with the official designated by the Governor(s) of the State(s) affected by such award pursuant to section 105(b) of the Clean Air Act. Such consultation should consider the role of the applicant in the enforcement of any applicable implementation plan and confirm that the applicant's program will be generally compatible with the objectives of the applicable implementation plan.

(c) No grant may be awarded for any budget period when the estimated recurrent expenditures of non-Federal funds for the agency will be less than the recurrent expenditures of non-Federal funds were for such agency during the preceding budget period.

(d) No grant may be awarded unless the applicant provides assurance satisfactory to the Regional Administrator that such grant will be used to supplement and, to the extent practicable, increase the non-Federal funds that would in the absence of such grant be made available for such agency, and that Federal assistance will in no event supplant such non-Federal funds.

(e) No grant may be awarded to any air pollution control agency within an air quality control region, or portion thereof, for which there is an applicable implementation plan, unless the applicant has, or will be delegated, substantial responsibility for carrying out the plan.

(f) No grant may be awarded to any interstate or intermunicipal air pollution control agency unless the applicant provides assurance satisfactory to the Regional Administrator in the grant application that the agency provides for adequate representation of appropriate State, interstate, local and (when appropriate) international interests in the air quality control region, and further that the agency has the capability of developing and implementing a comprehensive air quality plan for the air quality control region.

(g) No grant may be awarded unless the Regional Administrator has determined that (1) the agency has the capability, or will develop the capability, to achieve the objectives and outputs described in its EPA-approved program, and (2) the agency has considered and incorporated as appropriate the recommendations of the latest EPA performance evaluation in its program.

(h) Where more than one air pollution control agency exists in a given State, no grant may be awarded to a control agency unless the Regional Administrator has determined that a written agreement has been developed between municipal or intermunicipal agencies and the State air pollution control agency detailing the procedures for implementing their responsibilities defined in the applicable implementation plan.

(i) No grant may be awarded unless the Regional Administrator has determined that the agency has adequate air pollution control authority and necessary regulations to implement such authority.

#### § 35.526 Agency program preparation.

Each agency shall prepare, in consultation with the Regional Administrator, a program based on the applicable implementation plan and EPA annual guidance. The essence of a program is relating the utilization of available resources—both Federal and non-Federal monies—to the achievement of expected outputs. The program shall describe how each major program element is consistent with any applicable implementation plan and EPA's annual guidance. Information on each major program element shall be presented in summary form and shall include:

(a) The expected outputs to be obtained as discussed in § 35.527.

(b) The total resources to be expended to produce the expected outputs, including anticipated Federal financial and technical assistance; and

(c) An analysis of the efforts during the current budget period.

#### § 35.527 Major program elements and outputs.

(a) The major program elements include activities which are necessary to the attainment of national objectives and priorities as described in the annual guidance. The major program elements should include, but not be limited to, the following items as they are outlined in Part 51, Appendix K of this chapter:

- (1) Enforcement.
- (2) Engineering.
- (3) Technical Services.
- (4) Administration.

(b) Outputs will be identified in the annual guidance for each major program element. Additional program elements and their associated outputs may be determined as deemed appropriate by the Regional Administrator. The outputs for each major program element may include but are not limited to the following:

(1) *Enforcement.* The enforcement outputs should reflect concern for en-

forcement of applicable implementation plan requirements and also the authorities delegated to a State agency including National Emission Standards for Hazardous Air Pollution Sources (NESHAPS) and New Source Performance Standards (NSPS). The outputs describing enforcement should indicate the agency strategy, including the number of inspections to be performed, number of point sources that will achieve compliance, number of point sources to be put on compliance schedules and for each category of area sources, the percentage not in compliance that are to be brought into compliance.

(2) *Engineering.* The engineering outputs of the agency should reflect the agency's need for data essential for the enforcement of regulations and for the measurement of progress in achieving and maintaining ambient air quality standards. The mechanism used by an agency to prevent construction, modification, or operation of any source, where emissions from the source will prevent the attainment or maintenance of a national standard or will result in degradation of air quality in violation of approved implementation plans, should be described as part of the agency's major program elements. Outputs should, to the extent possible, quantify this mechanism by identifying measurable units such as the number of permits to be issued. The outputs should indicate the extent of agency engineering efforts required in support of permit systems and/or enforcement operations and may include source testing and compliance data systems. The outputs to be developed by the agency should provide for a current comprehensive emission inventory of air pollutants being discharged. The work performed in this regard should develop emission information compatible with the National Emission Data Systems (NEDS) requirements.

(3) *Technical services.* Technical services' outputs should support data collection, reporting, planning, and enforcement activities of the agency. These outputs should reflect those reporting, operational and data gathering functions associated with the operation of air monitoring networks, laboratory facilities and data handling systems. Output schedules should indicate the number and types of air monitors, frequency of sampling, the agency's progress in meeting the minimum federal requirements outlined in Part 51 of this chapter. The output schedules should also reflect changes in the air monitoring network and additional equipment that may be required as a result of revisions or additions to the State implementation plan or through delegated authority. Laboratory outputs should indicate the number and type of samples analyzed, data expected from these samples, and equipment purchases. The data reported from these operations should be analyzed and reported in a manner consistent with the Storage and Retrieval of Aerometric Data (SAROAD) format and supportable of State reporting requirements as

outlined § 51.7 of this chapter, for quarterly and semi-annual reports.

(4) *Administrative services.* The administrative services should support and provide direction for planning and developing policy for the achievement of agency outputs. These support activities may involve revisions to applicable implementation plans (including indirect source controls and significant deterioration policy); assessment and evaluation of accomplishments relating to implementation plan achievement; and development and implementation of transportation and land use control programs relating to planning and air quality considerations; intergovernmental activities, and liaison with other agencies; and the modification of resource projections. The outputs should provide for training of the agency personnel. Where appropriate, contractual arrangements with other units of the State in implementing provisions of the Clean Air Act should be provided. Plans should be developed and included as required for the attainment of legal authority and acquisition of ordinances, rules and regulations to carry out the applicable implementation plans and revisions.

#### § 35.528 Agency program submission.

Each agency shall submit to the Regional Administrator, generally no later than 90 days prior to the end of its budget period, a program pursuant to § 35.526 which satisfies the requirements of these regulations and the narrative requirements of Part IV of the grant application. A reduction in the grant amount may be made in accordance with § 35.510-3 for programs submitted late.

#### § 35.529 Program approval.

(a) The program submission shall be approved only if the program satisfies all terms, conditions, and limitations set forth in these regulations.

(b) The Regional Administrator may award a grant based on conditional approval of a program which requires minor changes to qualify for approval. In the event conditional approval is granted, the Regional Administrator shall include in the grant agreement a statement of the conditions which must be met to secure final approval and the date by which such conditions shall be met.

#### § 35.530 Grant conditions.

In addition to any other requirements herein, each air pollution control grant shall be subject to the following conditions:

(a) Direct cost expenditures for the purchase of real estate or construction of a fixed structure are unallowable, except that costs of monitoring stations may be allowed as direct costs.

(b) The sum of the non-Federal recurrent expenditures by the grantee in the budget period for which the grant is awarded shall be equal to or greater than the sum of grantee's recurrent expenditures during the fiscal year im-

mediately preceding the beginning of the current budget period.

(c) The grantee shall provide such information as the Regional Administrator may from time to time require to carry out his functions. Such information may contain, but is not limited to: Air quality data, emission inventory data, data describing progress toward compliance with regulations by specific sources, data on variances granted, quality assurance information related to data collection and analysis and similar regulatory actions, source reduction plans and procedures, real time air quality and control activities and other data related to air pollution emergency episodes, and similar regulatory actions.

(d) The Regional Administrator may refuse to award a grant or may terminate in whole or in part, a grant awarded under this subpart pursuant to § 30.903 of this chapter when a period of federally assumed enforcement defined in section 113(a) (2) of the Clean Air Act is in effect with respect to such agency.

(e) The Regional Administrator may terminate a grant awarded under this subpart pursuant to § 30.903 of this chapter where the Administrator has not approved, or has revoked approval, of the applicable implementation plan and any other specific authorities delegated to the agency.

#### § 35.535 Assignment of personnel.

(a) The Administrator may detail personnel of the Environmental Protection Agency to an air pollution control agency pursuant to section 301(b) of the Clean Air Act.

(b) The Regional Administrator, with the concurrence of the grantee, may reduce grant payments by the amount of pay, allowances, travel, training, and other expenses related to the detail of any EPA officer or employee pursuant to section 105(d) of the Clean Air Act. The amount of the reduction shall be deemed to have been paid to the grantee in determining the amount of any grant.

#### § 35.538 Agency evaluation and reports.

##### § 35.538-1 Agency evaluation.

Agency evaluation is primarily a grantee responsibility and should be continuous throughout the budget period. It is EPA policy to limit EPA evaluation to that which is necessary for responsible management of regional and national efforts to control air pollution. The Regional Administrator shall conduct an agency performance evaluation annually in accordance with § 35.410. The evaluation shall include the review and assessment of the agency's effectiveness in meeting objectives and outputs, and in carrying out related activities, as set forth in the grantee's approved program. An exit interview will be conducted following an agency evaluation to inform the grantee of preliminary findings and recommendations.

##### § 35.538-2 Reports.

No later than 150 days prior to the beginning of a new budget period, the

Regional Administrator shall prepare a summary of evaluation findings. The report prepared by the Regional Administrator should outline deficiencies in program performance through the time of the evaluation. When appropriate, the report shall contain recommendations for upgrading current agency operations as well as provide guidance for the development of the upcoming grant application. The grantee shall be allowed 15 working days from the date of receipt to concur with or comment on the findings.

[FR Doc.74-4485 Filed 2-27-74; 8:45 am]

#### Title 41—Public Contracts and Property Management

##### AMENDMENT OF CHAPTER 5A AND CANCELLATION OF CHAPTER 5D

This change to the General Services Administration Procurement Regulations (GSPR) (1) incorporates into GSPR 5A the substance of Chapter 5D concerning distribution of transportation contracts and (2) cancels Chapter 5D.

#### CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

##### PART 5A-76—EXHIBITS

The table of contents for Part 5A-76 is amended to add the following new entry:

Sec. 5A-76.203 Distribution of transportation and related services contracts.

§ 5A-76.203 Distribution of transportation and related services contracts.

NOTE: A copy of the exhibit identified in § 5A-76.203 is filed with the original document.

#### CHAPTER 5D—TRANSPORTATION AND COMMUNICATIONS SERVICE, GENERAL SERVICES ADMINISTRATION [DELETED]

Chapter 5D is deleted in its entirety.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 496 (c)))

*Effective date.* These regulations are effective on the date shown below.

Dated: February 1, 1974.

M. J. TIMBERS,  
Commissioner,  
Federal Supply Service.

[FR Doc.74-4739 Filed 2-27-74; 8:45 am]

#### Title 45—Public Welfare

##### CHAPTER IX—ADMINISTRATION ON AGING, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### PART 903—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

##### Transition Provisions; Correction

Final regulations for Title III as amended by the Older Americans Comprehensive Services Amendments of 1973 (Pub. L. 93-29) were promulgated on October 11, 1973 and revised Part 903 (45 CFR Part 903, 38 FR 28040). Reference to § 903.0 promulgated under the



Interim Funding Regulations (45 CFR 903.0, 38 FR 17225, June 29, 1973) was inadvertently omitted. Revision of Part 903 was not intended to revoke § 903.0. This provision remains in full force in accordance with its terms and reads as follows:

**§ 903.0 Transition provision.**

(a) A State plan approved under this part shall remain in force and shall be subject to the provisions of this chapter until the approval of an amended State plan submitted after the publication of regulations implementing title III of the Act as amended by the Older Americans Comprehensive Services Amendments of 1973, but in no case may an existing State plan remain in force after May 3, 1974.

(b) Under a State plan remaining in force, States may continue Federal financial assistance for those activities permitted under such plan, except that with respect to the obligation of funds for area planning and social services activities, priority must be given to the establishment of new or the continuation of existing projects, which:

(1) Will contribute toward the achievement of the goals set forth in section 301 of the Act, as amended by Pub. L. 93-29;

(2) Will promote a smooth transition into the types of activities required under the new title III of the Act, under which 80 percent of the State allotment for this purpose must be utilized in keeping with plans developed for high priority planning and service areas; and

(3) Are designed to meet a service need that has been identified either by the State agency or as a result of local planning efforts conducted under title III of the Act.

(c) The Federal share of all costs under this authority must be in keeping with the matching provisions of title III of the Older Americans Act prior to its amendment by the Older Americans Comprehensive Services Amendments of 1973.

(Sec. 307, 87 Stat. 44 (42 U.S.C. 3021))

Dated: February 19, 1974.

ARTHUR S. FLEMMING,  
Commissioner on Aging.

Approved: February 19, 1974.

STANLEY B. THOMAS, JR.,  
Assistant Secretary for  
Human Development.

Approved: February 26, 1974.

CASPAR W. WEINBERGER,  
Secretary of Health, Education,  
and Welfare.

[FR Doc. 74-4851 Filed 2-27-74; 8:45 am]

**Title 46—Shipping**

**CHAPTER I—COAST GUARD,  
DEPARTMENT OF TRANSPORTATION**

**SUBCHAPTER D—TANK VESSELS  
(CGD 72-138)**

**PART 34—FIREFIGHTING EQUIPMENT**

**Deck Foam System; Details**

FEBRUARY 19, 1974.

The purpose of this amendment to the firefighting equipment regulations is to

require at least one outlet for a hose line and foam nozzle at each foam station in the cargo area of tank ships. Hand-held appliances provide flexibility to reach cargo areas shielded from the mounted appliances and to complete final stages of fire extinguishment. Current regulations allow hand-held appliances to be optional, although no tank vessel is being built without such appliances.

The amendment also clarifies the number of hand-held devices required to be carried. The former requirements could be construed to require one hand-held device for each hose outlet at each monitor station. This amendment requires carriage of a sufficient number of hand-held appliances to outfit hose outlets at the two foam stations having the most hose outlets.

These amendments are based on a notice of proposed rulemaking which was published in the March 1, 1972 issue of the FEDERAL REGISTER (37 FR 4292) and the Marine Safety Council Hearing Agenda, dated March 27, 1972. The proposal appeared as Item 5 in the notice of proposed rulemaking and the agenda.

Interested persons were given the opportunity to submit written comments and to make oral comments at the public hearing. No comments, written or oral, were received. Nonetheless, the proposed amendment contained an ambiguity in the requirements for the required number of hand-held appliances and the required number of outlets for such appliances. There was further ambiguity regarding stowage of hand-held appliances. This amendment has been modified to remove these ambiguities without changing the substantive provisions of the amendment. Accordingly, the Coast Guard adopted the proposal with only editorial changes.

In consideration of the foregoing, Part 34 of Title 46, Code of Federal Regulations, is amended as follows:

1. By revising § 34.20-15(c) to read as follows:

**§ 34.20-15 Piping—T/ALL.**

(c) The piping and outlet arrangement shall allow the required rate of applications as contained in § 34.20-5(b), to any portion of the open deck of the cargo area through the use of the mounted and hand-held appliances that are provided. At least 50 percent of the required rate of application shall be from the mounted appliances. One or more hose outlets for hand-held appliances shall be provided at each foam station. For enclosed spaces, application of at least 1.6 gallons per minute water rate for each 10 square feet of the enclosed area for 5 minutes is acceptable. For the purpose of this paragraph, all piping is assumed to be damaged in way of the fire and an adequate number of valves shall be fitted to prevent loss of foam by closing valves to damaged piping.

2. By amending § 34.20-20 by revising paragraph (b) and adding paragraph (c) to read as follows:

**§ 34.20-20 Discharge outlets—T/ALL.**

(b) At least one mounted foam appliance shall be provided for each station that is required in § 34.20-15(c).

(c) The number of hand-held appliances provided shall be at least equal to the number of hose outlets at the two foam stations having the most hose outlets. Hand-held appliances shall be stowed in a well marked, readily accessible position that cannot be isolated by a fire involving the cargo tanks.

(R.S. 4417a, as amended, sec. 8(b)(1), 80 Stat. 937 (48 U.S.C. 391a, 49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

**Effective date.** This amendment shall become effective on June 1, 1974.

C. R. BENDER,  
Admiral, U.S. Coast Guard,  
Commandant.

FEBRUARY 19, 1974.

[FR Doc. 74-4744 Filed 2-27-74; 8:45 am]

**Title 47—Telecommunication**

**CHAPTER I—FEDERAL  
COMMUNICATIONS COMMISSION**

**PART 73—RADIO BROADCAST SERVICES**

**FM Broadcast Stations; Table of  
Assignments**

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Station. (Marion, Ohio), Docket No. 19837, RM-2099.

1. The Commission has before it the notice of proposed rulemaking adopted October 3, 1973 (FCC 73-1029, 38 FR 28574) proposing the amendment of § 73.202(b) of the Rules, the FM Table of Assignments. The rulemaking was instituted on the basis of a petition filed by Scantland Broadcasting Company for a second FM assignment to Marion, Ohio. There were no oppositions to the proposal. Supporting comments were filed by petitioner.

2. Marion is a city of 38,646 population<sup>1</sup> and the seat of Marion County, population 64,724. It is located 40 miles north of Columbus, Ohio. There are two broadcast stations in Marion: WMRN, a Class IV AM station and WMRN-FM, a Class B FM station operating on Channel 295.

3. Petitioner states that Marion and Marion County have shown continued growth over the years: 1970 populations represent an increase of 7.5 percent for Marion County and 4.2 percent for the city of Marion over the 1960 Census figures. It adds that Marion is a large industrial center producing a wide variety of manufactured goods, which in 1969 employed 10,548 persons (over one-third of Marion's work force). It points out that agriculture is the second leading source of income in Marion County, the total cash receipts from all forms of farming having reached \$16.2 million in 1970. Petitioner states that Marion currently has only one AM (Class IV) and one FM station (Channel 295), both under common

<sup>1</sup> All population figures cited are from the 1970 U.S. Census unless otherwise stated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 308, 307))

Adopted: February 21, 1974.

Released: February 22, 1974.

**FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>**

[SEAL] VINCENT J. MULLINS,  
Secretary.  
[FR Doc. 74-4751 Filed 2-27-74; 8:45 am]

**Title 49—Transportation**

**SUBTITLE A—OFFICE OF THE SECRETARY  
OF TRANSPORTATION**

[OST Docket No. 1; Amdt. 1-87]

**PART 1—ORGANIZATION AND  
DELEGATION OF POWERS AND DUTIES**

**Delegation of Authority**

The purpose of this amendment is to delegate to the Federal Highway Administrator, the Federal Railroad Administrator, and the Assistant Secretary for Systems Development and Technology functions vested in the Secretary by the Noise Control Act of 1972 (October 27, 1972, Pub. L. 92-574, 86 Stat. 1234).

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedures thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49 of the Code of Federal Regulations is amended as follows:

1. In § 1.48, there is added a new paragraph (p), to read as follows:

§ 1.48 Delegations to Federal Highway Administrator.

(p) Carry out the functions vested in the Secretary by subsections (b) (except as it relates to conducting consultations with the Administrator of the Environmental Protection Agency) and (c) of section 18 of the Noise Control Act of 1972 (Pub. L. 92-574).

2. In § 1.49, there is added a new paragraph (p), to read as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

(p) Carry out the functions vested in the Secretary by subsection (b) (except as it relates to conducting consultations with the Administrator of the Environmental Protection Agency) and (c) of section 17 of the Noise Control Act of 1972 (Pub. L. 92-574).

3. In § 1.57, there is added a new paragraph (j), to read as follows:

§ 1.57 Delegations to Assistant Secretary for Systems Development and Technology.

(j) Carry out the functions vested in the Secretary by section 17 (a) and (b)

<sup>1</sup> Chairman Burch absent.

ownership, and notes that there are no other stations in the immediate vicinity surrounding Marion, the closest broadcast stations being located at Bucyrus, Ohio, 17 miles distant, and of that city's two stations, only the FM station is audible in Marion. It also points out that a second FM channel to a city the size of Marion is called for by the Commission's FM Assignment Policy. Petitioner contends that a competing voice will not only provide an additional forum for news, public affairs and sports, but will provide an additional local mode of entertainment. It expresses an intent to apply for a radio facility to operate on Channel 232A if it is assigned to Marion, Ohio, and to promptly build such a facility in the event it is issued a construction permit.

4. The preclusion study shows that the proposed assignment would foreclose future assignment only on Channel 232A in a very limited area west of Marion. Although there are several communities located in or near this preclusion area, the largest community with a population of 867 persons does not appear large enough to warrant an assignment. As to intermixture of a Class A with a Class B channel at Marion, petitioner states, in his supporting comments, that he would prefer to build and operate a Class B facility but was unable to find a channel which would meet all of the Commission's separation requirements.

5. Although the requested assignment would intermix a Class A with a Class B channel the petitioner has expressed his conviction that a new Class A FM station can exist and prosper in the Marion, Ohio market place. In some circumstances we are hesitant to intermix channels; in others we have done so. Under our assignment criteria, Marion has a population the size of which would warrant its being assigned a second FM channel. Further, since the preclusionary effect of the proposed assignment would occur on only one channel in a very limited area, it would result in the efficient use of FM frequencies. After consideration of the pertinent facts in this proceeding, we are of the view that the subject proposal has merit and that its adoption would serve the public interest.

6. Authority for the action taken herein is contained in sections 4(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

7. Accordingly, *It is ordered*, That effective April 8, 1974, the Table of FM Assignments (§ 73.202(b)) is amended with respect to the city listed below as follows:

City	Channel No.
Marion, Ohio	232A, 295.

8. *It is further ordered*, That this proceeding is terminated.



Issued in Washington, D.C. on February 20, 1974.

JAMES B. GREGORY,  
National Highway Traffic  
Safety Administrator.

[FR Doc. 74-4637 Filed 2-27-74; 8:45 am]

# CHAPTER X—INTERSTATE COMMERCE COMMISSION

## SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[REV. S. O. No. 1156]

### PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of February, 1974.

It appearing, that the Chicago, Rock Island and Pacific Railroad Company (RI) is unable to operate over its line between Herrington, Kansas, and Salina, Kansas, because of track damage; that RI operations to and from Salina can be accomplished by use of the Missouri Pacific Railroad Company (MP) between Herrington and Salina, a distance of approximately 36 miles, thence over approximately 3,145 feet of connecting trackage of the Union Pacific Railroad Company (UP) at Salina; that the MP and the UP have consented to use of such tracks by the RI; that operation by the RI over the aforementioned tracks of the MP and UP are necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1156 Revised Service Order No. 1156.

Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Missouri Pacific Railroad Company \*and over tracks of Union Pacific Railroad Company.

(a) The Chicago, Rock Island and Pacific Railroad Company (RI) be, and it is hereby, authorized to operate over tracks of the Missouri Pacific Railroad Company (MP) between Herrington, Kansas, and Salina, Kansas, a distance of approximately 36 miles.

(b) The RI be, and it is hereby authorized to operate over tracks of Union Pacific Railroad Company (UP) between the UP-MP interchange at Salina, and the UP-RI interchange at Salina, a distance of approximately 3,145 feet.

(c) Application. The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) Rates applicable. Inasmuch as this operation by the RI over tracks of the MP and the UP is deemed to be due to carrier's disability, the rates applicable to traffic moved by the RI over these tracks of the MP and the UP shall be

## RULES AND REGULATIONS

the rates which were applicable on the shipments at the time of shipment as originally routed.

(e) Effective date. This order shall become effective at 12:01 a.m., February 22, 1974.

(f) Expiration date. The provisions of this order shall expire at 11:59 p.m., June 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(c), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 50 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)).

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of the Railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-4780 Filed 2-27-74; 8:45 am]

[3d REV. S.O. No. 1124]

### PART 1033—CAR SERVICE

#### Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 19th day of February 1974.

It appearing, That an acute shortage of freight cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of freight cars to shippers located on their lines, that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by these shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1124 Service Order No. 1124; demurrage and free time on freight cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Applications. (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 390, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1119 through 1121 under the heading: "General Service Freight Cars." (See subdivisions (iii), (iv), (v), (vi), (vii), (viii), and (ix) of this subparagraph.)

(iii) Exception. This order shall not apply to cars with mechanical designations FA, FL, NE, SC, SM, or ST.

(iv) Exception. This order shall not apply to cars held at or outside of ocean, Great Lakes, or river ports, while subject to the provisions of Service Order No. 1121—Demurrage and Free Time at Ports—or revisions thereof.

(v) Exception. This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Texas  
Laredo, Texas  
Eagle Pass, Texas  
Presidio, Texas  
El Paso, Texas  
Douglas, Arizona  
Naco, Arizona  
Nogales, Arizona  
Calixico, California

(vi) Exception. This order shall not apply to cars subject to Freight Tariff 8-0, I.C.C. H-30, issued by B. B. Maurer, supplements thereto, or reissues thereof, Car Demurrage Rules on Cars Used in Handling Coal or Coke Products at Coal Mines, etc.

(vii) Exception. This order shall not apply to cars made exempt from demurrage by the provisions of Section B, Rule 1, Item 900, of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(viii) Exception. The provisions of Rule 8, Item 935 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, or similar provisions of other applicable demurrage, detention, or storage tariffs shall govern the adjustment, cancellation, or refund of demurrage assessed as a result of the causes described in such rules.

(ix) Exception. Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption

is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(x) The terms "loading", "unloading", "constructive placement", and "forwarding directions" as defined in General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(xi) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(2) Free Time. (i) Not more than a total of 48 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instructions on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 48-hour period described in paragraph (i) of this section, the free-time periods, if any, provided in such tariffs shall apply.

(3) Demurrage, detention, or storage charges—cars not subject to average demurrage basis. (i) After the expiration of the free-time period described in Part (2) of this order, or without free-time allowance when one is provided, demurrage charges shall be assessed at the following rates, until car is released:

\$10.00 per car per day, or fraction of a day, for each of the first two days.  
\$20.00 per car per day, or fraction of a day, for each of the next two days.  
\$30.00 per car per day, or fraction of a day, for each of the next two days.  
\$50.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in demurrage Rule 6, Section P of General Car Demurrage Tariff 4-J, I.C.C. H-59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7 a.m. or expires at or before 11:59 p.m. of the day immediately prior to the Saturday, Sunday, or holiday.

(4) Cars subject to average demurrage basis. (i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of forty-eight (48) hours free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of \$20.00 per car per day, or fraction of a day, will be made for each of

## RULES AND REGULATIONS

the next two days, or fraction of a day, and \$30.00 per car, per day, or fraction of a day, for each of the next two days, and \$50.00 per car per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "set-back service."

(iii) Credits cannot be earned by private cars subject to Rule 1, Section B, Paragraph 4(a) of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, or subject to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and \$10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made by the railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying Part (iv) of this paragraph, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(v) Credits earned on cars subject to this order shall not be used in offsetting debits accruing on cars not subject to this order; nor shall debits accruing on cars subject to this order be offset by credits earned on cars not subject to this order.

(5) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(6) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundred-weight, per

bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in subparagraph (2) of this paragraph.

(7) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(8) Notices of arrival, constructive placement, etc. (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, the giving of arrival or constructive placement notice of freight destined for unloading or trans-shipment, shall apply.

(ii) If no such rules with respect to arrival, or regarding constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) Rules and regulations suspended. The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of Part 1, Section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) Notification of shipper required.

(i) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(ii) It a notice described in paragraph (i) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(iii) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(iv) Failure of a carrier to send and preserve copies of the notices required by subdivision (i) of this subparagraph shall not be deemed as nullifying the requirements of Sections (2) or (3) of this order.

(d) Effective date. This order shall become effective at 7:00 a.m., March 1, 1974.

(e) Expiration date. This order shall expire at 6:59 a.m., July 1, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2)).

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car serv-



ice and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4772 Filed 2-27-74; 8:45 am]

[Ex Parte No. 55, Sub-No. 8]

**PART 1065—GATEWAYS AND TACKING—IRREGULAR ROUTE MOTOR COMMON CARRIERS OF PROPERTY**

**Petition for Elimination of Gateways by Rulemaking**

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of February 1974.

It appearing, that by joint petition filed March 21, 1973, 42 motor common carriers requested this Commission to institute a rulemaking proceeding to investigate the possibility of promulgating regulations which would permit all motor carriers to operate directly between any two points they are authorized to serve without the necessity of observing any of their presently required gateways; and that on November 23, 1973, this Commission issued a notice of proposed rulemaking and Order, 119 M.C.C. 170 (dated November 15, 1973), in this proceeding which set forth certain provisional findings on the matters involved and which invited comments on those tentative findings;

And it further appearing, that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part hereof;

It is ordered, That Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding a new part 1065 reading as set forth in appendix B to the said report.

It is further ordered, That this order shall become effective on April 5, 1974, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register. (49 U.S.C. 301, 302, 304, and 308, 5 U.S.C. 553 and 559)

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

**§ 1065 Gateways and tacking—irregular-route motor common carriers of property.**

(a) Where a common carrier by motor vehicle authorized to transport property in interstate or foreign commerce holds separate and unrestricted irregular-route certificated authorities issued by the Interstate Commerce Commission, which authorities have a common point of service (a "gateway") to which a given shipment may be transported under one authority and from which the same shipment may be transported under the other, the carrier is required, upon reasonable request therefor, to furnish through service on the shipment under a combination of the authorities and may do so without transporting the shipment through the common service point or points; provided: (1) That the certificated authorities so utilized were issued to the carrier pursuant to an application proceeding pending before the Interstate Commerce Commission on or before November 23, 1973, (2) that none of the authorities is restricted against such joining, (3) that the most direct highway distance between the points to be served is not less than 80 percent of the highway distance between such points over the carrier's authorized routing through the gateway, (4) that a lawful and appropriate tariff covering the movement via the gateway was on file with the Interstate Commerce Commission on November 23, 1973, or that the carrier had pending an application on the aforementioned date which was subsequently granted, and (5) the carrier follows the procedures prescribed in paragraph (d) (1) of this section.

(b) Except where expressly allowed under paragraph (a) of this section, or on movements of 300 miles or less, or where its certificated authorities specifically authorize such tacking or joinder, a common carrier by motor vehicle authorized to transport property, in interstate or foreign commerce, is prohibited from joining any of its irregular routes certificated authorities on and after the effective date of this regulation. Any common carrier by motor vehicle providing such prohibited service on or before the date this regulation takes effect shall cease such operations on or before the 60th day following the said effective date, unless it files an application for direct-service operating authority pursuant to section 206 of the Interstate Commerce Act on or before the 60th day following the effective date. Such an application may have the support of the shipper or shippers currently served by the carrier ap-

<sup>1</sup> In those cases where a carrier may serve a municipality or unincorporated community pursuant to this rule without the necessity of observing a gateway specified in its certificated authorities, the carrier shall serve all points within its terminal area at such municipality or unincorporated community in accordance with 49 CFR 1049.

plicant, shall be filed and processed in accordance with the procedures prescribed in paragraph (d) (2) of this section, and shall be determined in accordance with the requirements of section 207 of the Interstate Commerce Act giving full effect to the applicant's past service and operations through the gateway. Any such carrier filing such an application in good faith may continue to provide such service by observing its gateways or gateway until final disposition of its application proceeding.

(c) The mileages utilized in determining whether the most direct highway distance between the points to be served is not less than 80 percent of the highway distance between such points over the carrier's authorized routing through the gateway, shall be calculated from the point of origin (i.e., the point on the carrier's authorized route where the shipment begins its journey) to the point of destination (i.e., the point on the same carrier's authorized route where the shipment ends its journey) of the shipment or shipments involved.

(d) (1) A carrier seeking to eliminate gateways pursuant to paragraph (a) of this section shall be required to adhere to the following procedures:

(i) File a letter and two copies thereof with this Commission at its offices in Washington, D.C., and one copy with this Commission's field office having jurisdiction over the point at which the carrier is domiciled, describing the gateways to be eliminated (this should include origin, destination, and gateway, applicable mileages, and a suitable map), and attaching either (A) copies of appropriate tariff provisions establishing that such through services were offered by the carrier on November 23, 1973, or (B) a verified statement establishing that the certificated authority enabling operations through the gateway were issued to the carrier pursuant to an application proceeding pending before the Interstate Commerce Commission on November 23, 1973.

(ii) Allow 15 days from the date of publication in the FEDERAL REGISTER of a notice of the carrier's intention to eliminate its gateways and for Commission review of the letter submission. Protests to such notices must be received at the Commission at Washington, D.C., within 10 days of the date of that publication. If the carrier is not otherwise informed by this Commission, operations may commence at the termination of the said 15-day period. This Commission reserves the right to require that a carrier terminate these operations if it should later be discovered that the carrier's operations do not qualify for the benefits of this rule.

(iii) Letter submissions under this rule will not be accepted after May 15, 1974, except in those cases in which the certificated authority to be joined was issued pursuant to an application proceeding pending before the Interstate Commerce Commission on November 23, 1973. In

such instances, the carrier shall make such filing within 60 days from the date of issuance of the authority in issue.

(2) A carrier that maintains gateway operations which do not meet the criteria set forth in paragraph (a) of this section may, if it desires to continue to provide such through service to the public, file OPOR-9 applications with this Commission seeking direct-service authority. Such an application shall include:

(i) In bold print in the upper right-hand corner of page 1, the words GATEWAY ELIMINATION.

(ii) (A) A carrier relying on certificated authorities issued to it on or prior to November 23, 1973, shall submit copies of appropriate tariff provisions establishing that such through services were offered by the carrier on November 23, 1973.

(B) A carrier relying on certificated authorities issued to it after November 23, 1973, as a result of an application pending on that date shall present verified statements establishing either (1) that the service through the gateway point has been performed (as in the case of the carrier's demonstrated participation in deteriorating interline or interchange service) on November 23, 1973, or (2) that a public need for such through service exists.

(iii) An initial verified statement in support of the application. This should include all of the evidence applicant plans to present in the proceeding, including (to the extent pertinent) evidence of the applicant's (or its established predecessor-in-interest's) past operations via the gateway for the 2 years preceding November 23, 1973, and the relevant matters and evidence set forth in subdivision (ii) of this subparagraph. Evidence of supporting shippers need not be presented except as set forth in subdivision (ii) (B) of this subparagraph but will be considered and accorded appropriate weight if submitted.

(iv) Such applications must be filed on or before the 60th day following the effective date of these regulations, or within 60 days following the date of issuance of the certificated authorities so to be joined if such authorities are issued to the carrier pursuant to an application proceeding pending before the Interstate Commerce Commission on November 23, 1973, whichever date last occurs. The application will be processed in accordance with the normal procedures of the Interstate Commerce Commission as modified in the Federal Register publication of a notice of the filing of such applications (which shall reflect the procedure outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530).

(e) Any motor carrier which has pending on the effective date of these regulations an application for the elimination of a gateway and which desires to utilize the rules set forth above, should notify the Director of the Office of Proceedings of the Interstate Commerce Commission of the pendency of such application and should include the pertinent docket number. Duplicate applications should not be filed.

[FR Doc.74-4779 Filed 2-27-74; 8:45 am]

**Title 50—Wildlife and Fisheries**

**CHAPTER I—BUREAU OF SPORTS FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR**

**PART 18—MARINE MAMMALS**

**Correction**

In FR Doc. 74-4069 appearing at page 7261 as the Part II of the issue of Monday, February 25, 1974, in the second column on page 7262, the effective date now reading "February 15, 1974", should read "February 25, 1974".

**PART 33—SPORT FISHING**

**Tamarac National Wildlife Refuge, Minnesota**

The following special regulations are issued and are effective on February 25, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

**MINNESOTA**

**TAMARAC NATIONAL WILDLIFE REFUGE**

Sport fishing on the Tamarac National Wildlife Refuge, Rochert, Minnesota, is permitted from January 1, 1974, through December 31, 1974, and shall be in accordance with all applicable State fishing laws and refuge regulations. Areas open for fishing comprise 13,675 acres and are designated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Refuge waters open to fishing include Waubesa, Two Island, Lost and Upper Egg Lakes plus all lakes south of the "Governor's Consent Line". Fishing in the Ottetall River at the bridge on County road 26 is limited, as posted by signs, to 50 yards upstream and 100 yards downstream from the bridge.

The provisions of this special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Part 33, and are effective through December 31, 1974.

OMER N. SWENSON,  
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minnesota 56578.

FEBRUARY 21, 1974.

[FR Doc.74-4709 Filed 2-27-74; 8:45 am]

**Title 10—Energy**

**CHAPTER II—FEDERAL ENERGY OFFICE**

**PART 212—MANDATORY PETROLEUM PRICE REGULATIONS**

**Non-Product Cost Pass Through in Gasoline Prices**

In January of this year, the Federal Energy Office announced its intention to

grant relief to retail gasoline dealers whose margins were declining due to reduced supplies of gasoline. Consistent with this policy, on February 19, 1974, FEO amended its regulations to allow, beginning in March, a one cent per gallon increase in the price of gasoline sold at retail for retailers and refiners receiving less than 85% of their 1972 base-period volumes.

Since this amendment, the FEO has received numerous comments from retail gasoline dealers that the one cent price increase did not provide the necessary level of relief. The limitation of the increase to those retailers receiving less than 85 percent of their 1972 base-period volume was also alleged to unjustly discriminate against many other dealers operating under severe financial constraints which could not take advantage of the increase.

Following consultation with its Retail Dealers Group, FEO has reconsidered its initial action and determined that further relief is warranted. Therefore, FEO is now superseding its previous February 19, 1974, regulation change with a new amendment. This amendment permits retail gasoline dealers and refiners to increase their prices of gasoline sold at retail by two cents per gallon to reflect non-product cost increases per gallon of gasoline.

To implement this change, § 212.93(b) (1) is amended to allow retailers and reseller-retailers of gasoline, beginning with March 1974, to charge two cents per gallon of gasoline in excess of the price otherwise allowable to reflect increased non-product costs. This price increase may be placed in effect by retail dealers on March 1, 1974. Price increases to reflect increased product costs to the dealers still may be placed into effect only once during a month, but do not need to be implemented on the same date that the two cents per gallon increase is placed into effect.

Section 212.82(b) (2) has also been changed to permit a refiner which retails gasoline to include in the definition of "allowable costs" increased non-product costs per gallon of gasoline which are attributable to the retail marketing of gasoline, but only to the extent that those costs allow an increase in the price of gasoline above base prices by an amount not in excess of two cents per gallon. A price increase justified by the amended § 212.82(b) (2) still may only be implemented after it has been prenotified in accordance with the provisions of Subpart I of Part 212.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum price regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33576; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345;

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Cost of Living Council Order No. 47, 39 FR 24)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., February 26, 1974.

WILLIAM N. WALKER,  
General Counsel,  
Federal Energy Office.

1. Section 212.82 is amended by revising paragraph (b) (2) to read as follows:

§ 212.82 Price rule.

(b) *Price Increases.* . . . .  
(2) For the purpose of determining whether net allowable costs have been incurred which permit the charging of a price in excess of the base price, base costs shall be compared with current costs. Current costs which exceed base costs may be used to justify a price in excess of the base price. "Allowable costs" under this section mean non-product costs attributable to refining operations under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned and exclude any costs attributable to marketing operations except as follows:

(i) Non-product costs attributable to the marketing of special products may be included as allowable costs to the extent that those costs allow an increase in the prices of special products above the prices otherwise permitted to be charged for such products pursuant to the provisions of this section by an amount not in excess of one cent per gallon with respect to retail sales and one half cent per gallon with respect to all other sales; and

(ii) Non-product costs per gallon of gasoline attributable to the retail marketing of gasoline may also be included as allowable costs to the extent that those costs per gallon of gasoline allow an increase in the price of gasoline above the prices otherwise permitted to be charged for gasoline pursuant to the provisions of this section, including paragraph (b) (2) (i) of this section by an amount not in excess of two cents per gallon with respect to retail sales.

2. Section 212.93 is amended by revising (b) (1) to read as follows:

§ 212.93 Price rule.

(b) . . . .  
(1) With respect to special products: (i) In retail sales, a seller may charge one cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, and, with respect to all other sales a seller may charge one-half cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section to reflect non-product cost increases which the seller incurred after May 15, 1973.

## RULES AND REGULATIONS

(ii) Beginning with March 1974, in retail sales of gasoline, a seller may charge two cents per gallon of gasoline in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b) (1) (i) of this section, to reflect non-product cost increases per gallon of gasoline.

(iii) A seller may adjust its selling price for an item at any time to an amount that is equal to or less than the selling price permitted under this Subpart, except that a price increase to reflect a change in the amount of increased costs may not be made more than once in any calendar month, but may be made on any day during that month.

[FR Doc.74-4846 Filed 2-26-74; 2:39 pm]

### Title 6—Economic Stabilization CHAPTER I—COST OF LIVING COUNCIL PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS Exemption of Valves and Mining and Oil Field Machinery

The purpose of these amendments is to exempt from Phase IV Price Regulations the sale of valves by manufacturers of valves and the sale of mining and oil field machinery by the manufacturers of mining and oil field machinery, and to add parallel exemptions under the Phase IV pay regulations.

In accordance with the Council's objective of removing controls selectively, where conditions permit, the Council has decided to exempt the prices charged for valves and mining and oil field machinery by manufacturers of those products.

There are two primary reasons for the Council's exempting the valve industry from the Phase IV price regulations. First, the industry is diverse, having more than 500 firms in the industry, the four largest of which represent only about 14 percent of the industry's sales. Therefore competitive forces should tend to moderate future price increases. Second, many companies in the industry have operated at low margins of profit in the past. Consequently, these firms are now hampered in generating the capital necessary for expansion by low base period profit margins. Thus, because demand has increased relative to capacity, shortages have developed in these materials which have, in turn, limited capital expansion in other sectors of the U.S. economy. For example, in 1971 the normal backlogs were in the range of 30 days for standard stock and 60-120 days for custom product items. Current backlogs have risen to 14-16 months and backlogs for valves used in nuclear power plants have risen to 20-24 months. The exemption of the industry from the price control regulations is expected to allow firms in this industry to obtain the capital needed for expansion.

In developing the list of items, sales of which are exempt under this amendment, the Council relied on the SIC Man-

ual code system. Only the sale by the manufacturer of those valves listed in the Standard Industrial Code Manual, 1972 edition, under Industry Number 3494 is exempt. Other items which may be generically similar but are not listed in Industry Number 3494 do not come within the scope of this exemption. Furthermore, pipe fittings and other items which are not valves, but which are listed under Industry Number 3494, are not exempt.

There are two major reasons for the Council's action exempting mining machinery and oil field machinery. First, the worldwide demand for mining and oil field machinery has been and is expected to continue increasing rapidly. Therefore, continued price controls may create a greater diversion of these products to foreign markets. In the past year exports have absorbed some 21 percent of mining machinery shipments and nearly 35 percent of oil field machinery shipments. Second, the recent price performance of mining and oil field machinery has been moderate with price increases for both mining and oil field equipment lower than the average for all industrial commodities.

In developing the list of items, sales of which are exempt under these amendments, the Council relied on the SIC Manual code system. Only the sale by the manufacturer of the specific items listed in industrial codes 3532 and 3533 and in the amendment to § 150.54 is exempt. Other items which may be generically similar but are not listed do not come within the scope of these amendments.

Under §§ 150.11(e) and 150.161(b), a firm with revenues in its most recent fiscal year from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless it derives both less than \$50 million in annual sales or revenues from the sale or lease of non-exempt items and 90 percent or more of its sales and revenues from the sale of exempt sales.

As a complementary action to the exemptions from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the mining machinery, oil field machinery, or valve manufacturing industry. The exemptions are set forth in new §§ 152.40j and 152.40n. The exemptions are inapplicable to any such employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemptions are also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the mining machinery, oil field machinery, or valve manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the particular exemption. The exemptions are further inapplicable to employees who are part of an appropriate

employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the mining machinery, oil field machinery, or valve manufacturing industry or in support thereof. In cases of uncertainty of application, inquiries concerning the scope or coverage of the exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

The Council retains the authority to reestablish price and wage controls over any of the industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6 to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489).

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective February 26, 1974.

Issued in Washington, D.C. on February 26, 1974.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

1. In 6 CFR Part 150, § 150.54 is amended by adding two new paragraphs (kk) and (ll) to read as follows:

§ 150.54 Certain price adjustments.

(kk) *Valves.* Prices charged by manufacturers of valves for valves described in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 3494 are exempt. However, pipe fittings and other items which are not valves but are described under Industry Number 3494 are not exempt.

(ll) *Mining machinery and oil field machinery.* Prices charged by manufacturers of mining machinery and oil field machinery for those products listed in the Standard Industrial Classification Manual, 1972 edition, under Industry Nos. 3532 and 3533 are exempt.

In 6 CFR Part 152, Subpart D is amended by adding thereto a new

## RULES AND REGULATIONS

§ 152.40j and a new § 152.40n to read as follows:

§ 152.40j Valve Manufacturing Industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the valve manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the valve manufacturing industry.* For purposes of this section, "Establishment in the valve manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 3494 (Valves and Pipe Fittings, Except Plumbers' Brass Goods) and primarily engaged in the manufacture of valves described under such Industry Number.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the valve manufacturing industry or in support of such operation only if such employee is employed at an establishment in the valve manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of §§ 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the valve manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the valve manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the valve manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the valve manufacturing industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after February 26, 1974.

§ 152.40n Mining Machinery and Oil Field Machinery Manufacturing Industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular

and continuing basis in the operation of an establishment in the mining machinery or oil field machinery manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the mining machinery or oil field machinery manufacturing industry.* For purposes of this section, "Establishment in the mining machinery or oil field machinery manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 3532 (Mining Machinery and Equipment, Except Oil Field Machinery and Equipment), or 3533 (Oil Field Machinery and Equipment) and primarily engaged in the manufacture of any product described under such Industry Numbers.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the mining machinery or oil field machinery manufacturing industry or in support of such operation only if such employee is employed at an establishment in the mining machinery or oil field machinery manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of §§ 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the mining machinery or oil field machinery manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the mining machinery or oil field machinery manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the mining machinery or oil field machinery manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the mining machinery or oil field machinery manufacturing industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after February 26, 1974.

[FR Doc.74-4877 Filed 2-27-74; 8:54 am]



**Title 7—Agriculture**  
**CHAPTER IX—AGRICULTURAL MARKET-**  
**ING SERVICE (MARKETING AGREE-**  
**MENTS AND ORDERS; FRUITS, VEGE-**  
**TABLES, NUTS), DEPARTMENT OF**  
**AGRICULTURE**

[Grapefruit Reg. 14, Amdt. 2]

**PART 944—FRUITS; IMPORT**  
**REGULATIONS**

**Minimum Size Requirements for Imports of**  
**Seeded Grapefruit**

This amendment lowers the minimum diameter restrictions applicable to imported seeded grapefruit to 3<sup>11</sup>/<sub>16</sub> inches on February 25, 1974. The restrictions are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This regulation imposes the same size requirements on imported seeded

grapefruit as are effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

Order. In § 944.110 (Grapefruit Regulation 14; 38 FR 26104, 28286) the provisions of paragraphs (a) (1) and (j) are amended to read as follows:

**§ 944.110 Grapefruit Regulation 14.**

(a) . . .

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3-12/16 inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(j) The terms used herein relating to grade, diameter, and standard box shall have the same meaning as when used in the United States Standards for Florida Grapefruit (7 CFR 51.750-51.784). Importation means release from custody of the United States Bureau of Customs.

It is hereby found that it is impracticable, unnecessary, and contrary to the

public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) this amendment imposes the same restrictions on imports of seeded grapefruit as are applicable under amended Grapefruit Regulation 74 (§ 905.551) to the shipment of seeded grapefruit grown in Florida; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, February 22, 1974, to become effective February 25, 1974.

**CHARLES R. BRADER,**  
*Deputy Director, Fruit and Veg-*  
*etable Division, Agricultural*  
*Marketing Service.*

[FR Doc.74-4734 Filed 2-27-74; 8:45 am]

**DEPARTMENT OF THE TREASURY**  
**Customs Service**

[19 CFR Parts 133, 141]

**TRADEMARKS, TRADE NAMES, AND**  
**COPYRIGHTS, ENTRY OF MERCHANDISE**  
**Proposal Requiring Certain Information on**  
**Invoices Accompanying Shipments of**  
**Books**

Notice is hereby given that under the authority of 17 U.S.C. 109, R.S. 251, as amended (19 U.S.C. 66), and sections 481, 484, 624, 46 Stat. 719, 722, as amended, 759 (19 U.S.C. 1481, 1484, 1624), it is proposed to amend § 141.89 of the Customs Regulations to require that the invoice accompanying a shipment of books set forth certain identifying information, including copyright information required in order to determine the admissibility of the books under the Universal Copyright Convention. The Customs regulations do not presently require this information to be shown on the invoice and, as a consequence, Customs officers must often detain shipments of books until the necessary information is furnished by the importer. The proposed amendment provides, among other requirements, that the importer must state on the invoice whether or not the book contains a copyright notice; if so, the form of the copyright notice printed in the book must be set forth.

It is also proposed to amend § 133.45 (c) (2) of the Customs regulations, which sets forth the information to be required by the district director prior to releasing books under the Universal Copyright Convention, to require that information to be furnished by the importer on the invoice, in accordance with the proposed invoice requirements for books under § 141.89 of the Customs regulations.

Accordingly, it is proposed to amend the Customs Regulations as follows:

**PART 133—TRADEMARKS, TRADE**  
**NAMES, AND COPYRIGHTS**

It is proposed to amend paragraph (c) (2) of § 133.45 to read as follows:

**§ 133.45** United States manufacturing requirements for books and periodicals.

(c) Release under Universal Copyright Convention. . . .

(2) Information required. Prior to releasing the books, the district director shall require the invoice furnished by the importer to set forth the following information, as specified in § 141.89 of this chapter:

(i) The country in which the book was first published;

## Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

(ii) The country of which the author was a citizen at the time of first publication; and  
 (iii) Whether the author was domiciled in the United States at the time of first publication.

**PART 141—ENTRY OF MERCHANDISE**

It is also proposed to amend § 141.89 by adding to the list of classes of merchandise, in proper alphabetical order, the following:

**§ 141.89** Additional information for certain classes of merchandise. Invoices for the following classes of merchandise shall set forth the additional information specified:

Books (T.D. 74-4734)—(1) The name of shipper (or seller) and the importer; (2) The title and quantity of each title imported; (3) The unit price for each book; and (4) The form of the copyright notice printed in the book (if none, state "No copyright notice"). If the book bears a copyright notice, the following information is also required: (5) The country in which the book was first published; (6) The citizenship of the author on the date of first publication; and (7) Whether the author was domiciled in the United States on the date of first publication.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before April 1, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8 (b) of the Customs regulations (19 CFR 103.8 (b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] **VERNON D. ACREE,**  
*Commissioner of Customs.*

Approved: February 15, 1974.

**JAMES B. CLAWSON,**  
*Acting Assistant Secretary of*  
*the Treasury.*

[FR Doc.74-4714 Filed 2-27-74; 8:45 am]

[19 CFR Part 4]

**VESSELS IN FOREIGN AND DOMESTIC**  
**TRADES**

**Proposed Documents To Be Filed Upon**  
**Entry and Clearance**

Notice is hereby given that under the authority of R.S. 251, as amended (19

U.S.C. 66), and sections 431, 624, 46 Stat. 710, as amended, 759 (19 U.S.C. 1431, 1624), it is proposed to amend §§ 4.7, 4.75, 4.81, and 4.85 of the Customs regulations pertaining to the inward foreign manifest, the outward foreign manifest, and the General Declaration.

Section 4.7(a) of the Customs regulations lists the documents required to comprise a manifest, as required by section 431, Tariff Act of 1930, as amended (19 U.S.C. 1431). The regulations provide that any document which is not required may be omitted from the manifest provided the word "None" is inserted in items 17-22 of the General Declaration, as appropriate. Vessels arriving in ballast may omit the filing of an inward foreign manifest, Customs Forms 7527-A or 7527-B. It is proposed to amend § 4.7(a) of the Customs Regulations to specify an additional notation to be placed on the General Declaration when Customs Forms 7527-A and 7527-B are omitted.

Section 4.75(a) of the Customs regulations provides that if a master desiring to clear his vessel for a foreign port does not have available for filing with the district director a complete outward foreign manifest or all required shippers' export declarations, the district director may accept in lieu thereof an incomplete manifest on Customs Form 1374 (Outward Foreign Manifest). In an effort to facilitate the entry and clearance of vessels, it is proposed to amend § 4.75(a) to provide for the filing of the incomplete manifest on the General Declaration, Customs Form 1301, rather than on Customs Form 1374. It is also proposed to amend § 4.75(b) to provide for the filing of a General Declaration with the complete manifest on Customs Form 1374.

Section 4.81(e) of the Customs regulations provides that before foreign vessels depart in ballast from any port in the United States for any other such port, the master shall apply to the district director for a permit to proceed by filing a General Declaration. The proposed amendment to § 4.81(e) clarifies that in such situations Customs Forms 7527-A or 7527-B are omitted and specifies how the General Declaration is to be marked to note that omission.

Section 4.85(c) of the Customs regulations makes provision for a legend to be placed on the General Declaration when no inward foreign cargo or passengers are to be discharged and the inward foreign manifest (Customs Forms 7527-A or 7527-B) may be omitted. The proposed amendment to § 4.85(c) indicates where on the General Declaration the legend shall be placed.

Accordingly, it is proposed to amend the Customs Regulations to read as follows:

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## PROPOSED RULES

Paragraph (a) of § 4.7 is amended by adding the following sentence:

§ 4.7 Inward foreign manifest; production on demand; contents and form.

(a) . . . If a vessel arrives in ballast and therefore Customs Forms 7527-A or 7527-B are omitted, the legend "Vessel in ballast—no merchandise on board" must be inserted in block 13 of the General Declaration.

Paragraphs (a) and (b) of § 4.75 are amended to read as follows:

§ 4.75 Incomplete cargo declaration; incomplete export declarations; bond.

(a) If a master desiring to clear his vessel for a foreign port does not have available for filing with the district director a complete outward foreign manifest<sup>100</sup> or all required shippers' export declarations,<sup>100</sup> the district director may accept in lieu thereof an incomplete manifest on Customs Form 1301, General Declaration, if there is on file in his office a bond on Customs Form 7567 or 7569 executed by the vessel owner or other person as attorney in fact of the vessel owner. The legend, "This incomplete manifest is filed in accordance with § 4.75, Customs regulations," must be inserted in block 16 of the General Declaration. The oath on clearance on Customs Form 1300 (see § 4.63(e)) shall be required to be executed.

(b) Not later than the fourth business day after clearance<sup>100</sup> from each port in the vessel's itinerary, the master, or the vessel's agent on behalf of the master, shall deliver to the district director at each port a complete manifest (Customs Form 1374) of the cargo laden at such port together with duplicate copies of all required shippers' export declarations for such cargo and a General Declaration on Customs Form 1301. The oath of the master or agent on Customs Form 1300 (see § 4.63(e)) shall be properly executed before acceptance.

Footnote 106 to § 4.75 is amended to read as follows:

<sup>100</sup> See 46 U.S.C. 91.

The first two sentences of paragraph (e) of § 4.81 are amended to read as follows:

§ 4.81 Reports of arrivals and departures in coastwise trade.

(e) Before any foreign vessel shall depart in ballast, or solely with articles to be transported in accordance with § 4.93, from any port in the United States for any other such port, the master shall apply to the district director for a permit to proceed by filing a General Declaration, Customs Form 1301, in duplicate. If a vessel is proceeding in ballast and therefore Customs Forms 7527-A or 7527-B are omitted, the word "None" must be inserted in block 17 of the General Declaration and the words "Vessel in ballast—no merchandise on board"

must be inserted in block 13 of the General Declaration. However, articles to be transported in accordance with § 4.93 shall be manifested on an inward foreign manifest, Customs Form 7527-B, as required by § 4.93(c).

The fourth sentence of paragraph (c) of § 4.85 is amended to read as follows:

§ 4.85 Vessels with residue cargo for domestic ports.

(c) . . . If no inward foreign cargo or passengers are to be discharged, the manifest or Passenger List may be omitted from the abstract manifest, and the following legend shall be placed in block 12 of the General Declaration: . . .

Consideration will be given to relevant data, views, or arguments pertaining to the proposed amendments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before April 1, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Approved: February 15, 1974.

[SEAL] VERNON D. ACREE,  
Commissioner of Customs.

JAMES B. CLAWSON,  
Acting Assistant Secretary of the Treasury.

[FR Doc.74-4717 Filed 2-27-74; 8:45 am]

## DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[ 21 CFR Parts 1301, 1311 ]

## MANUFACTURE AND IMPORT OF CONTROLLED SUBSTANCES

Proposed Application Procedures; Withdrawal

On July 6, 1973, the Drug Enforcement Administration published a notice of proposed rulemaking in the FEDERAL REGISTER (38 FR 18032) to modify the application procedures for registration as a bulk manufacturer (21 CFR 1301.43) and importer of Schedule I and II substances (21 CFR 1311.42).

As proposed, 21 CFR 1301.43 and 21 CFR 1311.42 would have required only that the Drug Enforcement Administration publish notices of applications for registration or reregistration for the bulk manufacture or import of basic classes of controlled substances listed in Schedule I or II. The Drug Enforcement Administration no longer would have been required to mail copies of the notices of application or notices of hearing to each person who is registered or has applied for registration to manufacture in bulk or import a basic class.

In response to the notice, the Drug Enforcement Administration received objections from Merck and Co., Inc., Rahway, New Jersey and Mallinckrodt Chemical Works, St. Louis, Missouri. The objections have been determined to be a valid representation of bulk manufacturers, who desire that each registrant and applicant for registration to manufacture in bulk or import a basic class controlled substance be afforded maximum notice of a proposed application. Therefore, the Drug Enforcement Administration is hereby withdrawing its proposed amendments to 21 CFR Parts 1301 and 1311.

Dated: February 20, 1974.

ANDREW C. TARTAGLINO,  
Acting Deputy Administrator,  
Drug Enforcement Administration.

[FR Doc.74-4764 Filed 2-27-74; 8:45 am]

## [ 21 CFR Part 1305 ]

## ANONYMOUS TESTING BY LABORATORIES

Proposed Modification of Order Form Requirements

Section 308 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 828) establishes a system of order forms for controlled substances in Schedules I and II and provides that the Attorney General shall prescribe regulations pursuant to the section. The regulations in Title 21 of the Code of Federal Regulations, Part 1305, implement the order form system and in § 1305.03 provide various exceptions to the order form requirements.

Many registered analytical laboratories in the United States are accepting small quantities of controlled substances from anonymous sources for the purpose of analyzing the drug sample. A survey of various laboratories engaged in such anonymous testing of "street samples" revealed that the practices and security of the programs varied widely. Therefore, standardized guidelines have been prepared, and it is proposed that a specific exception to the existing order form requirements be promulgated based on a written waiver issued by the Regional Director in the Region in which the laboratory involved is located. The waiver would be granted upon the agreement of the laboratory to conduct its activities in accordance with guidelines established by the Administration.

It is proposed that the following guidelines would be utilized to provide reasonable controls over activities of the laboratories that are accepting controlled substances from anonymous sources for purposes of analysis:

GUIDELINES FOR ANALYTICAL LABORATORIES DESIRING TO CONDUCT ANALYSIS OF ANONYMOUS SAMPLES

DEA Policy. Currently there are a number of advocates of these laboratories among law enforcement, the pharmaceutical industry, medical authorities, the rehabilitation and treatment community, and the general public. Correspondingly, there are a number of adversaries. DEA will allow the operation

of these laboratories under the guidelines set forth below until such time that it can be determined whether the purported benefits outweigh the adverse effects or vice versa. These guidelines establish a uniform policy regarding the operation and registration of these laboratories.

(A) Registration. Each physical location at which drugs are collected or analyzed must be registered. As an analytical laboratory, Federal registration must be for all five schedules and the firm must be approved by the State to conduct such activities (see also section I).

(B) Method of submission. Delivery of samples to lock boxes at locations which are not registered, or specifically exempted, will not be permitted. Possession of controlled substances by non-registrants will be subject to all legal provisions of CSA.

(C) Type of analysis done. Quantitative analysis may be conducted. However, to prevent the possibility of dealers utilizing these laboratories as a quality control, only qualitative results may be given to the donor. Analysis should be sufficient to determine if dangerous adulterants are in the sample or if the strength is so great that use would be harmful to the user. In these cases, the submitter can only be told what the drug was and that use would be dangerous.

(D) Recordkeeping. Each person registered as an analytical laboratory and engaged in the receipt and analysis of anonymous samples shall maintain records containing the following information (to the extent known and reasonably ascertainable by him):

- (1) Laboratory identification number.
- (2) Date sample received.
- (3) Purported contents and actual identification.
- (4) Quantity received.
- (5) Form of sample (i.e., powder, liquid, tablet, etc.).
- (6) Description of sample.
- (7) Quantity utilized in analysis.
- (8) Disposition of sample.
- (9) Street price, if known.
- (10) Method shipment received.

(E) Security. Physical security should be the same as that for a practitioner with the exception that all samples must be treated as Schedules I and II. These requirements are outlined in §§ 1301.75 and 1301.76 of 21 CFR. Copies are available at the DEA Regional Office.

(F) Qualifications of persons operating the laboratory. The individuals conducting these programs must have the appropriate chemical background to enable proper analysis of the substances involved. One person involved in the program must have the minimum of a college degree in chemistry or a closely related field. Adequate equipment suitable for conducting such analysis must be possessed by the laboratory.

(G) Disposition of samples. In accordance with current regulations, contact the Regional DEA Office prior to disposition of any samples.

(H) Periodic reports to DEA. Each laboratory should submit to the DEA Regional Director a quarterly report containing at least the following information:

- (1) Actual content of drug analyzed.
- (2) Alleged content of drug analyzed.
- (3) Description of sample.
- (4) Origin of sample.
- (5) Street price, if known.

(I) Order Form Requirements. Each analytical laboratory desiring to conduct anonymous sampling must apply to the DEA Regional Director for a written waiver of the order form requirement. The DEA Regional Director will issue in writing a waiver of this requirement if all qualifications under CSA are met. This written waiver shall include

## PROPOSED RULES

the statement that the waiver is issued with the provision that the laboratory will conduct its activities in accordance with the above guidelines and that any deviation therefrom will result in withdrawal of the waiver. A copy of the Guidelines will be attached to the written waiver. Withdrawal of the waiver will be in the form of written correspondence from the Regional Director. Once this withdrawal is issued, the laboratory must cease all anonymous analytical work.

Therefore, under the authority vested in the Attorney General by section 308 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 828(a)), delegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, and to the Deputy Administrator by Directive 73-2, 38 FR 34662, December 17, 1973, it is proposed that a new paragraph (f) be added to § 1305.03 of Title 21 of the Code of Federal Regulations as follows:

§ 1305.03 Distributions requiring order forms.

An order form (BND Form 222c) is required for each distribution of a controlled substance listed in schedule I or II, except for the following:

(f) The delivery of such substances to a registered analytical laboratory, or its agent approved by DEA, from an anonymous source for the analysis of the drug sample: *Provided*, The laboratory has obtained a written waiver of the order form requirement from the Regional Director of the Region in which the laboratory is located, which waiver may be granted upon agreement of the laboratory to conduct its activities in accordance with Administration guidelines.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Room 611, 1405 I Street NW., Washington, D.C. 20537, and must be received on or before April 1, 1974.

Dated: February 25, 1974.

ANDREW C. TARTAGLINO,  
Acting Deputy Administrator,  
Drug Enforcement Administration.

[FR Doc.74-4765 Filed 2-27-74; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 148e ]

## ERYTHROMYCIN ETHYL CARBONATE MONOGRAPHS

Proposed Revocation

The Commissioner of Food and Drugs proposes that 21 CFR Part 148e be amended as it applies to erythromycin ethyl carbonate. To maintain current antibiotic regulations, antibiotic drug monographs providing for drug products

for which no certification has been requested for at least three years are being revoked. Food and Drug Administration records show that erythromycin ethyl carbonate has not been certified since 1967.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act, sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 148e be amended by revoking § 148e.2 Erythromycin ethyl carbonate, § 148e.11 Erythromycin ethyl carbonate for oral suspension, and § 148e.23 Erythromycin ethyl carbonate for pediatric drops and by reserving them for future use.

Interested persons may, on or before April 29, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments, (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 22, 1974.

MARY A. MCENIRY,  
Assistant to the Director for  
Regulatory Affairs, Bureau of  
Drugs.

[FR Doc.74-4672 Filed 2-27-74; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 74-CE-1]

## TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Sac City, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before April 1, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.



A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new NDB has been commissioned at Sac City, Iowa, for the purpose of establishing an approach procedure for the Sac City Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Sac City, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

**SAC CITY, IOWA**

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Sac City Municipal Airport (latitude 42°22'30" N., longitude 94°58'45" W.); and within three miles each side of the 138° bearing from the Sac City Municipal NDB, extending from the five-mile radius to eight miles southeast of the NDB; and that airspace extending upward from 1200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 138° and 318° bearing from Sac City Municipal NDB extending from 1½ miles northwest to 18½ miles southeast of the airport, excluding that portion that overlies the Storm Lake, Iowa and Carroll, Iowa transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on February 11, 1974.

A. L. COULTER,  
Director, Central Region.

[FR Doc.74-4731 Filed 2-27-74; 8:45 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 74-CE-2]

**TRANSITION AREA**

**Proposed Alteration**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Beatrice, Nebraska.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before April 1, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal

Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace a new public-use instrument approach procedure utilizing the Big Blue (BJU) NDB has been established for the Beatrice, Nebraska Municipal Airport. Accordingly, it is necessary to alter the transition area at Beatrice to adequately protect aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

**BEATRICE, NEBRASKA**

That airspace extending upward from 700 feet above the surface within a six-mile radius of the Beatrice Municipal Airport (Latitude 40°18'01" N., Longitude 96°45'18" W.); and within five-miles each side of the Beatrice VOR 325° radial extending from the six-mile radius to 14 miles northwest of the VOR; that airspace extending upward from 1200 feet above the surface within twelve miles southwest and five miles northeast of the Beatrice VOR 325° radial extending from the VOR to 23 miles northwest of the airport excluding that portion which overlies the Lincoln, Nebraska transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on February 4, 1974.

A. L. COULTER,  
Director, Central Region.

[FR Doc.74-4730 Filed 2-27-74; 8:45 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 74-CE-3]

**TRANSITION AREA**

**Proposed Designation**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Algona, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Admin-

istration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before April 1, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new VORTAC-DME approach has been developed for the Algona, Iowa, Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Algona, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

**ALGONA, IOWA**

That airspace extending upward from 700 feet above the surface within a six-mile radius of the Algona Municipal Airport (latitude 43°04'30" N., longitude 94°16'15" W.); and within two miles each side of the 182° bearing from the Algona Municipal Airport, extending from the five-mile radius area to seven miles south of the airport; and that airspace extending upward from 1200 feet above the surface within five miles west and nine and a half miles east of the 182° bearing of the Algona Municipal Airport, extending from the airport to 24½ miles south of the airport, excluding that portion which overlies the Fort Dodge, Iowa transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on February 11, 1974.

A. L. COULTER,  
Director, Central Region.

[FR Doc.74-4729 Filed 2-27-74; 8:45 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 74-CE-4]

**CONTROL ZONE AND TRANSITION AREA**

**Proposed Alteration**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Scottsbluff, Nebraska.

within a 21-mile radius of the Scottsbluff VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on February 4, 1974.

A. L. COULTER,  
Director, Central Region.

[FR Doc.74-4728 Filed 2-27-74; 8:45 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 74-EA-1]

**CONTROL ZONE**

**Proposed Alteration**

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Clarksburg, W. Va., Control Zone (39 FR 368).

Weather observations required to support the Clarksburg, W. Va., part-time control zone are provided by Allegheny Airlines. Because of variations in airline schedules and weather observational hours by Allegheny Airlines, it is proposed to delete specific effective hours and implement the control zone by its continuous publication in the Airman's Information Manual (AIM).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications on or before April 1, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Clarksburg, West Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to alter the description of the Clarksburg, W. Va. control zone by deleting the last sentence and by substituting in lieu thereof the following:

This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be published continuously in the Airman's Information Manual.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 11, 1974.

JAMES BISPO,  
Deputy Director,  
Eastern Region.

[FR Doc.74-4727 Filed 2-27-74; 8:45 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 74-EA-7]

**CONTROL ZONE AND TRANSITION AREA**

**Proposed Designation and Alterations**

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 so as to alter the Harrisburg, Pa., Control Zone (39 FR 388) and Transition Area (39 FR 506) and designate a Middletown, Pa., Control Zone.

The airspace requirements for the Harrisburg, Pa. and Middletown, Pa. terminal areas have been reviewed. Alteration of the control zone and transition area will be required to provide controlled airspace in consonance with Terminal Instrument Procedures (TERPs) for IFR arrivals and departures. Designation of a new control zone is also required.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 1, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal areas of Harrisburg, Pa. and Middletown, Pa., proposes the airspace action hereinafter set forth:



1. Amend § 71.171 of Part 71, of the Federal Aviation Regulations by deleting the description of the Harrisburg, Pa. control zone and by substituting the following in lieu thereof:

Within a 6.5-mile radius of the center, 40°12'59" N., 76°51'03" W., of Capital City Airport, Harrisburg, Pa.; within 2 miles each side of the extended centerline of Capital City Airport Runway 26, extending from the west end of Runway 26 to 6.5 miles west of the west end of Runway 26; within 2 miles each side of the Harrisburg, Pa. VORTAC 100° radial, extending from the 6.5-mile radius zone to 2.5 miles east of the VORTAC; excluding the portion that coincides with the Middletown, Pa. control zone east of direct lines described as follows: a line bearing 028° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa. 6.5-mile radius zone and a line bearing 191° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa. 6.5-mile radius zone.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Middletown, Pa. control zone as follows:

#### MIDDLETOWN, PA.

Within a 6-mile radius of the center, 40°11'34" N., 76°45'48" W., of Harrisburg International Airport-Olmsted Field, Middletown, Pa.; within a 7-mile radius of the center of the airport, extending clockwise from a 228° bearing to a 293° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 005° bearing to a 033° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 033° bearing to a 098° bearing from the airport; within 2 miles each side of the extended centerline of Harrisburg International Airport-Olmsted Field Runway 13, extending from the southeast end of Runway 13 to 6 miles southeast of the southeast end of Runway 13; excluding the portion that coincides with the Harrisburg, Pa. control zone west of direct lines described as follows: a line bearing 028° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa. 6.5-mile radius zone and a line bearing 191° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa. 6.5-mile radius zone.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Harrisburg, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 19.5-mile radius of the center, 40°12'59" N., 76°51'03" W., of Capital City Airport, Harrisburg, Pa., extending clockwise from a 009° bearing to a 035° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 035° bearing to a 099° bearing from the airport; within a 11.5-mile radius of the center of the airport, extending clockwise from a 099° bearing to a 161° bearing from the airport; extending clockwise from a 161° bearing to a 233° bearing from the airport; within a 11.5-mile radius of the center of the airport, extending clockwise from a 233° bearing to a 290° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 290° bearing to a 009° bearing from the airport;

within 5.5 miles each side of the Harrisburg, Pa. VORTAC 274° radial, extending from the VORTAC to 11.5 miles west of the VORTAC; within 9.5 miles north and 4.5 miles south of the Capital City Airport ILS localizer west course, extending from the OM to 18.5 miles west of the OM; within a 12.5-mile radius of the center, 40°11'34" N., 76°45'48" W., of Harrisburg International Airport-Olmsted Field, Middletown, Pa., extending clockwise from a 025° bearing to a 078° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 078° bearing to a 147° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 147° bearing to a 228° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 228° bearing to a 270° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 025° bearing from the airport.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 11, 1974.

JAMES BISPO,  
Deputy Director,  
Eastern Region.

[FR Doc.74-4726 Filed 2-27-74; 8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 74-GL-2]

#### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Waseca, Minnesota.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before April 1, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Two instrument approach procedures have been developed to the Waseca Municipal Airport, Waseca, Minnesota. Controlled airspace is required to protect these procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

#### WASECA, MINNESOTA

That airspace extending upward from 700 feet above the surface within a five mile radius of the Waseca Municipal Airport (latitude 44°04'24" N., longitude 93°33'10" W.); within three and a half miles each side of the 339° bearing from the Waseca Municipal Airport, extending from the five mile radius to eight miles north of the airport; within one and a half miles each side of the 046° bearing from the Waseca Municipal Airport, extending from the five mile radius to six miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); (sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on February 8, 1974.

R. O. ZIEGLER,  
Acting Director,  
Great Lakes Region.

[FR Doc.74-4725 Filed 2-27-74; 8:45 am]

#### Federal Highway Administration

##### [ 49 CFR Part 391 ]

[Docket No. MC-49; Notice 74-1]

#### MEDICAL EXAMINATIONS OF COMMERCIAL VEHICLE DRIVERS BY CHIROPRACTIC PHYSICIANS

##### Docket Closing Notice

The purpose of this notice is to announce that the Director of the Bureau of Motor Carrier Safety is closing Docket No. MC-49 without further action and does not presently intend to institute additional rulemaking proceedings on the subject of permitting the required medical examinations of commercial vehicle drivers to be performed by chiropractic physicians.

On July 9, 1973, the Director issued an advance notice of proposed rule making, inviting interested persons to comment on a petition for rulemaking filed by the Idaho Association of Chiropractic Physicians. In its petition, the Association asked the Director to amend § 391.43(a) of the Motor Carrier Safety Regulations (49 CFR 391.43(a)) to permit the periodic medical examination of commercial vehicle drivers to be performed by chiropractic physicians.

Upon review of the 274 comments received in response to that invitation, the Director has concluded that it would be unwise to accept, as fulfilling the requirement of a periodic medical examination, an examination of a driver performed by a chiropractic physician.

Under § 391.45 of the Motor Carrier Safety Regulations (49 CFR 391.45), drivers of commercial motor vehicles used for the transportation of passengers

or property in interstate commerce must have a complete physical examination at least once every 24 months. The driver may not drive unless the medical examiner certifies that he meets certain medical criteria spelled out in the regulations. The purpose of the examination is to discover any medical condition which would disqualify a driver from driving a commercial truck or bus under the criteria, which are set out in § 391.41 of the regulations (49 CFR 391.41). The regulations specify that the medical examiner must be a licensed doctor of medicine or osteopathy, except that optometrists may perform visual acuity tests.

The petitioner, the Idaho Association of Chiropractic Physicians, sought to have doctors of chiropractic added as qualified examiners, asserting that persons who hold licenses to practice chiropractic in the State of Idaho are qualified to give the examination and to certify the drivers in accordance with § 391.43 (49 CFR 391.43). Its primary contentions were: (1) Doctors of chiropractic are now approved for coverage under the United States Medicare Program; (2) in the State of Idaho, doctors of chiropractic are now qualified to administer blood tests; (3) the Idaho Attorney General has ruled that State law permits doctors of chiropractic to reduce bone fractures; (4) doctors of chiropractic in Idaho bear the same responsibility for reporting infectious and contagious diseases as doctors of medicine; (5) Idaho chiropractors are authorized to call themselves physicians; and (6) under the Idaho Workmen's Compensation Law, chiropractic physicians are in a position equivalent to that of the other practitioners of the healing arts, both in terms of the number of visits authorized for an injured person and the compensation to be paid for the services they render. Finally, the petitioner claims that the existing rule invidiously discriminates against doctors of chiropractic by restricting the performance of drivers' medical examinations to doctors of medicine and doctors of osteopathy.

There were 149 comments supporting the petition, 123 of which were filed by drivers on three separate form letters without any supporting data. Four chiropractic associations supported the petition and two chiropractors filed comments in opposition to the petition. Nine motor carriers supported the petition, citing the shortage of doctors and consequent delays in obtaining physical examinations, while 21 opposed it. Included in the 125 comments opposing the petition were statements from the American Petroleum Institute, the American Trucking Associations, Inc., the National Association of Motor Bus Owners, and two insurance companies. Finally, 34 medical doctors, 12 medical societies, eleven medical associations, nine medical clinics, and the Department

of Health, Education, and Welfare also opposed the petition.<sup>1</sup>

The Department of Health, Education, and Welfare submitted its 1968 report to Congress entitled Independent Practitioners Under Medicare as evidence against changing the current rule.

Those supporting the petition, particularly the American Chiropractic Association, generally reiterated the contentions of the petitioners, noting also the President's statement that there is currently an acute shortage of physicians, and that chiropractic services can perform a vital role in alleviating the health care crisis. Additionally, to counter allegations that chiropractic diagnostic training is inadequate, the Association explained in detail the chiropractic college curricula.

The Director is not in a position to resolve the long-standing conflict in the healing arts regarding the status of chiropractors. The only question which the Bureau must decide is whether chiropractors are sufficiently qualified to diagnose those medical conditions which, under the Federal Motor Carrier Safety Regulations, are relevant to the qualifications of drivers. Section 391.43 of the regulations enumerates the tests which must be conducted and the diseases which must be diagnosed. The Director makes no claim that a doctor of chiropractic cannot test for, diagnose, and treat some of these diseases. However, on the basis of the evidence at hand, it is his conclusion that there are significant lacunae in chiropractic diagnostic training and procedures, particularly in the cardiovascular area, which make a rule change unwarranted at this time.

This conclusion was influenced in part by several factors noted in the portion of the above-cited Department of Health, Education, and Welfare Report to Congress discussing the quality of chiropractic education. The Report listed the following shortcomings in schools which train chiropractors:

1. Lack of inpatient hospital training.
2. Lack of an adequately-qualified, specialized faculty.
3. Low admission requirements for students.
4. Accreditation problems.
5. Inadequate research programs.

These shortcomings raise serious doubts as to the qualifications of chiropractors generally to make adequate diagnoses of dysfunctions which relate to medical qualifications of drivers of large commercial vehicles.

<sup>1</sup>On December 17, 1973, Counsel for the Idaho Association of Chiropractic Physicians notified the Director that the Association desired to withdraw its petition for rulemaking. By that date, the bulk of the comments had been filed, and the Director decided that, in view of the large amount of public interest in the subject-matter of the proceeding, the Bureau would process the rulemaking action to a conclusion, notwithstanding the Association's withdrawal.

The petition, comments supporting a rule change, and other data did not satisfactorily dispose of these doubts. Much of the reasoning was conclusory. For example, the fact that various health-and-welfare plans include chiropractic benefits does not necessarily demonstrate that a chiropractor is qualified to give a comprehensive physical examination and make a correct diagnosis. The services of many health professionals, e.g. physical therapists, are compensable under Medicaid and health insurance plans. But the compensability of their services does not qualify them as diagnosticians.

As stated in the advance notice, the Bureau must, in the final analysis, determine whether chiropractic physicians as a group are trained and skilled to diagnose those conditions which would disqualify a person from serving as a commercial vehicle driver under the criteria and procedures in §§ 391.41 and 391.43 of the Federal Motor Carrier Safety Regulations. Since the safety of the public depends upon the accuracy of the medical examiner's conclusions, reasonable doubts as to the education and skill of chiropractic physicians must necessarily be resolved by leaving the present rule unchanged. On the basis of the available evidence, the Director has concluded that there is reasonable doubt concerning the ability of chiropractors to make an adequate physical examination and diagnosis as required by the Regulations. Accordingly, the Bureau declines to amend § 391.43 of the Motor Carrier Safety Regulations as prayed for in the petition for rulemaking. Docket No. MC-49 is closed.

This notice is issued under the authority of section 204 of the Interstate Commerce Act, as amended, (49 U.S.C. 304), section 6 of the Department of Transportation Act, (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on February 15, 1974.

ROBERT A. KAYE,  
Director, Bureau of  
Motor Carrier Safety.

[FR Doc.74-4665 Filed 2-27-74; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 2, 81, 87, 91, 93 ]

[Docket No. 19869 etc.]

#### ESTABLISHMENT OF PRIVATE OPERATIONAL-FIXED MICROWAVE RADIO SERVICE, ET AL

##### Order Extending Time for Filing Comments

In the matter of amendment of the Commission's rules to establish a Private Operational-Fixed Microwave Radio Service (Part 94) Docket No. 19869; Amendment of Parts 7, 9, 10, 11, and 16

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(now 81, 87, 91 and 93) of the Commission's rules to provide for the assignment of frequencies in the bands above 952 MC to operational fixed stations in such services upon a showing that harmful interference will not be caused to existing stations, Docket No. 14179; petition for rule making filed by the National Association of Manufacturers to amend Part 91, RM-1862; petition for rule making filed by the Utilities Telecommunications Council to amend Part 2, RM-339; petition for rule making from American Petroleum Institute to amend Parts 2, 81, 87, 91, and 93, RM-2272.

In response to a request from the Utilities Telecommunications Council and for good cause demonstrated therein, *It is ordered*, Pursuant to § 3.31(b) (4) of the Commission's rules, that the time for filing comments in the above captioned proceeding is extended until April 1, 1974, and the time for filing reply comments is extended until May 1, 1974.

Adopted: February 15, 1974.

Released: February 22, 1974.

[SEAL] J. RUSSEL SMITH,  
Acting Chief, Safety and Special  
Radio Services Bureau.

[FR Doc.74-4752 Filed 2-27-74; 8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

##### [ 17 CFR Part 240 ]

[Release No. 34-10636; File No. S7-510]

#### CERTAIN SHORT SELLING OF SECURITIES AND SECURITIES OFFERINGS

##### Proposed Prohibition

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rules 10b-20 and 10b-21 (17 CFR 240.10b-20 and 240.10b-21) and to amend Rule 17a-3 (17 CFR 240.17a-3) under the Securities Exchange Act of 1934 (the "Act"). Rules 10b-20 and 10b-21, which are hereby proposed for comment, relate to certain practices which have been brought to the Commission's attention, in part as a result of an investigation by the Commission's staff. The practices primarily involve "short" selling of securities by persons who have given indications of interest to purchase such securities pursuant to secondary<sup>1</sup> securities offerings, and who acquire securities pursuant to such secondary offerings to cover their short sales. Moreover, the Commission has indications that broker-dealers involved in distributing shares may be imposing requirements involving consideration in addition to the announced price of the shares. The proposed amendments to Rules 17a-3(a)(6) and 17a-3(a)(7) would require memoranda of brokerage sale orders and executions in the over-

<sup>1</sup> "Secondary offerings" are used here to mean registered offerings of securities for which there already exist trading markets for the same classes of securities as those being offered.

the-counter market to specify whether such sales are "long" or "short". Rules 10b-20 and 10b-21 are proposed pursuant to Sections 10(b) and 23(a) of the Act. Section 10(b) provides that the Commission may prescribe such rules and regulations as are necessary or appropriate in the public interest or for the protection of investors which prohibit the use or employment of any manipulative or deceptive device or contrivance in connection with the purchase or sale of any security. Rules 17a-3(a)(6) and 17a-3(a)(7) are proposed to be amended pursuant to sections 17(a) and 23(a) of the Act.

It is the Commission's view that short sales made prior to the effective date of a pending registration statement filed with the Commission covering securities of the same class of the same issuer as those sold short, which short sales are covered, as planned at the time of sale, with shares obtained in the registered offering, raise serious questions under Section 5 of the Securities Act of 1933. Therefore, any person intending to purchase securities in any registered secondary offering should be on notice that his selling short the same class of securities prior to the offering may be subject to the registration requirements of Section 5 of the Securities Act, as well as other applicable statutes and rules.

Proposed Rule 10b-20 makes explicit the duty placed on broker-dealers (and others) to refrain from explicitly or implicitly demanding from their customers any payment or consideration in addition to the announced offering price of any securities. The Commission has received indications that in some offerings for which public demand is inadequate the purchase of such offering shares may be tied to certain inducements, such as the opportunity to purchase sought after "hot" issue shares, for which demand exceeds supply.<sup>2</sup> In response to these inducements, a number of persons may have been encouraged to participate in the distribution of shares for which sufficient public demand does not exist by purchasing them solely with a view to their immediate resale and merely to accommodate those marketing the offerings. The demand for offering shares created by the activities of these participants in the distribution process may obfuscate realistic assessments by underwriters who do not induce such participation and by investors and potential investors of the valid demand for such offerings and may artificially affect the offering price for such shares. Further, rewarding these participants with "hot" issue shares may artificially stimulate high public demand for such shares in that the prior commitment made to such participants, which unjustifiably deprives many members of the public of the opportunity to purchase such "hot" issue shares at their original offering price,

<sup>2</sup> The Commission has previously expressed views on this subject in Exchange Act Release No. 5323 (October 16, 1972) (37 FR 22796).

relegates such persons denied shares in the offerings to making purchases in the after market.

This proposed rule is intended as a comprehensive prohibition. It would apply to brokers, dealers, underwriters, issuers, and any other person who agrees to or is participating in any offering or securities. Such persons would be prohibited, in connection with the offer or sale of any security, from (1) requiring the prospective purchaser or purchaser of such security to purchase any other security being offered or sold by such persons; (2) in the case of a registered distribution of securities, requiring a prospective purchaser or purchaser of such offering securities to pay any consideration other than that indicated in the applicable prospectus (or Regulation A offering circular); and (3) requiring any other act, conduct, transaction or promise of any purchaser of any security offered for sale by such persons, with certain limited exceptions. Paragraph (b) of the proposed rule provides that the Commission may, upon written request or by its own motion, exempt any transaction or other conduct from the provisions of this rule.

Proposed Rule 10b-21 is designed to prevent the manipulation of trading markets in securities at a time when registration statements covering secondary offerings of the same class of securities are pending. Secondary offerings are generally priced at or below the trading market price as of a given date. The activities that would be proscribed by this rule tend to create artificial downward pressure on the trading markets in the issuer's outstanding securities. Paragraph (a)(1) of this rule would prohibit short sales by any person who has outstanding an indication of interest to purchase or proposes to purchase shares in the secondary offering. Paragraph (a)(2) would prohibit any person who has made a short sale of any security within five days of the effective date of a secondary offering of the same class of security, and whose short sale remains uncovered at the effective date, from covering such short sale until five days following the effective date of the registration statement (or Regulation A notification) covering the secondary offering or until the completion of the offering, whichever occurs earlier. Because of the legitimate market function performed by certain persons, paragraph (a)(2) also exempts from its provisions market-makers who have been making a continuous market in the securities for a significant period of time, exchange specialists, odd-lot dealers, and bona fide or risk arbitrageurs. Paragraph (b) provides that the Commission may exempt any person from the provisions of this rule upon written request or by its own motion.

The Commission believes that the absolute prohibition against covering purchases over the short period of time contained in paragraph (a)(2) may be necessary to prevent the artificial depression, through manipulations, of the trading markets in securities for which

secondary offerings are pending and the covering of such short sales with possibly artificially discounted secondary offering shares. In most instances, the Commission believes that the offering will be completed before the post-effective five-day period has expired and that the period of risk will, therefore, be minimal. While the Commission recognizes that some persons may determine to sell short without an intention to manipulate and without an intention to cover with secondary offering shares, the Commission believes that any prohibition of manipulative activities which are inimical to the capital raising process without the proposed time provisions would be unworkable. Therefore, balancing the public interest against what may be legitimate trading objectives of certain persons, the Commission has proposed the absolute prohibition.

The proposed amendments to Rule 17a-3 (the Commission's broker-dealer recordkeeping rule) would require that broker-dealer memoranda of sale orders for over-the-counter securities be marked as "long" or "short" sales. Rule 10a-1 under the Act presently requires such designations for sale orders of exchange traded securities. The proposed amendment to Rule 17a-3(a)(6) would cover brokerage sale orders and the proposed amendment to Rule 17a-3(a)(7) would cover principal transactions with customers and transactions for the broker-dealer's own account. The proposed amendments are intended to assist broker-dealers in complying with provisions relating to short sales under the securities laws, and most notably Regulation T (12 CFR Part 220) (the broker-dealer margin provision) promulgated by the Board of Governors of the Federal Reserve Board, in that broker-dealers will be required to ask customers, or note if the sale is for the broker-dealer's own account, whether the sale is "long" or "short." The amendments would also aid the Commission's enforcement of the margin provisions. The Commission has been prompted to propose these additions to the recordkeeping provisions because broker-dealers and other persons may not be complying with the margin requirements in connection with short sales in the over-the-counter market. The Commission urges broker-dealers to review their procedures for processing sell orders with a view to ensuring that the applicable provisions of Regulation T are being complied with in full.

**Commission action.** Pursuant to authority in sections 10(b), 17(a) and 23 (a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt new §§ 240.10b-20 and 240.10b-21 and proposes to amend §§ 240.17a-3(a)(6) and 240.17a-3(a)(7) in Chapter II of Title 17 of the Code of Federal Regulations as set forth below:

§ 240.10b-20. Prohibition against additional consideration in securities offerings.

(a) It shall be unlawful for any person, including, but not limited to, an

underwriter, prospective underwriter, issuer, broker, dealer or other person who has agreed to participate or is participating, directly or indirectly, in an offering of securities by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the offer or sale of any security registered on a national securities exchange or any security not so registered, directly or indirectly.

(1) To require a purchaser or proposed purchaser of such security to purchase any other security being or proposed to be offered or sold by any such person, or

(2) To require a purchaser or proposed purchaser to make payment of any consideration for such security other than that indicated in the registration statement and prospectus or notification on Form 1-A (§ 239.90 of this chapter) and offering circular covering the offer and sale of such security, or

(3) To require a purchaser or proposed purchaser, in order to purchase such security, to perform any act, engage in any conduct, effect any other transaction or refrain from assurance to perform, engage in, effect or refrain from any of the foregoing, other than any usual or customary requirements for payment for such security within the time required under this Act or the opening of an account with such broker or dealer.

(b) This section shall not prohibit any transaction or transactions or other conduct if the Commission, upon written request or upon its own motion, exempts such transaction, transactions or conduct either unconditionally or on specified terms and conditions as not constituting a manipulative or deceptive device or contrivance comprehended within the purpose of this section.

§ 240.10b-21. Prohibition against certain short selling.

(a) It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10(b) of the Act,

(1) For any person, who, direct or indirectly, has outstanding an indication of interest to purchase or is purchasing or proposes to purchase securities in an offering covered by a registration statement or a notification on Form 1-A (§ 239.90 of this chapter) under the Securities Act of 1933, to sell short securities of the same class of the same issuer until after such registration statement has been declared effective or until the initial offering of securities under Regulation A (§§ 230.251 et seq. of this chapter) under the Securities Act of 1933 is made; or

(2) For any person who has effected one or more short sales through any account in which he has a beneficial interest of any security within five business days prior to the effective date of a registration statement filed under the Securities Act of 1933, or within five business days prior to the date of the initial offering of securities under a notification on Form 1-A, covering the same class of securities of the same issuer, to bid for or purchase, directly or indirectly, for any such account, any security which

is the subject of an offering under such registration statement or notification on Form 1-A, or any security of the same class of the same issuer, until five business days following the effective date of the registration statement or the date the initial offering under a notification on Form 1-A commences, or until completion of such offering, whichever occurs first; *Provided*, That the provisions of this paragraph (a) (2) shall not apply to any broker or dealer which is registered with a national securities exchange as a specialist in the same class of securities which are the subject of the proposed offering, or which has submitted both bid and ask quotations as to such security in an interdealer quotation system at specified prices on each of at least twelve days within the thirty calendar days preceding the filing with the Commission of such registration statement or notification on Form 1-A, with no more than four business days in succession without such a two-way quotation, or which is registered as an odd-lot dealer, or to any person who has effected or proposes to effect a bona fide foreign or domestic or risk arbitrage transaction.

(b) This section shall not prohibit any transaction or transactions or other conduct if the Commission, upon written request or upon its own motion, exempts such transaction, transactions or conduct either unconditionally or on specified terms and conditions as not constituting a manipulative or deceptive device or contrivance comprehended within the purposes of this Section.

§ 240.17a-3. Books and records.

(a) \* \* \*

(6) A memorandum of each brokerage order, and of any other instruction, given or received for the purchases or sales of securities, whether executed or unexecuted. Such memorandum shall show the terms and conditions of the order or instructions and of any modification or cancellation thereof, the account for which entered, the time of entry, whether, if a sale, the order is entered "long" or "short," the price at which executed and, to the extent feasible, the time of execution or cancellation. An order shall not be marked "long" unless (i) the security to be delivered after sale is carried in the account for which the sale is to be effected, or (ii) the broker-dealer is informed that the seller owns the security ordered to be sold, and as soon as is possible without undue inconvenience or expense, will deliver the security owned to the account for which the sale is to be effected. Orders entered pursuant to the exercise of discretionary power by such member, broker, or dealer, or any employee thereof, shall be so designated. The term "instruction" shall be deemed to include instructions between partners and employees of a member, broker, or dealer. The term "time of entry" shall be deemed to mean the time when such member, broker, or dealer transmits the order or instruction for execution or, if it is not so transmitted the time when it is received.

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(7) A memorandum of each purchase and sale of securities for the account of such member, broker, or dealer showing the price and, to the extent feasible, the time of execution and whether, if a sale, such sale was effected "long" or "short"; and, in addition, where such purchase or sale is with a customer other than a broker or dealer, a memorandum of each order received, showing the time of receipt, the terms and conditions of the order, the account in which it was entered and whether, if a sale such sale was effected "long" or "short". A sale shall not be marked "long" unless (i) the security to be delivered after sale is carried in the account for which the sale is to be effected, or (ii) the broker-dealer is informed that the seller owns the security ordered to be sold and, as soon as is possible without undue inconvenience or expense, will deliver the security owned to the account for which the sale is to be effected.

(Sections 10(b), 17(a), 23, 48 Stat. 891, 897, 901, sections 4, 8, 49 Stat. 1379, section 5, 52 Stat. 1076, section 10, 78 Stat. 580, 15 U.S.C. 78j(b), 78q, 78w.)

All interested persons are invited to submit their views and comments on the foregoing proposed rules and amended rules, in writing, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, DC 20549, to be received on or before April 15, 1974. All such communications will be available for public inspection and should refer to File No. S7-510.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

FEBRUARY 11, 1974.

[FR Doc. 74-4692 Filed 2-27-74; 8:45 am]

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[29 CFR Parts 1915, 1916, 1917, 1918]  
[S-73-5]

#### ACCIDENTS IN MARITIME INDUSTRIES Proposed Reporting Procedures; Notice of Hearing

On January 31, 1973, 29 CFR 1915.6 was deleted (38 FR 2967), and on March 1, 1973, §§ 1916.6, 1917.6, and 1918.7 of Title 29 of the Code of Federal Regulations, were deleted (38 FR 5467) in order to eliminate the overlap with the regulations in § 1904.8. The effect of these deletions was to clarify the accident reporting procedures to be followed in ship repairing, shipbuilding, shipbreaking, and longshoring by making the procedures prescribed in § 1904.8 the only reporting procedures to be followed in the maritime industries. However, the deletions also eliminated the requirement to report accidents resulting in the hospitalization of less than five employees. Subsequently, petitions were received asserting the importance of requiring the reporting of accidents resulting in the

hospitalization of one or more employees and urging the restoration of the requirement. Because the comments so vigorously expressed the importance of the former reporting procedures, on June 13, 1973, it was proposed to amend 29 CFR Parts 1915, 1916, 1917, and 1918, giving all interested persons an opportunity to comment (38 FR 15522). The proposed amendments would reestablish the requirement for the reporting of accidents resulting in the hospitalization of one or more employees.

Since the proposed amendments were published, additional comments and requests for a hearing have been received.

In light of the requests for a hearing and the controversy which has arisen over the amendments, a hearing will be held. Oral data, views, and arguments will be heard before an administrative law judge to be designated for this purpose by the Chief Administrative Law Judge of the United States Department of Labor. Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941), Secretary of Labor's Order No. 12-71 (36 FR 8754) and 29 CFR Part 1911, a hearing will be held in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C. on April 15, 1974. A prehearing conference, commencing at 9:30 a.m., will be held in order to establish the order and time for the presentation of statements and settle any other procedural matters relating to the proceeding. The hearing will immediately follow the prehearing conference.

The hearing will only concern issues arising from the amendments proposed in the FEDERAL REGISTER on June 13, 1973 (38 FR 15522), including:

(1) Whether an employer should be required to report accidents in the maritime industry which result in the hospitalization of one or more employees; and

(2) What is the appropriate time interval for the initial reporting of accidents by employers.

Regardless of prior written comments, interested persons wishing to appear at the hearing must file a written notice of intention to appear, together with two copies, postmarked no later than April 1, 1974. The notice must state the name and address of the person wishing to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken with regard to the proposed rules. A notice of intention to appear not complying with the above rules will be unacceptable and may be returned by the Assistant Secretary with indication of deficiencies thereof and reasons for non-acceptance and return.

Communications should be addressed to: J. Goodell, Room 240, 1726 M St. NW., Washington, D.C. 20210.

The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. All documents that are intended to be submitted should be submitted in triplicate (original and two copies).

The hearing will be conducted in accordance with the rules of 29 CFR Part 1911. The administrative law judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing including the powers:

(a) To regulate the course of the hearing;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the proposed regulations;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to permit cross-examination of any witness; and

(f) In his discretion, to keep the record open for a reasonable stated time to receive written recommendations, and supporting reasons, and additional data, views, and arguments from any person who has participated in the oral proceeding.

Following the close of the hearing, the administrative law judge shall certify the record to the Assistant Secretary for Occupational Safety and Health.

Upon consideration of the record of the hearing together with any other written data, views, or arguments received concerning this proceeding, the Assistant Secretary may adopt the proposals with or without changes.

Signed at Washington, D.C., this 22d day of February 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc. 74-4757 Filed 2-27-74; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1125]

[Ex Parte No. 293; Sub-No. 2]

### STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Notice of Proposed Rulemaking and Order  
FEBRUARY 19, 1974.

This notice and order is issued pursuant to, and under the authority of, section 205(d) (3) of the Regional Rail Reorganization Act of 1973 (the "Act"), Pub. L. 93-238, 87 Stat. 985, which provides that the Rail Services Planning Office of the Interstate Commerce Commission (the "Office") shall—

... within 180 days after the date of enactment of this Act, determine and publish standards for determining the "revenue attributable to the rail properties", the avoidable costs of providing service", and "a reasonable return on the value", as those phrases are used in section 304 of this Act, after a proceeding in accordance with the provisions of section 553 of title 5, United States Code ...

The Act has as its principal focus the statutory reorganization of railroads in

bankruptcy in the northeastern quarter of the United States, and the restructuring of rail services in the 17-State region defined in section 102(13), plus additional territories added by the Commission by order entered January 14, 1974, in Ex Parte No. 293, namely, points in the St. Louis, Mo., and Louisville, Ky., Standard Metropolitan Statistical Areas and Manitowoc and Kewaunee, Wisc. (the "Region"). Among other things, it provides for the development and ultimate approval by the Congress of a final system plan (the "Plan") for the redesign of rail services in the Region. The Plan is expected to identify a number of lines which are not considered essential to the overall rail transportation system and which cannot be operated profitably. These lines will not be included in the Plan, and section 304 of the Act, to which reference is made in section 205(d) (3) quoted above, permits the termination of service over, and the abandonment of, those lines under certain conditions.

Any time after the thirtieth day following the effective date of the Plan, the owner of a line excluded from the Plan may give notice to the governors of affected States and certain other persons of its intention to terminate service over the line. The notice may provide for termination of service at any time following 60 days after the issuance of the notice. Thus rail service over a line not included in the Plan could be terminated as early as 90 days following the effective date of the Plan. Rail properties may be abandoned, with certain exceptions, 120 days following the effective date of a notice of termination of train service over those properties.

Section 304(c) (2) of the Act provides that discontinuance of train service over, and abandonment of, lines not included in the Plan cannot be carried out if, as pertinent to this proceeding, a shipper, a State, the United States, a local or regional transportation authority, or any responsible person offers—

... a rail service continuation subsidy which covers the differences between the revenue attributable to such rail properties and the avoidable costs of providing service on such properties plus a reasonable return on the value of such rail properties ...

section 205(d) (3), quoted above, requires the Office to promulgate standards for applying this formula within 180 days after the date of enactment of the Act—that is, on or before July 1, 1974.

Title IV of the Act recognizes the importance to the United States of continuing in operation rail lines not included in the Plan but considered essential by one of the States in the Region. It establishes a new program under which the Federal government is to reimburse the States for 70 percent of the amount of rail service continuation subsidies paid by them in order to maintain operations over rail lines that would otherwise have been abandoned under the Act.

In considering what standards should be established for computing the amount of a rail service continuation subsidy, it is essential to bear in mind not only the

clearly expressed intent of the Congress to provide for the continued operation of services that might otherwise be terminated under the Act, but also the time limitations which Congress has imposed. The Office is allocated a period of only 180 days to develop and issue the standards, and the standards must be adopted pursuant to a proceeding subject to the Administrative Procedure Act requirement that all interested persons be given an opportunity to be heard. This means that a very tight procedural schedule must be adopted and adhered to.

More important is the fact that service over a line not included in the Plan could be terminated only 90 days after the Plan becomes effective, and only 60 days after notice of the owner's intention to terminate is given, unless a firm offer to provide subsidy is made by some interested person or government agency. To be able to make the decision whether to offer a subsidy, the cost of that subsidy must be known with at least a fair degree of precision. This means that if the intent of the Congress to establish an effective subsidy program is to be honored, and if the standards adopted in this proceeding are to serve any useful purpose, those standards must be such as to permit rapid calculation of the amount of the subsidy. In short, they must provide for a formula which can be applied to a given situation and produce an answer to the subsidy cost question in a very short time—necessarily less than the 60 days allowed by the Act between issuance of a notice of intent to terminate service and the effective date of the termination.

The proposed standards for determining the revenue and avoidable costs attributable to a line not included in the Plan and as to which a notice of intent to terminate service has been given (herein for convenience called a "branch") are made up, in effect, of a series of apportionment formulas under which various revenue and expense accounts, as reported by the railroads to the Commission, are prorated between the branch and remainder of the owning railroad's system. The formulas require, for the most part, the application of data submitted routinely by the railroads in their annual reports and annual freight commodity statistics. Certain other information will also be required in order to make the required apportionments, and the proposed rules provide for its submission. Admittedly, the result of applying the apportionment formulas proposed is likely to be a less precise measure of attributable revenues and avoidable costs than would be achieved if an exhaustive study of branch costs and revenues were conducted in order to arrive at a measure of "avoidable loss" as that term has been used in the past by the Commission in its determination of routine rail abandonment applications. However, the statutory plan for northeastern and midwestern rail service restructuring, of which the required standards are a part, does not permit the luxury of detailed

and time consuming studies of cost and revenue experience on individual lines.

In most if not all instances, only the railroad proposing to terminate service on a branch will have access to the information needed to assign historical revenues and costs to that line. Thus it is proposed that a rule be adopted requiring the railroad, when it submits its notice of intent to terminate service, to furnish the data necessary for making that determination. A notice of intent to terminate service under the rule proposed here would not be deemed complete until all such information had been supplied, and the effective date of the proposed termination of service could not be set by the railroad at less than 60 days following the date upon which its completed notice, including all necessary data, had been filed with this Office and the governor of the State in which the Branch Line is located. Those data would also have to be made available upon request, to all persons entitled to receive notice of the railroad's intention to terminate service. Comments are invited as to alternative procedures which would insure that the States obtain access to the necessary data in time to answer the subsidy cost question within the time constraints of the statute.

The proposed method of calculating "avoidable costs of providing service" and "revenue attributable to rail properties" uses data from the Commission's Annual Report Form A (recently redesignated as form R-1) and Annual Form QCS, both containing generally available data compiled by the railroads, and certain other statistics providing additional data needed for apportioning revenue and expenses to branch line operations set out in § 1125.7(d) and Table I of the proposed standards. These data are available only from the railroads, but they should be able to furnish them without undue difficulty.

Development of a standard to determine what is a reasonable return on the value of rail properties to be kept in operation under subsidy requires a two-step process. First a means for determining the value of the properties must be established; second, what constitutes a fair rate of return must be determined.

The standard proposed for determining the value of the properties involved is net liquidation value—that is, current market value less the costs related to dismantling and disposal of the property. Disputes are likely to arise between the owning railroad and the subsidizing body over the value of the properties involved, and also possibly over the identification of the actual properties needed to provide the level of service to be performed. The proposed standard, therefore, includes a provision for compulsory arbitration.

The proposed standard for determining what is a reasonable return on the value of the property to be subsidized establishes a variable rate of return based on recent experience in the sale of what are considered relatively safe, long-term railroad securities—namely,



equipment trust certificates. They are highly rated, and sold by competitive bidding to knowledgeable investors. In a recent sale, equipment trust certificates bearing interest at eight per cent per year were sold at 100.5573, or an actual interest cost of 7.89 per cent. The rate of return on the value of a branch to be subsidized would, under the proposed standard, be the average interest cost for equipment trust certificates sold by Class I railroads in the United States during the 3 calendar months preceding the month in which the notice of termination of service over the branch becomes effective. It is contemplated that the Office would make that computation and publish the current rate of return monthly in the FEDERAL REGISTER.

All persons interested in filing statements of their views on the proposed standards which are a part of this notice, or in proposing for consideration alternative standards, are invited to do so. Statements should be submitted in writing to the Office on or before May 3, 1974. An original and six copies of any statement should be supplied. Because of the severe time limitations imposed by the Regional Rail Reorganization Act of 1973, reply statements will not be entertained, nor will oral hearings be held. In light of the foregoing considerations:

*It is ordered*, That a proceeding be, and it is hereby, instituted under the provisions of section 205(d)(3) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985, looking toward the adoption of standards for determining "the revenue attributable to the rail properties", the "avoidable costs of providing service", and "a reasonable return on the value" as those terms are used in section 304 of such Act;

*And it is further ordered*, That no oral hearing be scheduled for receiving testimony in this proceeding, but that all interested persons be invited to participate in this proceeding by submitting written representations containing statements of fact or views. Comments are particularly invited on the proposed standards which accompany this notice and order. To be considered, the original and six copies of each representation must be filed before May 3, 1974, with:

Rail Services Planning Office  
Interstate Commerce Commission  
Washington, D.C. 20423

By the Commission, Rail Services Planning Office.

ROBERT L. OSWALD,  
Secretary.

Sec.  
1125.1 General.  
1125.2 Definitions.  
1125.3 Revenue attributable to particular rail lines.  
1125.4 Avoidable costs of providing service on particular lines.  
1125.5 Valuation of rail properties.  
1125.6 Reasonable return.  
1125.7 Submission of data by railroads seeking to terminate service.  
1125.8 Amendment.  
AUTHORITY: Section 205(d)(3), Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985.

#### § 1125.1 General.

These standards are issued by the Rail Services Planning Office of the Interstate Commerce Commission pursuant to section 205(d)(3) of the Regional Rail Reorganization Act of 1973, and provide rules for the interpretation and application of the provisions of section 304(c)(2) of that Act regarding the payment of rail service continuation subsidies.

#### § 1125.2 Definitions.

(a) Act means the Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985.

(b) Branch means a line of railroad not included in the final system plan as defined in section 102(6) of the Act, and which is the subject of a notice to terminate service under section 304(a) of the Act.

(c) Commission means the Interstate Commerce Commission.

(d) Office means the Commission's Rail Services Planning Office, established by section 205 of the Act.

(e) Railroad, unless the context requires otherwise, means a railroad company, or the trustee or trustees of a railroad company, which owns or controls a system of rail lines of which a branch is a part, or was a part prior to the effective date of the final system plan as defined in section 102(6) of the Act.

(f) Subsidizing body includes a shipper, the United States, a State, a local or regional transportation authority, or any responsible person offering, or expressing its intention to offer, a rail service continuation subsidy under section 304(c)(2) of the Act.

#### § 1125.3 Revenue attributable to particular rail lines.

The revenue attributable to a branch shall be the sum of the revenues apportioned to the branch in accordance with the principles set forth in this section.

(a) Freight revenues (Account 101) shall be apportioned to the branch in accordance with the following procedure:

(1) Utilizing information reported by the railroad in its most recent Annual Report of Freight Commodity Statistics (Interstate Commerce Commission Annual Form QCS) and the branch commodity statistics required to be supplied by such railroad under § 1125.7(d)(2) (i) of this part, obtain the gross freight revenue and the tons originated for each of the commodities originated on the branch, and compute the gross freight revenue per ton originated for such commodities.

(2) Multiply the gross freight revenue per ton originated separately by commodities by the tons originated on the branch for each commodity and by tons terminated on the branch which originated off the branch and aggregate the resulting products per ton originated and terminated to obtain branch line gross freight revenue.

(3) Adjust the branch line gross freight revenue by a percentage that is the relationship of freight revenue (Account 101) in the railroad's most recent Annual Report to the Commission (Rail

Form A or R-1) to gross freight revenue from its most recent Annual Report of Freight Commodity Statistics (Annual Form QCS) to obtain freight revenues attributable to the branch.

(b) Passenger revenues (Account 102) shall be apportioned to the branch on the basis of passenger miles on the branch to system passenger miles.

(c) Account 103—Baggage; 104—Sleeping car; 105—Parlor and chair car; 106—Mail; 107—Express; 108—Other passenger train; 131—Dining and buffet.

Apportion to branch on the basis of passenger car-miles on the branch to system passenger-car miles.

(d) Account 110—Switching; 135—Storage freight; 137—Demurrage; 138—Communication; 142—Rents of buildings and other property; 143—Miscellaneous.

Where applicable to branch operations, assign directly; otherwise exclude.

(e) Account 151—Joint facility—Cr.; 152—Joint facility—Dr.

Where applicable to branch operations, apportion to branch on proportion of track miles operated to system track miles operated.

#### § 1125.4 Avoidable costs of providing service on particular lines.

The avoidable costs of providing service over a branch shall be the sum of the expenses apportioned to the branch in accordance with the principles set forth in this section. Where applicable, expenses for providing both freight and passenger services shall be apportioned to the branch.

(a) Expenses for maintenance of way and structures.

(1) Account 201—Superintendence; 274—Injuries to persons; 275—Insurance; 276—Stationery and printing; 277—Employees' health and welfare benefits; 282—Other expenses.

Apportion to branch on the proportion of branch expenses in Accounts 202-265, inclusive, to system expenses in the same accounts.

(2) Account 202—Roadway maintenance; 212—Ties; 216—Other track material; 218—Ballast; 220—Track laying and surfacing.

Apportion to the branch on the basis of equated track miles of branch line tracks. Basis of equating tracks, shall be:

	Percent
1st Main track.....	100
2nd Main track.....	83
3rd Main track.....	75
Branch line main track.....	49
Passing tracks.....	43
Yard tracks and sidings.....	32

(3) Account 206—Tunnels and subways; 208—Bridges, trestles, and culverts; 210—Elevated structures; 221—Fences, snowsheds, and signs.

Where applicable, apportion to branch on proportion of branch expenses in Accounts 202-265, inclusive, to system expenses in the same accounts.

(4) Account 227—Station and office buildings.

Apportion to branch on basis of tons of revenue freight or passengers carried

on branch to tons of system revenue freight or passengers carried.

(5) Account 229—Roadway buildings; 231—Water stations; 233—Fuel stations; 265—Miscellaneous structures; 266—Road property—Depreciation; 267—Retirements—Road; 269—Roadway machines; 270—Dismantling retired road property; 271—Small tools and supplies; 272—Removing snow, ice, and sand; 273—Public improvements—Maintenance; 281—Right-of-way expenses; 282—Other expenses.

Apportion to branch on basis of miles of road operated on branch to miles of road operated on the system.

(6) Account 237—Grain elevators; 239—Storage warehouses; 241—Wharves and docks; 243—Coal and ore, wharves. Where applicable, apportion to branch on basis of miles of road operated on branch to miles of road operated on the system.

(7) Account 235—Shops and engine houses; 247—Communications systems; 249—Signals and interlockers.

Apportion to branch on proportion of branch train miles to total system train miles.

(8) Account 244—TOFC/COFC terminals. Apportion to branch on basis of tons of revenue freight carried in TOFC/COFC vehicles on the branch to total system tons of revenue freight carried in TOFC/COFC vehicles.

(9) Account 253—Power plants; 257—Power—transmission systems. Apportion to branch on proportion of locomotive unit-miles of electric locomotives on branch to system electric locomotive unit-miles.

(10) Account 278—Maintaining joint tracks, yards, and other facilities—Dr.; 279—Maintaining joint tracks, yards, and other facilities—Cr.

Apportion to branch where applicable on the basis of miles operated on the branch to total miles operated on the system.

(b) Expenses for maintenance of equipment.

(1) Account 301—Superintendence; 332—Injuries to persons; 333—Insurance; 334—Stationery and printing; 335—Employees' health and welfare benefits; 339—Other expenses.

Apportion to branch on proportion of branch expenses in Accounts 311, 314, 318 and 323 to total system expenses in the same Accounts.

(2) Account 302—Shop machinery; 304—Powerplant machinery; 305—Shop and power-plant machinery—depreciation; 306—Dismantling retired shop and power-plant machinery; 329—Dismantling retired equipment; 331—Equipment depreciation; 336—Joint maintenance of equipment—Dr.; 337—Joint maintenance of equipment—Cr.

Apportion to the branch on proportion of branch expenses in Accounts 311, 314, 318, and 323 to total system expenses in the same Accounts. Charges for work done on cars rented on a mileage basis shall be excluded from Account 314.

(3) Account 311—Locomotive—Repairs, Diesel locomotives—Yard; 311—

Locomotive—Repairs, Other than diesel—Yard.

Apportion to the branch on proportion of the yard switching locomotive miles operated on the branch to system yard switching locomotive miles.

(4) Account 311—Locomotive—Repairs, Diesel locomotives—Other; 311—Locomotive—Repairs, Other than diesel—Other.

Apportion to the branch on the proportion of the branch gross ton-miles, including locomotives in road service, to system gross ton-miles, including locomotives in road service.

(5) Account 314—Freight train cars—Repairs.

Apportion to branch on proportion of branch loaded and empty freight car-miles of other than mileage rented cars to system loaded and empty freight car-miles of other than mileage rented cars.

(6) Account 318—Highway revenue equipment—Repairs.

Apportion to branch on proportion of branch vehicle-miles (loaded and empty) in revenue service to system vehicle-miles (loaded and empty) in revenue service.

(7) Account 323—Floating equipment—Repairs.

Where applicable, apportion to branch on proportion of branch cars handled (loaded and empty) to system cars handled (loaded and empty).

(8) Account 326—Work equipment—Repairs; 327—Miscellaneous—Repairs.

Apportion to branch on proportion of branch nonrevenue ton-miles to system nonrevenue ton-miles.

(c) Traffic expenses (Accounts 351-360) shall be apportioned to branch on proportion of tons of revenue freight carried on branch to system tons of revenue freight carried.

(d) Transportation (rail line) expenses.

(1) Account 371—Superintendence; 409—Employees' health and welfare benefits; 410—Stationery and Printing; 411—Other Expenses; 414—Insurance; 420—Injuries to persons.

Apportion to branch on proportion of branch expenses in Accounts 372, 373 to 389, 392 to 408, and 415 to total system expenses in same accounts.

(2) Account 372—Dispatching trains; 401—Trainmen; 404—Signal and interlocker operation; 405—Crossing protection; 406—Drawbridge operation; 407—Communications system operation; 415—Clearing wrecks; 416—Damage to property; 417—Damage to livestock on right-of-way.

Apportion to branch on proportion of branch train-miles to total system train-miles.

(3) Account 373—Station employees; 376—Station supplies and expenses.

Apportion to branch on proportion of tons of revenue freight carried on branch to system tons of revenue freight carried.

(4) Account 374—Weighing, inspection and demurrage bureaus; 375—Coal and ore wharves; 408—Operating floating equipment.

These expenses shall be excluded unless essential to branch operation. Where applicable, apportion to branch on proportion of branch tons of revenue freight to system tons of revenue freight.

(5) Account 377—Yardmasters and yard clerks; 378—Yard conductors and brakemen; 379—Yard switch and signal tenders; 380—Yard enginemen; 382—Yard switching fuel; 383—Yard switching power produced; 384—Yard switching power purchased; 388—Servicing yard locomotives; 389—Yard supplies and expenses; 390 & 391—Operating joint yards and terminal (net).

Apportion to branch on proportion of branch yard switching locomotive unit-miles to system yard switching locomotive unit-miles.

(6) Account 392—Train enginemen; 394—Train fuel; 395—Train power produced; 396—Train power purchased; 400—Servicing train locomotives; 412 & 413—Operating joint tracks and facilities (net).

Apportion these expenses to the branch on proportion of branch locomotive unit-miles (including train switching) to system locomotive unit-miles (including train switching).

(7) Account 402—Train supplies and expenses.

Apportion to branch on proportion of branch freight car-miles (loaded, empty and caboose) to system freight car-miles (loaded, empty and caboose).

(c) Miscellaneous operations expenses (Accounts 441-448) shall be assigned to branch only if directly applicable, and otherwise shall be excluded.

(f) General expenses (Accounts 451-462) shall be apportioned to branch on proportion of branch expenses in each group of Accounts listed in subsections (a)-(d) of this section to total system expenses in the same groups of Accounts.

(g) Expenses reported under Account 532, Railway tax accruals, shall be apportioned as follows:

(1) Payroll taxes shall be apportioned to the branch on the basis of total branch operating expenses to total system operating expenses.

(2) Property taxes shall be apportioned to branch on the basis of branch miles of road to total miles of road within the state.

(3) Other taxes shall be apportioned on the basis of miles of road operated on branch to miles of road operated on the system.

(h) Rent income and payable.

(1) Account 503—Hire freight cars and highway revenue equipment—Cr.; 536—Hire of freight cars and highway revenue equipment—Dr.

Apportion the net of the above accounts to the branch on the basis of car miles on the branch to total system car miles.

(2) Account 504—Rent from locomotives; 506—Rent from floating equipment; 539—Rent for floating equipment.

Assign to branch only where applicable.

(3) Account 507—Rent from work equipment; 540—Rent for work equipment.



## PROPOSED RULES

Follow instructions for Account 326—Work equipment repairs.

(4) Account 508—Joint facility rent income.

Assign directly to branch where applicable, otherwise apportion expenses to branch on the proportion of the sum of Accounts 279, 337, 413, and 462 charged to branch to total of such accounts.

(5) Account 537—Rent for locomotives.

Apportion to the branch line on the basis of locomotive unit-miles used on the branch to total system locomotive unit-miles.

(6) Account 541—Joint facility rents.

Assign directly to branch where applicable, otherwise apportion expenses to branch on the proportion of the sum of Accounts 278, 336, 390, 412, and 461, charged to branch to total of such accounts.

#### § 1125.5 Valuation of rail properties.

The value of rail properties on a branch shall be determined in accordance with the following principles:

(a) For the purposes of these standards, properties on a branch shall include only those properties and facilities—

(1) Which are used and useful to provide those rail services demanded by the subsidizing body; or

(2) In the absence of a specific demand for services by the subsidizing body, which are used and useful to provide the rail services actually performed on the branch on the effective date of the final system plan.

(b) The value of properties on a branch shall be the net liquidation value of those properties—that is, their current market value less all costs related to dismantling and disposition of improvements necessary to render the remaining property available for its highest and best use.

(c) If the railroad and the subsidizing body fail to reach agreement over what properties are used and useful or the net liquidation value of those properties within what the subsidizing body considers a reasonable time after negotiations for the payment of a rail service continuation subsidy are begun, the subsidizing body may notify the railroad of its intention to seek arbitration, and—

(1) The railroad and the subsidizing body shall each appoint a representative, and the appointed representatives shall select an arbitrator or arbitrators mutually acceptable to them, and the decision of the arbitrator or arbitrators shall be final; or

(2) In the event that the railroad fails to appoint a representative as required in sub-paragraph (1) above within 5 days following receipt of a notice from the subsidizing body naming its representative, or in the event that the appointed representatives fail to agree upon a mutually acceptable arbitrator or arbitrators within 5 days following appointment of the railroad's representative, the subsidizing body may submit the matter for arbitration to the American Arbitration Association whose determination of the dispute shall be final.

can Arbitration Association whose determination of the dispute shall be final.

#### § 1125.6 Reasonable return.

(a) The reasonable return on the value of rail properties on a branch as established in the immediately preceding section shall be the simple average interest cost for Equipment Trust Certificates sold by Class I railroads in the United States (as defined by the Commission) during the three calendar months immediately preceding the month in which a notice of intent to terminate service over the branch became, or would have become, effective.

(b) Average interest costs for Equipment Trust Certificates sold during the three immediately preceding months shall be computed monthly by the Office and published in the FEDERAL REGISTER.

#### § 1125.7 Submission of data by railroads seeking to terminate service.

(a) Any railroad filing notice of its intention to terminate service over a branch pursuant to section 304(a) of the Act shall—

(1) Serve upon the Director, Rail Services Planning Office, Interstate Commerce Commission, Washington, D.C. 20423, a copy of its notice accompanied by a copy of its most recent Annual Report (Interstate Commerce Commission Rail Form A or R-1) on file with the Commission, a copy of its most recent Annual Report of Freight Commodity Statistics (Interstate Commerce Commission Annual Form QCS) on file with the Commission, and the information described in subsection (d) of this section;

(2) Serve upon the governor or governors of the State or States within which the branch is located copies of the materials and information required to accompany the copy of the notice to be filed with the Director of the Office as provided in the immediately preceding paragraph; and

(3) Upon request, provide to any person entitled to notice under section 304 (a) (2) (C) of the Act copies of, or reasonable access to, the materials and information required to accompany the copy of the notice to be served upon the Director of the Office as provided in paragraph (1) of this subsection.

(b) No notice of intention to terminate rail service on a branch shall be deemed completed until all the materials and information required to accompany the copy of the notice to be filed with the Director of the Office as provided in paragraph (a) (1) of this section have in fact been served upon him and upon the governor or governors of the State or States within which the branch is located.

(c) No rail service over a branch shall be terminated under the provisions of section 304(a) of the Act less than 60 days following the date upon which a completed notice of intention to terminate service, as described in the immediately preceding subsection, has been served upon the governor or governors of the State or States within which the branch is located.

(d) Pursuant to the provisions of paragraph (a) of this section, and in addition to the information specified therein, any railroad filing notice of its intention to terminate service over a branch pursuant to section 304(a) of the Act shall provide the following information, developed for the same year as the railroad's most recent Annual Report on file with the Commission:

(1) The railroad shall provide the items of information listed in Table 1 accompanying these standards. To the extent applicable, the railroad shall provide for each item listed in Table 1, information with respect to—

(i) Operations on the branch in freight service;

(ii) Operations on the entire system in freight service;

(iii) Operations on the branch in passenger service; and

(iv) If passenger service is provided on the branch, operations on the entire system in passenger service.

(2) The railroad shall either—

(i) Provide a listing of all commodities originating and terminating on the branch, identifying such commodities by the commodity codes used in the Quarterly Report on Freight Commodity Statistics, and providing for each commodity the tonnage originating and terminating on the branch; or

(ii) Shall provide its own computation of the freight revenues to be apportioned to the branch in accordance with the provisions of § 1125.3(a) of this part. If the railroad elects to supply its own computation of freight revenues attributable to the branch, it shall make available for examination the working papers from which such computation was made to a subsidizing body upon request, provided that, if the railroad shall so request, the subsidizing body agrees to maintain the confidentiality of any information that may be disclosed in the course of such examination.

#### § 1125.8 Amendment.

The right to amend this part, following notice and the opportunity to be heard, is hereby expressly reserved. The following information is to be provided pursuant to 49 CFR 1125.7(d) (1):

TABLE 1	
AVERAGE -MILES OF ROAD OPERATED	
1	First main.
2	Second main.
3	3rd and 4th main.
4	Branch.
5	Passing tracks.
6	Yard and sidings.
TRAIN-MILES	
7	Diesel locomotives.
8	Other locomotives.
9	Total locomotives.
10	Motorcars.
11	Total train-miles.
LOCOMOTIVE UNIT-MILES	
12	Road service (Diesel and Other).
13	Road service (Electric only).
14	Train switching.
15	Yard switching.
16	Total locomotive unit-miles (lines 12, 14 & 15).

## PROPOSED RULES

CAR-MILES		REVENUE AND NONREVENUE FREIGHT TRAFFIC	
17	Total motorcar car-miles.	27	Tons of revenue freight.
18	Loaded time-mileage freight cars.	28	Tons of nonrevenue freight.
19	Loaded other freight cars.	29	Tons of revenue freight in TOFC/COFC service.
20	Empty time-mileage freight cars.	30	Tons-miles—Revenue freight in road service (thousands).
21	Empty other freight cars.	31	Ton-miles—Nonrevenue freight in road service (thousands).
22	Caboose.	32	Count of floated cars.
23	Total freight car-miles (lines 18 thru 22, incl.).	VEHICLE-MILES (LOADED AND EMPTY)	
GROSS TON-MILES AND TRAIN-HOURS IN ROAD SERVICE		LINE-HAUL (STATION TO STATION)	
24	Gross ton-miles of locomotives and tenders (thousands).	33	Truck-miles.
25	Gross ton-miles of freight-train cars contents, and cabooses (thousands).	34	Tractor miles.
26	Train-hours—Total.	TERMINAL SERVICE (WHEN PERFORMED BY VEHICLES OTHER THAN THOSE USED FOR LINE-HAUL)	
		35	Pickup and delivery.

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## Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF THE TREASURY

Customs Service  
[T.D. 74-75]

#### FOREIGN CURRENCIES Certification of Rates

FEBRUARY 19, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-40 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira:

February 11, 1974-----	\$0.001514
February 12, 1974-----	Holiday
February 13, 1974-----	.001519
February 14, 1974-----	.001521
February 15, 1974-----	.001522

[SEAL] R. N. MARRA,  
Director, Appraisal  
and Collections Division.

[FR Doc.74-4716 Filed 2-27-74; 8:45 am]

### DEPARTMENT OF JUSTICE

[Order 562-74]

#### U.S. CLINICAL RESEARCH CENTER, LEXINGTON, KENTUCKY

#### Establishment and Designation of a Federal Correctional Institution

By virtue of the authority vested in me by sections 4003, 4042, 4081 and 4082 of Title 18, United States Code, I hereby establish and designate the facility formerly known as the United States Clinical Research Center, Lexington, Kentucky, as the Federal Correctional Institution, Lexington, Kentucky. This institution is hereby designated as a place of confinement for persons charged with or convicted of offenses against the United States or otherwise placed into the custody of the Attorney General of the United States.

Dated: February 14, 1974.

W. B. SAXBE,  
Attorney General.  
[FR Doc.74-4688 Filed 2-27-74; 8:45 am]

### DEPARTMENT OF THE INTERIOR

Bureau of Land Management

#### ROSEBURG DISTRICT ADVISORY BOARD

##### Notice of Meeting

Notice is hereby given that the Roseburg District Advisory Board will meet on March 26, 1974, at 9:00 a.m., in the Roseburg District Office, Bureau of Land Management, 1928 NE Airport Road, Roseburg, Oregon. The agenda for the meeting includes election of chairman and vice-chairman, consideration of the Roseburg District's proposed timber sale plan for fiscal year 1975, fiscal year 1975 access road program, the District's proposed new office building complex, the Small Business Administration set-aside program, the intensive forest inventory program, and the 1974 reforestation program.

The meeting will be open to the public. It will be held in a room accommodating 120 people. In addition to discussion of agenda topics by board members, there will be opportunity for brief statements by non-members. Persons wishing to make oral statements should so advise the chairman or co-chairman prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman in care of the co-chairman: Roseburg District Manager, 1928 NE Airport Road, Roseburg, OR 97470.

GEORGE C. FRANCIS,  
District Manager, Roseburg.

FEBRUARY 20, 1974.

[FR Doc.74-4685 Filed 2-27-74; 8:45 am]

#### Fish and Wildlife Service

#### LACASSINE NATIONAL WILDLIFE REFUGE

##### Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on April 10, 1974, in Lake Arthur City Hall, Lake Arthur, Louisiana, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Lacassine Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within

the Lacassine National Wildlife Refuge, which is located in Cameron Parish, Louisiana.

A study summary containing a map and information on the Lacassine Wilderness Proposal may be obtained from the Refuge Manager, Lacassine National Wildlife Refuge, Box 186, Route 1, Lake Arthur, Louisiana 70549 or the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 10, 1974.

LYNN A. GREENWALT,  
Director, Bureau of Sport  
Fisheries and Wildlife.

FEBRUARY 25, 1974.

[FR Doc.74-4741 Filed 2-27-74; 8:45 am]

#### MATTAMUSKEET, SWANQUARTER, PEA ISLAND, CEDAR ISLAND

##### Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 10 a.m. on April 2, 1974, at the Court-house in Swanquarter, North Carolina, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including Mattamuskeet, Swanquarter, Pea Island, and Cedar Island Wilderness proposals within the National Wilderness Preservation System. The wilderness study included the entire acreage within Mattamuskeet, Swanquarter, Pea Island, and Cedar Island National Wildlife Refuges, which are located in Hyde and Currituck Counties, North Carolina.

A study summary containing maps and information on Mattamuskeet, Cedar Island, Pea Island and Swanquarter Wilderness Proposals may be obtained from the Refuge Manager, Mattamuskeet National Wildlife Refuge, New Holland, North Carolina 27885 and the Refuge Manager, Pea Island, National Wildlife Refuge, Box 606, Manteo, North Carolina 27954, and the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 2, 1974.

F. V. SCHMIDT,  
Acting Director, Bureau of  
Sport Fisheries and Wildlife.

FEBRUARY 12, 1974.

[FR Doc.74-4740 Filed 2-27-74; 8:45 am]

#### National Park Service

#### DEATH VALLEY NATIONAL MONUMENT, CALIFORNIA, NEVADA

##### Public Hearings Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892 (16 U.S.C. 1131, 1132)), and in accordance with Departmental procedures as identified in 43 CFR 19.5 that public hearings will be held on April 1, 1974, in the Environmental Protection Agency Auditorium, National Environmental Research Center Building, 944 East Harmon Avenue, Las Vegas, Nevada, and on April 3, 1974, in the California Room, New City Convention Center, 303 North E Street, San Bernardino, California, for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 1,596,500 acres within the Death Valley National Monument. The hearing in Las Vegas, Nevada, will begin at 1 p.m., recess from 5 p.m. until 7 p.m., and continue to conclusion. The hearing in San Bernardino, California, will begin at 1 p.m., recess from 5 p.m. until 7 p.m., and continue to conclusion. The National Monument is located in southeastern California and southwestern Nevada.

A packet containing a preliminary wilderness study report, and providing additional information about the proposal, may be obtained from the Superintendent, Death Valley National Monument, Death Valley, California 92328, or from the Regional Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36036, San Francisco, California 94102.

A description of the preliminary boundaries and a map of the area proposed for establishment as wilderness are available for review in the above offices and in Room 1210 of the Department of the Interior Building at 18th and C Streets, NW., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearings, provided they notify the Hearing Officer, in care of the Superintendent, Death Valley National Monument, Death Valley, California 92328, by March 29 of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion

in the official record, which will be held open until May 3, 1974.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

- (1) Governor of the State or his representative.
- (2) Members of Congress.
- (3) Members of the State Legislature.
- (4) Official representative of the counties in which the proposed wilderness is located.
- (5) Officials of other Federal agencies or public bodies.
- (6) Organizations in alphabetical order.
- (7) Individuals in alphabetical order.
- (8) Others not giving advance notice, to the extent there is remaining time.

Dated: February 20, 1974.

RICHARD C. CURRY,  
Associate Director,  
National Park Service.

[FR Doc.74-4397 Filed 2-27-74; 8:45 am]

#### NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

##### Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Memorial Advisory Committee will be held at 1:30 p.m. on Monday, March 11, 1974, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statutes. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital region and to serve as an information focal point for those seeking to erect memorials on Fed-

eral land in the National Capital region.

The members of the committee are as follows:

Mr. Ronald H. Walker (Chairman),  
Director, National Park Service  
Washington, D.C.  
Mr. George M. White  
Architect of the Capitol  
Washington, D.C.  
General Mark W. Clark  
Chairman, American Battle  
Monuments Commission  
Washington, D.C.  
Mr. J. Carter Brown  
Chairman, Fine Arts Commission  
Washington, D.C.  
Mr. William H. Press  
Chairman, National Capital  
Planning Commission  
Washington, D.C.  
Honorable Walter E. Washington  
Mayor-Commissioner of the  
District of Columbia  
Washington, D.C.  
Mr. Larry F. Roush  
Commissioner, Public Buildings Service  
Washington, D.C.

The purpose of this meeting is to discuss proposed memorials to be erected in the District of Columbia or its environs. The proposed memorials to be considered are:

1. H.R. Res. 343—To authorize the One Hundred and First Airborne Division Association to erect a memorial in the District of Columbia or its environs.
2. S.J. Res. 45—To provide for the erection of a memorial to those who served in the Armed Forces of the United States in the Vietnam War.
3. The Peter Muhlenberg Memorial authorized under Public Resolution No. 30, approved May 2, 1928. The legislation identified a site on parkland at Connecticut Avenue, 36th and Elliott Streets, NW., known as U.S. Reservation No. 397.

The meeting will be open to the public. Any person may file with the committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Richard L. Stanton, Assistant Director, Cooperative Activities, National Capital Parks, at area code 202-426-6715. Minutes of the meeting will be available for public inspection two weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: February 21, 1974.

ROBERT M. LANDAU,  
Liaison Officer,  
Advisory Commissions.

[FR Doc.74-4639 Filed 2-27-74; 8:45 am]

#### Office of the Secretary

HARLEY L. COLLINS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken



place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 2, 1974.

Dated: January 2, 1974.

HARLEY L. COLLINS.

[FR Doc.74-4693 Filed 2-27-74; 8:45 am]

#### RAY F. DAVIS

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of December 31, 1973.

Dated: January 4, 1974.

RAY F. DAVIS.

[FR Doc.74-4694 Filed 2-27-74; 8:45 am]

#### B. M. GUTHRIE

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 2, 1974.

Dated: January 2, 1974.

B. M. GUTHRIE.

[FR Doc.74-4695 Filed 2-27-74; 8:45 am]

#### WILLIAM HENNE

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 2, 1974.

Dated: January 2, 1974.

WILLIAM HENNE.

[FR Doc.74-4696 Filed 2-27-74; 8:45 am]

## NOTICES

#### B. C. HULSEY

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1974.

Dated: January 2, 1974.

B. C. HULSEY.

[FR Doc.74-4697 Filed 2-27-74; 8:45 am]

#### ANDREW P. JONES

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of December 31, 1973.

Dated: December 31, 1973.

ANDREW P. JONES.

[FR Doc.74-4698 Filed 2-27-74; 8:45 am]

#### CARLOS O. LOVE

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of December 31, 1973.

Dated: December 31, 1973.

CARLOS O. LOVE.

[FR Doc.74-4699 Filed 2-27-74; 8:45 am]

#### JOHN MADGETT

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.

This statement is made as of January 2, 1974.

Dated: January 2, 1974.

WILLIAM HENNE.

[FR Doc.74-4696 Filed 2-27-74; 8:45 am]

- (3) No change.
- (4) No change.

This statement is made as of January 1, 1974.

Dated: January 2, 1974.

JOHN MADGETT.

[FR Doc.74-4700 Filed 2-27-74; 8:45 am]

#### ROBERT J. MARCHETTI

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1974.

Dated: January 1, 1974.

ROBERT J. MARCHETTI.

[FR Doc.74-4701 Filed 2-27-74; 8:45 am]

#### JOHN A. McMAHON

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) Northeast Utilities, Canadian International Power Co., Freeport Minerals, Federal Mogul Corp.
- (3) No change.
- (4) No change.

This statement is made as of January 7, 1974.

Dated: January 7, 1974.

JOHN A. McMAHON.

[FR Doc.74-4702 Filed 2-27-74; 8:45 am]

#### SAMUEL RIGGS SHEPPERD

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1974.

Dated: January 2, 1974.

SAMUEL RIGGS SHEPPERD.

[FR Doc.74-4703 Filed 2-27-74; 8:45 am]

## NOTICES

#### WILLARD B. SIMONDS

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of December 31, 1973.

Dated: February 13, 1974.

WILLARD B. SIMONDS.

[FR Doc.74-4704 Filed 2-27-74; 8:45 am]

#### FRED M. TREFFINGER

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 14, 1974.

Dated: January 14, 1974.

FRED M. TREFFINGER.

[FR Doc.74-4705 Filed 2-27-74; 8:45 am]

#### C. N. WHITMIRE

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1974.

Dated: December 31, 1973.

C. N. WHITMIRE.

[FR Doc.74-4076 Filed 2-27-74; 8:45 am]

#### ROBERT WINFREE

##### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of December 31, 1973.

Dated: December 31, 1973.

ROBERT WINFREE.

[FR Doc.74-4707 Filed 2-27-74; 8:45 am]

#### PROPOSED NATIONAL PARKS, WILDLIFE REFUGES, RANGES, FORESTS, AND WILD AND SCENIC RIVERS IN ALASKA

##### Notice of Extension of the Review Period for Draft Environmental Statements

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the Department of the Interior prepared draft environmental statements for 28 proposed National Parks, Wildlife Refuges, Ranges, Forests, and Wild and Scenic Rivers in Alaska. The proposals were made in accordance with the Alaska Native Claims Settlement Act of 1971.

Notice of availability of the draft environmental statements was published in the FEDERAL REGISTER, 38 FR 355085, Friday, December 28, 1973. An additional notice of availability was published in the FEDERAL REGISTER, 39 FR 3297, Friday, January 25, 1974.

The purpose of this notice is to announce an extension of the period for public review and comment on the draft environmental statements. This extension has been granted in response to numerous requests by the public and shall consist of approximately 120 days of additional review time. All written comments should be received by the new closing dates for the review period which are listed below.

June 24, 1974, will be the closing date for comments on seven of the draft environmental statements. These seven statements are the ones for Aniakchak Caldera National Monument, Kobuk Valley National Monument, Alaska Coastal National Wildlife Refuge, Selawik National Wildlife Refuge, Birch Creek National Wild River, Beaver Creek National Wildlife Refuge, July 22, 1974, will be the closing date for the remaining 21 draft environmental statements. These are, Cape Krusenstern National Monument, Mount McKinley National Park, Harding Icefield-Kenai Fjords National Monument, Katmai National Park, Gates of the Arctic National Park, Chukchi-Imuruk National Reserve, Yukon-Charley National Rivers, Lake Clark National Park, Wrangell-St. Elias National Park, Yukon Delta National Wildlife Refuge, Arctic National Wildlife Refuge, Koyukuk National Wildlife Refuge, Togiak National Wildlife Refuge, Yukon Flats National Wildlife Refuge, Iliamna National Resource Range, Noatak National Arctic Range, Fortymile National Wild River, Unalakleet National Wild

River, Porcupine National Forest, Yukon-Kuskokwim National Forest and Wrangell Mountains National Forest.

DOUGLAS P. WHEELER,  
Deputy Assistant Secretary  
of the Interior.

FEBRUARY 2, 1974.

[FR Doc.74-4666 Filed 2-27-74; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

[FSP No. 1974-4.1; amdt. 24]

### FOOD STAMP PROGRAM

#### Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico. Additionally, section 5(b) specifies that these special standards of eligibility or coupons allotments shall not exceed those in effect in the fifty States. The coupon allotments set forth are based on changes in prices of food in Puerto Rico through August 31, 1973. Therefore, Notice FSP No. 1974-4.1 is issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II Code of Federal Regulations.

Coupon allotments for households of four persons and all subsequent even numbers of persons are not divisible by four. This results in total coupon allotments of less than whole dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

In view of the need for placing this notice into effect immediately, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this notice. Notice FSP No. 1974-4.1 reads as follows:

#### MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: PUERTO RICO

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in Puerto Rico, shall be as follows:

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Household size:		\$ 271.3 of the Food Stamp Program regulations.
One	183	
Two	240	
Three	320	
Four	407	
Five	480	
Six	553	
Seven	627	
Eight	700	
Each additional member	+60	

"Income" as the term is used in the notice is as defined in paragraph (c) of

Monthly coupon allotments and purchase requirements—Puerto Rico

Monthly net income	For a household of—							
	1	2	3	4	5	6	7	8
The monthly coupon allotment is—								
	\$36	\$68	\$96	\$122	\$144	\$166	\$188	\$210
And the monthly purchase requirement is—								
\$0 to \$19.99	0	0	0	0	0	0	0	0
\$20 to \$29.99	1	1	0	0	0	0	0	0
\$30 to \$39.99	4	4	4	4	5	5	5	5
\$40 to \$49.99	6	7	7	7	8	8	8	8
\$50 to \$59.99	8	10	10	10	11	11	12	12
\$60 to \$69.99	10	12	13	13	14	14	15	16
\$70 to \$79.99	12	15	16	16	17	17	18	19
\$80 to \$89.99	14	18	19	19	20	21	21	22
\$90 to \$99.99	16	21	21	22	23	24	25	26
\$100 to \$109.99	18	23	24	25	26	27	28	29
\$110 to \$119.99	21	26	27	28	29	30	32	33
\$120 to \$129.99	23	29	30	31	33	34	35	36
\$130 to \$139.99	27	32	33	34	36	37	38	39
\$140 to \$149.99	30	35	36	37	39	40	41	42
\$150 to \$159.99	31	38	40	41	42	43	44	45
\$160 to \$169.99	32	44	46	47	48	49	50	51
\$170 to \$179.99		50	52	53	54	55	56	57
\$180 to \$189.99		56	58	59	60	61	62	63
\$190 to \$199.99		58	61	65	66	67	68	69
\$200 to \$209.99			70	71	72	73	74	75
\$210 to \$219.99			76	77	78	79	80	81
\$220 to \$229.99			82	83	84	85	86	87
\$230 to \$239.99			88	89	90	91	92	93
\$240 to \$249.99				95	96	97	98	99
\$250 to \$259.99				101	105	106	107	108
\$260 to \$269.99				113	114	115	116	117
\$270 to \$279.99					123	124	125	126
\$280 to \$289.99					132	133	134	135
\$290 to \$299.99					140	142	143	144
\$300 to \$309.99						151	152	153
\$310 to \$319.99						161	161	162
\$320 to \$329.99						170	170	171
\$330 to \$339.99						179	179	180
\$340 to \$349.99							189	189
\$350 to \$359.99							198	198
\$360 to \$369.99							202	202

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA:

A. Value of the total allotment. For each person in excess of eight, add \$18 to the monthly coupon allotment for an eight-person household.

B. Purchase requirement. 1. Use the purchase requirement shown for the eight-person household for households with incomes of \$689.99 or less per month.

2. For households with monthly incomes of \$690 or more, use the following formula:

For each \$30 worth of monthly income (or portion thereof) over \$689.99, add \$9 to the monthly purchase requirement shown for an eight-person household with an income of \$689.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add \$16 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date. The provisions of this notice shall become effective February 28, 1974.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

CLAYTON YEUTTER,  
Assistant Secretary.

FEBRUARY 21, 1974.

[FR Doc.74-4596 Filed 2-27-74;8:45 am]

#### Forest Service CARSON NATIONAL FOREST GRAZING ADVISORY BOARDS

##### Notice of Meetings

The annual meeting for each of the two Grazing Advisory Boards on the Carson National Forest will be held as follows:

The annual meeting of the Taos-Penasco-Questa Division Grazing Advisory Board will be held at 10 a.m., March 30, 1974, at the Forest Super-

visor's Office on Cruz Alta Road in Taos, New Mexico, and

The annual meeting of the Tierra Amarilla Grazing Division Advisory Board will be held at 10 a.m., April 6, 1974, at the Tres Piedras Ranger Station, Tres Piedras, New Mexico.

The purpose of the annual meetings is to receive the Boards' recommendations concerning the administration and management of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify W. R. Snyder, Forest Supervisor, Carson National Forest, P.O. Box 558, Taos, New Mexico, phone (505) 758-2237. Written statements may be filed with the committee before or after the meeting.

JOHN S. CREILIN,  
Acting Forest Supervisor.

FEBRUARY 21, 1974.

[FR Doc.74-4687 Filed 2-27-74;8:45 am]

#### SOUTH KAIBAB GRAZING ADVISORY BOARD

##### Notice of Meeting

The South Kaibab Grazing Advisory Board will meet at 1:00 p.m., March 27, 1974, in the Forest Supervisor's Office, 103 W. Bill Williams Avenue, Williams, Arizona.

The purpose of this meeting is to correct election results, the subleasing of grazing permits, the Williams Area Land Use Plan, and a general discussion period.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Kaibab National Forest, P.O. Box 817, Williams, Arizona, telephone 635-4481. Written statements may be filed with the committee before or after the meeting.

Those attending may express their views when recognized by the Chairman.

Dated: FEBRUARY 22, 1974.

KEITH T. PFEFFERLE,  
Forest Supervisor.

[FR Doc.74-4686 Filed 2-27-74;8:45 am]

#### DEPARTMENT OF COMMERCE

##### Maritime Administration

[Docket No. S-408]

#### PRUDENTIAL-GRACE LINES, INC.

##### Notice of Application

Notice is hereby given that Prudential-Grace Lines, Inc. has applied for authorization to operate a chartered vessel on its subsidized Line C (Trade Route 4) Cargo Vessel Service for one year. The Operator provides or may provide service on Line C between U.S. Atlantic ports and ports in the Venezuela-Netherlands West Indies-North Coast of Colombia range, with privileges of serving certain other Caribbean and Atlantic areas such as Guantanamo Bay, Cuba, Jamaica, Haiti, Dominican Republic, Guadeloupe, Martinique, Caribbean ports in Central America from Panama to British Hon-

duras, inclusive, and the port of Cristobal, Canal Zone. Prudential-Grace Lines, Inc. has also requested an increase in its operating-differential subsidy contract Line C sailing requirements from the present minimum of 24 and maximum of 30 per annum to a minimum of 47 and a maximum of 54 sailings per annum for the period of time it operates the chartered vessel.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on March 7, 1974, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated therein.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: February 25, 1974.

JAMES S. DAWSON, JR.,  
Secretary.

[FR Doc.74-4781 Filed 2-27-74;8:45 am]

#### National Oceanic and Atmospheric Administration APPLICATION FOR TRANSFER OF FISHING VESSELS

##### Notice of Hearing

FEBRUARY 21, 1974.

Notice is hereby given that on January 25, 1974, Richard Reiss filed an application, pursuant to the provisions of (46 U.S.C. 808 and 835) to, among other things, transfer approximately 34 fishing and work vessels to Seacoast Products, Inc., a Delaware Corporation, and approximately 38 fishing and work vessels to the New Smith Meal Company, Inc., a Massachusetts Corporation. The stock of both Seacoast Products, Inc., and New Smith Meal, Inc., is owned by Hanson White, Inc., a Delaware Cor-

poration, which is a subsidiary of Hanson Industries, Inc., also a Delaware Corporation. Hanson Industries is a subsidiary of Hanson Trust, Ltd., a publicly held British corporation.

The applicant states that if the application is approved the fishing vessels will continue to be American registered and will continue fishing operations (menhaden fishery) as in the past. The applicant further states that no change is contemplated in the crews of the vessels.

While the Maritime Administration must approve the transfer, it has requested the views of the National Marine Fisheries Service prior to taking action on the application. Because of the number of vessels involved, and because of the increasing frequency of applications for the transfer of control of companies operating U.S. flag fishing vessels to foreign interests, the Service has decided to hold a public hearing on this application for the purpose of receiving the views of interested persons.

This hearing will be held as 10:00 a.m., Wednesday, March 20, 1974, in the Penthouse Conference Room of the National Marine Fisheries Service, 2001 Wisconsin Avenue, NW., Washington, D.C. 20007. Any person wishing to make an inquiry with regard to the application, or who wishes to submit written comment on the application, may address such inquiry or comment to the Director, National Marine Fisheries Service, Washington, D.C. 20235. In order to assure that all written comments will be given full consideration, such comments should be postmarked no later than March 15, 1974.

ROBERT W. SCHONING,  
Director.

[FR Doc.74-4670 Filed 2-27-74;8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Office of Education

#### ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

##### Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Advisory Council on Developing Institutions will be held on March 5, 1974, from 9:00 a.m. to 4:00 p.m. in Room 3008 at the Office of Education, 400 Maryland Avenue SW, Washington, D.C.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (Pub. L. 92-463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public. It is being held for the purpose of finalizing work on the annual report. Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of the College and University Unit, DCHE, located in Room 4015, 400 Maryland Avenue, SW.

Signed at Washington, D.C., on February 6, 1974.

PRESTON VALIEN,  
Director, College and University Unit, Office of the Deputy Commissioner for Postsecondary Education.

[FR Doc.74-4708 Filed 2-27-74;8:45 am]

#### National Institutes of Health AD HOC ADVISORY GROUP ON EPIDEMIOLOGY Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Ad Hoc Advisory Group on Epidemiology, National Cancer Institute, March 11, 1974, 9:00 a.m. to 5:00 p.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be closed to the public from 9:00 a.m. to 5:00 p.m., March 11, 1974, to review contracts in the field of breast cancer epidemiology in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the closed meeting and roster of committee members.

Dr. Bernice T. Radovich, Executive Secretary, Landow Building, Room B-404, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4662 Filed 2-27-74;8:45 am]

#### BOARD OF REGENTS OF THE NATIONAL LIBRARY OF MEDICINE

##### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on March 21-22, 1974, in the Starry Conference Room, Florida State University, Tallahassee, Florida. The meeting will be open to the public all day on March 21 for administrative reports



## NOTICES

and program and operation discussions. On March 22 the meeting will be open from 9:00 to 9:15 a.m. It will be closed to the public from 9:15 a.m. to adjournment for grant applications review, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and section 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of both the open and closed meeting portions, a roster of Board members, and substantive information is: Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, Room M-122, 8600 Rockville Pike, Bethesda, Maryland 20014, telephone number: 301-496-6308.

(Catalog of Federal Domestic Assistance, Program Nos. 13.348, 13.349, 13.351, 13.352—National Institutes of Health).

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4649 Filed 2-27-74; 8:45 am]

# BREAST CANCER DIAGNOSIS COMMITTEE

## Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Diagnosis Committee, National Cancer Institute, March 27, 1974, 9:00 a.m. to 5:00 p.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 1:30 p.m. to 5:00 p.m., March 27, 1974, to discuss protocols for Fiscal Year 1975 studies. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:00 a.m. to 12:00 noon, March 27, 1974, to review contracts in the field of breast cancer diagnosis in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Bernice T. Radovich, Executive Secretary, Landow Building, Room B-404, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4650 Filed 2-27-74; 8:45 am]

# BREAST CANCER EPIDEMIOLOGY COMMITTEE

## Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Epidemiology Committee, National Cancer Institute, March 12, 1974, 9:00 a.m. to 5:00 p.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be closed to the public from 9:00 a.m. to 5:00 p.m., March 12, 1974, to review contracts in the field of breast cancer epidemiology, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the closed meeting and roster of committee members.

Dr. Bernice T. Radovich, Executive Secretary, Landow Building, Room B-404, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4663 Filed 2-27-74; 8:45 am]

# BREAST CANCER EXPERIMENTAL BIOLOGY COMMITTEE

## Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Experimental Biology Committee, National Cancer Institute, March 22, 1974, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 2:30 p.m. to 5:00 p.m., March 22, 1974, to discuss plans for Fiscal Year 1975. Attendance by the public will be limited to space available. The meeting will be closed to the public from 8:30 a.m. to 2:30 p.m., March 22, 1974, for discussion and review of contract proposals in the field of experimental biology, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. D. Jane Taylor, Executive Secretary, Landow Building, Room A-404, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6718) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4656 Filed 2-27-74; 8:45 am]

# BREAST CANCER TREATMENT COMMITTEE

## Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Treatment Committee, National Cancer Institute, March 12, 1974, 9:00 a.m., National Institutes of Health, Landow Building, Room C-418. This meeting will be open to the public from 9:00 a.m. to 11:00 a.m. to discuss general programs and specifications for requests for proposals concerning breast cancer treatment. Attendance by the public will be limited to space available. The meeting will be closed to the public from 11:00 a.m. to 5:00 p.m., March 12, 1974, to review contract proposals in the field of treatment of breast cancer, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Mary E. Sears, M.D., Executive Secretary, Landow Building, Room A-416, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4658 Filed 2-27-74; 8:45 am]

# CANCER CONTROL EDUCATION REVIEW COMMITTEE

## Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Education Review Committee, National Cancer Institute, March 25, 1974, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 8:30 a.m. to 10:30 a.m., March 25, 1974, to discuss minutes of last meeting, announcements, program report and future meeting dates and closed to the public from 10:30 a.m. to 5:00 p.m., March 25, 1974, to review applications for contracts in the fields of education and training in accordance with the provisions set forth in section 552(b) 4 of

Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and a roster of committee members.

Margaret H. Edwards, M.D., Executive Secretary, Blair Building, Room 729, National Institutes of Health, Silver Spring, Maryland 20910, (301/427-8080) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4655 Filed 2-27-74; 8:45 am]

# CANCER CONTROL TREATMENT AND REHABILITATION REVIEW COMMITTEE

## Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Treatment and Rehabilitation Review Committee National Cancer Institute, March 11-12, 1974, 8:30 a.m. to 5:00 p.m., National Institutes of Health, Building 31A, Conference Room 3 (March 11) and Conference Room 2 (March 12). This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., March 11, 1974, to discuss the activities of the Cancer Control Treatment and Rehabilitation Branches. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:30 a.m. to 5:00 p.m. on March 11, 1974, and from 8:30 a.m. to 5:00 p.m. on March 12, 1974, to review contracts in the field of cancer treatment in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Joseph W. Cullen, Executive Secretary, Blair Building, 8300 Colesville Road, Silver Spring, Maryland 20910 (301/427-7477), will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4667 Filed 2-27-74; 8:45 am]

## NOTICES

# CHEMICAL/BIOLOGICAL INFORMATION-HANDLING REVIEW COMMITTEE

## Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Chemical/Biological Information-Handling Review Committee, Division of Research Resources, April 18, 1974, 8:00 p.m., Thorndike Memorial Laboratory, Room 108, Boston City Hospital, Boston, Massachusetts, and April 19, 1974, 8:30 a.m., The Hilton Inn, The Diplomat Room, Logan International Airport, Boston, Massachusetts. The meeting will be open to the public from 8:00 p.m. to 10:30 p.m., April 18, for the demonstration of the Prophet System in human clinical investigation and from 8:30 a.m. to Noon, April 19, for the presentation on Prophet System performance. The meeting will be closed to the public from 1:00 p.m. to adjournment, April 19, for the review of proposals for access to Prophet System services in accordance with provisions set forth in section 552(b) 4 of Title 5 U.S. Code for contracts and section 10(d) of Pub. L. 92-463. Attendance by the public is limited to space available.

The Science and Health Reports Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 496-5545.

The Executive Secretary from whom substantive information may be obtained is Dr. William Raub, Building 31, Room 5B19, Bethesda, Maryland 20014, 496-5411.

(Catalog of Federal Domestic Assistance Program No. 13.835, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4654 Filed 2-27-74; 8:45 am]

# COLON-RECTUM CANCER ADVISORY COMMITTEE

## Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Colon-Rectum Cancer Advisory Committee, National Cancer Institute, March 30-31, 1974. On March 30 the meeting will be held at the Shamrock Hilton Hotel, Venetian Room, Houston, Texas, from 8:00 p.m. to 10:00 p.m. and will reconvene on March 31 at 9:00 a.m. This meeting will be open to the public from 9:00 a.m. to 12:00 noon on March 31 to review the progress of the National Large Bowel Cancer Project and plans for the future. Attendance by the public will be limited to space available. The meeting will be closed to the public from 8:00 p.m. to 10:00 p.m. March 30 and from 1:00 p.m. until adjournment March 31 for the purpose of grant application review in the field of large bowel cancer

in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Samuel Price, Executive Secretary, Westwood Building, Room 853, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7194) will provide substantive program information.

Catalog of Federal Domestic Assistance Program Nos. 13.391, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4641 Filed 2-27-74; 8:45 am]

# COMMITTEE ON CANCER IMMUNODIAGNOSIS

## Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunodiagnosis, Wednesday, Thursday, and Friday, March 13, from 8:00 p.m. to 11:00 p.m., March 14, from 9:00 a.m. to 5:00 p.m., and March 15, 1974, from 9:00 a.m. to 5:00 p.m., National Institutes of Health, Landow Building, Room C418, Bethesda, Maryland. The meeting will be closed to the public to discuss and review contract proposals submitted in response to recent requests for proposals in the field of cancer immunodiagnosis, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code, and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the closed meeting and roster of committee members.

Barbara H. Sanford, Ph. D., Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4650 Filed 2-27-74; 8:45 am]

# COMMITTEE ON CANCER IMMUNOTHERAPY

## Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Com-



## NOTICES

mittee on Cancer Immunotherapy, Thursday and Friday, March 21, from 8:30 a.m. to 11:00 p.m., and March 22, 1974, from 8:30 a.m. to 6:00 p.m., National Institutes of Health, Landow Building, Room C418, Bethesda, Maryland. The meeting will be closed to the public to discuss and review contract proposals submitted in response to recent requests for proposals in the field of cancer immunology, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code, and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the closed meeting and roster of committee members.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B-17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4651 Filed 2-27-74;8:45 am]

#### COMMITTEE ON CANCER IMMUNOBIOLOGY Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunobiology, Sunday, Monday and Tuesday, March 31, from 7:00 p.m. to 11:00 p.m., and April 1 and 2, 1974, from 9:00 a.m. to 5:00 p.m., National Institutes of Health, Landow Building, Room C418, Bethesda, Maryland. The meeting will be closed to the public to discuss and review contract proposals submitted in response to recent requests for proposals in the field of cancer immunobiology, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code, and Section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the closed meeting and roster of committee members.

Barbara H. Sanford, Ph.D., Executive Secretary, Building 10, Room 4B-17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4652 Filed 2-27-74;8:45 am]

#### EXTRAMURAL PROGRAMS SUBCOMMITTEE OF THE BOARD OF REGENTS

##### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Extramural Programs Subcommittee of the Board of Regents, National Library of Medicine, on March 20, 1974, from 2:00 to 5:00 p.m., in the Starry Conference Room, Florida State University, Tallahassee, Florida. The meeting will be closed to the public for grant applications review, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and section 10(d) of Pub. L. 92-463.

The information officer who will furnish a meeting summary, a roster of members, and substantive information is: Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, Room M-122, 8600 Rockville Pike, Bethesda, Maryland 20014, telephone number: 301-496-6308.

Catalog of Federal Domestic Assistance, Program Nos. 13.348, 13.349, 13.351, 13.352—National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4647 Filed 2-27-74;8:45 am]

#### HYPERTENSION RESEARCH CENTERS ADVISORY COMMITTEE Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Hypertension Research Centers Advisory Committee, National Heart and Lung Institute, March 13, 1974, 8:30 p.m., Holiday Inn, Bethesda, Maryland, Georgia Room; and on March 14, 1974, 8:30 a.m., Landow Building, Bethesda, Maryland, Room C803. The meeting will be open to the public from 8:30 p.m. to 10:30 p.m., March 13, 1974, to discuss research supported by the National Heart and Lung Institute in hypertension and the Committee's assessment of current and future needs in hypertension, particularly as related to the specialized center program. Attendance by the public will be limited to space available. The meeting will be closed to the public from 8:30 a.m. to 4:00 p.m., March 14, 1974, for review and evaluation of non-competing grant applications for Specialized Centers of Research in Hypertension, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496-4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Dr. Ronald G. Geller, NHLI, NIH Landow Building, Room C816, phone 496-1857.

(Catalog of Federal Domestic Assistance Program No. 13.374, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4648 Filed 2-27-74;8:45 am]

#### NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, National Institute of Child Health and Human Development, March 25-26, 1974, at 9:00 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on March 25 with current status reports from the Acting Director, NICHD, and staff members, a scientific presentation by one of the Council members, and presentations and discussion of specific programs. The meeting will be closed to the public from 9:00 a.m. to 5:00 p.m., March 26, to review grant applications in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A-804B, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Mrs. Marjorie Neff, Executive Secretary of the Council, Room C-603, Landow Building, National Institutes of Health, 496-1756.

Catalog of Federal Domestic Assistance Program 13.317, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4640 Filed 2-27-74;8:45 am]

#### NATIONAL ADVISORY EYE COUNCIL Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, on March 19, 1974, and a meeting of the Research Subcommittee of the National Advisory Eye Council on the preceding evening, March 18, 1974, at the National Institutes of Health, Building 31, Conference Room 4. The meeting of the National Advisory Eye Council on March 19, 1974 will be open to the public from 9 a.m. to 12 noon for discussion on the use of the fiscal year 1973 impounded funds and the fiscal year 1974 appropriation and its implications. There will also be reports from the Director, NEI, the Council program planning subcommittee on the Retinal and

Choroidal Diseases Program evaluation, and the Associate Director for Extramural and Collaborative Programs on the status of research training and fellowships. This meeting on March 19 will be closed to the public from 1 p.m. for the review of grant applications in accordance with the provisions set forth in Sec. 552(b) 4 of Title 5 U.S. Code, and Sec. 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

The Research Subcommittee of the National Advisory Eye Council will meet at 7 p.m., March 18, 1974, and will be closed to the public for discussion and review of special grant applications in the field of vision research. This closed meeting is therefore exempt from mandatory disclosure under Sec. 552(b) 4 of Title 5 U.S. Code, and of Sec. 10(d) of Pub. L. 92-463.

Mr. Julian Morris, Program Planning Officer, NEI, Building 31, Room 6A-27, National Institutes of Health, 496-5248, will furnish summaries of the meeting on March 19, 1974 and rosters of Council members. Substantive program information may also be obtained from Dr. George T. Brooks, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-04, National Institutes of Health, 496-4903.

Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4645 Filed 2-27-74;8:45 am]

#### NATIONAL CANCER ADVISORY BOARD Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, March 18-20, 1974, 9:00 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m., March 18, and from 1:30 p.m., March 19 through adjournment, March 20, to discuss a report on a conference to update the National Cancer Plan; to review American Cancer Society activities in relation to the Cancer Control Program and other NCI activities; and, to discuss a report of the Ad Hoc Advisory Committee for Review of the Special Virus Cancer Program. On March 20, there will be a general review of research in asbestos carcinogenesis. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:00 a.m. to 12:00 noon, March 19, to review grant applications, in accordance

with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Catalog of Federal Domestic Assistance Program Nos. 13.312, 13.314, 13.391, 13.392, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4644 Filed 2-27-74;8:45 am]

#### PHARMACOLOGY-TOXICOLOGY PROGRAM COMMITTEE Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pharmacology-Toxicology Program Committee, National Institute of General Medical Sciences, April 29-30, 1974, 9:00 a.m., National Institutes of Health, Building 31C, Conference Room 6. This meeting will be open to the public from 9:00 a.m. to 12:30 p.m., April 29, 1974, for opening remarks and discussion of objectives and accomplishments of the program and revision of program guidelines, and closed to the public from 1:30 p.m. to 5:00 p.m., April 29, and from 9:00 a.m. to 5:00 p.m., April 30, 1974, to review, discuss, evaluate, and rank grant applications and contract proposals in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code for grants and contracts and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mr. Paul Deming, Staff Assistant to the Director, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: 301, 496-5676, will furnish a summary of the meeting and a roster of committee members.

Program information may be obtained from Dr. George J. Cosmides, Executive Secretary, Westwood Building, Room 9A03, Telephone: 301, 496-7707.

Catalog of Federal Domestic Assistance Program No. 13.335, General Medical Sciences—Research Grants)

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4661 Filed 2-27-74;8:45 am]

## NOTICES

#### PRIMATE RESEARCH CENTERS ADVISORY COMMITTEE

##### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee, Division of Research Resources, April 17, 1974, 1:00 p.m., Yolano Lodge, Davis, California. This meeting will be open to the public from 1:00 p.m. to 2:00 p.m. for the reading of minutes and discussing a national plan for rhesus monkey supply. The meeting will be closed to the public from 2:00 p.m. to adjournment, for the review and evaluation of an application in accordance with provisions set forth in section 552(b) 4 of Title 5 U.S. Code for grants and section 10(d) of Pub. L. 92-463. Attendance by the public is limited to space available.

The Science and Health Reports Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 496-5545.

The Executive Secretary from whom substantive information may be obtained is Dr. William Goodwin, Building 31, Room 5B30, Bethesda, Maryland 20014, 496-5451.

Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4646 Filed 2-27-74;8:45 am]

#### SUBCOMMITTEE ON CARCINOGENESIS AND PREVENTION OF THE NATIONAL CANCER ADVISORY BOARD

##### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Subcommittee on Carcinogenesis and Prevention of the National Cancer Advisory Board, National Cancer Institute, March 17, 1974, 3:00 p.m., National Institutes of Health, Building 31, C Wing, Conference Room 7. This meeting will be open to the public from 3:00 p.m. to 3:30 p.m., March 17, 1974, to discuss any new policy considerations involving the National Cancer Program. Attendance by the public will be limited to space available. The meeting will be closed to the public from 3:30 p.m. to adjournment, March 17, 1974, to review grant applications, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the



open/closed meeting and roster of committee members.

Dr. Thaddeus J. Domanski, Executive Secretary, Westwood Building, Room 850, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7801) will provide substantive program information.

Catalog of Federal Domestic Assistance Program Nos. 13.312, 13.314, 13.391, 13.392, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4643 Filed 2-27-74; 8:45 am]

#### SUBCOMMITTEE ON DIAGNOSIS AND TREATMENT

##### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Subcommittee on Diagnosis and Treatment of the National Cancer Advisory Board, National Cancer Institute, March 17, 1974, 3:00 p.m., National Institutes of Health, Building 31, C Wing, Conference Room 8. This meeting will be open to the public from 3:00 p.m. to 3:30 p.m. March 17, 1974, to discuss any new policy considerations involving the National Cancer Program. Attendance by the public will be limited to space available. The meeting will be closed to the public from 3:30 p.m. to adjournment, March 17, 1974, to review grant applications in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Mary A. Fink, Executive Secretary, Westwood Building, Room 854, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7615) will provide substantive program information.

Catalog of Federal Domestic Assistance Program Nos. 13.312, 13.314, 13.391, 13.392, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4642 Filed 2-27-74; 8:45 am]

#### TRANSPLANTATION AND IMMUNOLOGY COMMITTEE

##### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, April 4-5, 1974, 8:30 a.m. to 5:00 p.m., Bethesda, Maryland. This meeting will be open to the public from

#### NOTICES

8:30 a.m. to 9:30 a.m. on April 4th to discuss progress of 1974 activities and closed to the public from 9:30 a.m. to 5:00 p.m. on April 4th and from 8:30 a.m. to 5:00 p.m. on April 5th, to review research contract proposals in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mr. Robert Schreiber, Information Officer, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-34, phone 496-5717 will furnish summaries of the meeting and roster of committee members. Dr. Donald Kayhoe, Executive Secretary of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A-23, phone 496-4733, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301; National Institutes of Health)

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4653 Filed 2-27-74; 8:45 am]

#### TUMOR VIRUS DETECTION WORKING GROUP

##### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Tumor Virus Detection Working Group, National Cancer Institute, March 20, 1974, 9:00 a.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., March 20, 1974, to discuss new approaches in tumor virus detection and closed to the public from 9:30 a.m. to 5:00 p.m., March 20, 1974, to review contracts in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Bernard Talbot, Vice-Chairman, Building 37, Room 1B26, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6135) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,  
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4660 Filed 2-27-74; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Office of Interstate Land Sales Registration

[Docket No. N-74-219]

##### CONDOMINIUM AND OTHER CONSTRUCTION CONTRACTS

###### Guidelines

The Office of Interstate Land Sales Registration (OILSR) offers guidelines in re-emphasizing attention to the applicability of the federal land sales registration laws to the offer and sale of condominiums and other structures. The Preamble to OILSR regulations published on September 4, 1973 (38 FR 23866 et seq.) points out that condominiums are covered by the Act in that a condominium is equivalent to a subdivision, each unit being a lot.

George K. Bernstein, Administrator of the Office, reports that many condominium developers and trade associations have inquired concerning coverage of condominium developments in light of section 1403(a)(3) of the Interstate Land Sales Full Disclosure Act (Act). That section exempts from registration sales of existing buildings and sales of land under contracts obligating sellers to erect buildings on the land within two years.

The Act covers all lot sales regardless of type of construction or status thereof not exempt by reason of section 1403(a)(3) or because of the lack of jurisdiction. Builders are not automatically exempt from the Act by virtue of their primary occupations or the type of buildings they erect. It is only the growing popularity of condominiums that has highlighted attention to that type of ownership for both OILSR and the building industry.

While there has been little question about the operation of the statute as to existing buildings, considerable comment has been made concerning the applicability of the exemption to situations involving the two-year construction period.

For this exemption to be operative, each sale must be made under a contract obligating the seller to erect a building or condominium unit within a period of two years. However, if it appeared that this kind of contract were being used to give color of exemption in an effort to evade the Act, OILSR would clearly have a remedy in its injunctive authority. Also, prosecution would most likely be sought.

As a rule the two-year period is sufficient building time for the purpose of this exemption. However, OILSR being aware of the realities of condominium construction, especially high-rise construction, therefore issues these guidelines to set forth its position on what has become known as the builder's exemption.

The necessity of guidelines is further indicated by the different stages of sales efforts which trigger violations of section 1404. Section 1404(a)(1) makes it unlawful for a developer to sell lots when there is no compliance with the Act, and section 1404(a)(2) prohibits fraudulent

methods in selling or offering to sell. The statutory dichotomy pertaining to selling and offering has made determinations of the time a property report must be delivered difficult when reservation agreements are used.

The following sets out OILSR's position in connection with the four-faced problem raised by this exemption: (a) Recognition of exculpatory conditions, (b) point at which a transaction constitutes a sale, (c) point from which the two-year period begins and (d) point at which the two-year period ends.

##### RECOGNITION OF EXCULPATORY CONDITIONS

Since the section 1403(a)(3) exemption is intended to cover builders, administration of the exemption to reflect customary industry practices (namely, provision to allow time extensions for acts of God, material shortages, etc.) is deemed permissible as a contract provision. OILSR will consider acceptable only those contract provisions which provide for delays of construction completion dates beyond the two-year period if such delays are caused by conditions which would be legally supportable in the jurisdiction where the building is being erected as impossible of performance for reasons beyond the control of the developer.

##### POINT AT WHICH TRANSACTION CONSTITUTES A SALE

Any transaction for consideration whereby a purchaser is obligated to acquire a building or a condominium unit directly or indirectly is a sale. However, much condominium construction in particular, especially high-rise construction, is preceded by pre-sale activity to gauge market feasibility and to provide a preliminary basis for construction loan commitments. For the purposes of condominiums the following described situation, denoted by OILSR as a reservation, is not a sale: A reservation is a document by which a purchaser expresses an interest to buy into a condominium at some time in the future. A deposit may be accepted from the purchaser provided that it is placed in escrow with an independent institution having trust powers and is refundable at any time at the purchaser's option. In all cases a reservation must require a subsequent affirmative action by the purchaser to create his obligation; typically, this action would be the execution of a formal contract of sale.

In no event may a document purporting to be a HUD Property Report be delivered to an interested party at the time of the execution of the reservation for a condominium unit in an unregistered development. Also, no document purporting to be a preliminary or final state subdivision report or offering statement specified in 24 CFR 1710.26 may be delivered to an interested party at the time of the execution of the reservation for a condominium unit in an unregistered development, unless that document contains a sufficient disclaimer to the effect that it has not been accepted by HUD. OILSR considers actions which

#### NOTICES

violate the above provisions to be in violation of section 1404(a)(2)(C) of the Act.

##### POINT FROM WHICH THE TWO-YEAR PERIOD BEGINS

If the presale activity takes the form of the reservation described above, the two-year period does not begin to run until a contract of sale containing the obligation to erect the unit is signed by the purchaser.

##### POINT AT WHICH THE TWO-YEAR PERIOD ENDS

This aspect refers to the stage of construction a unit must be expected to reach for the contract to qualify as obligating the seller to erect within a period of two years. For primary residence condominiums in metropolitan areas a unit is required to be ready for occupancy; i.e., physically habitable.

This requisite is not unlike that presently embodied in the American Institute of Architects definition of the Date of Substantial Completion (as set forth in AIA Document A201), viz., "... when construction is sufficiently complete ... so that the owner may occupy the work or designated portion thereof for the use for which it is intended."

In the case of sales of condominiums in which the promotion of the common facilities is the primary inducement to purchase, the obligation to complete the common facilities is deemed an integral part of the condominium, and the expected completion of those facilities must be concomitant with the expected completion of the condominium unit.

Issued this 22nd day of February 1974, at Washington, D.C.

GEORGE K. BERNSTEIN,  
Interstate Land  
Sales Administrator.

[FR Doc.74-4770 Filed 2-27-74; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

[CGD 7428]

##### EQUIPMENT, CONSTRUCTION, AND MATERIALS

###### Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from October 2, 1973 to January 9, 1974 (List No. 1-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

##### LIFEBOAT WINCHES FOR MERCHANT VESSELS

The Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, no longer manufactures certain lifeboat winches and Approval Nos. 160.015/78/0 and 160.015/79/2 were therefore terminated effective October 3, 1973.

##### LIFEBOATS

The Lane Lifeboat & Davit Corporation, 150 Sullivan Street, Brooklyn, New York 11231, Approval No. 160.035/91/3 expired and was terminated effective October 2, 1973.

##### PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

The GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Illinois 60053, Approval Nos. 162.017/91/0 and 162.017/92/0 expired and were terminated effective January 9, 1974.

Dated: February 25, 1974.

W. F. REA, III,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant  
Marine Safety.

[FR Doc.74-4745 Filed 2-27-74; 8:45 am]

[CGD 74-27]

##### EQUIPMENT, CONSTRUCTION, AND MATERIALS

###### Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 4, 1973 to December 26, 1973 (List No. 24-73). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.



2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

#### SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.024/2/2, Kilgore's dwg. Nos. MS-11 dated October 18, 1973; MS-2 dated October 18, 1973; MS-3-G dated March 20, 1973; BP-4270-1-1 dated August 10, 1973 (Two Sheets); BP-4215-1-1 dated April 17, 1973; AP-4216-1-1 dated April 17, 1973; AP-4217-1-1 dated April 18, 1973 and AP-4269-1-1 dated August 8, 1973, manufactured by Kilgore Corporation, Toone, Tennessee 38381, effective December 5, 1973. (It supersedes Approval No. 160.024/2/1 dated February 18, 1969.)

#### SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS FOR MERCHANT VESSELS

Approval No. 160.028/9/0, Kilgore Marine Signal Pistol, Model A, assembly dwg. No. MSP-1, Rev. 1 dated January 28, 1953, manufactured by Kilgore Corporation, Toone, Tennessee 38381, effective December 5, 1973. (It is an extension of Approval No. 160.028/9/0 dated February 18, 1969.)

Approval No. 160.028/10/1, Kilgore's drawing Nos. BP-4159-1-1 dated January 13, 1972; AP-4086-1-1 to AP-4092-1-1 dated April 27, 1972; AP-4094-1-1 dated April 13, 1971; AP-4096-1-1 dated December 22, 1971; AP-7890-1-1 dated March 1, 1973; AP-7891-1-1 dated March 6, 1973; BP-4083-1-1 dated September 2, 1971; BP-4161-1-1 dated January 14, 1972; CP-4095-1-1 dated May 14, 1971; BP-4098-1-1 dated October 22, 1971 and CP-4099-1-1 dated December 30, 1971, may be plated, unplated, or painted black for finish, manufactured by Kilgore Corporation, Toone, Tennessee 38381, effective December 5, 1973. (It supersedes Approval No. 160.028/10/0 dated February 18, 1969.)

#### DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/170/1, mechanical davit, straight boom sheath screw, Type 6500; approved for a maximum working load of 7,000 pounds per set (3,500 pounds per arm), using 2-part or 6-part falls; identified by general arrangement drawing DA-9084, Revision A dated December 18, 1965 and drawing

list dated November 13, 1973, manufactured by Carroll Engineering Company, 313 State Street, Box 711, Perth Amboy, New Jersey 08862, effective December 4, 1973. (It supersedes Approval No. 160.032/170/0 dated May 11, 1971 to show change of design.)

Approval No. 160.032/181/1, mechanical davit, steel straight boom-sheath screw, Type 22-31, MK III; approved for a maximum working load of 9,300 pounds per set (4,650 pounds per arm); identified by general arrangement dwg. DB-111R dated April 9, 1968, and drawing list GA-DB-111R dated October 31, 1968, manufactured by Marine Safety Equipment Corporation, Farmingdale, New Jersey 07727, effective December 4, 1973. (It supersedes Approval No. 160.032/181/0 dated December 10, 1968 to show change of load and minor design changes.)

#### MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/61/0, Rottmer type releasing gear, approved for maximum working load of 9,466 pounds per hook, identified by disengaging apparatus dwg. No. 500-111, Rev. B dated December 4, 1973 and drawing list MDA-500-111 dated November 26, 1973, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective December 19, 1973. (It supersedes Approval No. 160.033/61/0 dated December 4, 1973 to show change in working load and drawing format.)

#### LIFEBOATS

Approval No. 160.035/174/3, 22.0' x 7.5' x 3.17' steel, motor-propelled, Class 1 lifeboat, 28-person capacity, identified by general arrangement dwg. No. 22-2B, Rev. E dated November 20, 1973, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"—3,760 pounds; Condition "B"—9,765 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective December 7, 1973. (It reinstates and supersedes Approval No. 160.035/174/2 terminated January 22, 1968.)

Approval No. 160.035/428/2, 24.0' x 8.0' x 3.58' fibrous glass reinforced plastic (FRP) motor-propelled Class 1, lifeboat, 37-person capacity identified by construction and arrangement dwg. No. WBA-9029 Rev. "C" dated December 14, 1973, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"—3,690 pounds; Condition "B"—10,707 pounds, manufactured by Welin Davit and Boat Division, Lake Shore, Inc., 3614 Kennedy Road, So. Plainfield, New Jersey 07080, effective December 19, 1973. (It supersedes Approval No. 160.035/428/1 dated June 4, 1973 to show change in construction.)

#### WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/9/0, unicellular plastic foam work vest as per Military Specification MIL-L-17653A and U.S.C.G. Specification Subpart 160.053, Type V PFD, manufactured by The Safeguard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio 45214, for Safety First Supply Corporation, 526 Island Avenue, McKees Rocks, Pennsylvania 15136, effective December 4, 1973. (It is an extension of Approval No. 160.053/9/0 dated February 18, 1969.)

#### SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

Approval No. 160.064/507/0, adult small, Model No. LLJ-1, cloth covered unicellular plastic foam and kapok "Racing Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 179, Type II PFD, manufactured by Life Line Racing Jackets, 3533 Oceanview Boulevard, Glendale, California 91208, effective December 4, 1973. (It supersedes Approval No. 160.064/507/0 dated August 10, 1973 to show change in Model Number.)

Approval No. 160.064/508/0, adult medium, Model No. LLJ-1, cloth covered unicellular plastic foam and kapok "Racing Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 179, Type II PFD, manufactured by Life Line Racing Jackets, 3533 Oceanview Boulevard, Glendale, California 91208, effective December 4, 1973. (It supersedes Approval No. 160.064/508/0 dated August 10, 1973 to show change in Model Number.)

Approval No. 160.064/509/0, adult large, Model No. LLJ-1, cloth covered unicellular plastic foam and kapok "Racing Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 179, Type II PFD, manufactured by Life Line Racing Jackets, 3533 Oceanview Boulevard, Glendale, California 91208, effective December 4, 1973. (It supersedes Approval No. 160.064/509/0 dated August 10, 1973 to show change in Model Number.)

Approval No. 160.064/510/0, adult X-large, Model No. LLJ-1, cloth covered unicellular plastic foam and kapok "Racing Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 179, Type II PFD, manufactured by Life Line Racing Jackets, 3533 Oceanview Boulevard, Glendale, California 91208, effective December 4, 1973. (It supersedes Approval No. 160.064/510/0 dated August 10, 1973 to show change in Model Number.)

#### FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/1/1, supervised automatic fire detecting and manual fire alarm system consisting of a control unit (dwgs. 55-120, Alt. 4 and 55-121, Alt. 5); manual fire alarm boxes, Types I and II (dwg. 55-111-1, Alt. 3), and engine room gong (dwg. 20-163, Alt. 12), this system requires both 115-volt, 60-cycle, A.C. and 115-volt, D.C. input supply, the A.C. supply must come from the ship's temporary emergency A.C. Bus (as opposed to a temporary emergency AC/DC Bus), the 115-volt, D.C. source should be suitable for the power failure alarm, manufactured by Henschel Corporation, Amesbury, Massachusetts 01913, effective Decem-

ber 26, 1973. (It supersedes Approval No. 161.002/1/1 dated January 31, 1969 to show minor changes.)

#### TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/58/0, telephone station identification panel, 2-circuit, manual reset, splashproof, dwg. No. 28-02, Alt. 0 dated June 16, 1958, for use with sound-powered telephone stations to identify visually the station called, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective December 18, 1973. (It is an extension of Approval No. 161.005/58/0 dated January 3, 1969.)

Approval No. 161.005/59/0, telephone station identification panel, 3-circuit, manual reset, splashproof, dwg. No. 28-03, Alt. 0 dated June 23, 1958, for use with sound-powered telephone stations to identify visually the station called, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective December 18, 1973. (It is an extension of Approval No. 161.005/59/0 dated January 3, 1969.)

Approval No. 161.005/60/0, sound-powered telephone station, selective ringing, common talking, 11 stations maximum, nonwatertight, with self-contained hand generator bell, Model SHD, bulkhead mounting, dwg. No. 57-01, Alt. 0 dated July 2, 1958, for use in officer's quarters and radio room, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective December 18, 1973. (It is an extension of Approval No. 161.005/60/0 dated January 3, 1969.)

Approval No. 161.005/61/0, telephone station identification panel, single-circuit, manual reset, splashproof, dwg. No. 28-01, Alt. 0 dated June 11, 1958, for use with sound-powered telephone stations to identify visually the station called, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective December 18, 1973. (It is an extension of Approval No. 161.005/61/0 dated January 3, 1969.)

#### FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/5/5, No. 1918 waterproof flashlight, Type I, size 2 (2-cell), identified by assembly dwg. No. 3F-1833-E dated May 4, 1964, and revised October 30, 1973, each flashlight shall be plainly marked with the name of the manufacturer and the above model number, manufactured by Bright Star Industries, 600 Getty Avenue, Clifton, New Jersey 07011, effective December 13, 1973. (It supersedes Approval No. 161.008/5/4 dated March 22, 1972, to show plan updating.)

Approval No. 161.008/6/5, No. 1925 waterproof flashlight, Type I, size 3 (3-cell), identified by assembly dwg. No. 3-F1833-E dated May 4, 1964, and revised October 30, 1973, each flashlight shall be plainly marked with the name of the manufacturer and the above model number, manufactured by Bright

Star Industries, 600 Getty Avenue, Clifton, New Jersey 07011, effective December 13, 1973. (It supersedes Approval No. 161.008/6/4 dated March 22, 1972, to show plan updating.)

#### PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

Approval No. 162.017/68/1, figure No. 240, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron bronze 85-5-5-5 (B62, Grade 4A) or stainless steel (Type 304) bodies, dwg. No. 240-A, Alt. 1 dated January 20, 1959, approved for 4" size, manufactured by Mechanical Marine Division, Hayward Manufacturing Company, Inc., 700 Fairmount Avenue, Elizabeth, New Jersey 07207, formerly Mechanical Marine Company, Inc., effective December 19, 1973. (It is an extension of Approval No. 162.017/68/1 dated January 3, 1969 and change of name and address of manufacturer.)

Approval No. 162.017/70/1, figure No. 260, pressure only relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron bronze 85-5-5-5 (B62, Grade 4A) or stainless steel (Type 304) bodies, dwg. No. 260-A, Alt. 1 dated January 20, 1959, approved for 4" size, manufactured by Mechanical Marine Division, Hayward Manufacturing Company, Inc., 900 Fairmount Avenue, Elizabeth, New Jersey 07207, formerly Mechanical Marine Company, Inc., effective December 19, 1973. (It is an extension of Approval No. 162.017/70/1 dated January 3, 1969 and change of name and address of manufacturer.)

#### BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/105/0, Bendix Model B175-43 backfire flame arrester, manufactured by Bendix Corporation, Fuel Devices Division, 698 Hart Avenue, Detroit, Michigan 48214, effective December 13, 1973. (It is an extension of Approval No. 162.041/105/0, dated January 28, 1969.)

Dated: February 25, 1974.

W. F. REA III,  
Rear Admiral, U.S. Coast  
Guard, Chief, Office of Mer-  
chant Marine Safety.

[FR Doc.74-4746 Filed 2-27-74; 8:45]

#### Federal Railroad Administration

[Docket No. RST-1, Waiver Petition  
No. 17-1, and 17-2]

#### PENN CENTRAL TRANSPORTATION CO.

##### Final Report and Order

This is the final report and order on the petition of Penn Central Transportation Company (Penn Central) (Docket No. RST-1, Waiver Petition No. 17) requesting temporary waiver of the Federal Railroad Administration Track Safety Standards for Track Geometry (49 CFR 213.51-63) and Crossties (49 CFR 213.109) with respect to 6,901 miles of its track. The proceeding also involves

the petitions of the States of Maryland (Docket No. RST-1, Waiver Pet. No. 17-1) and Delaware (No. 17-2) requesting similar relief with respect to the involved track of Penn Central within those States.

On October 10, 1973, Penn Central petitioned the Federal Railroad Administration (FRA) requesting a temporary waiver of compliance with these parts of the Track Safety Standards which were to be effective on October 16, 1973. The petition covered 6,901 miles of substandard track which, as of the filing of the petition, did not meet the minimal requirements for Class I track, and the waiver was requested through December 1974.

Following a public notice on October 13, 1973, FRA held a hearing on October 16, 1973 on Penn Central's request for an interim waiver until the matter could be fully considered. The FRA issued its preliminary findings and interim order on October 16, 1973 (38 FR 29241), granting a limited interim waiver subject to nine terms and conditions until the final order could be issued in this proceeding.

Further hearings were held on October 23, and November 29, 1973. A second interim order was issued on October 29, 1973, to clarify certain matters pertaining to the transportation of hazardous materials over the track subject to the petition (38 FR 30018).

Penn Central did not petition for relief from the track standards until the week before the regulations were to be effective. In addition, the day of the hearing at 12:01 a.m., Penn Central ceased operations over 2789.9 miles of road track listed in its petition, apparently to avoid operation in violation of the regulations. Service was restored later in the day of October 16, 1973, following the issuance of the first interim order. The record later developed that certain track, including some of the track over which Penn Central had ceased operations, were not in fact in violation of the track standards. The FRA inspections of the non-yard track in the petition, a total of 127 lines totaling 3563.5 miles, showed that 14 lines, 11 percent of the total, were in fact in compliance with the track standards.

The Penn Central petition identified the types of track included in the 6,901 miles of substandard track. There are 3,636.5 miles of road track located outside of yards (including main line, branch, secondary and passing siding) and 3,274.6 miles of yard track (including running-connecting, industrial and other yard). The petition estimated a cost of over \$49 million to bring this track into compliance including \$21.5 million for the road track and \$27.2 million for all the yard track. The largest single cost estimate was \$23 million for other yard track.

PC has submitted additional documents indicating that some track has been brought into compliance since the filing of their petition as a result of the carriers maintenance program and in compliance with the interim order in this proceeding.



The Track Safety Standards were issued by FRA on October 15, 1971 (36 FR 20036). The first part of these standards became effective October 16, 1972, the final part on October 16, 1973. These regulations were issued pursuant to the Federal Railroad Safety Act of 1970 (45 U.S.C. 421). The purpose of that Act is "to promote safety in all areas of rail operations and to reduce railroad related accidents, and to reduce deaths and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials." (45 U.S.C. 421)

The Track Safety regulations promulgated by FRA, prescribe requirements for the gage, alignment, and track surface and set forth the minimum requirements for crossties, ballast, track assembly fittings and the physical condition of rails. The track standards provide requirements for various classes of track and set maximum allowable operating speeds for each class. Class I track is the lowest classification of track and the operating speed over it is restricted to 10 m.p.h. for freight trains and 15 m.p.h. for passenger trains. It was recognized that it would take some time for carriers to perform the necessary maintenance required to comply with certain of the regulations, accordingly, FRA delayed the final effective date of the regulations for two years from initial publication. Penn Central thus had two years notice before the regulations here involved were to become effective.

Penn Central contends that it should be granted a waiver of compliance with the Track Safety Standards through 1974. Penn Central alleges that (1) having already deferred routine maintenance due to a weak cash position, enforced compliance with the regulations, even assuming the cash resources, would divert work crews from performing key maintenance on critical main lines; (2) a critical shortage of crossties and switch timbers makes it nearly impossible to timely secure the materials needed to perform upgrading of noncomplying track; and (3) any program of compliance must be viewed in light of the overall normalized maintenance needs and not to "patch and fill" solely to meet the minimum Track Safety Standards.

Penn Central further contends that due to a shortage of money, men and material if the waiver is not granted it would have no alternative but to shut-down operating over the subject track. According to Penn Central such a cessation would have adverse economic effects in many of the areas now served by this railroad.

These economic considerations are discussed in greater detail below. It should be noted, however, that the record establishes that in the calendar years from 1971 through 1973 the Penn Central has expended between \$220 and \$250 million per annum for maintenance, and the evidence in the record indicates that the actual benefits received per maintenance dollar are below the industry mean. It is evident also that Penn Central elected to allocate its maintenance budget in these

years primarily to its high density routes and did not provide for compliance with the track standards for all of its track.

Although the waiver was requested until December 31, 1974, Penn Central did not propose to bring its substandard track into compliance with the standards by that date. Penn Central originally proposed only that the waiver be granted through 1974 without any program for restoration of the substandard track. On requested relief through 1974, Penn Central also indicated that legislative action could have a material impact on this proceeding. Since the hearings in this case, legislation has been enacted concerning the restructuring of the railroads in the midwest and northeast region (Regional Rail Reorganization Act of 1973, Pub. L. 93-236). While this legislation will affect the structure and form of the railroads in the region, it is not a basis for delaying the required restoration of the track in question to the minimum safety requirements of the track standards.

Also submitting evidence in this proceeding were representatives of State governments, Congressmen, shippers, and labor. Although not always in direct agreement with Penn Central, all representatives agreed that cessation of Penn Central's operations was not a desirable alternative to compliance with the Track Safety Standards, and the evidence submitted by these representatives generally supported Penn Central's petition for waiver. In addition, the States of Maryland and Delaware submitted separate petitions for waiver for all Penn Central substandard track within the States.

Penn Central's petition covers a total of 6,901 miles of substandard track. Of that total, 1643.3 miles was identified as track that is or would be included in an abandonment program before the Interstate Commerce Commission (ICC). The 1643.3 miles of track constituted part of the 2789.9 miles of track on which operations were halted by Penn Central on October 16, 1973. Certain testimony at the October 16 hearing raised the issue of a 'de facto' abandonment, without ICC's approval, now being possible as a result of FRA Track Safety Standards. Indeed, testimony at further hearings has raised the spectre of 'de facto' abandonment as a possible deliberate tactic of railroad management.

ICC has jurisdiction over economic regulation (49 U.S.C. 1) while FRA's concern is safety of rail operations. However, in addressing the issue of safety, questions of economics will invariably arise. The carrier may be reluctant to improve a line to meet minimum safety standards due to economic reasons, and indeed, as in the instant petition, may have already advocated abandonment of that line as economically unprofitable. Nonetheless, as long as there remains an obligation to provide service over that line, there remains an obligation to provide safe service and that line must come within the purview of FRA safety regulations. In addition, FRA standards aside, it could be argued that the ICC permit to operate also contains an implicit directive to operate safely. Safety, in this

analysis, is viewed as a fundamental component of the economic operation of the railroad. If a carrier determines that it cannot meet the minimum safety regulations, and as a result of that determination decides to cease operations over a substandard line, whether the carrier has violated ICC regulations by abandoning the line "de facto" is a matter of separate determination by the ICC.<sup>3</sup> All considered, then, any request for waiver from safety standards must be evaluated, as much as practicably possible, without regard to profitability of a line where proposed abandonment status is given as grounds for waiver or where the carrier seeks to give such line a low restoration priority.

Penn Central, in its petition and in testimony, points out that there are 1,643.3 miles of track which are included in an abandonment program. However, there are only approximately 1,000 miles covered by actual abandonment application, either before the Reorganization Court or ICC, all other being only proposed by Penn Central. Notwithstanding this treatment of track proposed for abandonment, it should be made clear that the FRA is not the proper forum to consider economic, marketing, or commercial impact of lines proposed for abandonment except as this data may concern the determination of the public safety interest as required by the Railroad Safety Act.

Penn Central also contends that the substandard track cannot be treated apart from other track on its 15,000 mile core insofar as a schedule of restoration is concerned. It further contends that it would be uneconomic to restore to minimum track standards only the substandard track to the detriment of critical main lines. Yet Penn Central's petition only covered 6,901 miles of track and it is only that track which can be considered by this opinion. In addition, since the obligation to operation and operate safely remains, the 6,901 miles of track must be brought into compliance with at least Class I minimum safety standards, economic arguments aside.

Since the testimony and evidence received in this proceeding was unanimously in favor of not interrupting rail service, and since Penn Central has testified that refusal to grant the waiver would, indeed, result in an interruption of service, it is obviously in the public interest to grant Penn Central's request for waiver. The major questions left, then, concern the time frame and the conditions for safe operations pending the restoration of the substandard track to minimum standards.

As required by the First Interim Order, Penn Central submitted to FRA a plan for the restoration of track identified in the petition to Class I standards.

<sup>3</sup> In a statement (Exhibit 30) submitted at the November 29 hearing the ICC reached a similar conclusion. Speaking of the Possibility of 'de facto' abandonments, it said "If any abuses appear to exist, the [Interstate Commerce] Commission intends to seek injunctive relief to force restoration of needed service . . ."

The plan called for the restoration of all track in the 15,000 mile core to a point which would require only normalized maintenance after restoration. Such a program would take eight years to accomplish at a cost of \$2.9 billion for the 15,000 miles. At the hearing on November 29, 1973, it was announced that this plan was not responsive to FRA's order and Penn Central was requested to revise its plan. In the event no plan was received or in the event any revised plan should prove likewise unsatisfactory, FRA would use its own expertise and the comments of other parties to evolve a plan.

Penn Central did submit a revised plan. However, this plan called for restoration of all substandard road track (mainline, branch, secondary, and passing siding) in 5½ years. It left unchanged the Penn Central estimate of eight years for yard track. There was nothing appearing in the plan to indicate what change, if any, there would be in cost. It was also unclear whether the 5½ year program envisaged bringing substandard track up to the minimum safety standards (as required by the Interim Order) or something higher (the basic presumption of Penn Central's first plan). Some indication of Penn Central's approach to this can be received when yard track, and track restored subsequent to the petition, is subtracted from the total trackage. When these computations are performed, Penn Central is suggesting that it will take 5½ years to perform work on approximately 3,500 miles of road track or about 53 miles per month. However, using Penn Central's own figures as to number of ties and feet of track surfacing required for road track, and using an average of 300 ties and 3,000 feet of track surfacing per gang day, it appears that all road track could adequately be restored within one year (150 working days), utilizing 20 tie gangs and eight surfacing gangs.

The FRA inspection of the substandard road track, 127 individual lines amounting to 3,563.5 miles, showed that 14 lines were in fact in compliance with the track standards and others needed only minimal maintenance work to be brought into compliance.

In addition, FRA inspections reveal (Exhibit 35) that only 57.4 percent of the ties and 24.8 percent of track surfacing estimated by Penn Central would be required to repair the 127 lines which were all of the non-yard track in the petition. Applying these findings, repairs could be performed in one working season or 8½ months by 12 tie gangs and 2 surfacing gangs. In its inspection of yard tracks, FRA found that 66 percent of the ties and 94 percent of the surfacing estimated by Penn Central was actually needed.

Applying the percentages for both road track and yard track to the total work required in the petition and using Penn Central's own estimates of unit cost, the cost of compliance with minimum Federal standards would be approximately \$28.5 million not the original Penn Cen-

tral estimate of a cost of \$49 million. Thus, the cost of compliance would be less than 20 percent of Penn Central's annual expenditures for maintenance of about \$250 million and will involve only a reallocation of a part of the carriers present maintenance budget.

Penn Central has requested in its petition that future non-complying track, i.e., track which may not now be out of compliance, but which may in the future fall out of compliance, be subject to the waiver. In short, Penn Central is requesting that some unidentified track, at unknown locations, at some unspecified point in the future be exempted in advance. To grant this request would be both unwise and illegal. The Federal Railroad Safety Act mandates that waivers may issue only when the requisite findings of public interest and railroad safety have been made. To issue an advance waiver would mean that such findings with regard to that unknown track has been made. Obviously, this is impossible. The issuance of such a waiver would, in effect, exempt the entire Penn Central System or any part thereof, a course the FRA has no intent to follow. Penn Central always retains the right to petition separately should additional trackage fall out of compliance.

The States of Maryland and Delaware have submitted sub-petitions in this proceeding. Both sub-petitions concern the trackage of Penn Central in the respective states and both petitions request a waiver of FRA Safety Standards as relief. Since the requested relief has been granted by this order the sub-petitions are in fact also granted.

The union representative also raised an issue in this proceeding concerning the effect of granting a waiver on any legal action by an employee or other person arising out of an accident where there was alleged a violation of the track safety standards. It was requested that the FRA make it clear that granting this waiver did not have the effect of permitting the Penn Central to claim the waiver as a legal defense in any action in which the track standards may be an issue.

This waiver does not permanently exempt Penn Central from the requirements of those parts of the track standards involved in this case. The track standards are in effect and remain requirements for all carriers including Penn Central. However, this waiver permits Penn Central to operate over the substandard tracks for a limited period of time subject to the terms and conditions of the waiver while the track is being restored. It is not the intent of this waiver to in any way lessen the requirements of the track standards.

Also submitted in this proceeding was a request for clarification or modification of the first interim order made by the National Railroad Passenger Corporation (Amtrak). This request concerned certain track used by Amtrak's Cincinnati to Chicago passenger route. It should be emphasized that the main Amtrak issue of this proceeding is that adequate provision be made for the safety of rail

passenger operations. This issue is addressed in the waiver. However, this proceeding is not the forum to resolve Amtrak's contractual and legal rights to require Penn Central to provide a specified level of utility of its tracks or a specified route for Amtrak operations.

#### A. WAIVER

For the reasons set forth above, the Penn Central Transportation Company is hereby granted a temporary waiver from FRA Track Safety Standards for Track Geometry and Crossties, subject to the General Terms and Conditions of Part C of this waiver. This waiver is granted upon condition that the program of restoration required by Part B of this waiver is undertaken and pursued. The waiver is subject to revocation at any time if the schedule of restoration required under Part B is not completed. Penn Central is also authorized to move cars carrying commodities covered by the Hazardous Materials Regulations in 49 CFR Parts 170-189, over track identified in the petition that does not comply with Class I standards, subject to the Special Terms and Conditions of Part D of this waiver.

#### B. PROGRAM OF RESTORATION

1. All track in this petition over which passenger trains are operated and all road track classified in this petition as mainline, and all road track (other than running-connecting, industrial, and other yard track), actually handling over 10 million gross tons per annum shall be restored to compliance with at least FRA Class I standards within 90 days of the effective date of this waiver.

2. All road track (other than running-connecting, industrial and other yard track) handling less than 10 million gross tons per annum shall be brought into compliance with at least FRA Class I standards no later than December 31, 1974.

3. All yard track identified as running-connecting and industrial shall be brought into compliance with at least FRA Class I standards no later than June 30, 1975.

4. All other yard track shall be brought into compliance with at least FRA Class I standards no later than December 31, 1975.

5. No later than April 15, 1974, Penn Central shall furnish to FRA a schedule of restoration based on the program outlined in the above paragraphs of this part of the waiver. The schedule of restoration shall provide for sufficient work to be programmed and completed each month so that all of the substandard track can be brought into compliance by the dates specified in the waiver.

6. Beginning on May 1, 1974, and continuing monthly after that date, Penn Central shall submit a report of work completed and in progress on track subject to this waiver. Such report shall contain date and location of work completed or in progress materials used, size of gang, and if not completed, percentage of completion.

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## NOTICES

## C. GENERAL TERMS AND CONDITIONS

1. Penn Central shall inspect daily all track not complying with Class I standards classified in the petition as mainline and other classifications of track hauling more than 10 million gross ton miles per year (not including yard track); Penn Central shall inspect weekly all track located in yards in which annual throughput exceeds 100,000 cars per annum, and shall inspect all other non-complying track weekly or prior to train movement if there is less than one train per week operated over those lines.

2. Operating speed on all track that does not comply with Class I standards is restricted to a maximum of 8 miles per hour for mainline, secondary, branch and passing siding track, and to 6 miles per hour for yard, industrial and running connection tracks.

3. No trains in revenue passenger service shall be operated over any track that does not comply with Class I standards. Any track not meeting Class I standard which is adjacent to track over which passenger trains are operated shall be taken out of service and all movement on such adjacent track stopped no less than ½ hour prior to the scheduled passage of any passenger train. After stopping movement, Penn Central shall inspect to assure that the track over which the passenger train is moving is clear, and will complete such inspection in sufficient time to permit flagging of any moving passenger train prior to the time such passenger train would reach the adjacent track. Adjacent track may return to service when passage of passenger train is verified.

4. All derailments occurring on track covered by this petition are to be reported weekly to FRA irrespective of injury or estimated dollar damage.

5. Penn Central may add any other operating restrictions, including the prohibition of all operations, if deemed necessary for safe operations, and shall take special care to assure that employees subject to their supervision are informed of the provisions of this waiver.

6. Operations may be conducted pursuant to the provisions of 49 CFR 213.11 providing for continuous supervision of track.

## D. SPECIAL TERMS &amp; CONDITIONS (HAZARDOUS MATERIALS)

1. Placarded cars transporting a hazardous commodity shall be routed over track that complies with the track safety standards, including track of another railroad, to minimize mileage of operation over substandard track that does not comply with Class I standards. This is to be done regardless of the number of additional movement miles which might be required over track which complies with the track safety standards. The movement of hazardous materials shall be made over the physical route which provides the least total movement miles over the substandard track. In no case may a car loaded with hazardous materials be moved if the shipper requires a route which will increase the

total movement of that car over substandard track when compared with any alternate route.

2. Daily or prior to each movement over track that does not comply with Class I standards, a person designated under 49 CFR 213.7(a) must inspect that track and certify in writing his opinion that the track is safe for movement of hazardous materials at the maximum allowable operating speed of 8 or 6 m.p.h., as the case may be under clause (c) (2) of this waiver.

3. A car whose total weight, when loaded with a hazardous material, is more than 263,000 pounds, may not be operated over track that does not comply with Class I standards unless:

(a) The movement does not exceed 6 m.p.h.,

(b) The track is inspected immediately prior to each movement and certified in writing safe for the intended movement, and

(c) All movements on adjacent tracks are stopped until the passage of placarded cars is completed.

4. Each movement must comply in all other respects with all terms and conditions of this order.

5. The Associate Administrator for Safety is authorized to issue special approvals and impose additional conditions for all other movements of hazardous materials upon request. A request must set forth the nature of the relief requested, the circumstances of the intended movement, and describe any additional operating restrictions considered necessary for safe transportation.

This waiver will supersede all prior orders issued in this matter and will become effective in ten (10) days. Until that date, all prior orders remain in effect.

This order has the effect of regulation and in the event of any noncompliance with the provisions of this waiver or in the event of any failure to adhere to the schedule of restoration as required by Part B of this waiver, the FRA may revoke the waiver, or invoke the penalty provisions of (45 U.S.C. 438), or both.

D. W. BENNETT,  
Hearing Officer Chief Counsel,  
Federal Railroad Administration.  
FEBRUARY 25, 1974.  
[FR Doc.74-4747 Filed 2-27-74; 8:45 am]

National Highway Traffic Safety Administration  
LOWER CONTROL ARM—FORD MOTOR COMPANY VEHICLES

## Public Proceeding: Defects Investigation and Determinations

The public proceeding in the above matter announced by notice published in the FEDERAL REGISTER on February 7, 1974 (39 FR 4943), will be held on March 20, 1974, rather than February 20, 1974, as originally scheduled. Requests for an extension have been received from the Center for Auto Safety and the Insurance Institute for Highway Safety. The

address and time of the proceeding remain the same: Room 6200, 400 Seventh Street, SW., Washington, D.C., at 10:00 a.m. Persons wishing to make oral presentation should notify the agency by the close of business (4:15 p.m.) on March 18, 1974.

(Sec. 112, 113, Pub. L. 89-583, 80 Stat. 718 (15 U.S.C. 1401, 1402); delegation of authority at 49 CFR 1.51)

Issued on February 22, 1974.

JAMES B. GREGORY,  
Administrator.

[FR Doc.74-4768 Filed 2-25-74; 4:06 pm]

[Docket No. EX74-1; Notice 1]

## STUTZ MOTOR CAR OF AMERICA, INC.

## Petition for Temporary Exemption

Stutz Motor Car of America, Inc. of New York City has applied for a temporary exemption from Motor Vehicle Safety Standard No. 215 Exterior Protection, on the basis that compliance would cause it substantial economic hardship.

Stutz manufactured 26 passenger cars in 1973. It requests an exemption from Standard No. 215 for three years. In support of its petition Stutz states that in its opinion it

"... is in compliance with the standard except the possibility of not being able to open the hood after impact due to the possibility of the brass radiator shell jamming the hood or hood release in a closed position. It believes that all other safety related components such as lights, door opening, trunk opening, exhaust system and cooling system will remain in conformity with the standard."

Petitioner submits a list of components that would have to be modified to meet the standard and states that "the cost to modify the automobile would exceed all the funds the Company has". Further, such a modification might add sufficient weight to the vehicle that it would require recertification by EPA. Although the company had total assets of approximately \$1,000,000 at the end of 1973, it suffered a loss of over \$110,000 for the second half of last year. It plans to conform by December 31, 1976 using the funds generated by sales between now and then to "implement the necessary styling and design requirements". As the Stutz is basically a conversion of a Pontiac Grand Prix, petitioner could not determine the extent of its compliance problems with Standard No. 215 until it took actual delivery of the redesigned 1973 Grand Prix, and reengineered its car around it.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Stutz Motor Car described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW.,

## NOTICES

Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: April 1, 1974.  
Proposed effective date: Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159, (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on February 25, 1974.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.74-4769 Filed 2-27-74; 8:45 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO.  
ET AL.

## Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission has issued Facility Operating License No. DPR-49 to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative authorizing operation of the Duane Arnold Energy Center in accordance with the provisions of the license and the Technical Specifications. The steady state reactor core power levels authorized by the license shall not exceed 1658 megawatts thermal. The Duane Arnold Energy Center is a boiling water nuclear reactor located at the licensee's site near Palo in Linn County, Iowa.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on June 21, 2010.

A copy of (1) Facility Operating License No. DPR-49, complete with Technical Specifications (Appendices "A" and "B"); (2) the report of the Advisory Committee on Reactor Safeguards, dated March 13, 1973; (3) the Directorate of Licensing's Safety Evaluation, dated January 1973; (4) Supplement No. 1 to the Safety Evaluation, dated March 2, 1973; (5) Supplement No. 2 to the Safety Evaluation, dated April 9, 1973; (6) Supplement No. 3 to the Safety Evaluation,

dated February 20, 1974; (7) the Final Safety Analysis Report and amendments thereto; (8) the applicants' Environmental Report, dated April 1971, revised November 1971, and supplements thereto; (9) the Draft Environmental Statement, dated November 1972; and (10) the Final Environmental Statement, dated March 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and at the Reference Service, Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of the license and the Safety Evaluation and Supplements thereto may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 22nd day of February, 1974.

For the Atomic Energy Commission.

RAYMOND R. POWELL,  
Acting Chief, Light Water Reactors Projects Branch 1-2,  
Directorate of Licensing.

[FR Doc.74-4754 Filed 2-27-74; 8:45 am]

[Docket Nos. 50-275 OL, 50-323 OL]

## PACIFIC GAS AND ELECTRIC CO.

## Notice of Special Prehearing Conference

In the matter of Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2).

By date of December 14, 1973, and January 25, 1974, the Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene, issued two memorandums and order (as well as a notice of hearing on issuance of facility operating licenses), which ruled that the following petitioners are admitted as parties to this proceeding:

1. The State of California Public Utilities Commission (California);
2. Scenic Shoreline Preservation Conference, Inc., (Scenic Shoreline);
3. Elizabeth E. Apfelberg and Sandra A. Silver, as individuals and representing San Luis Obispo Mothers For Peace (Mothers); and
4. John J. Forster and Lonnie Valentine, as individuals and representing Ecology Action Club of California Polytechnic State University, San Luis Obispo (Ecology Action).

In accordance with 10 CFR 2.751a, a special prehearing conference will be held on March 26, 1974, at 10:00 a.m., local time, at the Gold Room, The Royal Inn, 214 Madonna Road, San Luis Obispo, California. The purpose of the conference is to:

- (1) Permit identification of the key issues in the proceeding;
- (2) Take any steps necessary for further identification of the issues; and
- (3) In accordance with (1) and (2) the Board will hear additional information concerning the contentions in order to rule on each contention in its order issued subsequent to the prehearing conference.

(4) The parties will also be requested to state what interests they have in discovery, if any.

(5) Establish a schedule for further actions in the proceeding including but not limited to either direct or telephone conferences.

The public is welcome to attend the prehearing conference. No limited appearance statements will be accepted until the evidentiary hearing at a later date. Limited appearance statements at that time will be limited to five (5) minutes but 20 copies of written material may be submitted without limitation in length for inclusion in the record.

It is so ordered.

Issued at Washington, D.C., this 25th day of February 1974.

The Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,  
Chairman.

[FR Doc.74-4669 Filed 2-27-74; 8:45 am]

[Docket Nos. 50-448 and 50-449]

## POTOMAC ELECTRIC POWER CO.

## Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman  
Dr. John H. Buck, Member  
William C. Farler, Member

Dated: February 22, 1974.

MARGARET E. DU FLO,  
Secretary to the Appeal Board.

[FR Doc.74-4755 Filed 2-27-74; 8:45 am]

[Construction Permit Nos. CPPR-77—CPPR-78]

## VIRGINIA ELECTRIC AND POWER CO.

## Notice and Order for Evidentiary Hearing

In the matter of Virginia Electric and Power Co. (North Anna Power Station Units 1 and 2) construction permit Nos. CPPR-77, CPPR-78.

Take Notice, and it is Hereby Ordered in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Atomic Energy Commission that an Evidentiary Hearing in the above-captioned proceeding shall convene at 10:00 a.m. local time on Wednesday, March 20, 1974, in Circuit Courtroom, Louisa County Courthouse, Louisa, Virginia 23093.

At a Prehearing Conference called by this Board, held on February 11, 1974, in Fredericksburg, Virginia, a schedule for this proceeding, including the first day of Evidentiary session, was agreed to by the parties and approved by the Board. In accordance with said schedule all persons having filed a request for limited appearance will be afforded an opportunity to place their comments and views into the record commencing at 9:30 a.m., March 21, 1974, the second day of the hearing. In order to conserve time, the



Board will accept written comments for the record from such participants in lieu of oral comments or in supplement of such oral comments.

The following general agenda will be followed.

- (1) Preliminary matters by the Board.
- (2) Preliminary matters by parties.
- (3) Consideration of stipulations, if any.
- (4) Opening statements of parties.
- (5) Limited appearances—commencing on March 21, 1974.
- (6) Introduction of testimony.
- (7) Questioning of witnesses by Board members.
- (8) Closing matters.

It is so ordered.

Issued at Washington D.C., this 25th day of February 1974.

ATOMIC SAFETY AND LICENSING BOARD,  
JOHN B. FARMAKIDES,  
Chairman.

[FR Doc.74-4756 Filed 2-27-74;8:45 am]

[Docket No. 50-460]

#### WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Receipt of Application for Construction Permit and Facility License and Availability of Applicant's Environmental Report

Washington Public Power Supply System (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed October 18, 1973, for authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor. The application was tendered on July 16, 1973. Following a preliminary review for completeness, the application was rejected on August 20, 1973, for lack of sufficient information. The applicant submitted additional information on October 1, 1973, and the application was found to be acceptable for docketing. Docket No. 50-460 has been assigned to the application and it should be referenced in any correspondence relating to the application.

The proposed nuclear facility, designated by the applicant as the WPPSS Nuclear Project No. 1, is located on the applicant's site in Benton County, Washington, and is designed for initial operation at approximately 3619 megawatts thermal, and a net electrical output of approximately 1206 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 19, 1974. The request should be filed in connection with Docket No. 50-460-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated October 15, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations, and at the Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504 and the Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Washington 99352.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 14th day of December, 1973.

For the Atomic Energy Commission.

A. SCHWENGER,  
Chief, Light Water Reactors,  
Branch 2-3, Directorate of  
Licensing.

[FR Doc.73-27005 Filed 12-20-73;8:45 am]

#### CIVIL AERONAUTICS BOARD

[Docket No. 25280, 25513; Order 74-2-91]

#### INTERNATIONAL AIR TRANSPORT ASSOCIATION

##### Order Regarding Increased Fuel Costs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22nd day of February 1974.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements adopted at the Singapore

Traffic Conferences, and by mail vote, have been assigned the above-designated C.A.B. agreement numbers.

By Order 74-2-50 dated February 14, 1974, the Board established procedural dates for the submission of carrier justification and comments of interested persons on an IATA agreement which would increase passenger fares and cargo rates in various world areas by seven percent across-the-board because of continued escalation in the price of fuel.

The instant agreements would have the effect of applying this proposed fuel-related increase to other world areas. Passenger fares intended for application on or after March 15, 1974, would be increased by seven percent across-the-board for travel within Asia/Australasia, between Europe and Asia, and over the North/Central and South Pacific. For travel to and from Japan the increase would be 3 percent on all first-class and economy fares and seven percent on all promotional fares while the amount of increase on travel to the Western Hemisphere commencing in Australia would be held to a maximum of three percent. The above fare increases are proposed to remain in effect through March 31, 1975.

Cargo rates within Asia/Australasia, between Europe and Asia and over the North/Central and South Pacific routes would be increased by seven percent across-the-board and intended for application on all rates on or after March 1, 1974. Rates for cargo originating in Australia would be held to a maximum increase of three percent. These increases are proposed to remain in effect through September 30, 1975.

The purpose of this order is to establish procedures for the receipt of justification by the carriers and comments of interested persons in the interest of a prompt disposition of the agreement. Accordingly, all U.S. carrier members of IATA are directed to file within seven days of the date of this order, full economic justification in support of the agreement, including past, present and future identifiable contractual fuel costs. We also expect the carriers to provide profit and loss statements, both with and without the proposed increases, based on the present fares/rates and those proposed for 1974.

The Board would welcome comments from the foreign-flag carriers as well, which, along with those of other interested persons, should likewise be submitted within seven days from the date of this order.

Accordingly, it is ordered, That:

1. All United States air carrier members of the International Air Transport Association shall file within seven calendar days of this order full documentation and economic justification in support of the proposed fare and rate increases embodied in the subject agreements; and

2. Comments and/or objections from interested persons shall be submitted within seven days after the date of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-4756 Filed 2-27-74;8:45 am]

[Docket Nos. 26057, 26075; Order 74-2-94]

#### ALITALIA, ET AL

##### Order Approving Agreement of Joint Application

Issued under delegated authority February 21, 1974.

By Order 73-11-34, November 8, 1973, the Board authorized United States and foreign-flag air carriers providing international scheduled air services to and from the United States to engage in discussions looking toward agreements on schedule adjustments, capacity limitation, and consolidation of operations in foreign air transportation.

Pursuant to that order, discussions have been held, inter alia, among the air carriers of the United States and Italy which provide scheduled services between these two countries. Such discussions were held on December 14, 1973 in Washington, D.C. As a result of such discussions, an agreement on frequency reductions in several United States-Italy city-pair markets has been reached.

Under the agreement, the carriers propose to revise their scheduled frequency levels per week in the scheduled non-stop and one-stop service between the U.S. and Italy as follows: In the New York-Milan market, TWA and Alitalia will each reduce their current nonstop round trip weekly schedules from seven to five; in the Boston-Rome market, Alitalia will reduce its current nonstop round trip weekly schedules from three to two, and Pan American will discontinue all three of its current nonstop round trip flights; and in the Chicago-Milan market, Alitalia will reduce its current nonstop round trip weekly schedules from four to three. Additionally, in the New York-Rome market, Pan American, while maintaining its current round trip weekly schedules of seven nonstop and seven one-stop flights, will substitute wide-body aircraft for narrow-body aircraft on its one-stop flight schedules on the Paris-Rome segment of its New York-Rome service.

The agreement further provides that the carriers may operate extra sections for operational reasons or unusual demand. Wide-body equipment may be substituted for narrow-body equipment for operational reasons on an irregular and infrequent basis.

By its terms, the agreement provides that the specified service alterations would be implemented subject to prior Board approval on January 7, 1974 and

A transcript of the meeting in Washington, D.C. has been filed with the Board in Dockets 26057 and 26075 as required by Order 73-11-34.

Extra sections of flights and substitutions of equipment are not to be published, advertised, or otherwise held out to the public.

terminated on March 31, 1974. In the event of a cessation or curtailment of service by any of the parties resulting from a labor dispute or other cause beyond the control of that party, the limitations of the agreement will be suspended during the period of such cessation or curtailment.

In addition to seeking approval of the agreement, the carriers request a waiver of the recent amendment to the Board's Procedural Regulations, PR 138, which would otherwise require 21 days for answers to the application. Also the carriers request an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, and all regulations enacted in pursuance thereof, to the extent necessary to permit implementation of the agreement without 10 days' prior notice to the Postmaster General.

No comments in opposition to Agreement CAB 24164 have been filed.

In support of their requests, the carriers state that the agreements provide for service reductions which are compelled by the shortage of fuel, and that each of the three agreement carriers is experiencing shortages of fuel now, and anticipates continued shortages through the 1973/1974 winter provided for in this agreement. The applicants state that the agreement provides for significant savings in fuel consumption; for a better pattern of services for the traveling public than might result from uncoordinated cutbacks by insuring that each market will retain as much as is reasonably possible under the circumstances; and for better adjustment of the reduced fuel utilization levels to the needs of the traveling public.

The air transportation industry is still faced with a critical shortage of fuel. As a result, Pan American, TWA, and Alitalia must cut back on the fuel consumption.

Alitalia's reduction of four nonstop round trips between the U.S. and Europe will also result in the "pull-down" of four one-stop round trips as follows: Two between New York and Rome, from seven to five; one between Philadelphia and Rome, discontinuing the service; and one between Chicago and Rome, from four to three. Pan American's reduction of three nonstop round trips between Boston and Rome will also result in the "pull-down" of three one-stop round trips between Philadelphia and Rome. However, Pan American proposes to add five weekly round trips between Philadelphia and New York.

The carriers state that as a result of variations in fuel availability among the various suppliers, and in different localities, and in view of the fact that shortages exist on both sides of the Atlantic, actual operations may well be below the 1972 level.

The carriers estimate that Pan American will save a net amount of 42,713 gallons per week; TWA will save 61,200 gallons per week; and Alitalia will save 175,300 gallons per week.

The carriers estimate the seat load factors on nonstop flights will increase as a result of the agreements as follows: New York-Milan, from 39 percent to 55 percent; Boston-Rome, from 27 percent to 41 percent; Chicago-Milan, from 25 percent to 33 percent; Boston-Milan nonstop service will remain the same at 53 percent.

tion on international services. In order to meet the cutback levels, the carriers must make fuel-saving adjustments to their schedules. The Board is concerned that reduction in capacity solely as a result of unilateral schedule adjustments may result in cutbacks necessitated by the fuel situation in a manner which does not, under the circumstances, provide the best practicable service to the public. The Board believes that reductions in capacity pursuant to carrier agreements, which are carefully monitored by the Board, will help to provide the public with optimum service. Such agreements can provide the means by which available capacity is operated under schedules that provide the public with the most convenient service practicable under the circumstances, and, in the Board's view, will best serve the public interest.

Based on the foregoing, it is concluded that the agreement (CAB 24164) among Pan American, TWA, and Alitalia with respect to the scheduled service between the United States and Italy should be approved subject to certain conditions. The service proposed in this agreement reasonably satisfies the needs of the traveling public as well as saving large amounts of fuel. The United States-Italy market is characterized by a multiplicity of frequencies which have experienced low load factors in the past, and, under the agreement, are estimated by the carriers to result generally in substantial load factor increases. Under these circumstances the traveling public will continue to receive an adequate frequency of service and the carrier will be a step closer toward reaching their available fuel levels.

The Board has repeatedly stated that the transfer of freed capacity to non-agreement markets will not be tolerated. Moreover, in accordance with our prior orders, and in order to effectively monitor the implementation of this agreement jurisdiction will be retained, pursuant to section 412 of the Act, for the purpose of modifying, amending or revoking our approval of the agreement at any future date. Furthermore, each party to the agreement will be required separately to report within 15 days after the end of each month any schedule changes in the U.S.-Italy markets during the term of the agreement (see Appendix A.)

Consideration has been given to the implication of the proposed agreement

Order 74-1-111, January 23, 1974.

See footnote 7 supra.

Likewise, it does not appear that our action here will significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act, since the carriers will have to reduce their schedules in any event because of the fuel shortage. Our action herein merely helps to insure that such reductions will be accomplished in a rational manner.

American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., Order 73-10-110, supra.

Such reports will enable the Board to analyze such schedule change(s) to insure that freed capacity is not being unnecessarily shifted to non-agreement markets.

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on Pan American's and TWA's employees. For the reasons detailed at length in Order 73-12-32, December 7, 1973, which are equally applicable herein, it is concluded that the public interest does not require the imposition of any labor protective conditions.

It is further found that enforcement of section 405(b) of the Act, requiring 10 days' notice of schedule changes to the Postmaster General, would be an undue burden upon the air carrier applicants by reason of the limited extent of, and unusual circumstances affecting their operations and is not in the public interest, particularly in light of the inability of the air carriers to procure fuel. In view of the fact that more than 21 days have elapsed since the filing of the application herein on January 10, 1974, applicant's request for waiver of the Board's Procedural Regulations, PR-138,<sup>12</sup> allowing 21 days for answer to the application, will be dismissed as moot.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that the capacity reduction agreement discussed herein is not adverse to the public interest nor in violation of the Act and should be approved subject to the conditions stated herein; that the air carriers' request for an exemption from the provisions of section 405(b) of the Act and any regulations made pursuant thereto, should be approved to the extent necessary to permit the filing of schedules on less than 10 days' notice to the Postmaster General and to the Board; and that the applicant carriers' request for waiver of the Board's Procedural Regulations PR-138 should be dismissed.<sup>13</sup>

Accordingly, it is ordered, That:

1. Agreement CAB 24164 be and it hereby is approved pursuant to section 412 of the Act, subject to the following conditions:

(a) Jurisdiction shall be retained to modify, amend or revoke approval at any time, or take whatever other action may be deemed appropriate;

(b) Schedule deletions resulting pursuant to the agreement herein approved which occur at any of the controlled high-density airports<sup>14</sup> and which result in the vacating of slots allocated by the Airline Scheduling Committees of the respective airports pursuant to authority granted in Order 72-11-72, shall not be refilled by the carriers by the Airline Scheduling Committees: *Provided, however*, That slots originally vacated may be reinstated in the same agreement

<sup>12</sup> Rule 1608, Part 302.

<sup>13</sup> It is further found, pursuant to 14 CFR 385.6, that the action taken herein is governed by prior Board precedent and policy, and that immediate action is required in light of the fuel shortage. Therefore, it is determined that the filing of petitions for review of this order will not preclude this order from becoming effective immediately.

<sup>14</sup> Airport scheduling agreements affect John F. Kennedy International Airport, O'Hare International Airport, Washington National Airport, and La Guardia Airport.

market by the vacating carrier to the extent such carrier vacates another flight (at the same airport) which operates plus or minus three hours of the flight to be reinstated;<sup>15</sup>

(c) Any schedule changes resulting pursuant to the agreement herein approved shall be reported to the Board within 15 days after the end of each month in accordance with the format of Appendix A;<sup>16</sup> copies of such reports shall be provided to all carriers requesting them;

2. Within 28 days hereafter, each carrier shall file within the Board's Docket Section, and shall provide to each carrier requesting one, a report containing the following additional data for the United States-Italy markets herein:

- Seats operated in 1972/1973 (November through April).
- Passengers carried in 1972/1973.
- Forecast passengers in 1973/1974.
- Projected seats in 1973/1974.
- Equipment type to be operated in the market.
- Calculations in developing fuel savings for this market.

<sup>15</sup> Order 73-12-32, supra.

<sup>16</sup> As previously required of TWA and Pan American by Order 73-10-110, (as amended by Order 73-12-32) supra; and by Orders 74-1-34, and 74-1-111, supra, the air carriers shall separately file with the Board's Docket Section a report stating, on a system-wide basis, average seat miles operated per gallon of fuel used, by type of equipment and shall maintain records, subject to inspection by the Board or by such other persons as the Board may authorize, detailing the fuel used each month, throughout its system, on a city-pair and flight-by-flight basis (including charter operations).

#### APPENDIX A

	Type of equipment				
	2-engine	3-engine narrow body	4-engine narrow body	3-engine wide body	4-engine wide body
Agreement market(s)					
Nonagreement market(s)					

[FR Doc.74-4601 Filed 2-27-74;8:45 am]

[Docket No. 26350]

#### SITMAR CRUISES, INC.

Notice of Reassignment of Hearing Regarding Foreign Air Carrier Permit; Indirect Foreign Air Transportation of Persons and Baggage

The hearing in this proceeding, heretofore assigned to be held before Administrative Law Judge Greer M. Murphy on March 5, 1974, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington,

g. 1972/1973 fuel use by month for the system of each carrier.

h. 1972/1973 fuel use by month in the agreement market.

3. Pan American and TWA be and they hereby are relieved from the provisions of section 405(b) of the Act, and from all regulations enacted in pursuance thereof, to the extent necessary to permit the implementation of the subject modifications without 10 days' prior notice to the Postmaster General;

4. The request of the applicants for waiver of the recent amendment to the Board's Procedural Regulation PR-138, which would otherwise permit 21 days for answers to this application, be and it hereby is dismissed; and

5. Copies of the order shall be served on the Departments of Defense, Justice and Transportation; the U.S. Postal Service; the Port Authority of New York and New Jersey; Massachusetts Port Authority; City of Chicago, Department of Aviation; City of Philadelphia, Department of Commerce, Director of Aviation, and all certificated route and supplemental air carriers.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within seven days after the date of service of this order.

This order shall be effective immediately and the filing of a petition for review shall not preclude such effectiveness.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

D.C. (39 FR 4940, February 8, 1974), is hereby reassigned to be held before Administrative Law Judge Milton H. Shapiro at the same time and place. Future communications concerning the proceeding should be addressed to Judge Shapiro.

Dated at Washington, D.C., February 22, 1974.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.

[FR Doc.74-4760 Filed 2-27-74;8:45 am]

[Docket No. 26166]

#### TEXAS INTERNATIONAL AIRLINES, INC. Notice of Prehearing Conference Regarding Deletion of Big Spring, Texas

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 27, 1974, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before March 13, 1974, and the other parties on or before March 21, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 25, 1974.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.  
[FR Doc.74-4759 Filed 2-27-74;8:45 am]

#### CONSUMER PRODUCT SAFETY COMMISSION FIRE HAZARDS ASSOCIATED WITH ELECTRICAL WIRING SYSTEMS UTILIZING ALUMINUM CONDUCTORS

##### Notice of Public Hearings

Notice is hereby given that a public hearing will be held on Wednesday and Thursday, March 27th and 28th, 1974, at 10 a.m. in the Department of Agriculture Auditorium, 14th St. & Independence Ave., NW., Washington, D.C., to discuss the safety aspects related to residential electrical wiring systems utilizing aluminum conductors. This includes aluminum wiring, connectors, terminal plates, and other current-carrying parts. A second public hearing on the same subject will be held at 10 a.m. on April 15th and 16th in Los Angeles, California, at the Los Angeles Convention Center, 1201 So. Figueroa and Pico Streets, Room 211.

These hearings will be held pursuant to section 27(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1227; (15 U.S.C. 2076(a))).

The Consumer Product Safety Commission is aware that numerous house fires have been ascribed to the use of aluminum conductors in branch circuits. The Commission has received information that indicates many of these fires have been caused as a result of overheated terminals involving aluminum wiring and a receptacle or switch. Further, it appears that the incidence of

dangerous overheating involving aluminum conductors is greater than for copper conductors.

The Commission believes, based on the reports it has received and on the potential dangers presented by overheated electrical connections, that consumers may be subjected to unreasonable risks of injury associated with aluminum conductors used in residential electrical wiring systems. In an effort to fully understand all dimensions of the problem, the Commission wants the views of the public as to (1) the consumer's perception of the problem and alternative solutions and (2) the relationship between the potential hazards of aluminum conductor connections and their design, construction, materials, technology, and similar factors.

The hearing will concern itself with: (1) Aluminum wiring connections in residential electrical branch circuits including but not limited to 15-ampere and 20-ampere circuits.

(2) Aluminum conductor connections from service entrance to the branch circuits.

(3) Factors contributing to the performance of aluminum electrical connections in residences, including the wire (or conductor) materials and the types of connectors (wire-binding screw, push-in terminal, pressure wire connector, etc.).

(4) Environmental considerations.

(5) The standards covering methods, practices, and workmanship in the installation of aluminum conductors.

(6) The extent of reports concerning fire and overheating involving aluminum conductors in residential electric wiring.

(7) Any other pertinent information pertaining to aluminum conductor safety.

Equally important, information relevant to the following questions is also solicited:

(1) Information and Remedies for Residents. What factual information concerning the hazards and the remedies associated with aluminum conductors should be disseminated to owners and occupants of residences using such conductors? What costs should the consumer absorb to effect a given remedy?

(2) Replacement of Devices. Are the potential dangers such that certain wiring devices incorporating aluminum conductors should be replaced with newer, improved types of devices?

(3) New Methods and Materials. Are there measures (including codes, standards, materials, and installation practices) now employed in the use of aluminum conductor connections in residences which would permit continued installation of aluminum conductors without unreasonable risk to the consumer?

(4) Locations of Installations. How can installations incorporating suspect aluminum wiring connections be located and what is the estimate of the number of suspect installations?

Individual consumers, representatives of industry (including manufacturers of materials involved in conductor connec-

tions), testing laboratories, the scientific community, local and Federal government, consumer organizations, and other interested persons are invited to submit information on the issues raised in this notice and to attend the hearings. The views of individual consumers are particularly sought.

Anyone who wishes to attend the hearings should write or call Mr. R. D. Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 496-7197. Those who wish to make a formal presentation are requested to submit a copy or outline of their presentation and the amount of time requested for such presentation by March 20 for the hearing in D.C. and April 1 for the hearing in L.A. Persons unable to attend the hearings but who wish to present written comments for the Commission's consideration are invited to do so. Written material should be accompanied by a summary of not more than 250 words. All comments should be received by Mr. Early no later than the close of business March 20 for the hearing in Washington, D.C., and April 1 for the hearing in Los Angeles.

In the event that the space available for the hearings cannot accommodate all who wish to attend, admission will be determined according to the date on which the request for attendance is received.

Dated: February 22, 1974.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc.74-4664 Filed 2-27-74;8:45 am]

#### SAFETY SPECIFICATIONS FOR BICYCLES

##### Notice of Meeting

Notice is given that a meeting will be held on Tuesday, March 5, 1974, at 10 a.m., in room 235, 5401 Westbard Avenue, Bethesda, Md., between members of the Bicycle Manufacturers Association Committee and staff of the Consumer Product Safety Commission, Bureau of Engineering Sciences, to discuss bicycle specifications in regard to regulations the Commission contemplates promulgating to ban hazardous bicycles intended for use by children and to establish safety requirements for certain bicycles intended for use by children under 16 years of age.

Persons interested in attending the meeting are requested to contact Mr. Russ Smith, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (phone (301) 496-7197).

Dated: February 25, 1974.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc.74-4743 Filed 2-27-74;8:45 am]

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# ENVIRONMENTAL PROTECTION AGENCY

## MINNESOTA AIR QUALITY IMPLEMENTATION PLAN

### Notice of Postponement of Public Hearing

On February 4, 1974 (39 FR 4503), notice was given that a public hearing under section 110(f) of the Clean Air Act would be held on March 26, 1974, in Duluth, Minnesota, to consider the postponement of applicable requirements of the State of Minnesota Implementation Plan to Achieve and Maintain Air Quality Standards as applied to the kraft pulp and paper mill located in International Falls, Minnesota, owned and operated by the Boise Cascade Corporation. Notice is hereby given that the hearing will be held on April 2, 1974, beginning at 9:30 a.m. local time at the United States District Court, 515 West 1st Street, Duluth, Minnesota.

Dated: February 25, 1974.

ALAN G. KIRK III,  
Assistant Administrator for  
Enforcement and General Counsel.

[FR Doc.74-4783 Filed 2-27-74; 8:45 am]

[OPP-32000/14]

### RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

#### Data To Be Considered in Support of Applications

##### Correction

In FR Doc. 74-4270 appearing in the issue of February 25, 1974, the figure "9781" on page 7198, second column, 13th line from the top should read "9782".

[OPP-32000/17]

### RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

#### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before April 29, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such

## NOTICES

claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the sixty-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within sixty days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 29, 1974.

#### APPLICATIONS RECEIVED

EPA File Symbol 3658-UU. The Dolphin Paint & Chemical Co., 922 Locust St., Toledo, Ohio 43603. No. 9143 Copper Bronze Bottom Paint. Active Ingredients: Copper as Metallic 28.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 779-OU, Faesy & Besthoff, Inc., 143 River Road, Edgewater, N.J. 07020. F&B Methoxychlor 50% Wettable Powder. Active Ingredients: Methoxychlor, technical 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1124-TO. Purex Corporation, 24600 South Main Street, Carson, California 90745. Franklin Sani-Turge 128. Active Ingredients: Octyl decyl dimethyl ammonium chloride 4.50%; Diethyl dimethyl ammonium chloride 2.25%; Didecyl dimethyl ammonium chloride 2.25%; Tetrasodium ethylenediamine tetraacetate 2.40%; Isopropyl alcohol 3.60%. Method of support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 201-GAT. Shell Chemical Company, Agricultural Division, Suite 300-1700 K Street, NW., Washington, D.C. 20006. Vandez Miticide. Active Ingredients: Hexakis (beta,betadimethylphenethyl) - distannoxane 97%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 507-RI. Unit Chemical Corporation, 4161 Redwood Avenue, Los Angeles, California 90068. Surgikleen. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (88% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7885-GI. Zoe Chemical Co., 1801 Falmouth Ave., New Hyde Park, New York 11040. Zoe Pine Cented Magic Bird Mist. Active Ingredients: Pyrethrins 0.090%; Technical Piperonyl Butoxide 0.180%; N-Octyl Bicycloheptene Dicarboximide 0.300%; Petroleum Distillates 0.430%; Triethylene Glycol 0.075%; Dipropylene Glycol 0.075%; Pine Oil 0.075%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7885-GO. Zoe Chemical Co., 1801 Falmouth Ave., New Hyde Park, New York 11040. Zoe Hamster Spray Mist. Active Ingredients: Pyrethrins 0.045%; Technical Piperonyl Butoxide 0.090%; N-Octyl Bicycloheptene Dicarboximide 0.150%; Petroleum Distillates 0.215%; Propylene Glycol 0.075%; Triethylene Glycol 0.075%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7885-DN. Zoe Chemical Co., 1801 Falmouth Ave., New Hyde Park, New York 11040. Zoe Gerbil and White Mice Spray Mist. Active Ingredients: Pyrethrins 0.045%; Technical Piperonyl Butoxide 0.090%; N-Octyl Bicycloheptene Dicarboximide 0.150%; Petroleum Distillates 0.215%; Propylene Glycol 0.075%; Triethylene Glycol 0.075%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: February 19, 1974.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.74-4394 Filed 2-27-74; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

### HERTZ BROADCASTING AND JOHNSTON BROADCASTING CO.

#### Memorandum Opinion and Order Enlarging Issues

In regards to applications of Hertz Broadcasting of Birmingham, Inc. (WENN and WENN-FM) Birmingham, Alabama, Docket No. 19874 File No. BR-2875 and BRH-2454; for renewal of license; Johnston Broadcasting Company (WJLD and WJLN(FM)) Birmingham, Alabama, Docket No. 19875 File No. BR-1174, BRH-328 and BRSCA-970 for renewal of license (Main and SCA).

1. The Commission designated the applications of Hertz Broadcasting of Birmingham, Inc. and Johnston Broadcasting Company (Johnston) for hearing by Order and Notice of Apparent Liability, FCC 73-1195 (38 FR 33322), published December 3, 1972. Presently before the Review Board is a petition to enlarge issues, filed December 18, 1973, by Johnston requesting addition of an issue to permit the adduction of evidence relating to the meritorious programming and public service of its Station WJLD and WJLN(FM), Birmingham, Alabama, in order to mitigate six issues presently designated against it.\*

\*Also before the Review Board are the following related pleadings: (a) Broadcast Bureau's comments, filed January 4, 1974; and (b) reply, filed January 16, 1974, by Johnston.

The issues are designed to determine in pertinent part:

(d) \* \* \* whether the principals of Johnston bribed, coerced, paid or offered to pay a party to the proceeding or anyone else any consideration for filing with the Commission any complaint.

(f) \* \* \* whether the broadcast of certain announcements included advertisements for, or information concerning, a lottery.

(g) \* \* \* whether Johnston broadcast an advertisement or information concerning a lottery in violation of Title 18 U.S.C. Section 1304 (1964).

(r) \* \* \* all the facts and circumstances surrounding the applicant's procedures for maintaining program logs and ensuring that proper sponsorship identification announcements are made.

(s) \* \* \* whether Johnston violated Section 73.112 of the Commission's Rules concerning program logs.

(t) \* \* \* whether Johnston has violated Section 317 of the Act or Section 73.119 of the Rules concerning sponsorship identification.

2. Johnston first notes that although the Commission has traditionally permitted an applicant to show all aspects of its record of performance in order to mitigate any adverse findings which may be made under basic qualification issues,\* this general rule has been modified in order to preclude a showing of meritorious programming to mitigate "issues involving a degree of moral turpitude." In this connection Johnston concedes that one of the six issues, the bribery issue, could be construed in its "worst light" as involving such a degree of culpability as to render it unmitigable; however, Johnston argues the issue does not necessarily encompass moral turpitude; thus, if the evidence shows that Johnston was (a) in no way responsible for the filing of the complaint, or (b) that Johnston assisted (in the filing of the complaint which it reasonably and in good faith believed to be based upon facts, then meritorious programming should be allowed as a mitigating factor. With respect to all six issues in question, Johnston submits that the requested mitigation issue be construed as broad enough to allow evidence as to its meritorious public service. In addition to meritorious programming, Johnston admits that the Board rejected a similarly drawn issue in *Action Radio, Inc.*, FCC 72R-373, 25 RR 2d 1174 (1972), primarily because the addition of such a "boundless" issue would enhance the potential for dilatory conduct in the proceeding. However, Johnston argues this approach runs counter to that of the court in *Citizens Communications Center v. FCC*, 145 U.S. App. 32, 447 F. 2d 1201 (1971), in which it was specifically stated that a licensee's service should be judged by the extent to which the profits of the broadcaster have been "reinvested" in service to the public both in programming and other forms of public service. In any event, Johnston asserts that it would be willing to accept reasonable limitations on the number of witnesses and amount of time allowed to introduce evidence which the Administrative Law Judge believes appropriate to the "proper dispatch of business".

3. The Bureau has no objection to the addition of the requested meritorious programming issue to allow mitigation of issues pertaining to program logging and sponsorship identification. With respect to the bribery issue, however, the Bureau points out that an adverse resolution of that issue would necessarily result in finding that Johnston committed acts involving moral turpitude; consequently, the issue could not be mitigated under the Commission's reasoning in *KFPW Broadcasting Co., supra*. The two hypothetical resolutions suggested by Johnston would be tantamount to favorable resolution of the issue, the Bureau continues, and therefore, any mitigation would be unnecessary. The Bureau opposes expanding the issue to allow a showing of meritorious public service, arguing that Johnston has not shown how non-programming evidence is relevant or material to mitigation of adverse findings under issues relating directly to the operation of a broadcast station. Finally, the Bureau is of the view that mitigation of issues involving alleged violations of lottery laws would be inappropriate. Thus, the Bureau argues that it has "serious reservations about permitting evidence of meritorious programming to mitigate an act prohibited by a criminal statute in the U.S. Code." In reply, Johnston reiterates its argument that it is possible for the bribery issue to result in findings which are adverse to Johnston, but which are, nonetheless, mitigable. Similarly, petitioner argues that the Commission could find that the alleged carriage of a lottery was the result of innocent failure to recognize certain copy as constituting a lottery.

4. The Review Board will grant Johnston's request for addition of a meritorious programming issue insofar as it relates to all but the existing bribery issue. The Commission has clearly stated that, in its view, bribery constitutes an act which necessarily involves moral turpitude; as a consequence, the Commission has determined that an unfavorable resolution of a bribery issue reflects so adversely on the integrity of an applicant that a grant of its application would be inappropriate no matter how meritorious its past programming has been.\* Thus, Johnston's fear that it could be prejudiced by adverse findings which fall short of moral turpitude under the issue can be readily allayed. In contrast, even though the running of a lottery may constitute a violation of the federal criminal code, the Board is of the view that such an act does not necessarily involve the degree of culpable conduct which renders consideration of past programming inappropriate. Thus, as Johnston notes, the act could well be the result of negligence or misunderstanding of the elements of a lottery. Finally, Johnston's reliance upon *Citizens Communications Center v. FCC, supra*, for the proposition that the requested meritorious programming issue should encompass meritorious public service is misplaced; rather than delimiting the scope of such an issue, the Court's language upon which petitioner relies is a general discussion of the possible ill effects which could flow from a hypothetical failure to recognize "superior performance" in the renewal process.

\* 18 U.S.C. 1304 (1964).  
\* See *KFPW Broadcasting Co., supra*.  
The language upon which Johnston relies reads as follows: " \* \* \* if it is thus impossible for an incumbent to be reasonably confident of renewal when he renders superior performance, then an incumbent will be under an unfortunate temptation to lapse into mediocrity, to seek the protection of the crowd by eschewing the creative and the venturesome in programming and other forms of public service. 447 F. 2d at 1213. (Emphasis added)

Therefore, Johnston's request in this regard will be denied. See *Action Radio, Inc., supra*; *The Jack Straw Memorial Foundation*, 26 FCC 2d 97, 20 RR 2d 492 (1970).  
5. Accordingly, it is ordered, That the petition to enlarge issues, filed December 18, 1973, by Johnston Broadcasting Company, is granted to the extent indicated herein, and is denied in all other respects; and  
6. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue:  
To determine whether the past programming of stations WJLD and WJLN (FM) has been meritorious, particularly with regard to public service programs, so as to constitute a countervailing factor in the resolution of this case insofar as it relates to Issues (f), (g), (r), (s) and (t).  
7. It is further ordered, That the burdens of proceeding with the introduction of evidence and proof under the issue added herein shall be on Johnston Broadcasting Company.

Adopted: February 20, 1974.  
Released: February 22, 1974.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-4750 Filed 2-27-74; 8:45 am]

## FEDERAL MARITIME COMMISSION

### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

#### Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01014---	Robert Bornhofen Reederei: <i>Coronado</i> .
01103---	Poseldon Schiffahrt G.m.b.H.: <i>Lochengrin, Transcanada</i> .
01142---	Panama Barge Co.: <i>Panama</i> .
01144---	Suez Barge Co.: <i>Suez</i> .
01153---	Atlas Levante-Linie G.m.b.H.: <i>Cap Carmel</i> .
01212---	A/S Selvaagbygg: <i>Bertha Brovig</i> .
01217---	Interessentskapet Gas Master: <i>Gas Master</i> .
01304---	Furness Withy & Company Limited: <i>Cufic, Tropic</i> .
01306---	Shaw Savill & Albion Company Limited: <i>Britannic, Majestic</i> .
01330---	Shell Tankers (U.K.) Ltd.: <i>Marisa, Murex</i> .
01340---	Companie Auxiliaire de Navigation: <i>Datila</i> .
01354---	H. E. Hansen Tangen: <i>Sunrana</i> .
01421---	Bibby Line Limited: <i>Atlantic Bridge, Berkshire, Oxfordshire, Pacific Bridge, Wiltshire</i> .
01426---	Kuwait Shipping Company (S.A.K.): <i>Salimiah</i> .
01443---	Denholm Line Steamers Limited: <i>Mountpark</i> .
01465---	Scottish Ship Management Limited: <i>Temple Arch</i> .



Certificate No.	Owner/Operator and Vessels	Certificate No.	Owner/Operator and Vessels
01549...	Strick Line Limited: Nigaristan, Tabaristan.	04420...	Navigazione Alta Italia S.P.A.: Montello, Nai Drin.
01567...	Marero Compania Naviera S.A.: Captain Lemos.	04462...	Empresa Nacional "Elcano" de la Marina Mercante S.A.: Compostilla, Ribagorzana.
01641...	The Bank Line Limited: Levernbank.	04517...	Sanyo Gyogyo Kabushiki Kaisha: Sanyo Maru 5.
01718...	Stockholms Rederi AB Svea: Capella.	04565...	Consolidated Navigation Corporation: Constructor.
01871...	F. Scincariello: Pina.	04703...	Yokkaichi Enyo Gyogyo K.K.: Nanseimaruru No. 17.
01900...	Red Anchor Line Limited: Isabel Erica, Nils Melon.	04783...	Destiny Tankers Limited: Sea Griffin.
01991...	Malmros Rederi Aktiebolag: Crystal Sea, Paul Endacott, Pearl Sea.	04794...	Sea King Corporation: Grand Loyalty.
02197...	Matson Navigation Company: Hawaiian Morrist.	04885...	La Verendrye Line Ltd.: Eaglescliffe Hall, Westcliffe Hall.
02198...	The Peninsular & Oriental Steam Navigation Company: Nowshera.	04990...	Rederij M.S. "Arctic": Arctic.
02234...	Gulf Mississippi Marine Corporation: Gulf Fleet 180, Gulf Fleet 181.	05275...	Fluor Ocean Services, Inc.: DB 3.
02249...	Fisser & V. Doornum: Martha Fisher.	05281...	Siade Inc.: H.T. Co. No. 29.
02319...	A/R Seljan: Sveve.	05290...	Ocean Transport Lines, Inc.: Chilean Nitrate.
02341...	Royal Netherlands S/S Co.: Marathon, Siron.	05345...	L. Figueiredo Navegacao S/S: Sao Leopoldo, Sao Marcos.
02437...	(a) Alexander Shipping Co. Ltd.; (b) Houder Brothers & Co. Ltd.: Tenbury.	05500...	Petroleos Mexicanos: Salamanca.
02442...	Angfartygs Aktiebolaget Alfa: Newbury, Rhuys.	05546...	Silver Crest Shipping Co. S.A.: Panama: Silver Crest.
02458...	The China Navigation Co. Ltd.: Kweichow, Kweilin.	05584...	Oficina Naviera Commercial Ministerio de Marina: Ilo.
02488...	Regal Shipping Co., Inc.: Panama: Maritime King.	05620...	Sociedad de Navegacion Albion S.A.: Ekali.
02519...	S. A. Louis Dreyfus & Cie: Gerard L. D.	05838...	Kabushiki Kaisha Ichimaru: Shoyu Maru No. 8.
02526...	Vespucio Compania Armadora S.A.: Invicta.	05854...	Levin Metals Corporation: DE 441.
02527...	Astromarine Corporation: Asteri.	05947...	Kabushiki-Kaisha Yamaguchi Ken Gyogyo Kosha: Bochu Maru No. 3.
02528...	Marfel Compania Naviera S.A.: Cosmopolitan.	06376...	Cia Heriac de Navegacion S.A.: Kashima.
02558...	American Condor Steamship Corp.: Star.	06384...	Mercury Shipping Co., Ltd.: Mercury River, Mercury Sea.
02569...	Bournemouth Shipping Company, Limited: Bournemouth.	06564...	Alta Shipping Corporation: Rion.
02829...	Sociedad Naviera Pan-Europea, S.A.: Spring Water.	06616...	Twin Shipping Corporation: Twin Two.
02844...	Gloria Bahama, Ltd.: Zenith.	06722...	Cox Towing Corporation: Wildcat.
02874...	West India Industries, Inc.: Inagua Arrow, Inagua Rover.	06773...	Kaga Gyogyo: Kaifinmaru No. 8.
02890...	M & M Towing Company: Debbie Lee.	06853...	Shipping Company Knud I. Larsen: Svend Siv.
03216...	Rederaktiebolaget Rex: Biskop.	07025...	Norte Shipping Inc.: Cap Norte.
03284...	The Indo China Steam Navigation Co. Ltd.: Eastern Ranger, Eastern Rover.	07315...	Shipping Company Mijrecht NV: Mijrecht.
03305...	Grand Bassa Tankers Inc.: Cities Service Valley Forge.	07324...	Voleon Navigation Co. Ltd.: Atticos.
03467...	Nichiro Gyogyo K.K.: Akebono Maru No. 20, Kuroshio Maru No. 35.	07523...	Harbert Construction Corporation: David Vickers.
03492...	Sawayama Kisen K.K.: Sanyo Maru.	07529...	Cambridge Shipping Company Limited: Shomron.
03501...	Osaka Shosen Mitsui Senpaku K.K.: Matsudosa Maru.	07558...	Sildarvinnsian H. F.: Bjartur.
03532...	Zuisei Kaiun K.K.: Tajima Maru.	07562...	Begur Huginn H. F.: Vestman-naey.
03666...	Intercontinental Carriers, Inc.: Overseas Carrier.	07583...	Miofelli H. F.: Pal Palsson.
03672...	Helena Marine Service, Inc.: H.M.S. 105.	07599...	Partenrederi M/T. "Frisla".
03696...	Graham Towing Company: IMS-2005, IMS-2006.	07934...	Ship Operators of Florida, Inc.: Rosa.
03730...	Brown & Root, Inc.: Bar 283.	07942...	Solstad Rederi A/S: Lloyd Copenhagen, Soldrott.
03754...	Carbonari Societa' Per Azioni di Navigazione: Alberto, Annalisa, Carolina, Drin, Gino, Giovanna Lolli-Ghetti, Giuseppe, Luisa, Mara, Marcus, Maria Amelia, Mey, Noemi, Silvana.	07943...	Skips A/S Solhav & Co.: Concordia Fonn.
04037...	C. F. Bean Inc.: Barge No. 504, J. E. Jumonville, Mail Spud Barge No. 7.	07958...	Matsuoka Co., Ltd.: No. 105 Odae Yang.
04131...	Ocean Couriers, Inc.: Avenger.	08081...	Zapata Naess (Management) Limited: Anco Norness, Armand Hammer, Frances Hammer, Naess Courier, Naess Enterprise, Naess Leader, Naess Liberty, Naess Mariner, Naess Norseman, Naess Pride, Naess Ranger, Russell H. Green, Stolt Dragon, Stolt Norness, Stolt Sydness, Trachodon.
04173...	Foss Launch & Tug Company: Foss 265, Vanliner 275.	08223...	Cotton Corporation: MCL 790.

Certificate No.	Owner/Operator and Vessels
08431...	Etablissement Maritime Camille Vaduz/Liechtenstein: Camingoy.
08453...	A. Tarricone, Inc.: Chiara.

By the Commission.  
FRANCIS C. HURNEY,  
Secretary.  
[FR Doc. 74-4762 Filed 2-27-74; 8:45 am]

#### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

##### Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311 (b) (1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01019...	Hagb. Waage: Radny.
01027...	Flensburger Befrachtungskontor Uwe C. Hansen & Co.: Neptun.
01033...	Britain Steamship Company Limited: Hampshire.
01055...	Farrell Lines Incorporated: Austral Entente.
01072...	Kommanditselskapet AF 26.9.1966: Heering Christel.
01088...	Schulte & Bruns: Doberg, Rams-gate.
01103...	Poseidon Schiffahrt Gesellschaft Mit Beschränkter Haftung: Achill.
01106...	N.V. Stoomvaart-Maatschappij "Oostzee": Aalsum.
01107...	N.V. Stoomvaart-Maatschappij "Oostzee" (Curaca): Begonia, Gardania.
01113...	A/S J. Ludwig Mowinckels Rederi: Ogn.
01210...	A/S Brovigstank: Bertha Brovig.
01231...	Aktieselskapet Tonsbergs Haval-fangeri: Brisk.
01306...	Shaw Savill & Albion Company Limited: Canopic, Cedric, Ionic.
01330...	Shell Tankers (U.K.) Limited: Pomella.
01334...	American President Lines, Ltd.: President Johnson.
01425...	Johnston Warren Lines Limited: Cufic, Tropic.
01426...	Kuwait Shipping Company (S.A.K.): Ibn Khaldoun, All Salehiah.
01513...	Rederaktiebolaget Dalen: Stove Transport.
01547...	Costa Armatori S.P.A.: Italia.
01755...	Hugo Stinnes Zweigniederlassung Hamburg: Monsun.
01761...	Union Steam Ship Company of New Zealand Limited: Union Wellington.
01805...	Suisse Atlantique Societe d'Arme-nement Maritime S.A.: Corviglia.
01819...	King Line Limited: King William.
01854...	Southern Towing Co.: STC 2518E, STC 2599, STC 2019B, STC 2014.
01874...	A/S Sobral: Nopal Verde, Nopal Branco.
01935...	Partnership Between Steamship Company Svendborg Ltd. and Steamship Company of 1912 Ltd.: Svendborg Maersk.

Certificate No.	Owner/Operator and Vessels
01988...	Angfartygsaktiebolaget Tirfing: Atland.
01989...	Erik Thun Aktiebolag: Thun-tank 1.
02038...	Polskie Linie Oceaniczne: Mieczyslaw Kalinowski.
02128...	Ocean Gas Transport Limited: Joule.
02151...	Anchor Line Limited: Cameronia.
02152...	A. F. Klaveness & Co. A/S: Stolt Surf.
02194...	Compagnie Generale Transatlan-tique: Pointe Madame.
02234...	Gulf Mississippi Marine Corpora-tion: M.C.N. Oil Barge No. 3, Gulf Fleet 261.
02249...	Fisser & V. Doornum: Sunbaden.
02256...	Sigurd Haavik A/S: Bonzo.
02330...	Oriental Shipping Corporation: Stream Rudder, Stream Dolphin.
02416...	Boland & Cornelius, Inc.: Charles E. Wilson, Roger M. Kyes.
02579...	Gadot Yam Ltd.: Chemical Mar-kester.
02585...	Koch Refining Company: AOR 35.
02602...	Fyfes Group Limited: Darlen, Dacao.
02715...	Allied Towing Corporation: ATC-100.
02844...	Gloria Bahama, Ltd.: See Breeze II.
02917...	Arya National Shipping Lines S.A.: Arya Shad, Arya Sara.
02826...	Refinaria Panama S.A.: Chepo, Sabanita, Chilibre.
02935...	Cable and Wireless Limited: Recorder.
02961...	Kobe Kisen Kabushiki Kaisha: Tatekawa Maru.
02975...	Venture Shipping (Managers) Limited: Magnificence Venture.
02982...	The Shipping Corporation of India Ltd.: Chanakya Jayanti.
03214...	Salenrederierna Aktiebolag: Snow Hill.
03216...	Rederaktiebolaget Rex: Blido.
02234...	Gulf Mississippi Marine Corpora-tion: Gulf Fleet 261.
03389...	Shell Tankers B.V.: Marinula.
03391...	Societe Maritime Shell: Leda, Murex.
03413...	Baba-Daiko Shosen K.K.: Mayasan Maru.
03433...	Hirouni Kisen Kabushiki Kaisha: Japan Lily, Asia Maru.
03436...	Iino Kaiun K.K.: Shoho Maru.
03441...	Japan Line K.K.: World Comet, Saint Marquet, Vanguard.
03451...	Kowa Shosen K.K.: Japan Linden.
03468...	Nihonkai Kisen Kabushiki Kaisha: Honmoku Maru.
03469...	Nihon Kaisho Kabushiki Kaisha: Dainanoh-Marui.
03474...	Nippon Suisan K.K.: Zao Maru.
03476...	Nissei Kisen K.K.: Katei Maru.
03506...	Taiheyo Kaiun K.K.: Showa Maru.
03508...	Taiyo Gyogyo K.K.: Orient Maru No. 1.
03519...	Toko Shosen K.K.: Amur Maru.
03557...	Olsen Daughter A/S: Fruen.
03573...	A/S Laboremus, Oslo: Niels Henrik Abel, Sigurd Jorsalfar.
03600...	Bahamas Line, S.A.: Atlantic Express.
03730...	Brown & Root, Inc.: BAR 343, BAR 344.
03917...	Mobil Shipping Company Limited: Mobil Libya.
03918...	Mobil Shipping & Transportation Company: Mobil Navigator.
03968...	Zim Israel Navigation Co., Ltd.: Narcs.
03971...	Korea Shipping Corporation: Crystal Reed.

Certificate No.	Owner/Operator and Vessels
04007...	Egon Oldendorf: Ludolf Olden-dorf, Elisabeth Oldendorf, Car-oline Oldendorf, Gerdt Olden-dorf, Maria Oldendorf.
04011...	Haverton Shipping Limited: Alisa.
04037...	C. F. Bean, Inc.: Bean No. 4, Bean No. 5, C. W. Bean.
04099...	Waterways Marine of Memphis, Inc.: B 1120.
04126...	Jugoslavenska Linijaska Plovidba: Drava.
04172...	Eklof Marine Corp.: E 22.
04173...	Foss Launch & Tug Co.: Foss 257.
04276...	Rivtow Straits Limited: Alberni Carrier, Rivtow Lion, Rivtow Viking, Straits Traveller.
04277...	C. W. Blakeslee & Sons Inc.: Scow Weeks No. 6, CWB 85-0142.
04404...	Lar Rej Johansen: Joerka.
04410...	Tenneco Oil Company: GT-115, GT-121.
04420...	Navigazione Alta Italia S.P.A.: Nai Annalisa, Nai Marcus, Nai Gino, Nai Luisa, Nai Giuseppina, Nai Silvana, Nai Alberto, Nai Mey, Nai Carolina, Nai Noemi.
04424...	International Navigation Corpora-tion: Seagier.
04518...	Tokusui Kabushiki Kaisha: Orient Maru No. 2.
04531...	Mr. Eikichi Shirato: Kyoei Maru No. 18.
04562...	Okada Kaiun Kabushiki Kaisha: Botany Bay Maru No. 1.
04601...	American Tuna Boat Association: Top Wave.
04674...	Pescanova, S.A.: Pontevedra.
04803...	Brent Towing Company, Inc.: Ponce, Arcadian 87, Arcadian 88, Arcadian 90, Arcadian 93, Arca-dian 95, ETT-103, ETT-109, ETT-110, AC-4, AC-12, B-618, B-718, NBL-3, NBL-4.
04834...	Tidewater Barge Lines, Inc.: Hum-boldt, Captain Bob.
04939...	Panoean Shipping & Terminals Limited: Post Chaser.
05092...	Esso Belgium S.A.: Esso Liege, Esso Ghent.
05199...	Prekoeksanska Plovidba: Beograd.
05278...	Twin City Barge & Towing Co.: TCB 301, TCB 302, TCB 75B.
05288...	Evansville Materials Inc.: Dredge No. 8.
05383...	Lineas Pinillos: Segre, Darro.
05559...	Maryland Shipbuilding & Drydock Company: North River.
05577...	Far-Eastern Shipping Corporation: Ivan Syrykh.
05578...	Baltic Shipping Company: Bo-bruski.
05680...	Kamchatka Shipping Company: Chita.
05624...	P. N. Pertamina Minyak Dan Gas Bumi Negara (Pertamina): Permina 51, Permina 52, Per-mina Samuda III.
05684...	Epitrotiki Steamship Company George Potamianos S.A.: Apollo II.
05754...	A. E. Sorensen: Peder Most.
05792...	Korea Wonyang Fisheries Co., Ltd.: No. 3 Korbee, No. 2 Korbee, Kwang Myong No. 72.
05857...	Coral Marine Enterprise Panama Co. S.A.: Dalei Maru No. 52.
05947...	Kabushiki Kaisha Yamaguchi-Ken Gygyon Kosha: Bochomaru No. 12.
05961...	Surena Delmar Navegacion S.A. Panama: Evanthia.
06165...	Soponata-Sociedade Portuguesa de Navio Tanques, Limitada: Oritins Bettencourt, Marao, Mon-temuro.

Certificate No.	Owner/Operator and Vessels
06283...	Evergreen Line S.A.: Ever Fortune.
06339...	Panoean Marine Products Com-pany, Inc.: Ocean Glory No. 1.
06376...	Cia Heriac de Navegacion S.A.: Hikawa.
06379...	New England Towing Company: Globe No. 12, Erie.
06389...	Sears Oil Co., Inc.: Albany Sears.
06399...	Tokumaru Kaiun K.K.: Kentoku Maru.
06435...	Dampskibsselskabet Den Norske Afrika-Og Australielinie, Wilhelmsens Dampskibsskies-kab, A/S Tonsberg, A/S Tank-fart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: Tombarra, Takachitho.
06498...	Federal Steam Navigation Co., Ltd.: Wild Fulmar.
06566...	Occidental Petroleum Corpora-tion: Chet Roberts, NMS 1601.
06743...	Contimar Betellungs GmbH & Co. Schiffahrts KG: Helga I.
06775...	Whitco (Marine Services) Ltd.: Temple Arch.
06818...	Globus-Reederei GmbH, Ham-burg: S.A. Komatland.
06938...	Protrans Co., Inc.: ETT 105.
07255...	Teh Tung Steamship Co., Ltd.: Kaimantan Trader, Kai Yuan.
07348...	K/S A/S Sea-Team & Co.: Sevonia Team.
07523...	Harbert Construction Corporation: Three Rivers Lady.
07550...	Erato Shipping Inc.: Eastern Mary, World Commander, World Atlas.
07717...	Mississippi Marine Transport Com-pany: MM-16, MM-15, MM-17, MM-18, MM-19.
07796...	Holberg Scheepvaart en Handel Mij. B.V.: Caricom I.
07818...	Yick Fung Shipping and Enter-prises Co., Ltd.: Solomon Sea, Ligurian Sea, Norwegian Sea, Mirtoan Sea, Ionian Sea, Green-land Sea.
07833...	Pyramid Ventures Group, Inc.: Pyramid Veteran.
07942...	Solstad Rederi A/S: Sol Pemko, Solsyn.
07943...	Skips A/S Solhav & Co.: Soldrott, Lloyd Copenhagen, Solek, Sol Jean, Sol Lalla.
07961...	Marson Limited: Marson Cathy.
07990...	Partrederiet Proctor VI: Pacific Proctor.
07997...	Northbeach Steamship Co.: Santa Elia.
08131...	Empresa Navegacion Caribe: 5 de Septiembre, 7 de Noviembre, 9 de Abril, 10 de Octubre.
08320...	Canadian Offshore Marine Lim-ited: Breton Shore.
08346...	Utah Towing, Inc.: Utah.
08358...	Bayswater Company Limited: Irving Glen.
08366...	Pesqueras Espanolas de Bacalao, S.A.: Arriscado.
08372...	Fedora Shipping Company: World Argus.
08419...	Pesquera Vasco Gallega, S.A.: Toralla.
08481...	Riri Shipping Company Ltd.: Anna M.
08488...	Multinational Gas and Petrochem-ical Company: Norfolk Multina.
08507...	Thai Ocean Transportation Com-pany Ltd.: Siam.
08511...	Mission Drilling & Exploration Corporation: Mission Explora-tion.
08541...	Pioneer Merchant Marine Inc.: Pioneer Merchant.
08558...	Celanat Navigation S.A.: Kompira.
08572...	MS "Cape Charles" Shipping Co. S.A.: Cape Charles.



Certificate No.	Owner/Operator and Vessels	Certificate No.	Owner/Operator and Vessels
08574...	Zenith Navigation S.A.: <i>Grand Zenith</i> .	08682...	Kankichi Yukawa: <i>Hosetmaru No. 15</i> .
08602...	Orellaster Shipping Company Limited: <i>Marisueria</i> .	08683...	Far East Shipping Company Ltd.: <i>Venus Gas</i> .
08608...	Norfolk Multina Shipping Company: <i>Norfolk Multina</i> .	08684...	Konkar Victory Corp.: <i>Konkar Victory</i> .
08619...	Associated Bulk Transport, Inc.: <i>Pacific Exporter</i> .	08685...	Nomura Kaibun Yugen Kaisha: <i>Taiyo Maru, Hakuyo Maru</i> .
08620...	Benzal Navigation S.A.: <i>Asia Mariner</i> .	08686...	Assos Maritime Company Ltd.: <i>Assos</i> .
08625...	United States Metals Refining Company: <i>Henry G. Stott</i> .	08687...	Diakan Faith S.A.: <i>Diakan Faith</i> .
08631...	San Salvador Maritime Co. Ltd.: <i>Sea/arer</i> .	08688...	Diakan Grace S.A.: <i>Diakan Grace</i> .
08635...	REA Shipping Company: <i>Hawk</i> .	08689...	Eastern Pearl Transports Inc.: <i>World Wood</i> .
08638...	North Gulf Shipping Co. Ltd.: <i>Atlantic Emperor</i> .	08690...	Compaina de Navigation Resi S.A.: <i>Panama: Constance</i> .
08642...	Shinwa Steamship Co., (H.K.) Ltd.: <i>Golden Prince, Asia Success</i> .	08691...	Fukuju Maru Kaibun K.K.: <i>Fukuju Maru No. 57</i> .
08643...	Cape Navigation S.A.: <i>Cape Soya</i> .	08693...	Sincere Navigation Corporation: <i>Hui Hsing</i> .
08644...	"Inanna" Shipping Company Inc.: <i>Inanna</i> .	08692...	Rita Shipping Co. Inc.: <i>Rita, Rita II</i> .
08645...	Coastal Towing, Inc., Springhill: <i>Coastal 2503, Coastal 2504, Coastal 2515, Coastal 2650, Coastal 2000B, Coastal 3381, Coastal 3581</i> .	08695...	Neptunea Transego Naviera S.A.: <i>Skamandros</i> .
08646...	Andebo Shipping Company S.A.: <i>Panama: Bermuda</i> .	08700...	Pacific Intercontinental Co. Ltd.: <i>Northley Trader</i> .
08647...	Tarricone Transportation Corp.: <i>Chiara</i> .	08701...	Rector Navigation Corp.: <i>Lily</i> .
08649...	Anangel Peace Compania Naviera S.A.: <i>Anangel Peace</i> .	08702...	Bowling Green Navigation Corporation: <i>Sophia</i> .
08650...	Solway Shipping Company Limited: <i>Torre del Oro</i> .	08703...	Oceanic Petroleum Corporation: <i>First Enterprise</i> .
08652...	Scorpion Shipping Inc.: <i>Sea Bells</i> .	08706...	Alvega Shipping Corporation: <i>Alvega</i> .
08653...	Armadores Coruna Vigo, S.A.: <i>Rosendo da Vila</i> .	08709...	Bibby Freighters Limited: <i>Atlantic Bridge, Pacific Bridge</i> .
08658...	East River Steamship Corporation: <i>Brooklyn</i> .	08710...	Michael Arcadis: <i>Arcadyra</i> .
08657...	Mercury Bulkcarriers, Inc. (Liberia): <i>Lucy</i> .	08711...	Phillip Morris Incorporated: <i>Pioneer Valley</i> .
08658...	Il Woo Marine Co., Ltd.: <i>Min Woo No. 1, Min Woo No. 17</i> .	08712...	Tharaleos Shipping Corporation of Monrovia Liberia: <i>Tharaleos</i> .
08659...	Southmaris Corporation, Panama: <i>Elora</i> .	08713...	Florece Compania Naviera S.A.: <i>Panama: Maritime Trader</i> .
08661...	Apollonian Grace Company S.A.: <i>Apollonian Grace</i> .	08715...	Niels Onstads Tankrederi A/S: <i>Aamodt's Tankrederi A/S, Susanne Onstad</i> .
08662...	St. Thomas Navigation Corporation: <i>Sovereign Diamond</i> .	08716...	Elrene Maritime Co. Ltd.: <i>St. Elrene</i> .
08663...	Mobile Navigation S.A.: <i>Sovereign Fayette</i> .	08717...	Saint Thomas Maritime Co. Ltd.: <i>St. Thomas</i> .
08664...	Intermares Nortenos Navegacion S.A.: <i>Ithaki Sailor</i> .	08718...	Teta V Compania Naviera S.A.: <i>Panama: Martina</i> .
08665...	New Zealand Government: <i>Coastal Trader</i> .	08719...	Agnetar Shipping Co. S.A.: <i>Nectaros</i> .
08666...	Hester Shipping Corporation, Inc.: <i>Jessica</i> .	08721...	Skiros Shipping Co., Ltd.: <i>Azella</i> .
08667...	Capo Caccia Sps. Di Nav. S.P.A.: <i>Tiria</i> .	08722...	Selyu Gyogyo Kabushiki Kaisha: <i>Selyumaru No. 12</i> .
08668...	Marton Shipping Ltd.: <i>Five Valleys</i> .	08723...	Product Carriers, Inc.: <i>Stolt Vindar</i> .
08698...	Toko Suisan Kabushiki Kaisha: <i>Toko Maru No. 2</i> .	08724...	Mindoro Shipping S.A.: <i>Long Beach, Oakland</i> .
08699...	Talkyu Suisan Kabushiki Kaisha: <i>Sumiyoshi Maru No. 3</i> .	08725...	Kodiak Shipping Inc., Panama R.P.: <i>Regal Ranger</i> .
08670...	Ocean Seaways Corporation: <i>Ocean Skipper</i> .	08728...	Alkiviades Shipping Enterprises S.A.: <i>Aegis Sonic</i> .
08671...	Excomm Limited: <i>Carchester</i> .	08729...	Westgate Shipping Company Limited: <i>Stad Gent</i> .
08672...	Wonco Compania Naviera S.A.: <i>Stelios</i> .	08730...	Southgate Shipping Company Limited: <i>Friendly Islands</i> .
08673...	Marine Lanes Transport Corporation: <i>Patricia M.</i> .	08733...	Intermare Transport Ltd., Cyprus: <i>Aegis Diligence</i> .
08674...	World Maritime Ltd.: <i>Golden Oriole</i> .	08736...	Lastroe Maritime Company Ltd.: <i>Cretan Star</i> .
08675...	Torre Canal S.P.A. di Navigazione: <i>Senatore</i> .	08734...	Rhino Shipping Corporation: <i>Stolt Rhino</i> .
08676...	Apollonian Wave Company S.A.: <i>Apollonian Wave</i> .	08735...	Kudu Shipping Corporation S.A.: <i>Aegis Kudu</i> .
08678...	Almi Compania Naviera S.A.: <i>Mariza</i> .	08737...	Hamsel Maritime Company Limited: <i>Cretan Flower</i> .
08679...	Shichiyo Suisan Kabushiki Kaisha: <i>Kotoshiro Maru No. 8</i> .		
08681...	Shinto Panama Co. S.A.: <i>Eastern Hui</i> .		

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4763 Filed 2-27-74; 8:45 am]

CITY OF LONG BEACH AND PACIFIC  
MARITIME SERVICES, INC.

## Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 20, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

## Notice of agreements filed by:

Leslie E. Still, Jr.  
Deputy City Attorney  
City of Long Beach  
Suite 600, City Hall  
Long Beach, California 90802

Agreement No. T-2894, between the City of Long Beach (City) and Pacific Maritime Services, Inc. (PMS) provides for the 10-year non-exclusive preferential assignment to PMS of 1,523,919 square feet of wharf and contiguous land area to Berths 245, 246 and 247, Pier J, Long Beach, California for operation as a contract marine terminal, warehouse, and rail and truck facility. As compensation, PMS shall pay City all revenue collected from those charges assessed pursuant to the Port of Long Beach Tariff, subject to a minimum of \$632,808 per annum and a maximum of \$758,974 per annum. PMS agrees to file its schedule of terminal rates and charges with the City, or in lieu thereof, may elect to use and be bound by the Port of Long Beach Tariff. If PMS publishes its own tariff, all charges assessed must conform as nearly as possible with like charges published in the Long Beach tariff and no charge may be made without City's prior written approval. Agreement No. T-2894 also provides for City's construction of

an addition to the container freight station.

Agreement No. T-2894-A, between the same parties, provides for the 10-year non-exclusive preferential assignment (with renewal options) of a container crane at Berths 245, 246 and 247, Pier J, Long Beach, California. As compensation, City is to receive \$186,964.12 annually, and PMS is to pay all costs for crane maintenance. Operation of the crane shall conform to provisions contained in section 9 of the Port of Long Beach Tariff No. 3, excluding Item 910. The agreement provides that City shall have secondary assignment rights with all revenue thereby derived accruing to City. PMS shall collect appropriate maintenance costs.

Dated: February 25, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-4761 Filed 2-27-74; 8:45 am]

## FEDERAL POWER COMMISSION

(Project No. 2709—West Virginia)

MONONGAHELA POWER CO., ET AL.  
Notice of Availability of Environmental Impact Statement

Notice is hereby given that on February 28, 1974, as required by the Commission's rules and regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-100) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impact of an application for license filed pursuant to the Federal Power Act by Monongahela Power Company, et al., for proposed Davis Pumped Storage Project No. 2709 to be located on the Blackwater River and Red Creek in Tucker and Grant Counties, West Virginia.

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and its New York Regional Office.

Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151 and the Commission's Office of Public Information, Washington, D.C. 20426.

The project would consist of a 600 acre upper reservoir on Cabin Mountain (full pond elevation 4,042 feet m.s.l.), a 7,000 acre lower reservoir (full pond elevation 3,182 feet m.s.l.) located in Canaan Valley, a tunnel and above ground penstocks, and a surface powerhouse which would contain a 250-MW pump-turbine generating units. Also associated with the project would be 2 500-kV transmission lines about 12 miles long. Proposed recreation facilities include fisherman access areas, a camping area, a marina,

an information center and an interpretive center overlooking the lower reservoir.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-4402 Filed 2-27-74; 8:45 am]

FEDERAL RESERVE SYSTEM  
FEDERAL OPEN MARKET COMMITTEE  
Domestic Policy Directive of  
December 17-18, 1973

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on December 17-18, 1973.<sup>1</sup>

The information reviewed at this meeting—including recent developments in industrial production, residential construction, and retail sales—suggests that growth in economic activity is slowing in the fourth quarter. A further weakening in activity and an appreciable rise in prices are in prospect because of the curtailment in oil supplies. In November nonfarm payroll employment expanded further, but the unemployment rate, which had dropped in October, rose again to about the level that had prevailed since midyear. Wholesale prices of industrial commodities continued to rise sharply in November, reflecting large additional increases for petroleum products and widespread advances among other commodities; farm and food prices declined further.

In nearly all industrial countries abroad, concern has grown that a sustained cut in oil supplies will disrupt economic activity. Major foreign currencies have depreciated further against the dollar, and intervention sales of dollars by foreign monetary authorities have continued. The U.S. merchandise trade balance registered a strong surplus in the September-October period.

The narrowly defined money stock, following little net change over the third quarter, has grown at a relatively rapid pace over the past two months. Growth in the more broadly defined money stock has also been substantial, as net inflows at banks of consumer-type time deposits have been large. Net deposit inflows at nonbank thrift institutions improved somewhat further. Bank credit expansion remained moderate in November, although business loans increased after two months of little or no growth. On December 7 the Federal Reserve announced a reduction from 11 to 8 percent in marginal reserve requirements on large-denomination CD's. Most short-term market interest rates have declined somewhat on balance in recent weeks, while movements in long-term market rates have been mixed.

In light of the foregoing developments, it is the policy of the Federal Open

<sup>1</sup> The Record of Policy Actions of the Committee for the meeting of December 17-18, 1973, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20561.

Market Committee to foster financial conditions conducive to resisting inflationary pressures, cushioning the effects on production and employment growing out of the oil shortage, and maintaining equilibrium in the country's balance of payments.

To implement this policy, while taking account of international and domestic financial market developments, the Committee seeks to achieve some easing in bank reserve and money market conditions, provided that the monetary aggregates do not appear to be growing excessively.

By order of the Federal Open Market Committee, February 19, 1974.

ARTHUR L. BROIDA,  
Secretary.

[FR Doc.74-4676 Filed 2-27-74; 8:45 am]

FEDERAL OPEN MARKET COMMITTEE  
Domestic Policy Directive of  
November 19-20, 1973

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on November 19-20, 1973.<sup>1</sup>

The information reviewed at this meeting suggests that growth in economic activity in the fourth quarter is likely to remain at about the moderate rate of the third quarter, but curtailment of oil supplies from abroad has generated considerable uncertainty about subsequent prospects. In October total nonfarm employment expanded substantially further, and the unemployment rate dropped from 4.8 to 4.5 per cent. The advance in wage rates has remained relatively rapid, and unit labor costs have been increasing at a fast pace. Wholesale prices of industrial commodities rose sharply in October, reflecting in part large increases for petroleum products; although farm and food prices declined considerably further, they remained well above the pre-freeze level of early June. In foreign exchange markets, the dollar appreciated against major foreign currencies following announcement in late October of a large surplus in the U.S. merchandise trade balance, and the dollar strengthened markedly further in early November as expectations grew that the developing oil crisis would create particularly severe problems for Western Europe and Japan. In the third quarter and in October, the balance of payments on an official settlements basis was in substantial surplus.

The narrowly defined money stock, which had declined in August and September, rose moderately in October. The more broadly defined money stock expanded sharply as a result of large net inflows at banks of consumer-type time deposits. Net deposit inflows at nonbank thrift institutions improved somewhat further. Bank credit expansion remained moderate in October, reflecting in part a lack of growth in business loans as borrowers shifted to the commercial paper market. The outstanding volume of



large-denomination CD's, which had begun to decline in late September, fell substantially further. Short-term market interest rates, while fluctuating widely, rose on balance from mid-October to mid-November. Rates on most types of long-term market securities also advanced somewhat.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to abatement of inflationary pressures, a sustainable rate of advance in economic activity, and equilibrium in the country's balance of payments.

To implement this policy, while taking account of international and domestic financial market developments, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, February 19, 1974.

ARTHUR L. BROIDA,  
Secretary.

[FR Doc.74-4675 Filed 2-27-74; 8:45 am]

#### FIRST AMTENN CORP. Acquisition of Bank

First Amteenn Corporation, Nashville, Tennessee, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Cleveland National Bank, Cleveland, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 20, 1974.

Board of Governors of the Federal Reserve System, February 19, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,  
Assistant Secretary of the Board.  
[FR Doc.74-4674 Filed 2-27-74; 8:45 am]

#### NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR ASTRONOMY Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Human Cell Biology to be held at 8:30 a.m. on March 14, 15, and 16, 1974, in Room 321 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda for March 14 and 15 will be devoted to the review and evaluation of research proposals. The session on March

#### NOTICES

ory Panel for Astronomy to be held at 9:30 a.m. on March 11 and 12, 1974, in Room 338 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations concerning research proposals and projects in astronomy and to advise the Foundation of the impact of its research support programs on the scientific community in astronomy.

The agenda for this meeting shall include:

MARCH 11  
MORNING  
Introduction  
NSF Astronomy Programs, detailed review (5 hours)

AFTERNOON  
Continuation of Review of NSF Astronomy Programs  
Astronomical Instrumentation and Development Program (2 hours)—Policy questions  
—Core support of observatories

MARCH 12  
MORNING  
Millimeter-Wave Astronomy (2 hours)  
Radio Frequency Protection (1 hour)

AFTERNOON  
Problems of Planning and Funding Astronomy (4 hours)

This meeting shall be open to the public and shall be limited to 10 observers who may make written suggestions following the meeting. Individuals who wish to attend should apply to Mrs. F. Delores Wade, Secretary to the Astronomy Section, 202-632-4196, Room 305, 1800 G Street, NW., Washington, D.C. 20550.

Persons requiring further information concerning this Panel should contact Dr. Robert Fleischer, Head, Astronomy Section, 202-632-4196, Room 305, 1800 G Street, NW., Washington, D.C. 20550. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street, NW., Washington, D.C. 20550.

Dated: February 19, 1974.

T. E. JENKINS,  
Assistant Director  
for Administration.  
[FR Doc.74-4732 Filed 2-27-74; 8:45 am]

#### ADVISORY PANEL FOR HUMAN CELL BIOLOGY

##### Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Human Cell Biology to be held at 8:30 a.m. on March 14, 15, and 16, 1974, in Room 321 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda for March 14 and 15 will be devoted to the review and evaluation of research proposals. The session on March

16 will be devoted to the evaluation of the Human Cell Biology Program.

The March 14 and 15 sessions of this meeting are concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of Pub. L. 92-463.

The March 16 session of this meeting shall be open to the public. Individuals who wish to attend should inform Dr. Herman W. Lewis, Program Director, Human Cell Biology Program, by telephone (202-632-4200) or by mail (Room 326, 1800 G Street, NW., Washington, D.C. 20550) prior to the meeting. Persons requiring further information concerning this Panel should contact Dr. Herman W. Lewis at the above address. Summary minutes relative to the open portion of this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street, NW., Washington, D.C. 20550.

Dated: February 13, 1974.

T. E. JENKINS,  
Assistant Director  
for Administration.

[FR Doc.74-4733 Filed 2-27-74; 8:45 am]

#### OFFICE OF MANAGEMENT AND BUDGET

##### CLEARANCE OF REPORTS List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 25, 1974. (44 USC 3509) The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

##### NEW FORMS

##### DEPARTMENT OF COMMERCE

Bureau of the Census, Letters to non-government sources of "Farm" Operations Not Likely to be Included as Farms in Administrative Records of Farm Operator Addresses, Form 74-A22 (11) (12), Single time, Lowry, Organizations holding lists of atypical farm operations.

#### NOTICES

DEPARTMENT OF HEALTH, EDUCATION,  
AND WELFARE  
Center for Disease Control, Irritant Effects of Industrial Chemicals: Formaldehyde and Acetone, Form CDC/CE 0507, Single time, Ellett, Workers exposed to industrial chemicals.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Housing Management, Report on Unit Availability, Form HUD 51230, Occasional, CVAD/Sunderhauf, Local housing authorities.  
Office of Policy Development and Research, Jacksonville Special Study, Form —, Single time, Sunderhauf/CVA, Individuals.

TENNESSEE VALLEY AUTHORITY  
Response Cards from Nuclear Organizations, Form —, Single time, Ellett/Foster, Public & investor-owned utilities.

##### REVISIONS

None.

##### EXTENSIONS

DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service: Application for Special Certificate of Naturalization to Obtain Recognition as a Citizen of the U.S. by a Foreign State, Form N-577, Occasional, Evinger (x).  
Application for Advance Permission to Enter as Nonimmigrant, Form I-192, Occasional, Evinger (x).  
Application for Stay of Deportation, Form I-246, Occasional, Evinger (x).

PHILLIP D. LARSEN,  
Budget and Management Officer.  
[FR Doc.74-4834 Filed 2-27-74; 8:45 am]

#### GROSS NATIONAL PRODUCT DATA IMPROVEMENT PROJECT

##### Notice of Change of Public Meeting

Notice of public meeting for the Gross National Product Data Improvement Project appearing on page 6784, Vol. 39, No. 37 of the FEDERAL REGISTER dated February 22, 1974 has been changed from March 4, 1974 to March 12, 1974 in room 10104, New Executive Office Building at 9:45 a.m.

PHILLIP D. LARSEN,  
Budget and Management Officer.  
[FR Doc.74-4833 Filed 2-27-74; 8:45 am]

#### POSTAL RATE COMMISSION

[Docket No. R74-1]

##### POSTAL RATES AND FEES, 1973

Notice Designating Officer To Represent Interests of General Public

JANUARY 24, 1974.

Notice is hereby given that, pursuant to section 3624(a) of the Postal Reorganization Act (39 U.S.C. 3624(a)), the Commission designates Henry M. Switkey, a senior attorney employed by the Commission, as the officer of the Commission who shall represent the interests of the general public in the above-entitled proceeding. This officer succeeds Lloyd E. Dietrich whose designation was concluded by Commission notice issued January 8, 1974. See 38 FR 30583 (NO-

vember 6, 1973). The title of this officer during the course of the proceeding will continue to be "Officer of the Commission" (OOC).

In accordance with section 8 of the Commission's rules of practice (39 CFR 3001.8), both the Officer of the Commission and the personnel serving with him will be prohibited from participating or advising as to any intermediate or Commission decision in this proceeding.

By the Commission.

[SEAL] JOSEPH A. FISHER,  
Secretary.

[FR Doc.74-4738 Filed 2-27-74; 8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

[70-5450]

##### AMERICAN NATURAL GAS CO.

Notice of Proposed Acquisition by Registered Holding Company of Common Stock

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, and its wholly-owned non-utility subsidiary company, American Natural Gas Production Company ("Production Company"), together with American Natural's other subsidiary companies, 30 Rockefeller Plaza, Suite 4545, New York, New York 10020, have filed with this Commission an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(f) of the Act and Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The American Natural System ("System") is engaged, among other things, in a broad program to increase the System's natural gas reserves and, as part of that program, proposes to participate in off-shore lease sales scheduled for March and May, 1974, by the U.S. Bureau of Land Management ("Bureau"). More specifically, Production Company, which is the gas exploration and drilling subsidiary of American Natural, intends to participate with several non-affiliated oil and gas producing companies ("the participants") in bidding for tracts in the Texas and Louisiana off-shore areas. In addition to bidding as a member of a group in these lease sales, Production Company will also endeavor to acquire, within a period not exceeding six months from the respective dates on which each bidding takes place, a working interest from other producers who may have acquired leases in these sales. In any event, Production Company's costs in acquiring lease interests, whether by competitive bidding or by subsequent direct purchases from such other successful bidders, will aggregate not more than \$100 million.

As a participant in the group making bids in the off-shore Texas area, Production Company will pay 25 percent of any successful lease bids and receive 25 percent of the working interest therein. With respect to the off-shore Louisiana area, Production Company intends to participate with other independent oil and gas companies in making joint bids for leases, but has not yet made any specific agreement to do so. Moreover, Production Company recognizes that if it joins an existing group in the off-shore Louisiana area which has already expended substantial sums for geological and geographical data, and interpretation of that data, it may be required to pay a slightly greater share of the lease acquisition cost than its share of the working interest in the leases so acquired. It is stated that bids accepted by the Bureau must be paid in full within 30 days after acceptance.

It is further stated that Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a wholly-owned interstate pipeline subsidiary of American Natural, expects to make advance payments to the participants covering the expenses relating to exploration, development and production of gas; that these payments will be made in accordance with Federal Power Commission rules; and that, in consideration for the advance payments, Michigan Wisconsin will have the right to purchase gas discovered by the producer to whom advance payments are made.

To finance its aforesaid commitment of up to \$100 million, Production Company proposes to issue and sell (a) its notes to banks in an amount not exceeding \$40 million at any one time outstanding and (b) shares of its \$100 par value Common Stock to American Natural in an aggregate par amount up to \$60 million. The amount of Common Stock thus sold to the parent company will at all times be equal to at least 150 percent of Production Company's outstanding indebtedness to the banks. To accommodate the proposed sale of its Common Stock, Production Company proposes to amend its Certificate of Incorporation to increase its authorized Common Stock from 380,000 shares to 755,000 shares.

Production Company has obtained loan commitments from the following banks, all of Detroit, Michigan, in the maximum amount indicated for each:

National Bank of Detroit	\$20,000,000
Detroit Bank and Trust Co.	8,000,000
Manufacturers National Bank of Detroit	8,000,000
Michigan National Bank of Detroit	4,000,000
	\$40,000,000

The borrowings will be evidenced by unsecured notes which will mature three years after the date of the related credit agreement, and which will bear interest at the annual rate of 1 percent above the prime rate in effect at the lending bank on the date of each borrowing and adjusted for changes in the prime rate.

The notes may be prepaid at any time without penalty. Production Company



will pay a commitment fee of ½ of 1 percent per annum on any unused portion of the commitment. Production Company may reduce the amount of the commitment at any time. There will be no compensating balance requirements.

American Natural proposes to borrow from banks up to \$60 million on its unsecured promissory notes. A statement of the banks which will advance funds, and the respective commitment made, will be supplied by amendment. Notes will be issued pursuant to the lines of credit in varying amounts commencing March 15, 1974, and from time to time thereafter as funds are required, and the proceeds therefrom will be applied to the extent necessary to purchase the Common Stock of Production Company. The American Natural notes may be prepaid at any time without penalty, will be dated as of the date of issuance, and will mature no later than one year from the date of the first borrowing. The interest rate on the notes has not yet been determined, but American Natural expects that its effective interest cost will not exceed the then prevailing prime rate at the lending banks adjusted for normally required compensating balances. Definitive information as to the interest rate to be borne by the American Natural notes will be supplied as a part of said amendment.

By order dated June 5, 1973 (Holding Company Act Release No. 17984), Production Company and American Natural were authorized to borrow funds from banks in an aggregate amount not exceeding \$50 million to enable Production Company to participate with a group of non-affiliated companies in competitive bidding for 129 tracts in the off-shore Texas area offered by the Department of Interior on June 19, 1973. As a result of that bidding, Production Company and its partners obtained one tract, for which Production Company's share of the cost amounted to \$11,423,000. Production Company and American Natural accordingly cancelled the unused balance of the \$50 million bank commitments.

Said order of June 5, 1973, also authorized American Natural and its subsidiary companies (including Production Company), pursuant to subparagraph (a) of Rule 45, to allocate the System's consolidated Federal income taxes for the years 1972, 1973, and 1974 in a manner deviating in certain respects from that which is prescribed by Rule 45(b) (6). For reasons substantially similar in principle to those presented to the Commission in that proceeding, the applicants-declarants now request that the deviation heretofore authorized for the years 1972-1974 be extended to cover subsequent years through 1977. Both the earlier authorization and the requested extension involve the operations of Production Company.

The reasons for departing from the tax allocation prescription of Rule 45(b) (6) were set forth in some detail in said Order of June 5, 1973. Briefly restated, those reasons are that Production Company's programs for participation in

bidding for off-shore oil and gas leases constitute a significant expansion of its efforts to increase the System's gas reserves; that several years normally elapse before newly discovered reserves can be developed and marketed; that during the development years a large portion of the related expenses give rise to net losses which are deducted for Federal income tax purposes in the consolidated returns and thus result in commensurate reductions of the consolidated tax liability; that allocation of these tax savings to system companies other than Production Company under the provisions of Rule 45(b) (6) would adversely affect Production Company's ability to finance its continued efforts to enlarge the System's future gas supplies; and that allocation of the tax savings to Production Company under the deviation would provide it with funds necessary to service debt incurred under the lines of bank credit related to the off-shore bidding programs.

As presently estimated, Production Company's tax losses from oil and gas operations in 1973 and 1974 will amount to approximately \$627,000 and \$3,700,000, respectively, including \$1,700,000 in 1974 from exploration and development of the off-shore Texas tract (Block A-368) acquired in the June, 1973 bidding. Additional tax reductions of approximately \$2,200,000 and \$1,200,000 in respect of Block A-368 are presently anticipated for 1975 and 1976, respectively. At current tax rates, the related tax benefits applicable to the years 1973 through 1976, which would inure to Production Company under the proposed extended deviation from Rule 45(b) (6), would be \$300,000, \$1,776,000, \$1,056,000, and \$576,000, respectively. With respect to any productive off-shore tracts that may be acquired in 1974 in the manner outlined above, it is stated that under present and foreseeable conditions the exploration and development of such tracts may not be completed until 1977 or later, and that the related tax-deductible costs (spread over a three or four year period) can be anticipated to approximate 50 percent of the actual cost of the tracts.

Accordingly, applicants-declarants request that the authorization heretofore granted to allocate consolidated income taxes for the years 1972, 1973, and 1974, in a manner other than prescribed by Rule 45(b) (6), be extended through the year 1977 by application of the previously authorized procedure, to wit:

1. In any such taxable year, when the operations of Production Company result in a tax loss, then the consolidated Federal income tax to be allocated among the System companies would be based upon the tax that would have resulted had Production Company been excluded from the consolidated Federal income tax return.

2. The funds retained by virtue of the reduction in tax resulting from inclusion of Production Company's tax loss in the consolidated Federal income tax return would be paid to Production Company.

3. In future years, when Production Company has taxable income, it may be

entitled to tax credits as a result of the net operating loss carry-back and carry-over provisions of section 172(b) of the Internal Revenue Code in order to comply with the separate return limitations required by Rule 45(b) (6). To the extent that Production Company receives tax benefits pursuant to paragraphs 1 and 2 above, such benefits would be applied to reduce any credits in future years to which Production Company might otherwise be entitled under the separate return limitations of Rule 45(b) (6).

4. Subject to paragraph 3, in no event will the tax allocated to any subsidiary company of American Natural exceed the amount of tax computed as if such subsidiary company had always filed its tax returns on a separate return basis.

Under the "full-cost" accounting method adopted by Production Company, its gas exploration and development costs will be capitalized and subsequently amortized, i.e., charged to income on a unit of production basis as the gas or oil is produced and sold. Production Company will defer on its books any funds received pursuant to paragraphs 1 and 2 above, and will charge the deferral as the capitalized exploration and development costs are amortized.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at \$6,500, including counsel fees of \$3,500.

Notice is further given that any interested person may, not later than March 14, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4690 Filed 2-27-74; 8:45 am]

[File No. 7-4534-7-4541]

**BEKER INDUSTRIAL CORP. ET AL.**  
**Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing**  
FEBRUARY 21, 1974.

In the matter of applications of the Boston Stock Exchange, for unlisted trading privileges in certain securities Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Beker Industries Corp.	7-4534
Bowmar Instrument Corp.	7-4535
Champion Spark Plug Co.	7-4537
Data General Corp.	7-4538
Foster Wheeler Corp.	7-4539
Kaufman & Broad, Inc.	7-4540
Mariennan Corp.	7-4541

Upon receipt of a request, on or before March 7, 1974, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4680 Filed 2-27-74; 8:45 am]

[File No. 7-4538]

**BRITISH PETROLEUM COMPANY LTD.**  
**Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing**  
FEBRUARY 21, 1974.

In the matter of applications of the Boston Stock Exchange, for unlisted

trading privileges in Certain securities, Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the American shares of the following company, which securities is listed and registered on one or more other national securities exchanges:

British Petroleum Company Limited, American Shares, File No. 7-4536.

Upon receipt of a request, on or before March 7, 1974, from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4683 Filed 2-27-74; 8:45 am]

[812-3495]

**FRANKLIN CORP.**

**Notice of Filing of Application**

Notice is hereby given that The Franklin Corporation ("TFC"), One Rockefeller Plaza, New York, New York 10020, a small business investment company licensed under the Small Business Investment Act of 1958 (the "SBIA") and registered under the Investment Company Act of 1940 (the "Act") as a non-diversified, closed-end management investment company, has filed an application for an order of the Commission pursuant to section 17(b) of the Act exempting certain transactions described below from the provisions of section 17(a) of the Act and for a further order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder permitting certain described transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

TEC owns 180,468 shares of Colorguard Corporation ("Colorguard"), a small business concern engaged in the business of manufacturing and selling

chain link fences and fishing and marine products. These securities represent approximately 65 percent of the outstanding shares of Colorguard. In addition, as of July 31, 1973, Colorguard owed TFC \$243,000 on a long-term 6.65 percent note payable January 1, 1974, and \$84,000 on a 7.5 percent demand note. These loans are secured by a first lien on the assets of Colorguard.

TFC has determined, for economic reasons and because it holds a higher proportion of Colorguard stock than is permitted by Regular section 107.901 of the SBIA, to sell its Colorguard shares. Consequently, it has entered into an agreement with Victoria Holding Corporation ("Victoria"), a company wholly owned by Edmund Rose ("Rose"), which has as its only asset the outstanding shares of Colorguard not owned by TFC. Pursuant to this agreement Victoria will purchase TFC's Colorguard stock for a price of \$721,872, or \$4 per share. Of the purchase price, \$400,000 will be paid in cash and the remainder will be evidenced by Victoria's 8½% note for \$321,872, which will be secured by a pledge of 80,468 shares of Colorguard and a second lien on the assets of Colorguard. Colorguard will pay off its entire long-term indebtedness to TFC and will repay \$25,000 on demand note. Payment of the remaining \$59,000 on the demand note will be guaranteed by Victoria and will be secured by the same pledged securities and lien given with respect to Victoria's note to TFC.

These transactions will be financed with a loan of \$700,000 from Franklin National Bank (the "Bank") to Colorguard. The loan will be represented by a note bearing interest at Franklin's prime 90-day rate prevailing from time to time, plus 1½ percent. The loan will be secured by a first lien on the assets of Colorguard and by a pledge of all of Victoria's shares of Colorguard including shares initially pledged to TFC but released from time to time as Victoria pays off its note to TFC. Victoria and Rose will also guarantee the loan. Of the proceeds of the loan, \$400,000 will be loaned by Colorguard to Victoria to enable Victoria to purchase Colorguard shares from TFC as described above, \$268,000 will be used by Colorguard to pay off most of its indebtedness to TFC as described above, and the remainder will be used by Colorguard for corporate purposes.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, to sell any security or other property to, to purchase any security or other property from, or to borrow any money or other property from, such registered investment company or any company controlled by such investment company. Section 17(b) provides that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of



any person concerned and that the proposed transaction is consistent with the policy of each investment company concerned and with the general purposes of the Act.

Section 2(a) (3) of the Act defines an affiliated person of another person to include any person who owns more than 5 percent of the outstanding voting securities of such person or any person more than 5 percent of whose outstanding securities are owned by such person. Under this definition, Colorguard and TFC are affiliated persons of each other and Victoria is an affiliated person of an affiliated person of TFC. Victoria is, therefore, in the absence of an exemption, prohibited from (1) purchasing the Colorguard securities from TFC, (2) borrowing money from TFC, and (3) selling its note in the amount of \$321,872 to TFC.

At the time the transactions described above were negotiated, the Bank owned 29 percent of the shares of TFC. The Bank has since sold its shares of TFC to Herman E. Goodman ("Goodman"), the president of TFC. This sale was approved by the SBA and was, allegedly, negotiated separately from and subsequent to the negotiations concerning the refinancing of Colorguard. Nevertheless, at the time the refinancing of Colorguard was agreed to, the Bank was an affiliated person of TFC and, thus, may be deemed an affiliated person of TFC for purposes of the application. Since section 2(a) (9) of the Act provides that any person who owns more than 25 percent of the outstanding shares of another person is presumed to control such person, TFC, by virtue of its ownership of 65 percent of the shares of Colorguard, is presumed to control Colorguard. Therefore, the Bank, as an affiliated person of TFC, may be deemed to be prohibited by section 17(a) of the Act from purchasing from Colorguard the note evidencing Colorguard's borrowing of \$700,000 from the Bank.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide among other things, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to effect any transaction in which such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement, as used in Rule 17d-1 is defined as a written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a con-

trolled company thereof and any affiliated person of such registered company or any affiliated person of such person have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. Since the Bank and Victoria are involved together with TFC in the plan for refinancing Colorguard, the plan may be deemed to constitute a joint enterprise or arrangement which is prohibited by section 17(d) of the Act and Rule 17d-1 thereunder in the absence of an order of the Commission. Consequently, an order permitting the transactions incident to the plan is requested.

TFC contends that the proposed transactions are reasonable and fair and do not involve overreaching. In support of this contention, TFC represents that the terms of the sale of Colorguard stock to Victoria were negotiated at arms-length by independent parties having interests adverse to each other. TFC states that the purchase price for the Colorguard stock is consistent with the values TFC placed upon the stock in the past by valuing the stock at 10 times earnings for the preceding three years and that this valuation, in the light of Colorguard's business, is reasonable. TFC states that it will realize a gain on the sale of \$667,454, before taxes. TFC also states that Victoria is a purchaser willing to pay a high price to retain control, and that in the absence of such a purchaser TFC might have difficulty in disposing of its Colorguard stock without incurring costs of registration or loss in value resulting from a private placement. TFC also represents that the terms of the proposed loans by the Bank to Colorguard were arrived at in arms-length negotiation without any overreaching, and that all the proposed transactions are consistent with TFC's policies and the purposes of the Act. Furthermore, TFC asserts that, to the extent it is involved in a joint transaction with affiliated persons, it is not participating on a disadvantageous basis.

Notice is further given that any interested person may, no later than March 18, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon TFC at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course follow-

ing March 18, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4689 Filed 2-27-74;8:45 am]

[File Nos. 7-4542-7-4547]

#### MASCO CORP.

#### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 21, 1974.

In the matter of applications of the Boston Stock Exchange, for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Masco Corp.....	7-4542
Murphy Oil Corp.....	7-4543
U.S. Freight Co.....	7-4545
Utah International Inc.....	7-4546
Waste Management, Inc.....	7-4547

Upon receipt of a request, on or before March 7, 1974, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4682 Filed 2-27-74;8:45 am]

[811-2874]

#### OVERLAND INCOME SECURITIES, INC.

#### Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Overland Income Securities, Inc. ("Applicant"), a California corporation registered as a closed-end, diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant registered under the Act on April 5, 1973, by filing a Form N-8A Notification of Registration. On that same date, Applicant filed a Form N-8B-1 Registration Statement under the Act together with a Form S-4 Registration Statement under the Securities Act of 1933.

Applicant originally proposed to make an initial public offering and sale of its securities through an underwriting group composed of several broker-dealers (the "Representatives") registered under the Securities Exchange Act of 1934. On May 17 and 18, 1973, the Representatives purchased from Applicant for their own accounts in a private placement 4,348 shares of Applicant's stock. These are the only shares which have been sold and issued by Applicant, and the Representatives were Applicant's only shareholders. In late May 1973, the Representatives informed Applicant that due to adverse market conditions, they would be unable to underwrite the proposed sale of Applicant's stock.

On December 6, 1973, all the Representatives, as shareholders of Applicant, signed a written election and consent to wind up the affairs of and to dissolve Applicant. On December 28, 1973, Applicant filed a Certificate of Election to Wind Up and Dissolve with the Secretary of State of the State of California under the laws of the State of California. As of December 31, 1973, all of Applicant's assets had been converted to cash and distributed pro rata to Applicant's shareholders pursuant to the plan of dissolution, and, as of that same date, all of Applicant's shareholders had tendered all outstanding shares of Applicant's common stock to Applicant upon receipt of liquidation payments.

Applicant presently has no assets, no liabilities and no shareholders. No public offering of Applicant's securities is being made presently and no such offering is presently proposed for the future.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 18, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following March 18, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4691 Filed 2-27-74;8:45 am]

[File No. 24NY-7803]

#### PAMCO CAPITAL CORP.

#### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 21, 1974.

I. Pamco Capital Corporation ("Pamco" or "Issuer") is a New York corporation located at 445 Park Avenue, New York, New York. It was organized on February 12, 1973 to engage in the business of providing financial consulting and advisory services in connection with the placement of securities, mergers, acquisitions and investments as well as to analyze and evaluate the financial condition of its business clients, prepare financial plans, and aid in securing additional funds for clients.

On March 28, 1973 it filed a notification pursuant to Regulation A in connection with a proposed offering of 100,000 shares of its \$0.1 par value common stock at \$.50 per share. The "all-or-none" offering which commenced on June 4, 1973, originally was to be conducted by the company through its officers and directors without the use of an underwriter. However, on July 13, 1973, an amendment was filed, naming Harper Johnson Co., Inc. as sole underwriter of the offering. The offering resumed on July 24, 1973.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular filed by the issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, in the following respects:

1. The plan of distribution.
2. The failure to accurately state the terms of the offering.
3. The failure to disclose Michael D. Muffoletto's participation in the offering as an underwriter.
4. The listing of a director who, in fact, was not a director of the issuer.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. The offering circular failed to list Michael D. Muffoletto as an underwriter.
2. The offering circular failed to accurately state the terms of the offering and the manner in which the offering would be made.
3. The offering circular failed to accurately identify the directors of the issuer.

C. An officer and an underwriter failed to cooperate and obstructed the making of the investigation by the Commission in the following respects:

1. The president of the issuer refused to give testimony in connection with the investigation of the offering.
2. The suggestion by the undisclosed underwriter to a witness that he give false testimony during the investigation.

D. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended;

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no

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hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4684 Filed 2-27-74;8:45 am]

[File Nos. 7-4544, 7-4548]

**TESORO PETROLEUM CORP. AND  
WILLIAMS COS.**

**Notice of Applications for Unlisted Trading  
Privileges and of Opportunity for Hearing**

FEBRUARY 21, 1974.

In the matter of application of the Boston Stock Exchange, for unlisted trading privileges in certain securities Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Tesoro Petroleum Corporation, War-	File No.
rants Expiring 8/24/76.....	7-4544
Williams Companies, Warrant Ser-	
ies A-Expire 1/1/76.....	7-4548

Upon receipt of a request, on or before, March 7, 1974, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested persons may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-4679 Filed 2-27-74;8:45 am]

**SMALL BUSINESS ADMINISTRATION**

[License No. 12/12-0146]

**ARCATA INVESTMENT CO.**

**Notice of License Surrender**

Notice is hereby given that Arcata Investment Company, 2750 Sand Hill Road, Menlo Park, California 94025, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Small Business Administration's rules and regulations governing small business investment companies (§ 107.105 38 FR 30836, November 7, 1973.)

Arcata Investment Company was licensed as a small business investment company on August 13, 1968, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.), and the regulations promulgated thereunder.

Arcata Investment Company has wound up its operations and dissolved as a corporate entity.

Under the authority vested by the Act and pursuant to the cited Regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises therefrom are canceled.

Dated: February 19, 1974.

JAMES THOMAS PHELAN,  
Deputy Associate  
Administrator for Investment.

[FR Doc.74-4678 Filed 2-27-74;8:45 am]

**INTERSTATE COMMERCE  
COMMISSION**

[Notice 455]

**ASSIGNMENT OF HEARINGS**

FEBRUARY 25, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 107583 Sub-54, Salem Transportation Co., Inc., now being assigned April 17, 1974 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC 130215, Marie Louise McEnvoy, DBA Household Moving Service, now being assigned April 15, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-4963-40, Alleghany Corporation, DBA Jones Motor, now being assigned hearing April 8, 1974, at New York, N.Y., in a hearing room to be later designated.

MC 138802, Summit Town Transit Rental, Inc., now assigned March 25, 1974, at Camden, N.J., will be held in the Jury Assembly Room, U.S. Post Office & Courthouse, 4th & Market Street.

MC-F-12025, Becker's Motor Transportation, Inc.,—Control—Needhams Motor Service, Inc., and FD-27530, Becker's Motor Transportation, Inc., Notes, now being assigned hearing April 15, 1974 (1 week), at New York, N.Y., in a hearing room to be later designated.

MC-C-8096, The Squaw Transit Company—Investigation and Revocation of Certificates—now assigned March 4, 1974, at Tulsa, Okla., is cancelled.

MC-F-11711, Barrett Mobile Home Transport, Inc.—Purchase—James M. Crain, DBA Jim Crain Mobile Home Transport, now being assigned hearing April 3, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-1824, Sub 60, Preston Trucking Company, Inc., and MC-F-11890, Howard Sober, Inc.—Purchase (Portion)—Insured Transporters, Inc., now being assigned hearing April 8, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11932, Refrigerated Transport Co., Inc.—Purchase (Portion)—Hurliman Trucking Co., and MC-107515 Sub 859, Refrigerated Transport Co., Inc., now being assigned hearing April 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 118831 Sub 100, Central Transport, Inc., now assigned February 27, 1974, will be held at the Main Library, 310 N. Tryon Street, Charlotte, N.C.

MC 107012 Sub 187, North American Van Lines, Inc., now assigned March 4, 1974, at Chicago, Ill., is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4777 Filed 2-27-74;8:45 am]

[Finance Docket No. 27463]

**GRAHAM COUNTY RAILROAD CO.**

**Resumption of Service in Graham County,  
N.C.**

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et. seq.; and good cause appearing therefor:

It is so ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Graham County, N.C., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That a notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., on the 20th day of February 1974.

By the Commission, Commissioner  
Deason.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[Finance Docket No. 27463]

**GRAHAM COUNTY RAILROAD COMPANY RESUMPTION  
OF SERVICE IN GRAHAM COUNTY, N.C.**

The Interstate Commerce Commission hereby gives notice that by order dated February 20, 1974, it has been determined that the above-entitled proceeding that the proposed resumption of operations over a line of railroad between Tipton Junction and Robbinsville, Graham County, N.C., a distance of 12.5 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. §§ 4321 et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that the proposed resumption of operations, if approved, would enhance the area's efforts to revitalize its heretofore depressed economy by providing local businesses a reliable means of public transportation not recently available. Adverse effects generally associated with the resumed rail service would be minimal because of the limited traffic expected and the pending conversion from steam to diesel power for the preponderance of the freight traffic. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6889.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 15, 1974.

[FR Doc.74-4773 Filed 2-27-74;8:45 am]

[Ex Parte No. 295 (Sub-No. 1)]

**INCREASED FREIGHT RATES AND  
CHARGES, 1973—RECYCLABLE MA-  
TERIALS**

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 20th day of February 1974.

It appearing, that on September 24, 1973, substantially all of the Nation's major railroads and certain water and motor carriers having joint rates with those railroads filed a petition, accompanied by supporting verified statements, requesting the Commission to institute an investigation into the revenue needs of all carriers operating by railroad in the United States, to make all such carriers respondents therein, to authorize the filing of a master tariff and

connecting link supplements, to grant such other relief as may be necessary to effectuate the same increase in rates and charges on commodities moving for purposes of recycling (identified in Appendix A below) as proposed on commodities generally in Ex Parte No. 295, namely 3 percent within eastern territory and 5 percent within other territories and interterritorially, to incorporate by reference the railroads' verified statements in Ex Parte No. 295 upon which the carriers rely for economic justification of the proposed increases on recyclables, and to permit said tariffs to become effective upon 45 days' notice;

It further appearing, that by notice dated September 27, 1973, the public was notified of the filing of the above petition seeking authority to publish increases in the rates and charges on recyclable materials, and that interested persons were permitted to file replies thereto on or before November 2, 1973, addressed to the question whether permission to file the tariffs should be granted, with emphasis on the environmental impact of the increases sought;

It further appearing, that various replies were filed pursuant to the Commission's notice, and that the views set forth therein have been considered, including assertions by some parties that recyclable commodities should not be subject to increase but that under no circumstances should the increase proposed exceed 3 percent;

It further appearing, that on December 5, 1973, the Commission's report was served in Ex Parte No. 295, "Increased Freight Rates and Charges, 1973," 344 I.C.C. 589, authorizing the railroad respondents to establish a 3-percent increase in freight rates and charges within and between all territories, subject to exceptions not here relevant;

It further appearing, that the evidence submitted by petitioners show that the 3-percent rate increase authorized by the Commission, if applied to recyclable materials, would yield estimated net revenues of \$7.9 million annually (\$3.7 million to eastern railroads, \$1.2 million to southern railroads, and \$3.0 to western railroads); and that the carriers are in need of additional revenues to offset increased labor and material costs, considering in this regard economic stabilization guidelines and recognizing expected and obtainable productivity gains which, however, are not in the aggregate of sufficient magnitude to offset such demonstrated costs;

It further appearing, that by order dated December 12, 1973, the Commission permitted the parties (including the railroads and replicants) to file additional representations in an effort to obtain facts and data necessary to enable it properly to assess and quantify the environmental consequences that may result from any action to be taken herein, and that such additional representations were received from the railroad petitioners, the Institute of Scrap Iron and Steel, Inc., and the National Association of Recycling Industries

(formerly National Association of Secondary Material Industries, Inc.);

It further appearing, that the filing of the general increase schedules, herein-after authorized, will not have a significant adverse effect upon the environment within the meaning of the National Environmental Policy Act of 1969; concerning the merits of the proposed increase on recyclables, however, it is contemplated that the detailed environmental impact statement procedures prescribed in section 102(2)(C) will be followed, said statement to be prepared late enough in the development process to contain meaningful information but early enough so that whatever information is contained in the statement can practically serve as input into the decision-making process (See "Scientists' Institute for Public Information, Inc. v. Atomic Energy Commission", 481 F. 2d 1079 (D.C. Cir. 1973)).

And it further appearing, That by Special Permission Order No. 74-2500 served herewith, the Commission is authorizing the filing of tariff schedules of increased rates and charges sought in the petition, subject to the 3-percent overall limitation imposed in Ex Parte No. 295, supra, upon not less than 45 days' notice to the Commission and the general public, and subject further to protest and possible suspension as provided by the Act, and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby instituted into and concerning the revenues needs of the railroads of the United States and the extent to which the proposed increases in rates and charges are necessary to provide revenues sufficient to enable the carriers, under honest, economical and efficient management, to provide adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service, and the reasonableness and lawfulness of such increases under the provisions of the Interstate Commerce Acts and related acts.

It is further ordered, That all common carriers by railroad be, and they are hereby, made respondents to this proceeding.

It is further ordered, That the record in Ex Parte No. 295, "Increased Freight Rates and Charges, 1973," be, and it is hereby, made a part of the record in this proceeding.

It is further ordered, That in accordance with the special permission authority hereinafter granted, the schedules shall be published, subject to protest and suspension, to become effective upon not less than 45 days' notice, not earlier than April 10, 1974, nor later than April 30, 1974, and said schedules shall contain an appropriate refund provision.

<sup>1</sup> On February 14, 1974, the Institute also submitted a Reply to Comments on Behalf of Railroad Petitioners; that pleading has been accepted for filing pursuant to replicant's petition for Leave to File.



It is further ordered, That this proceeding be, and it is hereby referred to Administrative Law Judge Janice M. Rosenak for hearing commencing at 9:30 a.m. on April 23, 1974, at the offices of the Interstate Commerce Commission, Washington, D.C., for the purpose of cross-examination of witnesses submitting verified statements and to afford an opportunity for the parties to submit such other pertinent evidence as the Administrative Law Judge deems necessary to complete the record. Persons desiring to participate shall, not later than April 12, 1974, specify which witnesses they intend to cross-examine by notice, sent via first class mail, to the Commission and the respondents or other affiant as the case may be.

It is further ordered, That verified statements of fact and argument in opposition to the schedules, which will be considered with respect to statutory suspension of the rates as well as made part of the formal record herein, shall be filed and served on or before March 20, 1974 (the original and 24 copies should be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, except that a lesser number of copies may be filed upon a showing of good cause, and one copy should be served upon the representative of the petitioner railroads, Mr. James L. Tapley, American Railroads Building, Room 527, 1920 L Street, NW., Washington, D.C. 20036<sup>2</sup>); that any person who does not desire to submit verified statements may file and serve in like fashion unverified protests which will be considered by the Commission only in connection with the issue of suspension; and that replies heretofore filed will be treated as protests and the parties may rely thereon in lieu of filing protests in this proceeding.

It is further ordered, That on or before April 1, 1974, the respondents shall file with the Commission and serve upon opposing parties such replies to protests seeking suspension and rebuttal evidence on the merits of the proceeding as they desire to present. Such evidence shall be in the form and served in the manner prescribed in "Procedures Governing Rail Carrier General Increase Proceedings," 49 CFR Part 1102, except that replies and rebuttal verified statements need be served only upon the party (and his counsel if known) to whose evidence the reply or rebuttal is directed. Such statements shall be furnished to other interested parties upon request.

It is further ordered, That the request for fourth-section relief will be considered following the filing of statements in opposition and replies thereto.

And it is further ordered, That the petition in all other respects be, and it is hereby, denied.

[Special Permission No. 74-2500]

Upon consideration of the railroads' petition filed September 24, 1973, seeking

<sup>2</sup> All parties able to do so should serve 25 copies upon the railroads' representative.

the relief described in the order attached hereto, the replies to said petition, and the action taken by the Commission in Ex Parte No. 295:

It is ordered, for good cause shown:

1. All railroads, and water and motor carriers to the extent they have joint rates with said railroads, and their tariff-publishing agents, be, and they are hereby, authorized to depart from the Commission's tariff-publishing rules when publishing and filing tariffs, and tariff amendments, to become effective not earlier than April 10, 1974, nor later than April 30, 1974, with notice to the Commission and the public of not less than 45 days, providing for increased rates and charges as set forth in the petition, except that said proposed increases shall not in any instance exceed the 3-percent increase authorized by the Commission in the final report in Ex Parte No. 295, "Increased Freight Rates and Charges, 1973," served December 5, 1973;

(a) By publication and filing of a master tariff of increased rates and charges, and supplements thereto, providing increases by means of conversion tables of rates and charges, which shall include, and maintain in effect, a provision reading as follows:

In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increases resulting from the application thereof and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission with six percent interest.

In the event an increase resulting from the application of this tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected with six percent interest.

The master tariff shall bear an expiration date not beyond one year after the effective date, which may not be canceled or extended except upon specific authorization of this Commission, and all relief herein expires with that date. The master tariff must initially contain all provisions for application of the increases (including provisions for no increases, part of the overall proposal) following which (unless suspended) any provisions other than those of a general character may be canceled and transferred to the particular tariffs affected upon a common effective date with appropriate notation to that effect in the master tariff amendment.

(b) By publication and filing of a connecting link supplement to each tariff (to be made subject to the master tariff), connecting such tariffs with the master tariff. Such supplements may be blanket supplements (a common supplement issued to two or more tariffs), provided each copy officially filed is hand marked in the appropriate places as to the supplement number and the I.C.C. number of the tariff it supplements.

(c) By publication and filing of tariffs or amendments to tariffs effective concurrently with the master tariffs and

upon the same notice which provide specifically increased rates and charges but which do not result in an increase in charges for transportation and other services greater than those specified in the petition, provided all such publication is identified in the tariffs and made subject to the refund clause worded substantially as in paragraph 1(a) herein and subject further to the overall 3-percent limitation previously imposed.

(d) By publication of provisions in tariffs or amendments thereto subjecting rates and charges therein to the provisions of the master tariff.

2. (a) The master tariff, as amended, and all other tariffs and amendments to tariffs, that employ the shortform methods authorized herein shall bear the notation:

Form of publication authorized, I.C.C. permission No. 74-2500.

(b) Tariffs or amendments to tariffs publishing specifically increased rates or charges hereunder shall bear a notation reading:

Publication made in accordance with I.C.C. permission No. 74-2500.

3. Connecting-link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules governing the number of supplements and the volume of supplemental matter permissible.

4. Outstanding orders of the Commission are hereby modified only to the extent necessary to permit the filing of tariff publications containing the proposed increases, and all tariff publications filed shall be subject to protest and possible suspension or rejection. In that regard, we direct petitioners' attention to our admonitions in prior general increase proceedings concerning maintenance and preservation of existing port relationships. See for example "Increased Freight Rates and Charges, 1973," 344 I.C.C. 589, 629, and "Increased Freight Rates and Charges," 1972, 341 I.C.C. 288, 336.

It is further ordered, That future orders and notices of the Commission in this proceeding will be sent only to those parties participating as herein provided, those who have previously filed replies or representations herein, and those interested persons who specifically request to be included on the service list.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,  
Secretary.

#### APPENDIX A

The commodities which will be affected by the increases proposed in the railroads' petition are identified in paragraph (m) of the general exceptions to tariff X-295-A as follows:

STCC No.	Commodity
22 941-----	Textile Waste garneted or processed.
22 973 15-----	Nolls, ramie.
22 973 25-----	Nolls (comblings or comber waste), cotton.
thru	
22 973 68-----	Rovings, jute andistle (istle).
32 299 24-----	Cullet (broken glass).
33 119-----	Blast furnace or coke oven products, Nec.
32 312-----	Copper matte, speiss or flue dust.
33 322-----	Lead matte, speiss or flue dust.
33 332-----	Zinc dross, residues, ashes.
33 342-----	Aluminum residues.
33 398-----	Miscellaneous Nonferrous metal residues.
40 1-----	Ashes.
40 2-----	Waste or Scrap.

The STCC numbers referred to shall also embrace all articles assigned additional digits listed thereunder in STCC Tariff 1-A.

[FR Doc.74-4776 Filed 2-27-74; 8:45 am]

[Notice 33]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 20, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74893. By order of February 22, 1974, the Motor Carrier Board approved the transfer to Interstate Trucking Corp., Staten Island, N.Y., of Certificate No. MC-1759 issued December 28, 1940, to Froehlich Transportation Co., Inc., Stamford, Conn., authorizing the transportation of general commodities between Hartford, Conn., and Newark, N.J.; also to and from named intermediate points in Connecticut and New York; off-route points in Connecticut, New York, New Jersey, and New York, N.Y., Commercial Zone; and between Stratford and Stamford, Conn., on the one hand, and on the other named points in Connecticut. Mr. John R. Remis, Jr., Attorney at Law, 20 Eritia Lane, Smithtown, N.Y. 11787; Mr. Thomas W. Murrett, Attorney at Law, 342 No. Main Street, West Hartford, Conn. 06117.

No. MC-FC-74916. By order of February 22, 1974, the Motor Carrier Board approved the transfer to Carl O. Minnberg, doing business as Calder's Van Company, 1800 North Western Avenue, Chicago, Ill. 60647, of the operating rights in Certificate No. MC-95293 issued May 15, 1973, to James Calder, doing business as Calder's Van Company, 3843 North Chicago Avenue, Chicago, Ill. 60651, authorizing the transportation of household goods, between Chicago, Evanston City, and points in New Trier and Niles Townships, Ill., on the one hand, and, on the other, points in Minnesota, Iowa, Nebraska, Wisconsin, Ohio, and Indiana.

No. MC-FC-74978. By order of February 22, 1974, the Motor Carrier Board approved the transfer to Currier Trucking Corporation, Gorham, N.H., of the operating rights in Certificate No. MC-128639 issued March 19, 1969, and subnumbers thereunder, to Reginald H. Currier, Gorham, N.H., authorizing the transportation of wood chips, and wood-pulp, to and from, and between named points in New Hampshire, New York, Maine, and Vermont. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4775 Filed 2-27-74; 8:45 am]

[Notice 30]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 21, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before March 15, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 44735 (Sub-No. 14 TA), filed February 11, 1974. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, P.O. Box 6237, Kansas City, Mo. 64126. Applicant's representative: Lowell

K. Knipmeyer, 2704 Power & Light Building, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Crushed automobile bodies and automobile engines for recycling purposes, from points in Colorado, to the Kansas City, Missouri-Kansas City, Kansas commercial zone, for 180 days.

NOTE.—Applicant intends to interline at Kansas City, Mo., with No. MC 44735.

SUPPORTING SHIPPER: Auto Recyclers, Incorporated, Box 6701, Third Floor—Century Bank & Trust Bldg., 234 Columbine Street, Denver, Colo. 80206. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 51146 (Sub-No. 359 TA), filed February 13, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 54306, 266 So. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pulpboard or fibreboard, from Hot Springs and Morrilton, Ark.; Fernandina Beach, Jacksonville, Panama City and Port St. Joe, Fla.; August, Brunswick, Cedar Springs, Kranert, Macon, Mead, Port Wentworth, Rome, Savannah and Valdosta, Ga.; Hawesville, Ky.; Bastrop, Bogulusa, De Ridder, Hodge, Penneville, Springhill and West Monroe, La.; Monticello and Vicksburg, Miss.; Plymouth, Roanoke Rapids, and Sylva, N.C.; Vallant, Okla.; Charleston, Florence, Georgetown, and Hartsville, S.C.; Orange and Silsbee, Tex.; Big Island, Hopewell and West Point, Va.; to Coloma, Mich., for 180 days. SUPPORTING SHIPPER: Menasha Corporation, P.O. Box 367, Neenah, Wis. 54956 (Edward E. Fetzer, Corporate Traffic Analyst). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 101075 (Sub-No. 118 TA) (Correction), filed January 30, 1974, published in the FEDERAL REGISTER issue of February 19, 1974, as MC 11075 (Sub-No. 118 TA), and republished as corrected this issue. Applicant: TRANSPORT, INC., 1215 Center Avenue, P.O. Box 396, Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger, P.O. Box 396, Moorhead, Minn. 56560. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, from Mankato, Minn., to points in South Dakota, Nebraska, and Iowa, for 180 days.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding in No. MC 101075 (Sub-No. 118 TA).

SUPPORTING SHIPPER: Midwest Oil of South Dakota, 615 East 8th, Sioux Falls, S. Dak. 57100. SEND PROTESTS TO: J. H. Ambs, District Supervisor,

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Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 109677 (Sub-No. 48TA) (Amendment), filed January 15, 1974, published in the *FEDERAL REGISTER* issue of January 29, 1974, and republished as amended this issue. Applicant: **PORT EDWARD EXPRESS CO., INC.**, Route 9, Saratoga Road, Port Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, (1) from Glens Falls, N.Y., to Baltimore and Leslie, Md., Cambridge, Mass., Philadelphia, Plymouth Meeting, Lancaster, Mount Union, and Morrisville, Pa., Jackson, Niles and Black Fork, Ohio, and Ports of Entry on the International Boundary line between the United States and Canada located at Champlain and Rouses Point, N.Y., with no transportation for compensation on return, except as otherwise authorized; (2) from Glens Falls, N.Y., to Ambler, Van Dyke, and Womelsdorf, Pa., Passaic, N.J., and Ports of Entry on the International Boundary line between the United States and Canada located at Buffalo and Niagara Falls, N.Y., with no transportation for compensation on return, except as otherwise authorized; (3) from Glens Falls, N.Y., to points in New York located on the Hudson River, Mohawk River, Erie Canal, Champlain Canal, and the St. Lawrence Seaway, restricted to shipments having a subsequent movement by water, with no transportation for compensation on return, except as otherwise authorized; (4) from Glens Falls, N.Y., to points in Maryland (except Baltimore and Leslie), Pennsylvania (except Philadelphia, Plymouth Meeting, Lancaster, Mount Union, and Morrisville), and New Jersey, with no transportation for compensation on return, except as otherwise authorized; and (5) from Glens Falls, N.Y., to East Bridgewater and Wilmington, Mass., with no transportation for compensation on return, except as otherwise authorized, for 180 days.

NOTE.—The purposes of this republication are (a) to indicate the substitute origin point in (1) through (4) above of Glens Falls, N.Y., for Corinth, N.Y., as previously published, and (b) to indicate applicant's request for authority in (5) above.

**SUPPORTING SHIPPER:** Georgia-Pacific Corporation, Chemical Division, 800 Summer Street, Stamford, Conn. **SEND PROTESTS TO:** Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 112223 (Sub-No. 94 TA), filed February 12, 1974. Applicant: **QUICKIE TRANSPORT COMPANY**, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Foundry coke*, from Milwaukee, Wis., to Virginia, Minn., for 180 days. **SUPPORTING SHIPPER:** Staver Foundry, 110 S. 10th St., Virginia, Minn. **SEND PROTESTS TO:** A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 4th St., Minneapolis, Minn. 55401.

No. MC 115496 (Sub-No. 20 TA), filed February 12, 1974. Applicant: **LUMBER TRANSPORT, INC.**, P.O. Box 111, Highway 23 South, Cochran, Ga. 31014. Applicant's representative: Richard M. Tettebaum, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle-board*, from the plantsite of Temple Industries, Inc., at or near Thomson, Ga., to points in Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Alabama, and Mississippi, for 180 days. **SUPPORTING SHIPPER:** Diboll Particleboard Division, Temple Industries, Inc., Diboll, Tex. 75941. **SEND PROTESTS TO:** William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 117940 (Sub-No. 105 TA), filed February 11, 1974. Applicant: **NATION-WIDE CARRIERS, INC.**, P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Anthony C. Vance, 111 E Street NW., Suite 501, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Logs of compressed wood, bark, or sawdust, and paper and paper products*, from Plymouth, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Oklahoma, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, Wisconsin, and Washington, D.C., and return shipments to Plymouth, N.C.; and (2) *woodpulp*, from Askin, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Oklahoma, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, Wisconsin, and Washington, D.C., and return shipments to Askin, N.C., for 180 days. **SUPPORTING SHIPPER:** Weyerhaeuser Company, P.O. Box 787, Plymouth, N.C. **SEND PROTESTS TO:** A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118202 (Sub-No. 31 TA), filed February 12, 1974. Applicant: **SCHULTZ TRANSIT, INC.**, P.O. Box 406, 323 Bridge St., Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and*

*articles distributed by meat packing-houses* (except commodities in bulk and hides), from Huron, S. Dak., to Buffalo and New York Mills, N.Y., and Pittsburgh, Pa., for 180 days. **SUPPORTING SHIPPER:** Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. **SEND PROTESTS TO:** A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 123233 (Sub-No. 52 TA), filed February 13, 1974. Applicant: **PROVOST CARTAGE INC.**, 7887 Second Avenue, Ville d'Anjou, Quebec, Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Caustic soda*, from the port of entry on the International Boundary line between the United States and Canada located at or near Roosevelttown, N.Y., to Roosevelttown, N.Y.; (2) *carbon disulphide*, from the ports of entry on the International Boundary line between the United States and Canada located at or near Alexandria Bay, N.Y., Ogdensburg, N.Y., Roosevelttown, N.Y., to Middleport, N.Y.; (3) *muratic acid*, from ports of entry on the International Boundary line between the United States and Canada located at or near Alexandria Bay, N.Y., Ogdensburg, N.Y., Roosevelttown, N.Y., Trout River, N.Y., Champlain, N.Y., Highgate Springs, Vt., Derby Line, Vt., To Brewer, Maine, Essex Junction, Vt., Manchester, N.H., Newton, Mass., Portland, Maine, Providence, R.I., Rockland, Maine, and Winoski, Vt.; and (4) *sodium hydro-sulphide*, from ports of entry on the International Boundary line between the United States and Canada located at or near Roosevelttown, N.Y., Champlain, N.Y., and Highgate Springs, Vt., to Jay, Maine, and Ticonderoga, N.Y. Items (1), (2), (3), (4) restricted to traffic having an immediate prior movement in foreign commerce, for 180 days. **SUPPORTING SHIPPER:** Canadian Industries Limited, 630 Dorchester Blvd. West, Montreal 101, Quebec, Canada. **SEND PROTESTS TO:** District Supervisor Paul D. Collins, Bureau of Operations, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 124078 (Sub-No. 578 TA), filed February 12, 1974. Applicant: **SCHWERMAN TRUCKING CO.**, 611 South 28th Street, Milwaukee, Wis. 53125. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum furnace residue*, unsuitable for future metal extraction, in bulk, from Mount Pleasant, Tenn., to Cape Girardeau, Mo., for 180 days. **SUPPORTING SHIPPER:** American Recycle Company, P.O. Box 525, Mount Pleasant, Tenn. 38474 (Fred C. White, Executive Vice President). **SEND PROTESTS TO:** District Supervisor John E. Ryden, Bureau of Operations,

Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128030 (Sub-No. 58 TA), filed February 11, 1974. Applicant: **THE STOUT TRUCKING CO., INC.**, R.R. #1—P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers and *empty containers on return*; (1) from Milwaukee, Wis., to Clinton, Ind., Galesburg, Ill., Pekin, Ill., and Streator, Ill.; (2) from LaCrosse and Sheboygan, Wis., to Cartersville, Ill., Clinton, Ind., Streator, Ill., and Taylorville, Ill.; and (3) from Bensonville, Ill., Columbus, Ohio, Detroit, Mich., LaCrosse, Wis., Louisville, Ky., Newport, Ky., Peoria Heights, Ill., St. Louis, Mo., and Sheboygan, Wis., and Chicago, Ill., to Clinton, Ind., for 180 days. **SUPPORTING SHIPPER:** Pekin Distributing Co., Inc., 1208 Koch Street, Pekin, Ill. 61554; Rend Lake Beverages, Inc., P.O. Box 46, Cartersville, Ill.; Sassatelli Distributing Co., R. R. Taylorville, Ill. 62568; Lowry Wholesale Beverage Co., 1301 North Ninth, Clinton, Ind. 47842; R. & B Distributing Co., 460 East Brooks, Galesburg, Ill. **SEND PROTESTS TO:** District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128608 (Sub-No. 6 TA), filed February 8, 1974. Applicant: **M. D. I. TRUCKING CORP.**, 307 Oliver Building, Pittsburgh, Pa. 15222. Applicant's representative: S. E. Wilmo, P.O. Box 328, Washington, Pa. 15301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metering, measuring, recording, and controlling devices and materials, supplies and equipment used in the manufacture, repair, and distribution thereof*, between the plants of Rockwell International located at DuBois, Pa., and Uniontown, Pa., on the one hand, points in the United States on the other, and providing for the return of scrap devices from points in the United States to recycling plants of Vulcan Detinning Co., Neville Island, Pa., and Roessing Bronze Co., Mars, Pa. **RESTRICTION:** The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Rockwell International of Pittsburgh, Pa., for 180 days. **SUPPORTING SHIPPER:** Rockwell International, 600 Grant Street, Pittsburgh, Pa. 15219. **SEND PROTESTS TO:** John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 134477 (Sub-No. 54 TA), filed February 12, 1974. Applicant: **SCHANNO TRANSPORTATION, INC.**, P.O. Box 3496, West St. Paul, Minn. 55165. Applicant's representative: Thomas Fisch-

bach, 5 West Mendota Road, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mankato, Kans., to Hartford, Conn., Boston, and Worcester, Mass., New York City, and New York City commercial zones as defined by the Commission, N.Y., Elizabeth and Philadelphia, Pa., and Providence, R.I., for 180 days. **SUPPORTING SHIPPER:** Dubuque Packing Company, R.F.D. 2, Mankato, Kans. **SEND PROTESTS TO:** A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 110 S. 4th St., 448 Federal Building & U.S. Court House, Minneapolis, Minn. 55401.

No. MC 136647 (Sub-No. 14 TA), filed January 28, 1974. Applicant: **GREEN MOUNTAIN CARRIERS, INC.**, Mailing: P.O. Box 1319, Albany, N.Y. 12201, Office: Carr Road, Dormansville, N.Y. 12055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in temperature controlled vehicles, except in bulk, from Hinesburg, Vt., to Seattle, Wash., Los Angeles, Calif., Denver, Colo., Houston, Tex., and Chicago, Ill., for 180 days. **SUPPORTING SHIPPER:** International Cheese Co., Inc., Hinesburg, Vt. 05461. **SEND PROTESTS TO:** Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y.

No. MC 138115 (Sub-No. 3 TA), filed February 11, 1974. Applicant: **FRANK D. CORBIN**, 1308 Ambrose Drive, Winchester, Va. 22601. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap paper*, for recycling, from Hagerstown, Md., to Philadelphia, Pa., and Halltown, W. Va.; (2) *printed matter*, from Hagerstown, Md., to points in Arlington, Prince William, Fairfax, and Loudoun Counties, Va., and Delaware, Montgomery, and Philadelphia Counties, Pa., and the District of Columbia; and (3) *paper*, from points in Arlington, Prince William, and Fairfax Counties, Va., and Delaware, and Montgomery Counties, Pa., and Washington, D.C., to Hagerstown, Md., for 180 days. **SUPPORTING SHIPPER:** Michael L. Buraeker, Production Manager, Hagerstown Bookbinding & Printing Co., Inc., 952 Frederick Street, Hagerstown, Md. 21740. **SEND PROTESTS TO:** W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 139477 (Sub-No. 1 TA), filed February 13, 1974. Applicant: **JOHN JOSEPH JACOBS**, doing business as

**TRI-J TRUCKING**, 1304 Elm Street, Doniphan, Mo. 63935. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Doniphan, Mo., to Wickliffe, Ky., for 180 days. **SUPPORTING SHIPPER:** Oklana Land Co., Route 1, Pollark, Ark. **SEND PROTESTS TO:** District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4774 Filed 2-27-74; 8:45 am]

[Notice 16]

# **MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS**

FEBRUARY 22, 1974.

The following applications (except as otherwise specifically noted) each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application, are governed by Special Rule 1100.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the *FEDERAL REGISTER* issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that

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each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

No. MC 217 (Sub-No. 17), filed January 28, 1974. Applicant: POINT TRANSFER, INC., 5075 Navarre Road, SW., P.O. Box 1441, Canton, Ohio 44708. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant sites of the United States Steel Corporation located at or near Chicago and Joliet, Ill., to points in Ohio, those points in Pennsylvania on the west of U.S. Highway 219 and those in West Virginia on and north of U.S. Highway 50.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING: April 16, 1974 (2 weeks), 9:30 a.m. local time, at Pittsburgh, Pa. in a hearing room to be later designated.

No. MC 8973 (Sub-No. 33) (Clarification), filed November 27, 1973, published in the FEDERAL REGISTER issue of January 17, 1974, and republished as clarified this issue. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Structural clay products*, from Pike and Jackson Townships, located in Perry County, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

NOTE.—The purpose of this republication is to indicate more clearly applicant's re-

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

quested origin points. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 25798 (Sub-No. 254), filed January 7, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Charcoal briquets, wood chips, lighter fluid, and fireplace logs*, from Ocala, Jacksonville, and Romeo, Fla., to points in Alabama, Connecticut, Delaware, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control was approved in MC-F-8953. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 49368 (Sub-No. 92), filed January 21, 1974. Applicant: COMPLETE AUTO TRANSIT, INC., 18544 West Eight Mile Road, Southfield, Mich. 48075. Applicant's representative: Walter N. Bienenman, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway and driveway service, (1) from Atlanta, Ga., to points in Missouri; and (2) from Doraville, Ga., to points in Missouri and Illinois, under a continuing contract or contracts with General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 60756 (Sub-No. 8), filed January 16, 1974. Applicant: CRESCENT MOTOR LINE, INC., P.O. Box 2625, Spartanburg, S.C. 29302. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), from Charleston, S.C., Savannah and Port Wentworth, Ga., to points in South Carolina within 100 miles of Spartanburg, S.C., points in Georgia on and north of a line made by U.S. Highway No. 80 beginning at the Alabama-Georgia State line near Columbus, Ga., thence along U.S. Highway No. 80 to Macon, Ga., thence along Georgia Highway No. 49 to Milledgeville, Ga., thence along Georgia Highway No. 22 to Sparta, Ga., thence along Georgia Highway No. 16 to

Warrenton, Ga., thence along U.S. Highway No. 278 to Augusta, Ga. and the Georgia-South Carolina State line, and points in North Carolina on and north of a line made by U.S. Highway 1 from the North Carolina-South Carolina State line near Rockingham, N.C., to a point on the North Carolina-Virginia State line near Henderson, N.C.; and (2) *textile products, bagging, bags, and cotton-baling ties*, from points in South Carolina within 100 miles of Spartanburg, S.C., points in Georgia on and north of a line made by U.S. Highway No. 80 beginning at the Alabama-Georgia State line near Columbus, Ga., thence along U.S. Highway No. 80 to Macon, Ga., thence along Georgia Highway No. 49 to Milledgeville, Ga., thence along Georgia Highway No. 22 to Sparta, Ga., thence along Georgia Highway No. 16 to Warrenton, Ga., thence along U.S. Highway No. 278 to Augusta, Ga. and the Georgia-South Carolina State line, and points in North Carolina on and north of a line made by U.S. Highway 1 from the North Carolina-South Carolina State line near Rockingham, N.C., to a point on the North Carolina-Virginia State line near Henderson, N.C., to Charleston, S.C. and Savannah and Port Wentworth, Ga.

NOTE.—Applicant presently tacks the operating authority held in Certificate MC-60756 with that in No. MC-60756 Sub-No. 4 gateways through Spartanburg or Lyman, S.C. and performing service on general commodities from the cities named in certificate No. MC-60756 such as Charleston, S.C., Savannah and Port Wentworth, Ga. to points in the states of South Carolina, North Carolina, and Georgia as described in the first paragraph of certificate MC-60756 Sub-No. 4. In the reverse direction, it transports shipments of textile products, bagging, bags, and cotton-baling ties, over irregular routes, from points in North Carolina, Georgia and South Carolina within 100 miles of Spartanburg, S.C., the general territory described in certificate MC-60756 Sub-No. 4 to Charleston, S.C. and Savannah and Port Wentworth, Ga. The primary purpose of this application is to eliminate the gateways of Spartanburg and Lyman, S.C. and permit operation direct over the shorter routes. This would permit direct operation between Charleston, S.C., Savannah and Port Wentworth, Ga., on the one hand, and points in the territories in North Carolina, Georgia and South Carolina as are described herein. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C. or Atlanta, Ga.

No. MC 75320 (Sub-No. 171), filed January 21, 1974. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, and except livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and

those injurious or contaminating to other lading), serving the Holiday Industrial Park, located in De Soto County, Miss., as an off-route point in connection with applicant's regular-route operations to and from Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss. or Memphis, Tenn.

No. MC 77016 (Sub-No. 13), filed January 21, 1973. Applicant: BUDIG TRUCKING CO., a corporation, 1100 Gest Street, Cincinnati, Ohio 45203. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between junction of Kentucky Highway 10 and Kentucky Highway 57 and the junction of Kentucky Highway 57 and Kentucky Highway 8: From junction of Kentucky Highway 10 and Kentucky Highway 57, over Kentucky Highway 57 to junction of Kentucky Highway 57 and Kentucky Highway 8, serving all intermediate points, and return over the same route; and (2) Between Vanceburg, Ky. and Trinity, Ky.: From Vanceburg, Ky., over Kentucky Highway 8 to Trinity, Ky., serving all intermediate points, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio, or Frankfort, Ky.

No. MC 78228 (Sub-No. 48), filed December 21, 1973. Applicant: J. MILLER EXPRESS, INC., 152 Wabash, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation located at Lackawanna, N.Y., to points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in the base certificate at Lackawanna, N.Y. to provide a through service from points in Ohio, specified points in Pennsylvania and West Virginia and Ashland, Ky. to the destination points named herein. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 79999 (Sub-No. 12), filed January 14, 1974. Applicant: E. JACK WALTON TRUCKING COMPANY, 13020 Sarah Lane, P.O. Box 9776, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe and conduit and couplings, fittings and attachments*, for pipe and conduit, from the plantsite and facilities of Johns-Manville Products Cor-

poration at or near Denison, Tex., to points in Arkansas, and Colorado.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Texas.

No. MC 82492 (Sub-No. 89) (Amendment), filed October 25, 1973, published in the FEDERAL REGISTER issue of December 13, 1973, and republished as amended this issue. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), from points in Indiana and the Lower Peninsula of Michigan, to Sterling, Ill. and points in Illinois located on and south of Interstate Highway 74 (except Champaign, Ill.); and (2) *drugs, plastic articles, and rubber articles* (except commodities in bulk) when moving at the same time and in the same vehicle in mixed shipments with foodstuffs, from the facilities utilized by Ross Laboratories at or near Sturgis, Mich., to Sterling, Ill. and points in Illinois located on and south of Interstate Highway 74 (except Champaign, Ill.), restricted in (1) and (2) above to traffic originating at the origin point or territory and destined to the named destination territory.

NOTE.—The purpose of this republication is to indicate the amended request for authority as described above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 82841 (Sub-No. 136), filed January 18, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, from Newcastle, Wyo., to points in Pennsylvania and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 85934 (Sub-No. 65), filed January 9, 1974. Applicant: MICHIGAN TRANSPORTATION CO., a corporation, 3601 Wyoming, Dearborn, Mich. 48120. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plantsites and facilities of the Dow Chemical Company at or near Midland, Mich., Hanging Rock, Ohio, Pevely, Mo., and Channahon Township (Will County), Ill. to points in the United States on and east of U.S.

Highway 85, restricted to traffic originating at the above named plantsites and facilities.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 699), filed January 11, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Amusement rides on undercarriages*, from San Antonio, Tex., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 107515 (Sub-No. 890), filed January 18, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, foods not fit for human consumption, and animal and pet foods* (except commodities in bulk), from Logansport, Ind., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 597 at Logansport, Ind., on frozen foods and specified frozen foods, in vehicles equipped with mechanical refrigeration to provide through service from various points in New Jersey and points in Michigan to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.; Chicago, Ill. or Washington, D.C.

No. MC 107515 (Sub-No. 891), filed January 18, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from Grand Forks, N. Dak., to points in Alabama, Georgia, Florida, Kentucky, North Carolina, South Carolina and Tennessee.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Louisville, Ky., to serve points in the Northeastern United States. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.; Fargo, N. Dak. or Atlanta, Ga.

No. MC 109324 (Sub-No. 26), filed January 18, 1974. Applicant: GARRISON MOTOR FREIGHT, INC., Garrison Place, P.O. Box 969, Harrison, Ark. 72601.

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Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Conway, Ark., and East St. Louis, Ill., as an alternate route for operating convenience only in connection with carrier's presently authorized regular route operations between Conway, Ark., and East St. Louis, Ill., serving no intermediate points: From Conway over U.S. Highway 64, to its junction with U.S. Highway 67, thence over U.S. Highway 67 to its junction with Interstate Highway 55, thence over Interstate Highway 55 to East St. Louis, Ill., and return over the same routes.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Little Rock, Ark.

No. MC 109689 (Sub-No. 262), filed January 21, 1974. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in containers, from Solar, Utah, to points in incorporated towns and cities in New Mexico; and (2) *sodium chlorate*, in bulk, from Henderson, Nev., to points in Tulare, Fresno, Kern, Kings, Madera, and Merced Counties, Calif.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 110420 (Sub-No. 697), filed January 23, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53518. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Zion, Ill., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 307), filed December 10, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little St., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden or metal curtain rods*, with or without fixtures or

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accessories, from Scottsville, Ky., to points in Arkansas, California, Colorado, Arizona, Idaho, Iowa, Kansas, Missouri, Montana, New Mexico, North Dakota, Minnesota, Nevada, Louisiana, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, Wisconsin, and South Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. or St. Louis, Mo.

No. MC 114045 (Sub-No. 392), filed January 17, 1974. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic equipment, unexposed photographic film, photographic plates, photographic chemicals, advertising matter and packaging materials*, from Parlin, N.J., to points in Dallas, Tex. and Burbank, Calif.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 114273 (Sub-No. 162), filed January 23, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Ave., N.E.P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209 and 766, from the plant site and warehouse facilities of Wilson & Co. Inc., at Cherokee, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at and destined to the points named above.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116503 (Sub-No. 6), filed January 18, 1974. Applicant: B. R. SCHOLL & SONS, INC., 2301 Fifth Street, Perkassie, Pa. 18944. Applicant's representative: Harry J. Liederbach, 539 Street Road, Southampton, Pa. 18966. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk and in bags, from Solvay, N.Y., to points in Maryland.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or New York, N.Y.

No. MC 117574 (Sub-No. 234), filed January 17, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment designed for use in conjunction with tractors*; (3) *agricultural, industrial, and construction machinery and equipment*; (4) *trailers designed for the transportation of the above-described commodities* (except those trailers designed to be drawn by passenger automobiles); (5) *attachments for the above-described commodities*; (6) *internal combustion engines*; (7) *parts of the above-described commodities when moving in mixed loads with such commodities*; and (8) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) through (7) above, between Lexington, Nebr., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. RESTRICTION: The operations authorized herein are restricted to the transportation of traffic (a) originating at Lexington, Nebr., and destined to points in the above-named States or (b) originating at points in the above-named States and destined to Lexington, Nebr., except that the restrictions in (a) and (b) shall not apply to traffic moving in foreign commerce.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 117815 (Sub-No. 222), filed January 2, 1974. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Indiana, to points in Iowa, Nebraska, Missouri, Kansas, and points in Illinois located in the Davenport, Iowa-Rock Island and Moline, Ill. Commercial Zone, restricted to the transportation of shipments originating at points in the named origin state and destined to points in the named destination states.

NOTE.—Common control was approved in MC-F-11497. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Chicago, Ill.

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No. MC 118610 (Sub-No. 20), filed January 2, 1974. Applicant: L & B EXPRESS, INC., P.O. Box 137, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down or set up*; (b) *building sections and building panels*; (c) *metal prefabricated structural components and panels*; and (d) *parts and accessories* used in the installation of the commodities named in (a), (b), (c) above, from the plantsites of Kirby Building Systems, Inc., at or near Portland, Tenn., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment and supplies used in the manufacture of buildings and parts thereof*, from points in the United States (except Alaska and Hawaii), to the plantsites of Kirby Building Systems, Inc. at or near Portland, Tenn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Louisville, or Frankfort, Ky., or Nashville, Tenn.

No. MC 118989 (Sub-No. 105), filed January 21, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: James C. Hardnam, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers, container ends and container accessories*, from Shoreham, Mich., to Springdale, Ark., and Neosho, Mo.; and (2) *materials and supplies used in the manufacture and distribution of metal containers, container ends and container accessories* (except commodities in bulk and those which because of size or weight require the use of special equipment), from Springdale, Ark. and Neosho, Mo., to Shoreham, Mich.

NOTE.—Applicant states that the requested authority can be tacked with this existing authority on containers in Sub-No. 37 at Shoreham, Mich. to provide a through service from the plant and warehouse sites of Inland Steel Container Company at Alsip, Ill. to Springdale, Ark. and Neosho, Mo. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119399 (Sub-No. 40), filed January 21, 1974. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: David L. Sifton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages*, in containers and related advertising matter, (a) from Memphis, Tenn., to points in Missouri (except Joplin, Mo.), (b) from St. Joseph, Mo., to points in Arkansas, (c) from Peoria, Ill., to Butler, Mo. and points in Arkansas (except Blytheville and Hot Springs, Ark.), (d) from St. Paul, Minn., to points in Arkansas, (e) from Belleville, Ill., to

Memphis, Tenn., and (f) from St. Louis, Mo., to points in Arkansas; and (2) *empty containers*, from the destination points named in 1 (a) through (f) to their respective origin points.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 119669 (Sub-No. 44), filed January 14, 1974. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of or utilized by Banquet Foods Corporation at or near Wellston, Ohio, to points in Pennsylvania, New York, New Jersey, Rhode Island, Connecticut, Maine, Massachusetts, New Hampshire, Vermont, Maryland, Delaware, District of Columbia, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above named origin and destined to the named destination points.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 119767 (Sub-No. 306), filed January 23, 1974. Applicant: BEAVER TRANSPORT CO., a corporation, P.O. Box 186, Pleasant Prairie, Wis. 53518. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen and non-frozen, and non-edible foods* (except commodities in bulk), from Logansport, Ind., to Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Dakota, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 307), filed January 23, 1974. Applicant: BEAVER TRANSPORT CO., a corporation, P.O. Box 186, Pleasant Prairie, Wis. 53518. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Western Potato Service, Inc., at Grand Forks, N. Dak., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119789 (Sub-No. 193), filed January 21, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products* (except in bulk), from Duryea, Pa., to points in Missouri, Colorado, Kansas, California, Oregon, Texas, and Louisiana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilkes-Barre, Pa. or Dallas, Tex.

No. MC 119908 (Sub-No. 22), filed January 21, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated buildings, complete, knocked down, or in sections, and parts and accessories* therefore, from Portland, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma and Texas, and (2) *iron and steel articles*, between Portland, Tenn. and Houston, Tex.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Nashville, Tenn. or Birmingham, Ala.

No. MC 123872 (Sub-No. 19), filed January 23, 1974. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles* distributed by meat packing-houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsites and storage facilities of Swift & Company located at or near Grand Island, Nebr., and Des Moines, Glenwood, Sioux City, Marshalltown and Ames, Iowa; to points in Georgia, North Carolina, South Carolina, Tennessee and Virginia, restricted to the transportation of traffic originating at the named origins and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte or Hickory, N.C. or Washington, D.C.

No. MC 123993 (Sub-No. 32), filed January 17, 1974. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504,

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Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, and mineral feed mixtures*, from the plantsite of Cargill, Inc. located at Anse la Butte and Baldwin, La., to points in Arkansas, Louisiana and Texas.

NOTE.—Applicant holds contract carrier authority in MC-41116 and Subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 125474 (Sub-No. 42), filed January 21, 1974. Applicant: BULK HAULERS, INC., P.O. Box 3601, Wilmington, N.C. 28401. Applicant's representative: Stan E. McCormick, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl teraphthalate*, from the plant site of E. I. duPont de Nemours and Co., located in Brunswick County, N.C., to points in South Carolina, Tennessee and Virginia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125925 (Sub-No. 13), filed January 21, 1974. Applicant: SAM TOWLER, 3319 Collins Street, Annandale, Va. 22003. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone dust* from LeGore, Md., to the plant site of Leesburg Concrete Block, Inc. located on Virginia Highway 653 near Leesburg, Va.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126276 (Sub-No. 85) (Correction), filed August 27, 1973, published in the FEDERAL REGISTER issue of October 31, 1973, and republished as corrected in this issue. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 20 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Container closures, container components, materials, and supplies* used in selling, manufacture and distribution of containers, (1) from the plantsites and/or warehouse sites of American Can Company located at Atlanta, Ga.; Baltimore, Md.; Chambersburg, Pa.; Darlington, S.C.; Easton, Pa.; Edison, N.J.; Fairport, N.Y.; Forks Township, Pa.; Hillside, N.J.; LeMoyne, Pa.; Morrisville (Bucks County), Pa.; Needham, Mass.; New Castle, Del.;

Philadelphia, Pa.; and Washington, N.J.; to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee and Wisconsin; and (2) between the plant sites and/or warehouse sites of American Can Company, located at Fort Smith, Ark.; Lexington, Ky.; and Darlington, S.C., under contract in (1) and (2) with American Can Company.

NOTE.—The purpose of this republication is to indicate additional destination points in (1) above at Fairport, N.Y.; Forks Township, Pa.; and Hillside, N.J. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127274 (Sub-No. 41), filed January 14, 1974. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Foodstuffs*, frozen and non-frozen, and *non-edible foods* (except commodities in bulk), from Logansport, Ind., to points in Kentucky, Tennessee, Georgia, Alabama, North Carolina, South Carolina, Mississippi, Louisiana, Arkansas, Oklahoma, and Missouri (except St. Louis).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127274 (Sub-No. 42), filed January 18, 1974. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool and rock wool*, from Alexandria, Ind., to points in Arkansas, Missouri, South Carolina, North Carolina, Virginia, Pennsylvania, Mississippi, Georgia, Alabama, West Virginia, Iowa, Wisconsin, Kansas and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 127505 (Sub-No. 61) (Correction), filed January 2, 1974, published in the FEDERAL REGISTER issue of February 7, 1974, and republished as corrected in this issue. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-frozen foodstuffs* (except meats, meat products, meat by-products and dairy products), (a) from Plainview, Minn.; and Bloomer and Manitowoc, Wis., to points in Illinois, Indiana, Kentucky, Ohio, and points in Iowa and Missouri on and east of U.S. Highway 61 and (b) from Renville County, Minn., to

points in Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin, points on and east of U.S. Highway 51, and Iowa and Missouri, points on and east of U.S. Highway 61, restricted to traffic originating at the above-named origins and destined to the above-named destinations. Note: The purposes of this republication are (1) to indicate the origin of Renville County, Minn. in part (b) as described above, in lieu of Kenville County, Minn. which was previously published in error and (2) to indicate the origin of part (a) as Plainview, Minn., in lieu of Plainview, Minn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127505 (Sub-No. 62), filed January 18, 1974. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper articles*, (a) from Morris, Ill., to points in Indiana, Kentucky, and Missouri; and (b) from Normal, Ill., to points in Alabama, Florida, Georgia, Kentucky (except Louisville), New Jersey, New York, Pennsylvania, South Carolina, and Anderson, Ind., and Cincinnati, Circleville, and Cleveland, Ohio; (2) *scrap paper*, from Monroe, Wis., to Morris, Ill.; and (3) *water cooling air conditioner towers and pipe type condensers, equalizers and exchangers*, from Paxton, Ill., to points on and east of U.S. Highway 85, and in and west of Ohio, Kentucky, Tennessee, and Alabama, (1), (2) and (3) restricted against the transportation of commodities in bulk and those which because of size or weight require special equipment or handling.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127834 (Sub-No. 97), (Correction), filed January 2, 1974, published in the FEDERAL REGISTER issue of February 7, 1974, and republished as corrected in this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in connection with the installation, erection, and construction of buildings, building panels and building parts, from Portland, Tenn., to points in and east of Texas, Oklahoma, Missouri, Iowa and Minnesota.

NOTE.—The purpose of this republication is to indicate that applicant seeks to serve points in and east of Texas, Oklahoma, Missouri, Iowa, and Minnesota as described

above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Nashville, Tenn.

No. MC 128273 (Sub-No. 150), filed January 17, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber, rubber products, and such other commodities*, as are manufactured, processed, and/or dealt in by rubber manufacturers (except commodities in bulk), from Gadsden, Ala., to points in Illinois, Indiana, Michigan, Wisconsin, and points in the United States on and west of a line beginning at the Louisiana-Mississippi State Boundary line to its intersection with the Mississippi River, and extending northward along the Mississippi River to its intersection with the Minnesota-Wisconsin State Boundary line to its intersection with the International Boundary line between the United States and Canada, (except Alaska and Hawaii), and (2) *tires, and equipment, material and supplies*, used in the manufacture and distribution of rubber products, and other commodities; as are manufactured and processed and/or dealt in by rubber manufacturers, (except commodities in bulk), from points in Illinois, Indiana, Michigan, Wisconsin, and points in the United States on and west of a line beginning at the Louisiana-Mississippi State Boundary line to its intersection with the Mississippi River, and extending northward along the Minnesota-Wisconsin State Boundary line, thence along the Minnesota-Wisconsin State Boundary line to its intersection with the International Boundary line between United States and Canada, (except Alaska and Hawaii) to Gadsden, Ala.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio.

No. MC 128497 (Sub-No. 16), filed January 21, 1974. Applicant: JACK LINK TRUCK LINE, INC., P.O. Box 127, Dyersville, Iowa 52040. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Wilson and Co., located at or near Cherokee, Iowa, to points in Indiana, Michigan, Ohio and Wisconsin, restricted to the transportation of traffic originating at the above named origin and destined to the name destinations.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128746 (Sub-No. 13), filed January 16, 1974. Applicant: D'AGATA NATIONAL TRUCKING CO., a corporation, 3222-44 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and (2) *related advertising materials*, from Latrobe, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, North Carolina, Ohio, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at (a) New York, N.Y., to serve Philadelphia, Pa.; (b) from Philadelphia to serve points in Maine, New Hampshire, Vermont, New Jersey, Detroit, Mich., Waukegan, Wis., and points in Philadelphia County. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 129350 (Sub-No. 36) (Correction), filed November 12, 1973, published in the FEDERAL REGISTER issue of December 20, 1973, and republished, as corrected, this issue. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, P.O. Box 212, Billings, Mont. 59103. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk, in tank vehicles), from Chicago, Ill. and points in its Commercial Zone, and Ringwood, Ill., Minneapolis and St. Paul, Minn., Rapid City and Sioux Falls, S. Dak., Midland and Ludington, Mich., Madison, Hudson and Janesville, Wis., Painesville, Ohio, and Westvaco, Wyo., to Helena, Butte and Billings, Mont.; (2) *dry cleaning and janitorial supplies* (except in bulk in tank vehicles) from Chicago, Ill., and points in its Commercial Zone, and Peoria, Ill., Madison, Wis., Sioux Falls, and Rapid City, S. Dak. to Billings and Helena, Mont.; and (3) *dry cleaning and janitorial supplies*, from Helena, Mont., to Sioux Falls, and Rapid City, S. Dak., and Champaign and Clinton, Ill.

NOTE.—The purpose of this republication is to correctly indicate applicant's requested authority in (2) and (3) above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings or Helena, Mont.

No. MC 133304 (Sub-No. 5), filed January 21, 1974. Applicant: WILLIAM REMINES, JR., doing business as WM. REMINES, JR., P.O. Box 352, Bluefield, Va. 24605. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Dairy products, fruit juices, and fruit drinks*, when moving with dairy products, and *empty metal baskets* on return, from Bluefield, Va., to Logan, W. Va.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133566 (Sub-No. 35), filed January 21, 1974. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), in vehicles equipped with mechanical temperature controls, from the facilities utilized by Green Giant, Inc., located at or near Lafayette, Ind. to Belvidere, Ill., restricted to traffic originating at the above named facilities.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Washington, D.C.

No. MC 133566 (Sub-No. 36), filed January 21, 1974. Applicant: GANGLOFF AND DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from the plant site and storage facilities of Castle and Cooke Foods at New York City, N.Y. and Baltimore, Md. to points in New York, Ohio, Indiana, Michigan and Illinois, restricted to traffic originating at the above named plantsites and storage facilities of Castle and Cooke Foods.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 133689 (Sub-No. 39), filed January 17, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street, S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fergus Falls, Minn., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia.



NOTE.—Applicant holds contract carrier authority in MC-76025 and Subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 133689 (Sub-No. 40), filed January 17, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street, S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from St. Paul and South St. Paul, Minn., to points in Tennessee, North Carolina and South Carolina.

NOTE.—Applicant holds contract carrier authority in MC-76025 and Subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 133832 (Sub-No. 1), filed January 17, 1974. Applicant: A. D. S. TRUCKING, INC., 217 West Nicholas Street, Hicksville, N.Y. 11801. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Earthenware, chinaware, glassware, cutlery, silverware, utensils, advertising material, store display racks, boxes and books*, (a) from points in the New York, N.Y., Commercial Zone and Nassau County, N.Y., to points in Nassau, Suffolk, Westchester, Dutchess, Putnam, Rockland, Orange, and Sullivan Counties, N.Y., and New York, N.Y.; and (b) from points in the New York, N.Y., Commercial Zone and Nassau County, N.Y., to points in Connecticut and New Jersey; and (2) *returned shipments* of the commodities specified herein above, from points in the above-described destination points to their respective origins under a continuing contract, or contracts with Sigma Marketing Systems, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134599 (Sub-No. 100), filed January 21, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 7348, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Chemicals, chemical compounds, chemical agricultural products, plastic materials, boots and shoes, carpet cushioning, rug underlay, latex, rubber products, materials and supplies*,

used in the manufacture and production thereof, (except commodities in bulk or which, because of size or weight require special handling or special equipment), between Beacon Falls, Waterbury, Waterville and Oakville, Conn., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii), under a continuing contract with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134599 (Sub-No. 102), filed January 21, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, 265 W. 2700 South, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Games and toys and miscellaneous plastic articles* manufactured and distributed by Standard Plastics, a division of Mattel, Inc., and *materials, parts and supplies* used in the manufacture of these items (except commodities in bulk or which, because of size or weight require special handling or special equipment), between Metuchen and South Plainfield, N.J., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Minnesota, and Missouri, under a continuing contract with Mattel, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Lincoln, Nebr.

No. MC 134645 (Sub-No. 7), filed January 17, 1974. Applicant: LIVE-STOCK SERVICE, INC., 1420 Second Avenue So., St. Cloud, Minn. 56301. Applicant's representative: Robert P. Sack (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fergus Falls, Minn., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC-124071 and Subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 134681 (Sub-No. 2), filed January 11, 1974. Applicant: VULCRAFT CARRIER CORPORATION, 4425 Randolph Road, Charlotte, N.C. 28211. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box

82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Fuel oil and propane*, from points in Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Wisconsin, Michigan, Indiana, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, District of Columbia, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, New York, and Maine, to Grapeland, Tex.; Darlington and Florence, S.C.; Fort Payne, Ala.; Norfolk, Nebr.; and St. Joe, Ind., under a continuing contract or contracts with Nucor Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135372 (Sub-No. 1), filed January 16, 1974. Applicant: REGIONAL TRANSPORTATION, INC., 101 Reserve Road, Hartford, Conn. 06114. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the plants and facilities of Dubuque Packing Company located at or near Mankato and Wichita, Kans., to the plant and facilities of Regional Beef Company, Inc., in Hartford, Conn., under contract with Martin Shapiro.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn. or Boston, Mass.

No. MC 135530 (Sub-No. 3), filed January 22, 1974. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 111 Market Street, Winona, Minn. 55987. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Electrical and electronic supplies, equipment, fittings and accessories, metals and metal products, and wire and wire products*, (except commodities in bulk, in tank vehicle), between plantsite of Deco-West, doing business as Lake Center Industries-Chippewa Falls, Wis., on the one hand, and, on the other, Minneapolis, Winona and Lewiston, Minn.; Decorah, Iowa and Chicago, Ill. and (2) *equipment, materials and supplies* used in manufacturing, processing and repairing the above-described commodities, from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Vir-

ginia and West Virginia, to the plantsite

of Deco-West, doing business as Lake Center Industries, Chippewa Falls located at or near Chippewa Falls, Wis., under a continuing contract or contracts with Deco-West, doing business as Lake Center Industries-Chippewa Falls.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, St. Paul or Winona, Minn.

No. MC 135833 (Sub-No. 13), filed January 18, 1974. Applicant: B & C SPECIALIZED CARRIERS, INC., 6524 Brookville Road, Indianapolis, Ind. 46219. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Structural steel*, between the plant and warehouse sites of the divisions of Debron Corporation located at Aurora and Decatur, Ill.; Lansing, Mich.; St. Louis, Mo.; and Chattanooga, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Ohio, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, restricted to traffic originating at and destined to the above named States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Chicago, Ill.

No. MC 136008 (Sub-No. 20), filed December 28, 1973. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23rd Street, P.O. Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fly ash*, (1) from the Plantsite of Monticello Stream Electric Generating Station located 8 miles southwest of Mt. Pleasant, Tex., to points in Colorado, Kansas, Louisiana, New Mexico, and Oklahoma; and (2) from the Plantsite known as Big Brown Steam Electric Station, located 12 miles northeast of Fairfield, Tex., to points in Louisiana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or Dallas, Tex.

No. MC 136343 (Sub-No. 23), filed January 22, 1974. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17487. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board and plywood, and materials, accessories*

and supplies used in the sale or installation of composition board and plywood, from the facilities of the Abitibi Corporation located at or near Highspire, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 138157 (Sub-No. 11), filed January 23, 1974. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, a corporation, 4284 Mission Boulevard, Pomona, Calif. 91766. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Copper and aluminum wire, cable and rod and steel wire*, from Carrollton, Ga., to points in New Mexico, Arizona, Colorado (except Denver), Wyoming, Montana, Idaho, Utah, Nevada, Washington, Oregon, (except Portland), and California (except Los Angeles and San Francisco).

NOTE.—Applicant holds contract carrier authority in MC 134150, but indicates dual operations are not involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138313 (Sub-No. 7), filed January 14, 1974. Applicant: MACK E. BURGESS doing business as BUILDERS TRANSPORT, 409 14th Street, S.W., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Lime*, from points in Tooele County, Utah, to points in Montana; (2) *brick, tile and clay products*, from points in Morton County, N. Dak., to points in Montana and Wyoming; (3) *concrete and pumice block*, from points in Montana, to points in Wyoming; (4) *brick, tile, clay products, stone, concrete products, and materials* and supplies used in the installation, and application thereof, from points in Montana, to points on the International Boundary line between the United States and Canada along the Provinces of Alberta, Saskatchewan and British Columbia, Canada; and (5) *lumber, lumber mill products, asphalt, asphalt products and fiberboard*, from points on the International Boundary line between the United States and Canada along the Provinces of Alberta, Saskatchewan, and British Columbia, Canada, to points in Washington, Oregon, Idaho, Montana and North Dakota restricted against the transportation of commodities originating in British Columbia.

NOTE.—Applicant seeks by this application to convert its Permit in MC 126780 (Sub-Nos. 3, 7, and 9), into a Certificate of Public Convenience and Necessity. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 138519 (Sub-No. 1), filed January 18, 1974. Applicant: ROMANS DRYWALL EXPRESS, INC., Route No. 1, Yutan, Nebr. 68073. Applicant's representative: Donald L. Stern, 7100 West Center Road, Suite 530, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and building materials, and materials, equipment and supplies* used in the manufacture, distribution, installation and application of such products (except commodities in bulk), between Fort Dodge, Iowa, and points within its Commercial Zone, on the one hand, and, on the other, points in Colorado, South Dakota, Nebraska, Kansas, Iowa, Missouri, and Illinois.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138627 (Sub-No. 3) (Amendment), filed November 13, 1973, published in the FEDERAL REGISTER issue of December 20, 1973, and republished as amended this issue. Applicant: SMITHWAY MOTOR EXPRESS, P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Crushed motor vehicles* from points in Iowa, to Kansas City and St. Louis, Mo.; Chicago, South Beloit, and Alton, Ill.; Minneapolis, Minn., and their respective commercial zones.

NOTE.—Common control may be involved. The purpose of this republication is to substitute Alton, Ill. as a destination point in lieu of Wood River, Ill. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Des Moines, Iowa.

No. MC 138872 (Sub-No. 1), filed January 17, 1974. Applicant: ART ARMSTRONG TRUCKING, 162 Vimy Road, Bible Hill, Colchester County, Nova Scotia, Canada. Applicant's Representative: Wilfred P. Moore, c/o Chandler & Moore, 19 Alma Crescent, Suite 205, The Village Centre, Fairview, Halifax, Nova Scotia, Canada, B3N 2C4. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *New tires*, from the port of entry on the International Boundary Line between the United States and Canada located at or near Calais, Maine, to Woodland, Maine, restricted to traffic having a prior or subsequent movement by rail, under contract with Michelin Tire Corporation.

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NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 138892 (Sub-No. 2), filed November 20, 1973. Applicant: BRUCE D. KING, 202 Cliff Street, Mohawk, Mich. 49950. Applicant's representative: Robert W. Hansley, 120 North 6th Street, Escanaba, Mich. 49829. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust and bark*, in bulk, from points in Keweenaw County, Mich., to Mellen, Wis., and points within its Commercial Zone and to manufacturing plants located at or near Goodman, Wis.

NOTE.—If a hearing is deemed necessary, applicant does not designate a point other than requesting Michigan, Wisconsin or Illinois.

No. MC 139042 (Sub-No. 1) (Correction), filed November 19, 1973, published in the FEDERAL REGISTER issue of January 31, 1974, and republished as corrected this issue. Applicant: DON KING, doing business as KING GRAIN CO., 206 N.E. 18th, Guyton, Okla. 73942. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feedstuff and livestock feedstuff ingredients*, from points in Oklahoma, New Mexico, Texas, Kansas and Colorado, to points in Cimmaron, Texas, Beaver and Harper Counties, Okla. and Seward County, Kans.

NOTE.—The purpose of this republication is to indicate that applicant seeks to include points in Cimmaron and Texas Counties, Okla., within its destination territory, in lieu of Cimmaron, Tex., as previously published in error. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Guyton, Okla. or Lubbock, Tex.

No. MC 139123 (Sub-No. 1), filed January 21, 1974. Applicant: GLOUCESTER DISPATCH INC., P.O. Box 799, Gloucester, Mass. 01930. Applicant's representative: John J. Keller, 145 West Wisconsin Avenue, Neenah, Wis. 54956. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cake mixes, icing powders, frosting mixes, and baking mixes*, from the plant sites and storage facilities of Chelsea Milling Co., located at or near Chelsea, Mich., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Gloucester or Boston, Mass.

No. MC 139341 (Sub-No. 1), filed January 21, 1974. Applicant: J. J. PERRY AND EDWARD BAILEY, a Partnership, doing business as P & B TRUCKING COMPANY, RFD, Horn Lake, Miss. 38637. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Brewers grain*, in bulk, in dump-type vehicles, from the plant site of The Joseph Schlitz Brewing Company located at or near Memphis, Tenn., to the plant site and storage facilities of Murphy Products Co., Inc. located at or near Olive Branch, Miss.; (2) *brewers grain and animal feed*, in bulk, in dump-type vehicles, from the plant site and storage facilities of Murphy Products Co., Inc. located at or near Olive Branch, Miss., to points in Alabama, Arkansas, Kentucky, Missouri and Tennessee; and (3) *brewers yeast*, in bulk, in tank vehicles, from the plant site of The Joseph Schlitz Brewing Company located at or near Memphis, Tenn., to the plant site and storage facilities of Murphy Products Co., Inc. located at or near Olive Branch, Miss., (1) through (3) under a continuing contract or contracts with Murphy Products Co., Inc. of Burlington, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 139437 filed December 28, 1973. Applicant: RAFAEL BENZAN, doing business as, LA BORNICANA TRAVEL AGENCY, INC., 403 Massachusetts Avenue, Cambridge, Mass. 02139. Applicant's representative: E. McPherson Williams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Massachusetts, Connecticut, New York and Pennsylvania, to New York, N.Y., Boston, Mass., and points in Florida, restricted to the transportation of traffic having an immediate subsequent movement by ship or air in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 139443 filed January 14, 1974. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Cordell H. Haymon, 101 St. Ferdinand St., Suite 101, Baton Rouge, La. 70801. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those of unusual value, those requiring special equipment, Classes A and B explosives, and household goods as defined by the Commission), Between New Orleans, La. and Vicksburg, Miss.: From New Orleans over U.S. Highway 61 to Vicksburg, and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 139450, filed January 22, 1974. Applicant: WAGNER TRANSPORTATION AND DISTRIBUTION CO., INC., 315 North 14th St., Kenilworth, N.J. 07033. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Corrugated containers, sheets, partitions, pulpboard and wrappers*, between the facilities of MacMillan Bloedel Containers Inc., at or near Union, N.J., on the one hand, and on the other, points in New York, N.Y., Nassau, Suffolk, Orange, Rockland, and Westchester Counties, N.Y., under a continuing contract with MacMillan Bloedel Containers Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 139452, filed January 18, 1974. Applicant: ARROW VAN LINES, INC., 3325 North El Paso Street, Colorado Springs, Colo. 80907. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Colorado, restricted to transportation of traffic having a prior or subsequent movement in containers and further restricted to performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139454, filed January 21, 1974. Applicant: AGRI TRUCKING, INC., 910 South Dexter Street, Denver, Colo. 80222. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, (except frozen feed ingredients and liquid commodities in bulk in tank vehicles), between points in the United States (except Alaska and Hawaii), under continuing contract with Wellens and Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139464, filed January 21, 1974. Applicant: BASS TRANSPORT, INC., 9223 Timberlake Rd., Lynchburg, Va. 24502. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) (a) from the plant or warehouse facilities of the Hickory Chair Company and Venture Furniture Company, Divisions of the Lane Company at or near Hickory, N.C., (b) from the plant or warehouse facilities of the Lane Company and Clyde Pearson Company, Division of the Lane Company, at or near High Point, N.C., and (c) from the plant or warehouse facilities of Hickory Tavern Furniture Company and Brington Furniture Company, Divisions of the Lane Company, in Catawba County, at or near Conover, N.C., to points in Arizona, California, Nevada, Utah, Idaho, Montana,

Oregon, Washington, and Wyoming; and (2) from the plant or warehouse facilities of the Lane Company at or near Altavista, Va., and Rocky Mount, Va., to points in Idaho, Montana, Oregon, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139466, filed January 22, 1974. Applicant: JOHNSON'S MILL & ELE-VATOR, INC., P.O. Box 448, Amherst, Wis. 54406. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, inoperative, stolen, repossessed, used, and abandoned vehicles and replacement vehicles and parts and equipment* therefor, (1) between points in Clark, Juneau, Marathon, Portage, Waupaca, Waushara and Wood Counties, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) from points in the United States (except Alaska and Hawaii), to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison or Wisconsin Rapids, Wis.

No. MC 139467, filed January 17, 1974. Applicant: LONG TRANSPORT, INC., P.O. Box 96, Rusk, Tex. 75785. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry livestock and poultry feed, and feed ingredients*, (1) from points in Arkansas, Louisiana, and Mississippi, to points in Texas, and (2) from Ft. Worth and Sherman, Tex., to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, or Ft. Worth, Tex.

No. MC 139496, filed January 22, 1974. Applicant: TWIN RIVERS TRANSPORT, INC., P.O. Box 709, Wallace, Idaho 83873. Applicant's representative: Alden Hull (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine, mill, smelter, and refinery machinery, equipment and supplies, ore and ore concentrates, metals, chemicals, petroleum products in packages, coal, coke, quarried and rock products and containers* when the foregoing commodities are moving therein, between points in Washington, Oregon, Idaho, California, Montana, Wyoming, Utah, Colorado, Arizona, New Mexico, Nevada, and Alaska under contracts with The Bunker Hill Company of Kellogg, Idaho; Helca Mining Company of Wallace, Idaho and American Smelting and Refining Co. of Wallace, Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 139497, filed January 21, 1974. Applicant: UFT TRANSPORT COM-

PANY, a Corporation, P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum extrusions and aluminum formed sheet products*, from Irving, Tex. to points in the United States (except Alaska and Hawaii), under a continuing contract with Architectural Fabricators Division of Aluminum Manufacturing Corporation.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 139509, filed January 14, 1974. Applicant: BONANZA MOVING & STORAGE CO., INC., 4585 Ironton Street, Denver, Colo. 80239. Applicant's representative: Joseph F. Nigro, 400 Denver Hilton Office Building, 1515 Cleveland Place, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, in containers, between points in Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

#### PASSENGER APPLICATIONS

No. MC 3647 (Sub-No. 451), filed February 19, 1974. Applicant: TRANSPORT OF NEW JERSEY, a corporation, 180 Boyden Ave., Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers*, in the same vehicle with passengers; (1) Between West New York and Union City, New Jersey, serving all intermediate points: From the junction of 48th Street and Bergenline Avenue, West New York, New Jersey over Bergenline Avenue, to the junction of 32nd Street and Bergenline Avenue, Union City, New Jersey; and return from the junction of 32nd Street and New York Avenue, Union City, New Jersey, over 48th Street, West New York, New Jersey, thence over 48th Street to junction of Bergenline Avenue, West New York, New Jersey; (2) Between North Bergen and Fort Lee, New Jersey, serving all intermediate points: From the junction of John F. Kennedy Boulevard and Bergenline Avenue, North Bergen, New Jersey, thence via Bergenline Avenue to Anderson Avenue, Fairview, New Jersey, thence over Anderson Avenue via Fairview, Cliffside Park and Fort Lee, New Jersey, to the junction of Main Street, Fort Lee, New Jersey, thence over Main Street to the junction of Center Avenue, Fort Lee, New Jersey, and return over the same route.

(3) Between points in Fort Lee, New Jersey, serving all intermediate points: (a) From the junction of Anderson Ave-

nue and MacKay Drive, over MacKay Drive to the junction of Center Avenue, thence over Center Avenue to the junction of South Marginal Road (N.J. Highway No. 4), thence over South Marginal Road (N.J. Highway No. 4) to the junction of Lemoine Avenue, thence over Lemoine Avenue to the junction of Main Street, thence over Main Street to the junction of Center Avenue, returning over Center Avenue to the junction of MacKay Drive, thence over MacKay Drive to the junction of Anderson Avenue; (b) From the junction of South Marginal Road (N.J. Highway No. 4), Helby Street and Center Avenue, over Center Avenue to junction of Cross Street, thence over Cross Street to junction of Fletcher Avenue, (U.S. Highway No. 9-W), thence over Fletcher Avenue (U.S. Highway No. 9-W), to junction of Linwood Avenue, thence over Linwood Avenue to junction Fairview Avenue, thence over Fairview Avenue to junction Edwin Avenue, thence over Edwin Avenue to junction of Park Place, thence over Park Place to junction of Linwood Avenue, and thence returning over Linwood Avenue to junction Fletcher Avenue (U.S. Highway No. 9-W), thence over Fletcher Avenue (U.S. Highway No. 9-W) to junction Kelby Street (N.J. Highway No. 4) thence over Kelby Street (N.J. Highway No. 4) to junction Center Avenue and South Marginal Road; (c) From the junction of Linwood Avenue and Fletcher Avenue (U.S. Highway No. 9-W), over Linwood Avenue to the junction of Main Street and return over the same route; and (d) From the junction of Lemoine Avenue and South Marginal Road (N.J. Highway No. 4) over Lemoine Avenue to the junction of Cross Street, thence over Cross Street to the junction of Fletcher Avenue, (U.S. Highway No. 9-W); (4) Between Cliffside Park and Fort Lee, New Jersey, serving all intermediate points: From the junction of Anderson Avenue and Edgewater Road, Cliffside Park, New Jersey, over Edgewater Road to the junction of Gorge Road and Palisade Avenue, thence over Palisade Avenue to the junction of Columbia Avenue, Fort Lee, New Jersey and return over the same route; and (5) Between Cliffside Park and Edgewater, New Jersey, serving all intermediate points: From the junction of Gorge Road and Palisade Avenue, Cliffside Park, New Jersey, over Gorge Road, via Cliffside Park and Edgewater, New Jersey, to the junction of River Road, Edgewater, New Jersey, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 138828 (Sub-No. 4), filed January 9, 1974. Applicant: MAPLEWOOD EQUIPMENT COMPANY, a corporation, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express*



and newspapers in the same vehicle with passengers, Between Ringwood, N.J. and New York, N.Y.; From junction of Margaret King Avenue and Greenwood Lake Turnpike in Ringwood, N.J., over Margaret King Avenue to junction Sloatsburg Road, thence over Sloatsburg Road (also known as Manor Road) to junction Eagle Valley Road, thence over Eagle Valley Road to New York Highway 17, thence over New York Highway 17 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95 (also known as the New Jersey Turnpike) thence over Interstate Highway 95 to access roads of New Jersey Highway 3 and Interstate Highway 495, thence over New Jersey Highway 3 and Interstate Highway 495 through the Lincoln Tunnel to the New York and New Jersey Port Authority Terminal in New York, N.Y. and return over the same route, serving only Warwick and Greenwood Lake, N.Y.; Greenwood Lake, West Milford and Ringwood, N.J. and New York, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 139431 (Sub-No. 1), filed December 3, 1973. Applicant: ED SITNER, C. L. SUMMERFIELD, LLOYD HALL, AND ASSOCIATION, doing business as WYMO TRANSPORTATION, 41 East Burkitt, Sheridan, Wyo. 82801. Applicant's representative: Bruce P. Badley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, from Sheridan, Wyo. and Decker, Mont., to coal mines in Montana and Wyoming in a twenty mile radius of Decker, Mont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sheridan or Casper, Wyo.

No. MC 139440, filed January 2, 1974. Applicant: HAMMOND YELLOW AND CHECKER CAB, INC., doing business as AIRPORT LIMOUSINE, 5850 Calumet Avenue, Hammond, Ind. 46320. Applicant's representative: Donald W. Smith; Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, be-

tween points in Lake, LaPorte and Porter Counties, Ind., on the one hand, and, on the other, O'Hare International Airport and Midway Airport at Chicago, Ill., restricted to the transportation of passengers and their baggage having an immediately prior or immediately subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

#### BROKER APPLICATION

No. MC 130225 (Amendment), filed December 19, 1973, published in the FEDERAL REGISTER issue of January 24, 1974, and republished as amended this issue. Applicant: SHIP & SHORE TRAVEL AGENCY, INC., 657 Walnut Street, Macon, Ga. 31201. Applicant's representative: Timothy K. Adams, 500 First National Bank Building, Macon, Ga. 31201. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Macon, Ga., to sell or offer to sell the transportation of passengers and their baggage in all-expense round trip sight-seeing and pleasure tours by motor vehicle, rail, water, and air carrier or a combination thereof, beginning and ending at Macon, Ga., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to indicate applicant's amended request for authority. If a hearing is deemed necessary, applicant requests it be held at Macon or Atlanta, Ga., or Birmingham, Ala.

#### SPECIAL REPUBLICATION

No. MC 116073 (Sub-No. 31) (Republication), filed August 19, 1965, published in the FEDERAL REGISTER issue of September 9, 1965; No. MC 116073 (Sub-No. 35) (Republication), filed August 19, 1965, published in the FEDERAL REGISTER issue of September 9, 1965, and No. MC 116073 (Sub-No. 85) (Republication), filed October 10, 1968, published in the FEDERAL REGISTER issue of October 31, 1968. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representatives: Robert G. Tessar, 1819 4th Avenue South, Kegal Plaza, Moorhead, Minn. 56560, and Donald E. Cross and John R. Bagileo, 700 World Center Building, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: No.

MC 116073 (Sub-No. 31): *Buildings*, complete or in sections, traveling on their own or removable undercarriages equipped with hitchball coupler, from points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, North Dakota, South Dakota, and Alaska, to points in the United States, including points in Alaska (but excluding Hawaii); No. MC 116073 (Sub-No. 35): *Buildings*, complete or in sections, traveling on their own or with removable undercarriages equipped with hitchball coupler, between points in Arizona, on the one hand, and, on the other, points in the United States, including Alaska (but excluding Hawaii); and No. MC 116073 (Sub-No. 85): *Trailers* designed to be drawn by passenger automobiles and sectional buildings, in initial movements, from points in Idaho to points in the United States, excluding Hawaii.

NOTE.—On September 5, 1973, the United States District Court for the District of Minnesota entered its opinion and judgment in its Civil Action No. 4-71 CIV 627, *Barrett Mobile Home Transport, Inc. v. United States, et al.*, setting aside the orders of the Commission in these proceedings and remanding them for further action by the Commission in accordance with the views expressed in said opinion of the Court. Said proceedings have been reopened by the Commission for further hearing on a consolidated record, at the times and places set forth below, for the purpose of receiving additional evidence. In light of the views expressed in the opinion of the Court the Commission will at such further hearing in No. MC 116073 (Sub-No. 31) and No. MC 116073 (Sub-No. 35) receive evidence respecting and ultimately decide whether the present or future public convenience and necessity requires the transportation of trailers designed to be drawn by passenger vehicles, and buildings, in sections, mounted on wheeled undercarriages.

Hearing schedule: April 29, 1974 (3 days), at Phoenix, Ariz.; May 2, 1974 (2 days), at Las Vegas, Nev.; May 6, 1974 (3 days), at Los Angeles, Calif.; May 9, 1974 (2 days), at Seattle, Wash.; May 13, 1974 (2 days), at Spokane, Wash.; May 15, 1974 (3 days), at Boise, Idaho; June 10, 1974 (2 days), at Great Falls, Mont.; June 12, 1974 (2 days), at Billings, Mont.; June 17, 1974 (1 week), at Denver, Colo.; June 24, 1974 (2 days), at Pierre, South Dakota.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-4627 Filed 2-27-74; 9:45 am]

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PART II



## ENVIRONMENTAL PROTECTION AGENCY

### MEAT PRODUCTS POINT SOURCE CATEGORY

Effluent Guidelines and Standards



Title 40—Protection of the Environment  
 CHAPTER I—ENVIRONMENTAL  
 PROTECTION AGENCY  
 SUBCHAPTER N—EFFLUENT GUIDELINES AND  
 STANDARDS  
 PART 432—MEAT PRODUCTS POINT  
 SOURCE CATEGORY

On October 29, 1973 notice was published in the FEDERAL REGISTER, (38 FR 29858) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the simple slaughterhouse subcategory, complex slaughterhouse subcategory, low-processing packinghouse subcategory, and the high-processing packinghouse subcategory of the meat products category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the meat products category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 432. This final rulemaking is promulgated pursuant to sections 301, 304(b) and (c), 306(b) and (c), and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and (c), and 1317(c) and; 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the simple slaughterhouse subcategory, complex slaughterhouse subcategory, low-processing packinghouse subcategory and high-processing packinghouse subcategory. In addition, the regulations as proposed were supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Red Meat Processing Segment of the Meat Product and Rendering Processing Point Source Category" (October, 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Meat Packing Industry" (August, 1973). Both of these documents were made available to the public and

circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

The regulation as promulgated contains important changes from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not implemented.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: U.S. Department of Agriculture; U.S. Department of Health, Education, and Welfare; Water Resources Council; State of Colorado; American Association of Meat Processors; Hillshire Farm Company; Henry A. Lurie and Associates; National Renderers Association; Florida Meat Packers Association; Iowa Beef Processors, Inc.; Farmland Foods, Inc.; American Beef Packers; Bell, Galyardt, and Wells; Los Angeles County Sanitation District; Greyhound Corporation; University of Florida; American Meat Institute; Esmark, Inc.; Spencer Foods, Inc.; State of Michigan; and U.S. Department of the Interior.

Each of the comments received was reviewed and analyzed carefully. The following is a summary of the significant comments and the Agency's response to those comments.

(1) The comment was made that the definitions of the subcategories were not clear regarding operations which slaughtered animals and produced fresh meat cuts smaller than quarter carcasses.

Subcategory definitions have been developed to account for the basic discrete differences which may be encountered for operations in the meat packing industry. Thus, slaughterhouses are generally differentiated by raw waste loads for the production processes involved (including by-product recovery). At the same time, any given slaughterhouse slaughters livestock and provides a primary final product of fresh meat which is usually shipped from the premises in units of "quarters" or "sides" (beef) or whole carcasses (hogs, sheep). Smaller units (roasts, steaks) may occasionally be provided as a secondary final product, and a few slaughterhouses produce these smaller "cuts" as the major final product. With respect to these latter operations, the Agency agrees that the definitions should be more explicit to avoid confusion. Accordingly, the definition of a slaughterhouse has been modified to reflect the wide size range of fresh meat cuts which may be produced.

(2) Several comments addressed the validity of nutrient limitations for new sources on the basis that data are inadequate and that the necessary technology has not been demonstrated for meat wastes.

The Agency agrees that the data regarding nitrates and phosphorus is limited. Documentation of nitrate control based upon municipal pilot plant studies has apparently not progressed to a point of reasonable assurance for success on meat packing wastes. Highly efficient biological treatment plants in the industry are discharging low nitrate loads, but the reason or mechanism of removal in the treatment process is not fully documented since nitrate control was not encompassed by original plant design or operation. As a consequence, it does not appear reasonable to presume that new sources could avail themselves of nitrate controls over and above the control achieved in the course of efficient biological treatment with concurrent ammonia reduction. A somewhat different situation exists with phosphorus. In this instance, EPA is not aware of specific instances where extensive phosphorus removal has been demonstrated in this industry. At the same time, the comments seem to reflect a general consensus that phosphorus control could be achieved by new sources at a significant cost using technology shown to be successful on other waste types. The problem is the scarcity of data to fully characterize the extent to which phosphorus exists in waste water flows, in turn how much if any phosphorus must be removed or permitted to be discharged. In addition, housekeeping and in-process controls appear to be of major consequence since those plants using extensive dry cleanup procedures may expect lower phosphorus loads in raw wastes than might otherwise be the case. Because of the lack of reasonably definitive information upon which to base limitations for nitrates and phosphorus, EPA has deleted requirements to control these nutrients from the standards of performance for new sources.

In contrast to nitrates and phosphorus, there is a significant amount of information on the parameter ammonia. In this case, several existing plants are achieving ammonia reduction coincident with the efficiently operated plants. Moreover, there is a substantial volume of evidence to show that activated sludge treatment enhances the removal of ammonia. Therefore, limitations for ammonia commensurate with efficient existing operations will be specified for new sources.

(3) A number of comments reflected concern that the types of technology used as a basis for the limitations, particularly where lagoons or ponds served as the final stage of treatment, would not reliably meet the limitations even for the "exemplary" plants.

The issue of reliability is primarily a combination of statistical validity of the available data on exemplary plants combined with the design and operation of

production and treatment plants. In the case of statistical validity, the data upon which the proposed limits were based encompassed information from the literature, individual plants and EPA permits and research sources. Both refined statistical methods (such as regression analysis) and empirical engineering judgments were employed to interpret the results of the various data analyses. The proposed limitations thus developed were based entirely on the data itself and the limits are generally achieved by the "exemplary" plants in the industry. Many other plants are slightly above the limits in effluent quality but the nature of the treatment facilities for these plants is such that minor improvements in facilities, housekeeping and full-time attention to treatment plant operation may be expected to improve discharges to comply with the limitations. Nevertheless, EPA was provided with additional data on some plants particularly regarding seasonal performance fluctuations as part of the comments on the proposed regulations. These data related primarily to plants in the simple slaughterhouse subcategory and showed that two plants in the subcategory were actually far superior to the average of the remaining "exemplary" plants; as a result these plants routinely performed beyond the scope of best practicable technology. Consequently, the limitations for certain parameters in this subcategory have been marginally adjusted. Because the performance of treatment systems for this subcategory complemented the determinations for limitations in other subcategories, limits in the other subcategories have been similarly revised. In no case do the revisions compromise the validity of the original exemplary plants; rather, the revisions now appear to more properly reflect the day-to-day capability of the exemplary plants in meeting discharge requirements. Moreover, because the data (which included industry data and on-site sampling when temperature effects would be expected to be pronounced) reflected seasonal performance for plants located generally in northern climates, this capability is reiterated for seasonal variations, particularly cold weather conditions. Finally, an empirical formula presented in the Development Document to be used in determining the limitations for the unusually large packinghouses (the largest plants in the high-processing packinghouse subcategory in terms of processed meat products relative to animals slaughtered) was omitted from the proposed regulation due to a typographical error. This formula has been included in the promulgated regulation.

(4) The suggestion was made that requirements for disinfection of waste waters were redundant with water quality standards.

Available data shows waste waters in this industry are frequently high in coliform (indicator organism) bacteria. Raw waste water may contain discharges from animal holding pens and other sources which have a potential for ad-

verse health impact on humans or livestock. Disinfection, which is currently practiced (or indirectly achieved without chlorination) by plants in the industry, is consequently a necessary adjunct to the effluent limits on other parameters. Limitations have been set which are readily achievable by chlorination, ozonation or other possible method for disinfecting water. Water quality standards do not render the effluent limits redundant since they relate only to the possible need to disinfect to a higher degree than required by the effluent limitations in order to protect in-stream quality. Revisions have been made in the Development Document commensurate with the costs incurred for disinfection.

(5) The suggestion was made that the definitions of the terms "LWK" and "ELWK" should include weight of animals as well as number to help clarify determinations of plant production.

This comment is valid. The definitions of both "LWK" (live weight killed) and "ELWK" (equivalent live weight killed) have been modified to explain that the terms both refer to total weights of animals slaughtered for a given time frame. Moreover, in the case of "ELWK", additional explanatory discussion has been added to the Development Document as a guide for estimating "ELWK" when actual production information is not known.

(6) Several comments suggested that more emphasis be given to the concept of "no discharge" using land application of treated effluents.

The Development Document has been revised to amplify the discussion of this technology. Except for some plants located in arid areas of the country and an unknown number of very small operations, "no discharge" technology is not practiced within this industry. However, several plants are contemplating or initiating plans in this regard. The concept certainly has great potential for this industry particularly since many large plants are being constructed in rural areas where land can be available for crop irrigation or similar activity.

(7) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent guidelines generally.

The committee's proposal is under evaluation as a contribution toward future refinements on guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(8) A number of commenters suggested that the ratio (1.66) of maximum daily limitations to the maximum aver-

age for thirty consecutive days was too low.

During the course of the analysis resulting in the adjustments discussed in item (3) above, a re-analysis of available data was also conducted to check on the relationship of daily values to 30 consecutive day averages. An analysis of available data revealed an excursion of daily to thirty day values of between 1.5 and 2.0. Data points were found to group rather closely within this relationship from which an average ratio of 1.66 was given in the proposed regulation. However, it was found that a substantial grouping of daily values between 1.66 and 2.0 existed apparently attributable to normal variations within the treatment system. As a result, EPA has concluded that a more reliable, conservative ratio of 2.0 reasonably accounts for day-to-day fluctuations.

(9) The comment was made that the ammonia limitation under best available technology economically achievable was too stringent.

The ammonia limitation was derived from engineering judgment as to the reliable capability of the air stripping method of ammonia control. The majority of information on the concept was derived from pilot data and literature on the use of the concept in petroleum refinery waste treatment and municipal tertiary treatment. It would appear that the limitation is a reasonable current estimate of the capability of ammonia stripping techniques for controlling this parameter. As additional information on this or other methods of ammonia control is developed through improved technology, the additional information will be considered when subsequent reviews of these limitations are conducted as required by the Act.

(10) The comment was made that the oil and grease limitations of 10 mg/l was too stringent because concentrations in this low range could not be reliably measured.

The Agency agrees that the analytical test procedure (hexane solubles analysis) used historically to determine the data reported in the Development Document is of potentially questionable accuracy at very low concentrations. At the same time, the vast majority of comments submitted by the industry specifically indicated that this concentration could be "achieved" with best practicable control technology as long as the poor reliability of the test procedure was recognized. In order to counteract legitimate variations due to test results for oil and grease in small amounts, limitations for this parameter have been re-specified as a function of production load which effectively permits concentrations to fluctuate to some degree while limiting the amount of material discharged from the treatment facility.

(11) The comment was made that the cost to the industry for meeting the proposed effluent limitations were understated particularly for best practicable control technology.

As described in the Development Document, both the individual plant capital



costs and those for the entire industry for complying with limitations based upon best practicable control technology currently available, are predicated upon an assumption derived from available data. The data revealed that except for plants in municipalities, no evidence was discovered which showed untreated or primary treated wastes being discharged to streams. Thus, the assumption was made that all plants presently discharging directly to navigable waters already have installed basic anaerobic-aerobic lagoon treatment facilities or the equivalent thereof.

The best plants in the industry were generally found to include at least mechanical aeration processes in addition to the basic anaerobic-aerobic treatment. This general scope of treatment technology provided a basis for the limitations. As a consequence, costs were developed as a function of the incremental costs required to upgrade existing treatment facilities by adding mechanically aerated processes. Costs per plant therefore reflect the estimates for adding this feature for a "typical" plant in each subcategory. Data submitted by commenters showed such costs to range between \$50,000 and \$70,000 for adding mechanical aeration to existing facilities, and thus confirm the Agency's original estimates in this regard. Also, as noted above, costs of disinfection have been added to original estimates of plant and industry costs.

In the opinion of EPA, this modification of existing treatment plants coupled with good housekeeping and careful operation of treatment facilities will be sufficient to comply with the stated limits. At the same time, it should be acknowledged that certain plants may have unusual circumstances which would dictate more extensive and costly modifications particularly if the decision was made to achieve an effluent quality generally superior to that required by the limits. However, the industry has already incurred a substantial investment in waste treatment to achieve the current, relatively high standard of pollution control and the cost of the additional requirements imposed by the stated limitation is not expected to diverge greatly from the estimates provided in the Development Document.

The estimates of costs to the industry derive from an analysis of data provided by the industry and profiles of the industry developed primarily from statistics on federally inspected plants. From this information, estimates of the number of plants in each subcategory were determined. Individual "typical" plant costs multiplied by the number of plants provided the total industry cost estimates of \$50 million to \$70 million for the period 1974-1977. This compares very favorably to industry capital cost estimates of \$100 million for both water and air pollution control in the period 1971-1976.

(b) *Revision of the proposed regulation prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulations by the EPA, the following

changes have been made in the regulation.

(1) The language of the definition of slaughterhouses has been modified slightly to clarify subcategorization of some operations which may primarily produce fresh meat cuts smaller than quarters.

(2) Definitions of the terms for units of production, "LWK" (liveweight killed) and "ELWK" (equivalent liveweight killed) have been modified to show that the weight of animals slaughtered is the fundamental production unit.

(3) Except for the pollutant ammonia, requirements for nutrient removal (nitrates and phosphorus) have been deleted from standards of performance for new sources.

(4) Except for the subcategory of high-processing packinghouses, the limitations for BOD<sub>5</sub> and TSS have been modified in all subcategories to more effectively reflect the average of the performance of the exemplary treatment plants in the industry. For the high-processing packinghouse subcategory, an empirical formula has been added for determining the limitations for those plants which generally have ratios of processed products to liveweight killed that are higher than the 0.55 average for plants in the subcategory.

(5) The language of the proposed pretreatment requirements for new sources has been modified to resolve an inconsistency between pretreatment and the standards of performance for new sources. The pollutant ammonia is included in the standards of performance; the standard is substantially based upon the levels attained coincident with efficient biological treatment. As proposed, new source pretreatment would have necessitated unnecessary and extremely costly duplication of treatment plants in that the meat products plants would have to fully treat raw wastes to reduce the ammonia, while the same levels of reduction may be expected by publicly owned treatment works. Consequently, the pretreatment requirements for new sources in all subcategories have been revised, that process waste waters from all subcategories may be discharged to publicly owned treatment works without pretreatment, so long as such discharges comply with the applicable provisions of Part 128 of this chapter.

(6) The ratio of maximum daily values to maximum averages for thirty consecutive days has been changed from 1.66 to 2.0 for BOD<sub>5</sub>, TSS, oil and grease, and ammonia for all effluent limitations and standards of performance for new sources for all subcategories.

(7) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of Section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bear-

ing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The above mentioned changes will not significantly affect the conclusions of the economic study of the proposed regulations.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the red meat processing segment of the meat products point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Red Meat Processing Segment of the Meat Products and Rendering Processing Point Source Category" (February 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines for the Meat Packing Industry" (August 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the meat products industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c), a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Red Meat Processing Segment of the Meat Products and Rendering Processing Point Source

Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401 for a nominal fee.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 432, Meat Products Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 29, 1974.

Dated: February 15, 1974.

JOHN QUARLES,  
Acting Administrator.

#### Subpart A—Simple Slaughterhouse Subcategory

- Sec.  
432.10 Applicability; description of the simple slaughterhouse subcategory.  
432.11 Specialized definitions.  
432.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
432.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.  
432.14 Reserved.  
432.15 Standards of performance for new sources.  
432.16 Pretreatment standards for new sources.

#### Subpart B—Complex Slaughterhouse Subcategory

- 432.20 Applicability; description of the complex slaughterhouse subcategory.  
432.21 Specialized definitions.  
432.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
432.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.  
432.24 Reserved.  
432.25 Standards of performance for new sources.  
432.26 Pretreatment standard for new sources.

#### Subpart C—Low Processing Packinghouse Subcategory

- 432.30 Applicability; description of the low processing packinghouse subcategory.  
432.31 Specialized definitions.  
432.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
432.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.  
432.34 Reserved.  
432.35 Standards of performance for new sources.  
432.36 Pretreatment standards for new sources.

#### Subpart D—High Processing Packinghouse Subcategory

- 432.40 Applicability; description of the high processing packinghouse subcategory.

- Sec.  
432.41 Specialized definitions.  
432.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.  
432.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.  
432.44 Reserved.  
432.45 Standards of performance for new sources.  
432.46 Pretreatment standards for new sources.

#### Subpart A—Simple Slaughterhouse Subcategory

§ 432.10 Applicability; description of the simple slaughterhouse subcategory.  
The provisions of this subpart are applicable to discharges resulting from the production of red meat carcasses, in whole or part, by simple slaughterhouses.

§ 432.11 Specialized definitions.

For the purpose of this subpart:  
(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "slaughterhouse" shall mean a plant that slaughters animals and has as its main product fresh meat as whole, half or quarter carcasses or smaller meat cuts.

(c) The term "simple slaughterhouse" shall mean a slaughterhouse which accomplishes very limited by-product processing, if any, usually no more than two of such operations as rendering, paunch and viscera handling, blood processing, hide processing, or hair processing.

(d) The term "LWK" (live weight killed) shall mean the total weight of the total number of animals slaughtered during the time to which the effluent limitations apply; i.e., during any one day or any period of thirty consecutive days.

(e) The term "ELWK" (equivalent live weight killed) shall mean the total weight of the total number of animals slaughtered at locations other than the slaughterhouse or packinghouse, which animals provide hides, blood, viscera or renderable materials for processing at that slaughterhouse, in addition to those derived from animals slaughtered on site.

(f) The term "oil and grease" shall mean those components of process waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, EPA, Analytical Quality Control Laboratory, page 217.

§ 432.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant,

raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
BOD <sub>5</sub> .....	0.24	0.12
TSS.....	.40	.20
Oil and grease.....	.12	.06
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb LWK)	
BOD <sub>5</sub> .....	0.24	0.12
TSS.....	.40	.20
Oil and grease.....	.12	.06
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants



or pollutant properties, controlled by this section and attributable to the processing (defleshing, washing and curing) of hides derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.12(a):

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg ELWK)		
BOD <sub>5</sub> .....	0.04	0.02
TSS.....	.06	.04
English units (pounds per 1,000 lb ELWK)		
BOD <sub>5</sub> .....	0.04	0.02
TSS.....	.06	.04

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.12(a):

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg ELWK)		
BOD <sub>5</sub> .....	0.04	0.02
TSS.....	.06	.04
English units (pounds per 1,000 lb ELWK)		
BOD <sub>5</sub> .....	0.04	0.02
TSS.....	.06	.04

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.12(a):

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg ELWK)		
BOD <sub>5</sub> .....	0.06	0.03
TSS.....	.12	.06
English units (pounds per 1,000 lb ELWK)		
BOD <sub>5</sub> .....	0.06	0.03
TSS.....	.12	.06

(e) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.12(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg ELWK)		
BOD <sub>5</sub> -----	0.02	0.01
TSS-----	.04	.02
pH-----	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 lb ELWK)		
BOD <sub>5</sub> -----	0.02	0.01
TSS-----	.04	.02
pH-----	Within the range 6.0 to 9.0.	

§ 432.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable.

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg LWK)		
BOD <sub>5</sub> .....	0.06	0.03
TSS.....	.10	.05
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 lb LWK)		
BOD <sub>5</sub> .....	0.06	0.03
TSS.....	.10	.05
Milligrams per liter—effluent		
Ammonia.....	8.0	4.0
Oil and grease.....	10.0	
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.13(a):

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg ELWK)		
BOD <sub>5</sub> .....	0.014	0.007
TSS.....	.026	0.13
English units (pounds per 1,000 lb ELWK)		
BOD <sub>5</sub> .....	0.014	0.007
TSS.....	.026	.013

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.13(a):

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg ELWK)		
BOD <sub>5</sub> .....	0.02	0.01
TSS.....	.04	.02
English units (pounds per 1,000 lb ELWK)		
BOD <sub>5</sub> .....	0.02	0.01
TSS.....	.04	.02

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.13(a):

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg ELWK)		
BOD <sub>5</sub> .....	0.006	0.003
TSS.....	.014	.007
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 lb ELWK)		
BOD <sub>5</sub> .....	0.006	0.003
TSS.....	.014	.007

§ 432.14 [Reserved]

§ 432.15 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties,

controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site which may be discharged by a new source subject to the provisions of this subpart: the limitations shall be as specified in § 432.12(a), with the exception that in addition to the pollutants or pollutant properties controlled by that subsection, discharges of ammonia shall not exceed the limitations set forth below:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg ELWK)		
Ammonia.....	0.34	0.17
English units (pounds per 1,000 lb ELWK)		
Do.....	0.34	0.17

(b) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.15(a) and 432.12(c):

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg ELWK)		
Ammonia.....	0.06	0.03
English units (pounds per 1,000 lb ELWK)		
Do.....	0.06	0.03

(c) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than slaughterhouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.15(a) and 432.12(d):

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg ELWK)		
Ammonia.....	0.10	0.05
English units (pounds per 1,000 lb ELWK)		
Do.....	0.10	0.05

(d) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the slaughterhouse which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.15(a) and 432.12(e):

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg ELWK)		
Ammonia.....	0.04	0.02
English units (pounds per 1,000 lb ELWK)		
Do.....	0.04	0.02

§ 432.16 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307(c) of the Act for a source within the simple slaughterhouse subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

#### Subpart B—Complex Slaughterhouse Subcategory

§ 432.20 Applicability; description of the complex slaughterhouse subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of red meat carcasses, in whole or part, by complex slaughterhouses.

§ 432.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "slaughterhouse" shall mean a plant that slaughters animals and has as its main product fresh meat as whole, half or quarter carcasses or smaller meat cuts.

(c) The term "complex slaughterhouse" shall mean a slaughterhouse that accomplishes extensive by-product processing, usually at least three of such operations as rendering, paunch and viscera handling, blood processing, hide processing, or hair processing.

(d) The term "LWK" (live weight killed) shall mean the total weight of the total number of animals slaughtered during the time to which the effluent limitations apply; i.e., during any one day or any period of thirty consecutive days.

(e) The term "ELWK" (equivalent live weight killed) shall mean the total weight of the total number of animals slaughtered at locations other than the slaughterhouse or packinghouse, which animals provide hides, blood, viscera or renderable materials for processing at that slaughterhouse, in addition to those derived from animals slaughtered on site.

(f) The term "oil and grease" shall mean those components of process waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, EPA, Analytical Quality Control Laboratory, page 217.

§ 432.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best



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practical control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
BOD <sub>5</sub> .....	0.42	0.21
TSS.....	.50	.25
Oil and grease.....	.16	.08
Fecal coliform.....	Maximum at any time 400 mpn/100 ml	
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.42	0.21
TSS.....	.50	.25
Oil and grease.....	.16	.08
Fecal coliform.....	Maximum at any time 400 mpn/100 ml	
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing (defleshing, washing and curing) of hides derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.22(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.04	0.02
TSS.....	.06	.04
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.04	0.02
TSS.....	.06	.04

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.22(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.04	0.02
TSS.....	.06	.04
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.033	0.02
TSS.....	.066	.04

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.22(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.06	0.03
TSS.....	.12	.06
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.06	0.03
TSS.....	.12	.06

(e) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.22(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.02	0.01
TSS.....	.04	.02
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.02	0.01
TSS.....	.04	.02

§ 432.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
BOD <sub>5</sub> .....	0.06	0.04
TSS.....	.14	.07
	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb LWK)	
BOD <sub>5</sub> .....	0.06	0.04
TSS.....	.14	.07
	Milligrams per liter—effluent	
Ammonia.....	8.0	4.0
Oil and grease.....	10.0	
Fecal coliform.....	Maximum at any time 400 mpn/100 ml	
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to this processing of blood derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.23(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.014	0.007
TSS.....	.026	.013
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.014	0.007
TSS.....	.026	.013

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.23(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.02	0.01
TSS.....	.04	.02
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.02	0.01
TSS.....	.04	.02

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.23(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.006	0.003
TSS.....	.014	.007
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.006	0.003
TSS.....	.014	.007

## § 432.24 [Reserved]

## § 432.25 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site which may be discharged by a new source subject to the provisions of this subpart: The limitations shall be as specified in § 432.22(a), with the exception that in addition to the pollutants or pollutant properties controlled by that subsection, discharges of ammonia shall not exceed the limitations set forth below:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
Ammonia.....	0.48	0.24
	English units (pounds per 1,000 lb LWK)	
Do.....	0.48	0.24

(b) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.25(a) and 432.22(c):

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Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.06	0.03
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.06	0.03

(c) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.25(a) and 432.22(d):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.10	0.05
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.10	0.05

(d) The following standards of performance establish the quantity or quality of pollutant's or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.25(a) and 432.22(e):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.04	0.02
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.04	0.02

## § 432.26 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the simple slaughterhouse subcategory,

which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

## Subpart C—Low-Processing Packinghouse Subcategory

§ 432.30 Applicability; description of the low-processing packinghouse subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of red meat carcasses in whole or part, by low-processing packinghouses.

## § 432.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "packinghouse" shall mean a plant that both slaughters animals and subsequently processes carcasses into cured, smoked, canned or other prepared meat products.

(c) The term "low processing packinghouse" shall mean a packinghouse that processes no more than the total animals killed at that plant, normally processing less than the total kill.

(d) The term "LWK" (live weight killed) shall mean the total weight of the total number of animals slaughtered during the time to which the effluent limitations apply; i.e., during any one day or any period of thirty consecutive days.

(e) The term "ELWK" (equivalent live weight killed) shall mean the total weight of the total number of animals slaughtered at locations other than the slaughterhouse or packinghouse, which animals provide hides, blood, viscera or renderable materials for processing at that slaughterhouse, in addition to those derived from animals slaughtered on-site.

(f) The term "oil and grease" shall mean those components of process waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, EPA, Analytical Quality Control Laboratory, page 217.

§ 432.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology



available, energy requirements and costs) which can affect the industry sub-categorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or byproduct, processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.24	0.17
TSS.....	.48	.24
Oil and grease.....	.16	.08
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.34	0.17
TSS.....	.48	.24
Oil and grease.....	.16	.08
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this

section and attributable to the processing (defleshing, washing and curing) of hides derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.32(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.04	0.02
TSS.....	.08	.04
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.04	0.02
TSS.....	.08	.04

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.32(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.04	0.02
TSS.....	.08	.04
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.04	0.02
TSS.....	.08	.04

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.32(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.06	0.03
TSS.....	.12	.06
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.06	0.03
TSS.....	.12	.06

(e) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.32(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.02	0.01
TSS.....	.04	.02
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.02	0.01
TSS.....	.04	.02

§ 432.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology — economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.08	0.04
TSS.....	.12	.06
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.08	0.04
TSS.....	.12	.06
	Milligrams per liter—effluent	
Ammonia.....	8.0	4.0
Oil and grease.....	10.0	
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.33(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.014	0.007
TSS.....	.026	.013
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.014	0.007
TSS.....	.026	.013

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.33(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.02	0.01
TSS.....	.04	.02
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.02	0.01
TSS.....	.04	.02

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.33(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> .....	0.006	0.003
TSS.....	.014	.007
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> .....	0.006	0.003
TSS.....	.014	.007

§ 432.34 [Reserved]

§ 432.35 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent

meat, meat product or by product processing of carcasses of animals slaughtered on-site which may be discharged by a new source subject to the provisions of this subpart: The limitations shall be as specified in § 432.32(a), with the exception that in addition to the pollutants or pollutant properties controlled by that subsection, discharges of ammonia shall not exceed the limitations set forth below:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.48	0.24
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.18	0.24

(b) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.35(a) and 432.32(c):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.06	0.03
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.06	0.03

(c) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.35(a) and 432.32(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.10	0.05
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.10	0.05

(d) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.35(a) and 432.32(e):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.04	0.02
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.04	0.02

§ 432.36 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the simple slaughterhouse subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart D—High-Processing Packinghouse Subcategory

§ 432.40 Applicability; description of the high-processing packinghouse subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of red meat carcasses, in whole or part, by high-processing packinghouses.

§ 432.41 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "packinghouse" shall mean a plant that both slaughters animals and subsequently processes carcasses into cured, smoked, canned or other prepared meat products.

(c) The term "high-processing packinghouse" shall mean a packinghouse which processes both animals slaughtered at the site and additional carcasses from outside sources.

(d) The term "LWK" (live weight killed) shall mean the total weight of the total number of animals slaughtered during the time to which the effluent limitations apply; i.e., during any one day or any period of thirty consecutive days.



(e) The term "ELWK" (equipment live weight killed) shall mean the total weight of the total number of animals slaughtered at locations other than the slaughterhouse or packinghouse, which animals provide hides, blood, viscera or renderable materials for processing at that slaughterhouse, in addition to those derived from animals slaughtered on-site.

(f) The term "oil and grease" shall mean those components of process waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, EPA, Analytical Quality Control Laboratory, page 217.

§ 432.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or byproduct processing of carcasses

of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> +	0.48	0.24
TSS+	.62	.31
Oil and grease	.26	.13
Fecal coliform	Maximum at any time 400 mpn/100 ml.	
pH	Within the range 6.0 to 9.0	
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> +	0.48	0.24
TSS+	.62	.31
Oil and grease	.26	.13
Fecal coliform	Maximum at any time 400 mpn/100 ml.	
pH	Within the range 6.0 to 9.0	

+ The values for BOD<sub>5</sub> and suspended solids are for average plants, i.e., plants with a ratio of average weight of processed meat products to average LWK of 0.55. Adjustments can be made for high-processing packinghouses at other ratios according to the following equations:

kg BOD<sub>5</sub>/1000 kg LWK =  $0.21 + 0.23 (v - 0.4)$   
 kg SS/1000 kg LWK =  $0.28 + 0.30 (v - 0.4)$   
 where  $v$  = kg processed meat products/kg LWK.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing (defleshing, washing and curing) of hides derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.42(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub>	0.04	0.02
TSS	.08	.04
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub>	0.04	0.02
TSS	.08	.04

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.42(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub>	0.04	0.02
TSS	.08	.04
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub>	0.04	0.02
TSS	.08	.04

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.42(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub>	0.06	0.03
TSS	.12	.06
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub>	0.06	0.03
TSS	.12	.06

(e) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.42(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub>	0.02	0.01
TSS	.04	.02
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub>	0.02	0.01
TSS	.04	.02

§ 432.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or

pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on site, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub> +	0.16	0.08
TSS+	.20	.10
pH	Within the range 6.0 to 9.0	
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub> +	0.16	0.08
TSS+	.20	.10
	Milligrams per liter—effluent	
Ammonia	8.0	4.0
Oil and grease	10.0	5.0
Fecal coliform	Maximum at any time 400 mpn/100 ml.	

+ The values for BOD<sub>5</sub> and suspended solids are for average plants, i.e., plants with a ratio of average weight of processed meat products to average LWK of 0.55. Adjustments can be made for high-processing packinghouses at other ratios according to the following equations:

kg BOD<sub>5</sub>/1000 kg LWK =  $0.07 + 0.08 (v - 0.4)$   
 kg SS/1000 kg LWK =  $0.09 + 0.10 (v - 0.4)$   
 where  $v$  = kg processed meat products/kg LWK.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.43(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub>	0.014	0.007
TSS	.026	.013
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub>	0.014	0.007
TSS	.026	.013

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.43(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub>	0.02	0.01
TSS	.01	.02
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub>	0.02	0.01
TSS	.01	.02

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.43(d):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD <sub>5</sub>	0.006	0.003
TSS	.014	.007
	English units (pounds per 1,000 lb ELWK)	
BOD <sub>5</sub>	0.006	0.003
TSS	.014	.007

§ 432.44 [Reserved]

§ 432.45 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by product processing of carcasses of animals slaughtered on-site which may be discharged by a new source subject to the provisions of this subpart: The limitations shall be as specified in § 432.42(a), with the exception that in addition to the pollutants or pollutant properties controlled by that subsection, discharges of ammonia shall not exceed the limitations set forth below:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia	0.80	0.40
	English units (pounds per 1,000 lb ELWK)	
Do	0.80	0.40

(b) The following standards of performance establish the quantity or qual-

ity of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.45(a) and 432.42(c):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia	0.06	0.03
	English units (pounds per 1,000 lb ELWK)	
Do	0.06	0.03

(c) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.45(a) and 432.42(d):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia	0.10	0.05
	English units (pounds per 1,000 lb ELWK)	
Do	0.10	0.05

(d) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.45(a) and 432.42(e):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia	0.04	0.02
	English units (pounds per 1,000 lb ELWK)	
Do	0.04	0.02



**§ 432.46 Pretreatment standards for new sources.**

The pretreatment standards for incompatible pollutants under section 307(c) of the Act for a source within the simple slaughterhouse subcategory,

which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for

128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

[FR Doc.74-4385 Filed 2-27-74; 8:45 am]

**ENVIRONMENTAL PROTECTION AGENCY**

[40 CFR Part 432]

**MEAT PRODUCTS POINT SOURCE CATEGORY**

**Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants**

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act) 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 432—Meat Products Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the simple slaughterhouse subcategory, complex slaughterhouse subcategory, low-processing packinghouse subcategory and high-processing packinghouse subcategory of the meat products point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 432) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Sections 432.15, 432.25, 432.35 and 432.45 of the proposed regulation for point sources within the simple slaughterhouse subcategory, complex slaughterhouse subcategory, low-processing packinghouse subcategory and high-processing packinghouse subcategory (October 29, 1973; 38 FR 29858), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 432.16, 432.26, 432.36, and 432.46 which state the applicability of standards of performance for purposes of pretreatment standards for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Red Meat Processing Segment of the Meat Products and Rendering Processing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Meat Packing Industry" (August 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the Federal Register, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of red meat products, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those technologies and the potential effects of those costs on the price and production of red meat products. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the Federal Register. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the meat products point source category (38 FR 29858; October 29, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to



those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 432) which currently is being published in the rules and regulations section of the *FEDERAL REGISTER*.

The options available to the agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the simple slaughterhouse subcategory, complex slaughterhouse subcategory, low-processing packinghouse subcategory, and high-processing packinghouse subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines, or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As fully described in the Development Document, the process waste waters from the simple slaughterhouse, complex slaughterhouse, low-processing packinghouse, and high-processing packinghouse subcategories contain solids, organic materials and nutrients. Except for variations in the typical amounts of these constituents, the process waste waters for each subcategory are similar. Moreover, the process waste waters from each of the four subcategories are treatable by biological methods. In the opinion of EPA suitable design and capacity can be provided for a publicly owned treatment works to account for these discharges. In this regard, all pollutants in these process waste waters controlled by the effluent limitations guidelines for best practicable control technology currently available are compatible as defined in 40 CFR Part 128 except for oil and grease. However, oil and grease, particularly from animal sources, can be treated by biological techniques and a substantial portion of the potential raw waste load of oil and grease

is recovered during production processes in the typical operation. In the absence of the ability to discharge oil and grease, plants would find it necessary to fully treat all wastes using best practicable control technology at unnecessary expense and duplication of treatment facilities. Accordingly, the first option should be applicable and the guidelines should not apply to operations in the subcategories (simple slaughterhouse, complex slaughterhouse, low-processing packinghouse, high-processing packinghouse) of the meat products industry which discharge to publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip E. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements or sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 432 be amended to add §§ 432.14, 432.24, 432.34, 432.44. All comments received by April 1, 1974, will be considered.

Dated: February 15, 1974.

JOHN QUARLES,  
Acting Administrator.

#### PART 432—MEAT PRODUCTS POINT SOURCE CATEGORY

40 CFR Part 432 is proposed to be amended by adding the following sections:

- Sec.  
432.14 Pretreatment standards for existing sources.  
432.24 Pretreatment standards for existing sources.  
432.34 Pretreatment standards for existing sources.  
432.44 Pretreatment standards for existing sources.

#### § 432.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR Part 432.12 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

#### § 432.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 432.22 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

#### § 432.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 432.32 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

#### § 432.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 432.42 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

[FR Doc.74-4386 Filed 2-27-74; 8:45 am]

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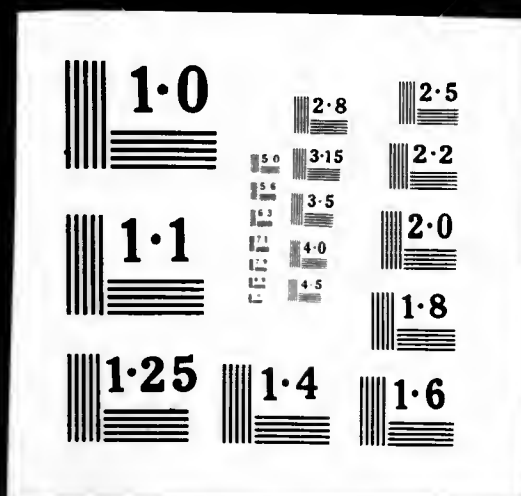
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# RESOLUTION CHART



100 MILLIMETERS

**INSTRUCTIONS** Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and  $100/20 = 5$ .

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and  $7.9 \times 5 = 39.5$  lines per millimeter recorded satisfactorily.  $10.0 \times 5 = 50$  lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.



